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Highlights

75100 **Air Traffic Control** DOT/FAA issues a notice of a draft air traffic control contingency plan for potential strikes and other job action by air traffic controllers; comments by 12–15–80 (Part III of this issue)

75138 **Air Carriers** DOT/FAA proposes change which allows for the readily accessible storage of flexible travel canes carried by blind passengers on board aircrafts; comments by 1–12–81 (Part V of this issue)

75098 **Air Transportation** DOT/FAA proposes to clarify flight rules by stating that FAA Notices to Airmen (NOTAMs) are an authorized means by which emergency flight rules are communicated to pilots and operators; comments by 12–29–80 (Part III of this issue)

74934 **Energy** DOE/FERC proposes ruling regarding eligibility, rates and exemptions for qualifying and utility-owned geothermal small production facilities; comments by 12–15–80

75045 **Grant Programs—Education** DOT/FHWA announces the availability of educational grants for graduate level study in Public Service Archeology at the University of South Carolina (USC) for the 1981–82 academic year

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There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

74928 **Community Services** CSA rules on State agency assistance funding under the Economic Opportunity Act; effective 12–15–80

74906 **Social Security** HHS/SSA describes principles it will use in deciding when to disclose official records and information about individuals; effective 11–13–80

74961 **Grant Programs—Education** ED announces continued grants for FY 81 and new project grants FY 81 under the Strengthening Developing Institutions Program; continued grant applications and new applications by 1–19–81

75046 **Medical Care** VA publishes medical care reimbursement rates for Fiscal Year 1981

75124–75127 **Prisoners** Justice/Bureau of Prisons amends rules relating to the control, custody, care, treatment, and instruction of inmates; various effective dates (4 documents) (Part IV of this issue)

74940 **Housing** HUD/CPD proposes incorporating regulations for the administration of the Community Development Disaster Assistance program; comments by 1–12–81

75144 **Grant Programs—Transportation** DOT/UMTA describes urbanized area formula apportionments for Fiscal Year 1981 (Part VI of this issue)

74927 **Civil Defense** FEMA promulgates final regulation pertaining to Federal Fiscal Year 1981 appropriation amounts available for allocation under section 205 of the Federal Civil Defense Act of 1950; effective 10–1–80

74924 **Archives and Records** GSA/NARS expands regulations dealing with standards and guidelines for establishing and managing directives systems; effective 11–13–80

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75084 Interior/Sec'y (Part II of this issue)

75047 **Sunshine Act Meetings**

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75124 **Part IV, Justice/Bureau of Prisons**
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 418

[Amdt. No. 2]

Wheat Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Wheat Crop Insurance Regulations by updating the list of counties approved by the Board of Directors of the Federal Crop Insurance Corporation for wheat crop insurance effective for the 1981 and succeeding crop years. This rule is promulgated pursuant to the authority contained in the Federal Crop Insurance Act, as amended.

DATE: This final rule is effective November 13, 1980.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

Actions of this kind were anticipated under the provisions of 7 CFR 418.1 and were generally considered in the Final Impact Statement (FIS) prepared for that action. However, for actions related to the action covered by the original FIS, but which were not specifically covered in the analysis, an addendum has been added to cover the new issue.

Thus, the amended FIS describing the options considered in developing the final rule and the impact of implementing each option is available from the above-named individual.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (August 25, 1978), to implement Executive Order No. 12044 (March 23, 1978), and has been classified as "not significant."

On Tuesday, June 1, 1979, the Federal Crop Insurance Corporation (FCIC) published the Wheat Crop Insurance Regulations (7 CFR Part 418) in the **Federal Register** at 44 FR 31599–31610.

In accordance with the provisions of 7 CFR 418.1 of the regulations, FCIC published Amendment No. 1 listing counties where wheat crop insurance is authorized (44 FR 72090, December 13, 1979) for the 1980 crop year as Appendix "B."

Additional counties were approved for wheat crop insurance effective for the 1981 and the succeeding crop years by FCIC's Board of Directors, which necessitated the revision and reissuance of Appendix "B" as Amendment No. 2, published in the **Federal Register** on Monday, August 18, 1980, at 45 FR 54717. Amendment No. 2 was published as an Emergency Final Rule since there was not sufficient time to allow public comment before it would become effective. Sixty days for public comment were provided from the date of publication until October 17, 1980, but no comments were received. In reviewing Amendment No. 2, prior to publishing this confirmation of the Emergency Final Rule, FCIC determined that there were some typographical errors which should be corrected. For this reason, Amendment No. 2 is hereby published in its entirety.

In compliance with the Secretary's Memorandum No. 1955 and "Improving USDA Regulations" (43 FR 50988), the review of these regulations contained in 7 CFR Part 418 for need, currency, clarity, and effectiveness must be completed prior to the sunset date of June 1, 1984.

Final Rule

PART 418—WHEAT CROP INSURANCE

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Appendix "B" to 7 CFR Part 418, Wheat Crop Insurance Regulations effective for the 1981 and succeeding crop years, which supersedes Amendment No. 1 (44 FR 72090), to read as follows:

Appendix B

Counties Designated for Wheat Crop Insurance—7 CFR Part 418

In accordance with the provisions of 7 CFR 418.1, the following counties are designated for wheat crop insurance:

Alabama

Autauga	Monroe
Lawrence	Mobile
Marengo	

Arizona

Cochise	Pinal
Graham	Yuma
Maricopa	

Arkansas

Chicot	Greene
Clay	Independence
Craighead	Miller
Crittenden	Mississippi
Cross	Poinsett
Desha	Pulaski
Drew	St. Francis

California

Butte	Modoc
Colua	Sacramento
Fresno	San Joaquin
Imperial	Solano
Glenn	Stanislaus
Kern	Sutter
Kings	Tulare
Madera	Yolo
Merced	

Colorado

Adams	Logan
Arapahoe	Morgan
Baca	Phillips
Cheyenne	Prowers
Elbert	Sedgwick
Kit Carson	Washington
Larimer	Weld
Lincoln	Yuma

Florida

Okaloosa

Georgia

Burke	Macon
Houston	Washington
Jefferson	

Idaho

Ada	Benewah
Bannock	Bingham

Bonneville
Camas
Canyon
Caribou
Cassia
Elmore
Franklin
Fremont
Gooding
Idaho
Jefferson
Jerome
Kootenai
Latah
Lewis
Lincoln
Madison
Minidoka
Nez Perce
Oneida
Owyhee
Power
Teton
Twin Falls

Illinois

Adams
Alexander
Bond
Brown
Calhoun
Cass
Champaign
Christian
Clark
Clay
Clinton
Coles
Crawford
Cumberland
Dewitt
Douglas
Du Page
Edgar
Edwards
Effingham
Fayette
Franklin
Fulton
Gallatin
Greene
Hamilton
Hancock
Iroquois
Jackson
Jasper
Jefferson
Jersey
Kane
Kankakee
Lake
Lawrence
Livingston
Logan
McDonough
McLean
Macon
Macoupin
Madison
Marion
Mason
Massac
Menard
Monroe
Montgomery
Morgan
Moultrie
Perry
Piatt
Pike
Pope
Pulaski
Randolph
Richland
St. Clair
Saline
Sangamon
Schuyler
Scott
Shelby
Tazewell
Union
Vermilion
Wabash
Washington
Wayne
White
Will

Indiana

Adams
Allen
Bartholomew
Benton
Blackford
Boone
Carroll
Cass
Clark
Clay
Clinton
Daviess
Decatur
De Kalb
Delaware
Dubois
Elkhart
Fayette
Fountain
Franklin
Fulton
Gibson
Grant
Greene
Hamilton
Hancock
Harrison
Hendricks
Henry
Howard
Huntington
Jackson
Jasper
Jay
Jefferson
Jennings
Johnson
Knox
Kosciusko
Lagrange
Lake
La Porte
Lawrence
Madison
Marion
Marshall
Miami
Montgomery
Morgan
Newton
Noble
Orange
Owen
Parke
Pike
Porter
Posey
Pulaski
Putnam
Randolph
Ripley
Rush
St. Joseph
Shelby
Spencer
Starke
Steuben
Sullivan
Tippecanoe
Tipton
Union
Vanderburgh
Vermillion
Vigo
Wabash
Warren
Warrick
Washington
Wayne
Wells
White
Whitley

Iowa

Davis
Des Moines
Fremont
Harrison
Lee
Mills
Monona
Pottawattamie

Kansas

Allen
Anderson
Atchison
Barber
Barton
Bourbon
Brown
Butler
Chase
Chautauqua
Cherokee
Cheyenne
Clark
Clay
Cloud
Coffey
Comanche
Cowley
Crawford
Decatur
Dickinson
Doniphan
Douglas
Edwards
Elk
Ellis
Ellsworth
Finney
Ford
Franklin
Geary
Gove
Graham
Grant
Gray
Greeley
Greenwood
Hamilton
Harper
Harvey
Haskell
Hodgeman
Jackson
Jefferson
Jewell
Johnson
Kearny
Kingman
Kiowa
Labette
Lane
Leavensworth
Lincoln
Linn
Logan
Lyon
McPherson
Marion
Marshall
Meade
Miami
Mitchell
Montgomery
Morris
Morton
Nemaha
Neosha
Ness
Norton
Osage
Osborne
Ottawa
Pawnee
Phillips
Pottawatomie
Pratt
Rawlins
Reno
Republic
Rice
Riley
Rooks
Rush
Russel
Saline
Scott
Sedgwick
Seward
Shawnee
Sheridan
Sherman
Smith
Stafford
Stanton
Stevens
Sumner
Thomas
Trego
Wabaunsee
Wallace
Washington
Wichita
Wilson
Woodson

Kentucky

Ballard
Christian
Hardin
Hickman
Webster

Louisiana

E. Carroll

Maryland

Caroline
Carroll
Cecil
Dorchester
Frederick
Kent
Queen Annes
Washington

Michigan

Allegan
Bay
Branch
Calhoun
Cass
Clinton
Eaton
Genesee
Gratiot
Hillsdale
Huron
Ingham
Ionia
Isabella
Jackson
Kalamazoo
Kent
Lapeer
Lenawee
Livingston
Midland
Monroe
Montcalm
Saginaw
St. Clair
St. Joseph
Sanilac
Shiawassee
Tuscola
Washtenaw

Minnesota

Becker
Beltrami
Big Stone
Blue Earth
Brown
Carver
Chippewa
Clay
Clearwater
Cottonwood
Dakota
Dodge
Douglas
Faribault
Freeborn
Goodhue
Grant
Hennepin
Hubbard
Kandiyohi
Kittson
Lac qui Parle
Lake of the Woods
Le Sueur
Lincoln
Lyon
McLeod
Mahnomen
Marshall
Meeker
Mower
Nicollet
Norman
Olmsted
Otter Tail
Pennington
Polk
Pope
Red Lake
Redwood
Renville
Rice
Roseau
Scott
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Waseca
Washington
Wilkin
Wright
Yellow Medicine

Mississippi

Bolivar
Calhoun
Coahoma
Humphreys
Leflore
Lowndes
Noxubee
Quitman
Sharkey
Sunflower
Tallahatchie
Tate
Tunica
Washington

Missouri

Adair
Andrew
Atchison
Audrain
Barton
Bates
Boone
Buchanan
Butler
Caldwell
Callaway
Cape Girardeau
Carroll
Cass
Chariton
Clark
Clay
Clinton
Cooper
Dade
Daviess
De Kalb
Dunklin
Franklin
Gentry
Harrison
Henry
Holt
Howard
Jackson
Jasper
Johnson
Knox
Lafayette
Lawrence
Lewis
Lincoln
Linn
Livingston
Macon
Marion
Mississippi
Moniteau
Monroe
Montgomery
New Madrid
Nodaway
Osage
Pemiscot
Perry

Pettis
Pike
Platte
Ralls
Randolph
Ray
St. Charles
St. Claire
Saline
Scotland
Scott
Shelby
Stoddard
Sullivan
Vernon
Warren

Montana

Big Horn
Blaine
Broadwater
Carbon
Cascade
Chouteau
Custer
Daniels
Dawson
Fallon
Fergus
Flathead
Gallatin
Garfield
Glacier
Golden Valley
Hill
Judith Basin
Lake
Liberty
McCone
Meagher
Musselshell
Park
Petroleum
Phillips
Pondera
Prairie
Richland
Roosevelt
Rosebud
Sheridan
Stillwater
Teton
Toole
Treasure
Valley
Wheatland
Wibaux
Yellowstone

Nebraska

Adams
Banner
Box Butte
Boyd
Butler
Cass
Chase
Cheyenne
Clay
Dawes
Deuel
Dodge
Dundy
Fillmore
Franklin
Frontier
Furnas
Gage
Garden
Gosper
Greeley
Hall
Hamilton
Harlon
Hayes
Hitchcock
Jefferson
Johnson
Kerney
Keith
Kimball
Lancaster
Lincoln
Merrick
Morrill
Nance
Nemaha
Nuckolls
Otoe
Pawnee
Perkins
Phelps
Polk
Red Willow
Richardson
Saline
Saunders
Scotts Bluff
Seward
Sheridan
Thayer
Valley
Washington
Webster
York

New Mexico

Curry
Luna
Roosevelt

New York

Cayuga
Genesee
Livingston
Niagara
Ontario
Yates
Wayne

North Carolina

Northampton
Pasquotank
Perquimans
Rowan
Scotland

North Dakota

Adams
Barnes
Benson
Billings
Bottineau
Bowman
Burke
Burleigh
Cass
Cavalier
Dickey
Divide
Dunn
Eddy
Emmons
Foster
Golden Valley
Grand Forks
Grant
Griggs
Hettinger
Kidder
La Moure
Logan
McHenry
McIntosh
McKenzie
McLean
Mercer
Morton
Mountrail
Nelson
Oliver
Pembina
Pierce
Ramsey
Ransom
Renville
Richland
Rolette
Sargent
Sheridan
Sioux
Slope
Stark
Steele
Stutsman
Towner
Traill
Walsh
Ward
Wells
Williams

Ohio

Allen
Ashland
Auglaize
Butler
Champaign
Clark
Clermont
Clinton
Coshocton
Crawford
Darke
Definance
Delaware
Erie
Fairfield
Fayette
Franklin
Fulton
Greene
Hancock
Hardin
Henry
Highland
Holmes
Huron
Knox
Licking
Logan
Lorain
Lucas
Madison
Marion
Medina
Mercer
Miami
Montgomery
Morrow
Ottawa
Paulding
Pickaway
Preble
Putnam
Richland
Ross
Sandusky
Seneca
Shelby
Stark
Union
Van Wert
Warren
Wayne
Williams
Wood
Wyandot

Oklahoma

Alfalfa
Beaver
Beckham
Blaine
Caddo
Canadian
Cimarron
Comanche
Cotton
Craig
Custer
Delaware
Dewey
Ellis
Garfield
Grady
Grant
Greer
Harmon
Harper
Hughes
Jackson
Kay
Kingfisher
Kiowa
Logan
Major
Mayes
Noble
Nowata
Osage
Ottawa
Pawnee
Payne
Texas
Tillman
Wagoner
Washington
Washita
Woods
Woodward

Oregon

Gilliam
Jefferson
Klamath
Linn
Malheur
Morrow
Sherman
Umatilla
Union
Wallowa
Wasco
Wheeler

Pennsylvania

Adams
Berks
Chester
Crawford
Cumberland
Dauphin
Franklin
Lancaster
Lebanon
Northumberland
Perry
York

South Dakota

Aurora
Beadle
Bennett
Bon Homme
Brown
Brule
Buffalo
Butte
Campbell
Charles Mix
Clark
Codington
Corson
Day
Deuel
Dewey
Douglas
Edmunds
Faulk
Grant
Gregory
Haakon
Hamlin
Hand
Harding
Hughes
Hutchinson
Hyde
Jerauld
Jones
Kingsbury
Lake
Lyman
McCook
McPherson
Marshall
Mellette
Miner
Minnehaha
Perkins
Potter
Roberts
Spink
Stanley
Sully
Tripp
Walworth
Ziebach

Tennessee

Coffee
Crockett
Dyer
Hardin
Henry
Lake
Lauderdale
Obion
Robertson

Texas

Baylor
Carson
Castro
Collin
Collingsworth
Colorado
Cooke
Cottle
Dallam
Deaf Smith
Denton
Dickens
Fannin
Fisher
Floyd
Foard
Gray
Grayson
Hale
Hansford
Hartley
Howard
Hutchinson
Jones
Knox
Lipscomb
Martin
Moore
Ochiltree
Oldham
Parmer
Randall
Runnels
Sherman
Stonewall
Swisher
Tom Green
Wilbarger
Williamson

Utah

Box Elder
Cache
Davis
Salt Lake
Utah
Weber

Washington

Adams
Asotin
Benton
Columbia
Douglas
Franklin
Garfield
Grant
Klickitat
Lincoln
Okanogan
Spokane
Walla Walla
Whitman
Yakima

Wisconsin

Washington

Wyoming

Goshen	Platte
Laramie	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A–40.

This action will not have a significant effect specifically on area or community development; therefore, review as required by OMB Circular A–95 is inapplicable.

Approved by the Board of Directors on July 14, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Everett S. Sharp,

Acting Manager.

Dated: November 3, 1980.

[FR Doc. 80-35201 Filed 11-12-80; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 419

[Amdt. No. 2]

Barley Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Barley Crop Insurance Regulations by updating the list of counties approved by the Board of Directors of the Federal Crop Insurance Corporation for barley crop insurance effective for the 1981 and succeeding crop years. This rule is promulgated pursuant to the authority contained in the Federal Crop Insuance Act, as amended.

DATE: This final rule is effective November 13, 1980.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Dapartment of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

Actions of this kind were anticipated under the provisions of 7 CFR 419.1 and were generally considered in the Final Impact Statement (FIS) prepared for that action. However, for actions related to the action covered by the original FIS, but which were not specifically covered in the analysis, an addendum has been added to cover the new issue.

Thus, the amended FIS describing the options considered in developing the final rule and the impact of implementing each option is available from the above-named individual.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (August 25, 1978), to implement Exectuve Order No. 12044 (March 23, 1978), and has been classified as "not significant."

On Tuesday, June 19, 1979, the Federal Crop Insurance Corporation (FCIC) published the Barley Crop Insurance Regulations (7 CFR Part 419) in the **Federal Register** at 44 FR 35195.

In accordance with the provisions of 7 CFR 419.1 of the regulations, FCIC published Amendment No. 1 listing counties where barley crop insurance is authorized (44 FR 72093, December 13, 1979) for the 1980 crop year as Appendix "B."

Additional counties were approved for barley crop insurance effective for the 1981 and the succeeding crop years by FCIC's Board of Directors, which necessitated the revision and reissuance of Appendix "B" as Amendment No. 2, published in the **Federal Register** on Monday, August 18, 1980, at 45 FR 54720. Amendment No. 2 was published as an Emergency Final Rule since there was not sufficient time to allow public comment before it would become effective. Sixty days for public comment were provided from the date of publication until October 17, 1980, but no comments were received. In reviewing Amendment No. 2, prior to publishing this confirmation of the Emergency Final Rule, FCIC determined that there were some typographical errors which should be corrected. For this reason, Amendment No. 2 is hereby published in its entirety.

In compliance with the Secretary's Memorandum No. 1955 and "Improving USDA Regulations" (43 FR 50988), the review of these regulations contained in 7 CFR Part 419 for need, currency, clarity, and effectiveness must be completed prior to the sunset date of June 19, 1984.

Final Rule

PART 419—BARLEY CROP INSURANCE

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Appendix "B" to 7 CFR Part 419 Barley Crop Insurance Regulations effective for the 1981 and succeeding crop years, which supersedes Amendment No. 1 (44 F.R. 72093), to read as follows:

Appendix B

Counties Designated for Barley Crop Insurance—7 CFR Part 419

In accordance with the provisions of 7 CFR 419.1, the following counties are designated for barley crop insurance:

Arizona

Graham	Pinal
Maricopa	Yuma

California

Butte	Monterey
Colusa	Sacramento
Fresno	San Benito
Glenn	San Joaquin
Kern	Solano
Kings	Stanislaus
Madera	Sutter
Merced	Tulare
Modoc	Yolo

Colorado

Boulder	Weld
Larimer	Yuma
Morgan	

Idaho

Ada	Jefferson
Bannock	Jerome
Benewah	Kootenai
Bingham	Latah
Bonneville	Lewis
Camas	Lincoln
Canyon	Madison
Caribou	Minidoka
Cassia	Nez Perce
Elmore	Oneida
Franklin	Owyhee
Fremont	Power
Gooding	Teton
Idaho	Twin Falls

Maryland

Caroline	Frederick
Carroll	Kent
Cecil	Queen Annes
Dorchester	Washington

Minnesota

Becker	Marshall
Beltrami	Norman
Big Stone	Otter Tail
Chippewa	Pennington
Clay	Polk
Clearwater	Pope
Douglas	Red Lake
Grant	Roseau
Hubbard	Stevens
Kittson	Swift
Lake of the Woods	Traverse
Mahnomen	Wilkin

Montana

Big Horn	Hill
Blaine	Judith Basin
Broadwater	Lake
Carbon	Liberty
Cascade	McCone
Chouteau	Meagher
Custer	Musselshell
Daniels	Park
Dawson	Petroleum
Fallon	Phillips
Fergus	Pondera
Flathead	Prairie
Gallatin	Richland
Garfield	Roosevelt
Glacier	Rosebud
Golden Valley	Sheridan

Stillwater	Valley
Teton	Wheatland
Toole	Wibaux
Treasure	Yellowstone

Nebraska

Banner	Platte
Knox	

North Carolina

Rowan	

North Dakota

Adams	Cass
Barnes	Cavalier
Benson	Dickey
Billings	Divide
Bottineau	Dunn
Bowman	Eddy
Burke	Emmons
Burleigh	Foster
Golden Valley	Ramsey
Grand Forks	Ransom
Grant	Renville
Griggs	Richland
Hettinger	Rolette
Kidder	Sargent
La Moure	Sheridan
Logan	Sioux
McHenry	Slope
McIntosh	Stark
McKenzie	Steele
McLean	Stutsman
Mercer	Towner
Morton	Traill
Mountrail	Walsh
Nelson	Ward
Oliver	Wells
Pembina	Williams
Pierce	

Oregon

Gilliam	Sherman
Jefferson	Umatilla
Klamath	Union
Linn	Wallowa
Malheur	Wasco
Morrow	Wheeler

Pennsylvania

Adams	Franklin
Berks	Lebanon
Chester	Northumberland
Cumberland	York
Dauphin	

South Dakota

Aurora	Harding
Beadle	Hughes
Bennett	Hyde
Brookings	Jerauld
Brown	Kingsbury
Brule	Lake
Buffalo	McCook
Butte	McPherson
Campbell	Marshall
Charles Mix	Mellette
Clark	Miner
Codington	Minnehaha
Corson	Perkins
Day	Potter
Deuel	Roberts
Dewey	Spink
Edmunds	Stanley
Faulk	Sully
Grant	Todd
Gregory	Walworth
Hamlin	Ziebach
Hand	

Utah

Box Elder	Salt Lake
Cache	Utah
Davis	Weber

Washington

Adams	Klickitat
Asotin	Lincoln
Columbia	Spokane
Franklin	Walla Walla
Garfield	Whitman
Grant	

Wyoming

Big Horn	Park
Goshen	Washakie

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A–40.

This action will not have a significant effect specifically on area or community development; therefore, review as required by OMB Circular A–95 is inapplicable.

Approved by the Board of Directors on July 14, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: November 3, 1980.

Approved by:

Everett S. Sharp,

Acting Manager.

[FR Doc. 80–35202 Filed 11–12–80; 8:45 am]

BILLING CODE 3410–08–M

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7 CFR Part 430

[Amdt. No 2]

Sugar Beet Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Sugar Beet Crop Insurance Regulations by updating the list of counties approved by the Board of Directors of the Federal Crop Insurance Corporation for sugar beet crop insurance effective for the 1981 and succeeding crop years. This rule is promulgated pursuant to the authority contained in the Federal Crop Insurance Act, as amended.

DATE: This final rule is effective November 13, 1980.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

Actions of this kind were anticipated under the provisions of 7 CFR 430.1 and were generally considered in the Final Impact Statement (FIS) prepared for that action. However, for actions related to the action covered by the original FIS, but which were not specifically covered in the analysis, an addendum has been added to cover the new issue.

Thus, the amended FIS describing the options considered in developing the final rule and the impact of implementing each option is available from the above-named individual.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (August 25, 1978), to implement Executive Order No. 12044 (March 23, 1978), and has been classified as "not significant."

On Tuesday, June 19, 1979, the Federal Crop Insurance Corporation (FCIC) published the Sugar Beet Crop Insurance Regulations (7 CFR Part 430) in the **Federal Register** at 44 FR 35201.

In accordance with the provisions of 7 CFR 430.1 of the regulations, FCIC published Amendment No. 1 listing counties where sugar beet crop insurance is authorized (44 FR 72094, December 13, 1979) for the 1980 crop year as Appendix "B."

Additional counties were approved for sugar beet crop insurance effective for the 1981 and the succeeding crop years by FCIC's Board of Directors, which necessitated the revision and reissuance of Appendix "B" as Amendment No. 2, published in the **Federal Register** on Monday, August 18, 1980, at 45 FR 54723. Amendment No. 2 was published as an Emergency Final Rule since there was not sufficient time to allow public comment before it would become effective. Sixty days for public comment were provided from the date of publication until October 17, 1980, but no comments were received. In reviewing Amendment No. 2, prior to publishing this confirmation of the Emergency Final Rule, FCIC determined that there were some typographical errors which should be corrected. For this reason, Amendment No. 2 is hereby published in its entirety.

In compliance with the Secretary's Memorandum No. 1955 and "Improving USDA Regulations" (43 FR 50988), the review of these regulations contained in 7 CFR Part 430 for need, currency, clarity, and effectiveness must be completed prior to the sunset date of June 19, 1984.

Final Rule

PART 430—SUGAR BEET CROP INSURANCE

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Appendix "B" to 7 CFR Part 430 Sugar Beet Crop Insurance Regulations effective for the 1981 and succeeding crop years, which supersedes Amendment No. 1 (44 FR 72094), to read as follows:

Appendix "B"

Counties Designated for Sugar Beet Crop Insurance—7 CFR Part 430

In accordance with the provisions of 7 CFR 430.1, the following counties are designated for sugar beet crop insurance:

California

Butte	Monterey
Colusa	Sacramento
Fresno	San Benito
Glenn	San Joaquin
Imperial	Solano
Kern	Stanislaus
Kings	Sutter
Madera	Tulare
Merced	Yolo

Colorado

Adams	Morgan
Boulder	Phillips
Kit Carson	Sedgwick
Larimer	Weld
Logan	Yuma

Idaho

Ada	Franklin
Bannock	Jerome
Bingham	Minidoka
Bonneville	Owyhee
Canyon	Power
Cassia	Twinn Falls
Elmore	

Kansas

Grant	Wallace
Sherman	

Michigan

Bay	Saginaw
Huron	Tuscola
Midland	

Minnesota

Chippewa	Norman
Clay	Polk
Faribault	Redwood
Grant	Renville
Kandiyohi	Swift
Kittson	Traverse
Lac qui Parle	Wilkin
Marshall	Yellow Medicine

Montana

Big Horn	Rosebud
Carbon	Stillwater
Dawson	Treasure
Prairie	Yellowstone
Richland	

Nebraska

Box Butte	Scotts Bluff
Morrill	Sioux

North Dakota

Cass	Richland
Grand Forks	Traill
McKenzie	Walsh
Pembina	Williams

Ohio

Hancock	Putnam
Henry	Sandusky
Lucas	Wood
Ottawa	

Oregon

Malheur

Utah

Box Elder	Salt Lake
Cache	Utah
Davis	Weber

Wyoming

Big Horn	Park
Goshen	Washakie

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A–40.

This action will not have a significant effect specifically on area or community development; therefore, review as required by OMB Circular A–95 is inapplicable.

Approved by the Board of Directors on July 14, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: November 3, 1980.

Approved by:

Everett S. Sharp,

Acting Manager.

[FR Doc. 80-35203 Filed 11-12-80; 8:45 am]

BILLING CODE 3410-08-M

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Parts 305, 309

Miscellaneous Amendments Affecting the Public Works and Development Facilities Program

AGENCY: Economic Development Administration (EDA), Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule publishes in final several amendments to regulations regarding the Public Works and Development Facilities Program. These amendments clarify requirements concerning certain types of projects which EDA may fund under that program.

DATES: Effective date: November 13, 1980.

FOR FURTHER INFORMATION CONTACT: Charles W. Coss, Director, Office of Public Investments, (202) 377–5265.

SUPPLEMENTARY INFORMATION: EDA published interim rules regarding skill training center facilities (§ 305.45) and land assembly projects (§ 305.43(c), § 305.65(a), (d)) on June 10, 1980 (45 FR 39242). EDA published interim rules regarding § 305.65 (error correction) and § 309.4 on July 9, 1980 (45 FR 46065). This rule publishes those interim regulations in final without change. A detailed explanation of the changes made by the interim rules may be found in the publications of June 10 and July 9, 1980.

The amendments made by this rule do not meet the criteria of Executive Order 12044 regarding "significant regulations" and are not subject to the procedural requirements imposed on significant regulations by that Order. EDA published the amendments in interim form and allowed interested persons 60 days to comment. EDA received no comments regarding any of the regulations. The "Catalogue of Federal Domestic Assistance" official number and title for the Public Works and Development Facilities Program is "11.300, Economic Development—Grants and Loans for Public Works and Development Facilities". Projects under this program are subject to the requirements imposed by Office of Management and Budget Circular No. A–95 as set forth in 13 CFR 309.17.

Accordingly, § 305.43, § 305.45, § 305.65, and § 309.4 are amended as follows:

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

1. Section 305.43 is amended by adding a new subsection (c) to read as follows:

§ 305.43 Industrial parks and sites.

* * * * *

(c) *Land assembly projects and other projects involving the acquisition of land for sale to private parties.* Where the purpose of the project is to assemble land for subsequent resale to private parties in order to attract businesses to an economically distressed area, EDA may provide financial assistance for such projects provided that the Assistant Secretary determines that the project meets the requirements of § 305.65(d) and this part.

2. 13 CFR 305.45 is amended to read as follows:

§ 305.45 Skill training center facilities.

(a) *General policies.* EDA may consider projects to provide for the construction or renovation of skill training centers only if:

(1) The skill center will improve the linkages between economic development activities and employment and training opportunities for the unemployed and underemployed.

(2) The skill center is an integral part of the local economic development strategy.

(3) The skill center program is designed in such a way that a major part of the program is focused on training unemployed and underemployed adults and out-of-school youths (the "target population").

(4) The skill center provides a direct linkage with the CETA program or State or local vocational education programs, and there is assurance of long-term operational support for the center from any of these programs.

(5) The skill center proposal will provide funds for developing skill center facilities by rehabilitating existing structures. Proposals for constructing new buildings will be considered only where there are no appropriate existing buildings or where it is more cost-effective than rehabilitating existing structures.

(6) The proposal does not involve secondary or post-secondary vocational schools or junior or community colleges, unless such institutions are the only ones available to provide training for the target population and the proposal otherwise meets the requirements of this section.

(7) The skill center facilities will be used for direct training purposes, including supporting offices. Unrelated facilities such as recreation buildings and office space for non-related purposes will not be funded as part of EDA's support for skill training centers.

(8) Ths skill center proposal is cost-effective, as determined by amount of EDA funds requested per annual training slots created.

(9) The proposal involves a bona fide skill training center—sheltered workshops will be considered if they are bona fide skill training centers.

(b) *Additional project requirements.* In addition to the general requirements set forth in subsection (a) of this section, a skill center project (or the component thereof funded by EDA) must:

(1) Be a top priority of the area's Overall Economic Development Plan (OEDP) or Comprehensive Economic Development Strategy (CEDS).

(2) Provide more than 50 percent of its hours of training to the EDA skill training target population (i.e., unemployed and underemployed adults and out-of-school youths).

(3) Provide training in needed skills that have been determined to be in short supply in the center's labor market area.

(4) Be included in the State vocational education plan, and, in the case of public institutions, be approved by the State Advisory Council or director for vocational education.

(5) Be located in an area which is easily accessible to the target population.

(6) In the case of sheltered workshops, provide training where at least 75 percent of the people receiving such training will move on to jobs in the private sector, or no more than 25 percent of the persons training will remain permanently in the sheltered workshop, whether or not they are working on "outside" contracts.

(c) *Applications.* Applications for skill training center projects must:

(1) Indicate that a working relationship and link to local private industry (e.g., through Private Industry Councils) has been established in order to maintain an ongoing supply-demand relationship for the trainees of the center.

(2) Include plants for job development and placement by using existing Employment Service programs and by establishing a formal staff function at the center. These plans must identify procedures for contacting potential employers and for placing trainees in appropriate jobs. Such plans must also identify follow-up mechanisms for monitoring recently placed trainees.

(3) Establish the need for the facility by providing evidence sufficient to demonstrate that there are no similar institutions in the area which can provide the necessary services.

(4) Provide signed statements of intent for long-term support for the operation and administration of the Center from the existing CETA or State or local vocational education programs.

(5) Include procedures for recruiting the target population as trainees.

(6) Include a transportation program which will provide adequate, economical and convenient transportation to serve the target population of the area where public transportation is not available.

(7) Provide a systematic plan for training a present and future labor force for identifiable jobs which includes—

(i) Training and retraining programs for the target population in regularly scheduled daytime, as well as afternoon-evening sessions where appropriate to the needs of the area;

(ii) An open entry/open exit program which allows trainees to enter programs at frequent intervals and to complete a course whenever fully trained; and

(iii) Remedial or compensatory programs designed to focus attention on the special needs of the educationally disadvantaged students. These programs should be run prior to, or concurrently with, skill training to allow the student to receive some of the basic educational skills necessary for effective training and gainful employment. The programs should include such services as intake, guidance and counseling and supporting services. In addition, they should provide concentrated courses in English, communication skills, and basic arithmetic.

(8) For a skill center already in existence, describe its past performance record including the number of trainees, the proportion of the trainees which were CETA trainees, the completion rate and the placement rate.

(9) Indicate that students will not be charged tuition fees. If tuition is required by State statute, funds must be made available to ensure that no member of the target population is denied any services of the skill center for economic reasons.

(10) Indicate that a high school diploma will not be an entry requirement.

(d) *Monitoring.* Projects funded under this secton are subject to periodic monitoring by EDA during construction and after completion of the project.

3. 13 CFR 305.65 is amended by revising paragraph (a) and adding new paragraph (d), to read as follows:

§ 305.65 Land, easements, and rights-of-way as eligible costs.

(a) Costs necessary for project site acquisition, including land, rights-of-way, and easements, may be eligible if they meet the requirements of this section and § 305.72, if applicable.

* * * * *

(d) *Land assembly projects and other projects involving the acquisition of land for sale to private parties.* Where the original purpose of the project is to acquire land for sale to private parties, costs associated with the acquisition of land and with site improvement (including demolition) may be eligible if the Assistant Secretary determines that:

(1) Federal assistance for land assembly is necessary for the successful implementation of the project;

(2) Significant economic development impacts will occur and that there are plans to use the land within a reasonable length of time;

(3) Costs for acquisition of the land are not prohibitive;

(4) The grantee has the capacity to market the land and to reuse successfully the proceeds of the sale;

(5) The sale cost of the land and the grantee's arrangements for the sale are adequate;

(6) The proceeds of the sale of the land will be placed in an escrow account to be used by the grantee for other economic development activities approved by EDA;

(7) The sale of the land will not provide windfall profits to private interests;

(8) When the land is sold it will be used for the original purpose of the project in accord with § 314.3 and § 314.6(a)(2) of this chapter; and

(9) The requirements of Part 314 of this chapter will be met.

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

4. 13 CFR 309.4 is amended by deleting paragraph (c)(1) as follows:

§ 309.4 Electric and gas facilities.

* * * * *

(c) * * *

(1) [Deleted]

(Sec. 701, Pub. L. 89-136, 42 U.S.C. 3211; Department of Commerce Organization Order 10-4, as amended (40 FR 56702, as amended))

Dated: November 6, 1980.

Robert T. Hall,

Assistant Secretary for Economic Development.

[FR Doc. 80-35385 Filed 11-12-80; 8:45 am]

BILLING CODE 3510-24-M

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13 CFR Parts 309, 315

Environmental Requirements and Trade Adjustment Assistance Program

AGENCY: Economic Development Administration (EDA), Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule publishes in final form two amendments to EDA's program regulations. The first revises EDA's environmental regulation to conform to policies and requirements stated in EDA Directive 17.02-02. The second amendment deletes a procedural requirement regarding withdrawal of petitions for certification of eligibility under the Trade Adjustment Assistance program.

EFFECTIVE DATE: November 13, 1980.

FOR FURTHER INFORMATION CONTACT: For information regarding the change to 13 CFR 309.18, Andrew Kauders, Special Assistant for the Environment, (202) 377-4208; for information regarding the change to 13 CFR 315.23(f), Jack Osburn, Chief, Trade Act Certification Division, (202) 377-5005.

SUPPLEMENTARY INFORMATION: 1. 13 CFR 309.18. Regulations promulgated by the Council on Environmental Quality (40 CFR Parts 1500-1508) directed each executive agency to develop procedures to implement the requirements of the National Environmental Policy Act of 1969, as amended, in its programs and activities. EDA's procedures developed in response to CEQ's mandate were published in final form after a public comment period in the **Federal Register** at 45 FR 63310, September 24, 1980 as EDA Directive 17.02-2.

The purpose of the present amendment is to remove any inconsistencies between EDA's CEQ-approved environmental review procedures as contained in Directive 17.02-2 and its previous review policies as contained in the environmental regulation, 13 CFR 309.18. This amendment does not represent any change from EDA policies and procedures concerning the environmental review of its actions as described in Directive 17.02-2.

The present amendment was published in the **Federal Register** (45 FR 55420) on August 21, 1980, as an interim rule with a sixty day public comment period. No comments have been received by EDA concerning this amendment. Accordingly, EDA has determined to issue this amendment, unchanged, as a final rule.

2. 13 CFR 315.23(f). Under the Trade Adjustment Assistance program, certain firms adversely impacted by imports may petition for certification of eligibility to apply for assistance under that program. Section 315.23 sets forth the procedures for processing petitions for certification. Subsection (f) had required petitioners for certification to submit requests for withdrawal of their petitions in writing. Subsection (f) is revised to remove the written withdrawal requirement. The deletion of this written withdrawal requirement will facilitate administration of the program.

This amendment was published in the **Federal Register** (45 FR 46066) on July 9, 1980, as an interim rule with a sixty day public comment period. No comments have been received by EDA concerning this amendment. Accordingly, EDA has determined to issue this amendment, unchanged, as a final rule.

EDA had reviewed both of these regulations at the time of their proposal as interim rules under the criteria of Executive Order 12044. In both cases, EDA determined that the amendment did not constitute a "significant regulation".

The environmental regulation, 13 CFR 309.18, applies to the degree and in the manner specified in EDA Directive 17.02-2 to all EDA programs listed in the *Catalogue of Federal Domestic Assistance*. Projects under these programs are subject to requirements imposed by Office of Management and Budget Circular No. A-95 as set forth in 13 CFR 309.17. The official *Catalogue of Federal Domestic Assistance* number and title for the Trade Adjustment Assistance program is: 11.309, Trade Adjustment Assistance. Projects under this program are subject to requirements of OMB Circular A-95.

Accordingly, EDA amends 13 CFR § 309.18 and 315.23 to read as follows:

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

1. Section 309.18 is revised to read as follows:

§ 309.18 Environmental requirements.

(a) It is the policy of EDA to insure that proper environmental review of its actions take place; that there is a proper balance between the goals of economic development and environmental enhancement in its actions; and, that adverse environmental impacts from its actions are mitigated or avoided to the extent possible.

(b) Environmental reviews of EDA actions are conducted in accordance with the procedures described in EDA Directive 17.02-2 which is available from any EDA office.

PART 315—ADJUSTMENT ASSISTANCE FOR FIRMS AND COMMUNITIES

2. Section 315.23(f) is amended to read as follows:

§ 315.23 Acceptance of petitions.

* * * * *

(f) *Withdrawal of petitions.* A petition may be withdrawn by a petitioner if a request is received by TACD before a decision under § 315.30 of this part is made on the petition. A petitioner who withdraws a petition may submit a new petition at any time thereafter in accordance with the requirements of this section.

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3211), Department of Commerce Organization Order 10-4, as amended (40 FR 56702, as amended))

Dated: November 6, 1980.

Robert T. Hall,

Assistant Secretary for Economic Development.

[FR Doc. 35288 Filed 11-12-80; 8:45 am]

BILLING CODE 3510-24-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3045]

Binney & Smith Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a manufacturer of art materials, located in Easton, Pa., to cease fixing the prices of its products. The firm is required to establish interest-bearing escrow accounts for the purpose of making restitution to consumers for purchases of certain school art materials. Further, the firm is required to distribute consumer redress funds to any state institutions which purchased said products; the FTC, with the cooperation of the State Attorney General, will distribute the respective funds in lump-sum amounts to each of the states which satisfy the application requirements for receiving the money.

DATES: Complaint and order issued October 16, 1980.[1]

FOR FURTHER INFORMATION CONTACT: Paul E. Eyre, Director, 4R, Cleveland Regional Office, Federal Trade Commission, Suite 500-Mall Bldg., 118 St. Clair Ave., Cleveland, Ohio 44114. (216) 522-4207.

SUPPLEMENTARY INFORMATION: On Wednesday, May 28, 1980, there was published in the **Federal Register**, 45 FR 35832, a proposed consent agreement with analysis In the Matter of Binney & Smith Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Combining or Conspiring: § 13.384 Combining or conspiring; § 13.395 To control marketing practices and conditions; § 13.431 To exchange future price information; § 13.433 To fix prices; [2] § 13.493 To submit collusive bids. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-57 Restitution.[2]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 80-35302 Filed 11-12-80; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-3046]

Milton Bradley Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a manufacturer of art materials, located in Springfield, Mass., to cease fixing the prices of its products. The firm is required to establish interest-bearing escrow accounts for the purpose of making restitution to consumers for purchases of certain school art materials. Further, the firm is required to distribute consumer redress funds to any state institutions which purchased said products; the FTC, with the cooperation of the State Attorney General, will distribute the respective funds in lump-sum amounts to each of the states which satisfy the application requirements for receiving the money.

DATES: Complaint and order issued October 16, 1980.[1]

FOR FURTHER INFORMATION CONTACT: Paul E. Eyre, Director, 4R, Cleveland Regional Office, Federal Trade Commission, Suite 500—Mall Bldg., 118 St. Clair Ave., Cleveland, Ohio. 44114, (216) 522-4207.

SUPPLEMENTARY INFORMATION: On Wednesday, May 28, 1980, there was published in the **Federal Register**, 45 FR 35832, a proposed consent agreement with analysis In the Matter of Milton Bradley Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Combining or Conspiring: § 13.384 Combining or conspiring; § 13.395 To control marketing practices and conditions; § 13.431 To exchange future price information; § 13.433 To fix prices; [2] § 13.493 To submit collusive bids. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-57 Restitution.[2]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 80-35303 Filed 11-12-80; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. 8827]

Standard Oil Company of California, et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modified order.

SUMMARY: In compliance with the decision rendered by the Court of Appeals for the Ninth Circuit on July 3, 1978, 577 F.2d 653 (1978), this modified order amends the Commission's cease and desist orders issued against an oil company and its advertising agency on November 26, 1974, 40 FR 13488, 84 F.T.C. 1401, so that they refer only to future advertising of F-310, a gasoline additive product, rather than to "any product."

DATES: Decision issued Nov. 26, 1974. Modified order issued Oct. 7, 1980.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

[2] New.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

[2] New.

FOR FURTHER INFORMATION CONTACT:
FTC/PA, Wallace S. Snyder, Washington, D.C. 20580. (202) 724-1499.

SUPPLEMENTARY INFORMATION: In the Matter of Standard Oil Company of California, a corporation, and Batten, Barton, Durstine & Osborn, Inc., a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13 and appearing at 40 FR 13488, remain unchanged.

The Modified Order to Cease and Desist, including further order requiring report of compliance therewith, is as follows:

Respondents having filed in the United States Court of Appeals for the Ninth Circuit petitions for review of the Commission's cease and desist order issued herein on November 26, 1974; and the Court having rendered its decision modifying the Commission's order and, as so modified, affirming and enforcing the order; and the time for filing a petition for certiorari having expired and no petition for certiorari having been filed:

Now, therefore, it is hereby ordered, that the aforesaid order to cease and desist be, and hereby is, modified in accordance with the decision and judgment of the Court of Appeals to read as follows:

I.

It is ordered that respondent Standard Oil Company of California, a corporation, its successors and assigns, its officers, representatives, agents, employees, directly or through any corporate or other device, in connection with the advertising of the additive F–310, forthwith cease and desist from:

1. Representing directly or by implication that such product:

(a) Will produce or result in motor vehicle exhaust which is pollution free or generally pollution free; or

(b) Will eliminate or reduce air pollution caused by motor vehicles; or

(c) Will eliminate or reduce emissions from all or any number or group of motor vehicles in which it is used;

or that:

(d) Such gasoline additive product has any other quality, performance ability or other characteristic; or

(e) Tests, demonstrations, research or experiments have been conducted which prove or substantiate any of said representations;

Unless and only to the extent that each and every such representation is true and has been fully and completely substantiated by competent scientific tests. The results of said tests, the original data collected in the course thereof and a detailed description of how said tests were performed shall be kept available in written form for at least three years following the final use of the representation.

2. Representing directly or by implication that:

(a) Automotive exhaust has certain observable or measurable characteristics in all or any number or group of motor vehicles when such is not the fact; or

(b) Any machines, measuring devices or technical instruments have particular characteristics or capacities when such is not the fact; or

(c) Such product has any effectiveness in reducing air pollution or any air pollutant or air pollutants without at the same time, in the same advertisement or other form of communication, conspicuously disclosing that not all of the harmful pollutants in automotive exhaust are affected by said product; or

(d) Such product will reduce any emissions of pollutants from automobile exhaust by any percentage or numerical quantity unless in connection therewith there is a clear, accurate and conspicuous disclosure of the type of vehicle which can expect to achieve reductions of such magnitude and the approximate percentage of such vehicles in the general car population.

II

It is ordered that respondent Standard Oil Company of California, a corporation, its succesors and assigns, its officers, representatives, agents, employees, directly or through any corporate or other device, in connection with the advertising of the additive F–310, forthwith cease and desist directly or indirectly from:

1. Advertising by or through the use of or in conjunction with any test, experiment, or demonstration, or the result thereof, or any other information or evidence that appears or purports to confirm or prove, or is offered as confirmation, evidence, or proof of any fact, product characteristic or the truth of any representation, which does not accurately demonstrate, prove, or confirm such fact, product characteristic, or representation.

2. Using any pictorial or other visual means of communication with or without an accompanying verbal text which directly or by implication creates a misleading impression in the minds of viewers as to the true state of material facts which are the subject of said pictures or other visual means of communication.

3. Misrepresenting in any manner or by any means any characteristic, property, quality, or the result of use of such gasoline additive product.

III

It is ordered that respondent Batten, Barton, Durstine & Osborn, Inc., a corporation, its successors and assigns, its officers, representatives, agents, emloyees, directly or through any corporate or other device, in connection with the advertising of the additive F–310, forthwith cease and desist from:

1. Representing directly or by implication that such product:

(a) Will produce or result in motor vehicle exhaust which is pollution free or genrally pollution free; or

(b) Will eliminate or reduce air pollution caused by motor vehicles; or

(c) Will eliminate or reduce emissions from all or any number or group of motor vehicles in which it is used;

or that:

(d) Such gasoline additive product has any other quality, performance ability or other characteristic; or

(e) Tests, demonstrations, research or experiments have been conducted which prove or substantiate any of said representations;

Unless and only to the extent that respondent has a reasonable basis for such representation based upon competent scientific tests. The results of said tests and the data collected in the course thereof relied upon by respondent shall be kept available in written form for at least three years following the final use of the representation.

2. Representing directly or by implication that:

(a) Automotive exhaust has certain observable or measurable characteristics in all or any number or group of motor vehicles when such is not the fact; or

(b) Any machines, measuring devices or technical instruments have particular characteristics or capacities when such is not the fact; or

(c) Such product has any effectiveness in reducing air pollution or any air pollutant or air pollutants without at the same time, in the same advertisement or other form of communications, conspicuously disclosing that not all of the harmful pollutants in automotive exhaust are affected by said product; or

(d) Such product will reduce any emissions of pollutants from automobile exhaust by any percentage or numerical quantity unless in connection therewith there is a clear, accurate and conspicuous disclosure of the type of vehicle which can expect to achieve reductions of such magnitude and the

approximate percentage of such vehicles in the general car population.

IV.

It is ordered that respondent Batten, Barton, Durstine & Osborn, Inc., a corporation, its successors and assigns, its officers, representatives, agents, employees, directly or through any corporate or other device, in connection with the advertising of the additive F-310, forthwith cease and desist directly or indirectly from:

1. Advertising by or through the use of or in conjunction with any test, experiment, or demonstration, or the result thereof, or any other information or evidence that appears or purports to confirm or prove or is offered as confirmation, evidence or proof of any fact, product characteristic, or of the truth of any representation which does not accurately demonstrate, prove, or confirm such fact, product characteristic, or representation unless the respondent can establish it neither knew, nor had reason to know, nor upon reasonable inquiry could have known that such was the case.

2. Using any pictorial or other visual means of communication with or without an accompanying verbal text which directly or by implication creates a misleading impression in the minds of viewers as to the true state of material facts which are the subject of said pictures or other visual means of communication unless the respondent can establish it neither knew nor had reason to know nor upon reasonable inquiry could have known the true facts.

3. Misrepresenting in any manner or by any means any characteristic, property, quality, or the result of the use of such gasoline additive product unless the respondent can establish it neither knew nor had reason to know nor upon reasonable inquiry could have known that such representations are false.

It is further ordered that respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered that respondents herein shall notify the Commission at least thirty (30) days prior to any proposed change in any of the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered that respondents shall, within sixty (60) days after service of this order upon them, file with the Commission a written report, signed by the respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

By the Commission, Commissioner. Pitofsky did not participate.

Carol M. Thomas,

Secretary.

[FR Doc. 80-35301 Filed 11-12-80; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 34-17272, IA-737, IC-11429]

Delegation of Authority to the Director of the Office of Opinions and Review

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its Rules of Organization to delegate to the Director of the Office of Opinions and Review the authority to rule on motions to stay final Commission orders in disciplinary proceedings pending appeal to the federal courts; motions to stay disciplinary action taken by a self-regulatory organization pending review of that action by the Commission; and requests for oral argument in appeals from disciplinary or exclusionary action taken by self-regulatory organizations. The Commission believes that it will facilitate timely disposition of these applications if authority to rule on them is delegated to the Director of the Office of Opinions and Review.

EFFECTIVE DATE: November 5, 1980.

FOR FURTHER INFORMATION CONTACT: William S. Stern, Director, Office of Opinions and Review, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2450.

SUPPLEMENTARY INFORMATION: The Commission adjudicates appeals both from disciplinary action assessed by its administrative law judges in cases instituted by the Commission under the securities acts and Rule 2(e) of its Rules of Practice, and from disciplinary action taken by various self-regulatory organizations. It has the authority to stay its orders affirming or modifying such action pending appeal of those orders to the federal courts. It also has the authority to stay disciplinary action taken by a self-regulatory organization pending Commission review of that action. In addition, pursuant to Rule 19d-3(f) under the Securities Exchange Act (17 CFR § 240.19d-3(f)), the Commission has discretion to grant or deny oral argument in connection with appeals from disciplinary or exclusionary action taken by self-regulatory organizations pursuant to Section 19(d)(2) of the Act. The Commission believes that the determination of stay applications and requests for oral argument in the above situation would be greatly facilitated by delegating those determinations to the Director of the Office of Opinions and Review. Accordingly, the Commission, acting pursuant to the Act of August 20, 1962, Pub. L. No. 87-592, 76 Stat. 394 (15 U.S.C. 78d-1, 78d-2), hereby amends § 200.30-8 (17 CFR § 200.30-8) of the Commission's rules relating to general organization by adding new paragraphs (a)(4), (a)(5) and (a)(6) to delegate to the Director of the Office of Opinions and Review authority to determine stay applications and requests for oral argument as set forth above.

The Commission finds, in accordance with 5 U.S.C. § 553(b)(A) and 5 U.S.C. § 553(d) of the Administrative Procedure Act, that the foregoing action relates solely to agency organization, procedure, or practice and that notice and public procedures in accordance with 5 U.S.C. § 553 are not necessary pursuant to subsection (b) thereof and that, in view of the foregoing, good cause exists for dispensing with the normal 30-day delay in effectiveness. In addition, the Commission finds that the foregoing action does not impose any burden on competition.

Part 200 of Title 17 of the Code of Federal Regulations is amended by adding paragraphs (a)(4), (a)(5), and (a)(6) to § 200.30-8, as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

§ 200.30-8 Delegation of authority to Director of Office of Opinions and Review

* * * * *

(a) * * *

(4) With respect to disciplinary proceedings conducted or reviewed pursuant to the provisions of the the Securities Exchange Act of 1934 (15 U.S.C. 78(a), et seq.), the Investment Company Act of 1940 (15 U.S.C. 80a-1, et seq.), the Investment Advisers Act of 1940 (15 U.S.C. 80b-1, et seq.), and the provisions of Rule 2(e) of the Commission's rules of practice (§ 201.2(e) of this chapter), to determine applications to stay Commission orders imposing, affirming, or modifying sanctions pending appeal of those orders to the federal courts.

(5) With respect to disciplinary review proceedings pursuant to sections 19 (d) and (e) of the Securities Exchange Act of 1934 (15 U.S.C. 78s (d) and (e)), to

determine applications for a stay of disciplinary action taken by a self-regulatory organization pending Commission review of that action.

(6) In connection with Commission review of disciplinary and exclusionary actions taken by self-regulatory organizations, pursuant to sections 19(e) and (f) of the Securities Exchange Act of 1934 (15 U.S.C. 78s (e) and (f)), to grant or deny requests for oral argument in accordance with the provisions of § 240.19d–3(f) of this chapter.

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(Pub. L. No. 87–592, 76 Stat. 394 (15 U.S.C. 78d–1, 78d–2))

By the Commission.

George A. Fitzsimmons,

Secretary.

November 5, 1980

[FR Doc. 80–35283 Filed 11–12–80; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 401

42 CFR Part 401

Disclosure of Official Records and Information about Individuals

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: This regulation describes the general principles the Social Security Administration will use in deciding when to disclose official records and information about individuals and the limitations on those disclosures. This regulation implements the provisions of the Privacy Act of 1974, the Freedom of Information Act and its amendment by the Government in the Sunshine Act, the Tax Reform Act of 1976, and section 1106 of the Social Security Act.

EFFECTIVE DATE: November 13, 1980.

FOR FURTHER INFORMATION CONTACT: Armand Esposito, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–7455.

SUPPLEMENTARY INFORMATION:

Introduction

The Social Security Administration (SSA) has traditionally followed a policy of strict confidentiality of its records. Since 1939, section 1106 of the Social Security Act has been the basic authority for that policy. Section 1106 prohibited the disclosure of information from SSA's records except as permitted in regulations issued by the Secretary of HHS. Section 1106 gave the Secretary of HHS broad discretion to decide what these regulations should be.

The 1967 Freedom of Information Act (FOIA) directed the Government to make many of its records public, but permitted section 1106 to be recognized as a controlling statute. Therefore, the Secretary's regulations on confidentiality of information continued to provide authority for refusal to disclose even though the FOIA would otherwise require or permit it. As a result, SSA's policies governing the disclosure of personal information continued to be very restrictive. The Privacy Act of 1974 had little effect on SSA's disclosure policies since these policies were generally more strict than those required by the Privacy Act. A major change came, however, when Congress enacted the Government in the Sunshine Act, effective March 12, 1977.

As a result of that Act, the Secretary's discretion to deny disclosure requests under section 1106 of the Social Security Act was greatly reduced. It provided that section 1106 could no longer be the basis for an exemption from disclosure under the FOIA.

The Department has published interim regulations on disclosure which complied with the provisions in the Government in the Sunshine Act. These regulations were published in the **Federal Register** on March 16, 1977 (42 FR 14704). They are quite general and provide for disclosure in most instances under FOIA principles. The rules set out below describe in more detail the principles we will use in determining whether information may be disclosed to someone other than the individual to whom the information relates. These rules also reflect the policies contained in HHS' Privacy Act regulations at 45 CFR Part 5b which are binding on the Social Security Administration under 45 CFR 5b.2(b). Disclosure of nonpersonal information will continue to be governed by the FOIA rules in HHS regulations (45 CFR Part 5) and in SSA's regulations in Subpart E of Part 22 of this chapter.

Affected HHS Components

These regulations replace the interim regulations on disclosure for SSA. Included within SSA is the Office of Family Assistance (OFA) which is responsible for the Aid to Families with Dependent Children (AFDC) program. These regulations apply to information that OFA has. The Federal rules on disclosure of personal information that States, local governments and others have under the AFDC program are in 45 CFR 205.50.

The interim regulations will continue to apply to the Health Care Financing Administration's disclosure of Medicare (title XVIII) program information until HHS publishes new regulations regarding that information. We have modified those regulations to show that they apply only to the Health Care Financing Administration, and we have relocated them to 42 CFR Chapter IV, Part 401.

Basic Rules

Both the proposed and final versions of this regulation follow the same basic rules. When a Federal law requires that we disclose information for a particular reason, we will comply with that requirement (§ 401.205). For example, the law requires us to furnish information to the Federal Parent Locator Service to help locate absent parents having child support obligations, and to the Immigration and Naturalization Service to carry out certain of its duties regarding aliens.

When a Federal law prohibits us from disclosing certain information, we will comply with that prohibition (§ 401.210). For example, the Internal Revenue Code generally prohibits SSA from disclosing tax return information. This includes, for example, amounts of wages and contributions from employers in tax returns which have been filed with the Internal Revenue Service and which SSA receives to maintain individual earnings records.

When no law specifically requires or prohibits disclosure and the individual has not given consent to disclose, we will generally use the principles in the FOIA to decide whether or not to disclose information. We will generally use these principles whether or not the FOIA governs the the handling of a particular disclosure request or question. For example, the FOIA does not apply to requests from another Federal agency, but we will apply the same principles. We have been doing this since the Government in the Sunshine Act became effective in March 1977.

Freedom of Information Act Principles

The basic intent of the FOIA is to require that records be made public, and even when withholding is permitted because one of the exemptions in the FOIA applies, SSA will release records (if not prohibited by another law) unless disclosure could result in demonstrable harm to an individual or interest protected by that exemption. The FOIA exemption which most often applies to SSA disclosure questions is whether the disclosure would result in a "clearly unwarranted invasion of personal privacy." We apply this test by considering—

(1) The sensitivity of the information to the individuals (e.g., whether individuals would suffer harm or embarrassment as a result of disclosure);

(2) The public interest in the disclosure;

(3) The individual's right and expectation to have personal information about him or her kept confidential; and

(4) The public's interest in maintaining general standards of confidentiality of personal information.

For example, we believe that there is a strong public interest in sharing information with other agencies with programs having the same purposes. However, there is usually little or no public interest in disclosing information for disputes between two private parties or for other private or commercial purposes; we generally do not share information for these purposes. We describe these rules in § 401.300 of the regulation.

Other General Rules

The other provisions of the regulation describe how we will use the FOIA principles when the Privacy Act applies. First we determine whether the Privacy Act would permit disclosure. If the Privacy Act permits disclosure, generally we apply FOIA principles to decide whether, to make the disclosure in question. In many cases, application of the FOIA exemption concerning a "clearly unwarranted invasion of personal privacy" results in a more limited disclosure policy than is permitted by the Privacy Act.

(1) *Disclosures within HHS (§ 401.305).* The Privacy Act allows the sharing of information within an agency when needed to carry out its duties. HHS is an agency under both the Privacy Act and the FOIA. Therefore, to the extent disclosure is not prohibited by another law, we will share with other parts of HHS the information they need from our records to carry out their duties.

(2) *Routine use and compatibility (§ 401.310).* The Privacy Act allows an agency to disclose information routinely without an individual's consent if the information is to be used for a purpose which is compatible with the purposes for which the information was collected. Applying FOIA principles we disclose information where necessary to carry out SSA's programs. Under FOIA principles we also disclose information for use in other programs which have the same purposes as SSA programs, if the information concerns eligibility, benefit amounts, or other matters of benefit status in a social security program and is relevant to determining the same matters in the other program.

We consider disclosures for programs whose purpose is, like SSA's programs, income maintenance to involve a strong public interest and to be, therefore, consistent with FOIA principles, since these disclosures help assure that payments and determinations of rights under these vital programs are correct. We consider this public interest to outweigh the individual's expectancy of privacy. Examples of cash income maintenance programs are: veterans' benefits, railroad retirement annuities, worker's compensation, and unemployment compensation. Examples of noncash income maintenance programs are food stamps, social services under title XX programs, and rent subsidy. In addition, SSA still retains many responsibilities for the Medicare program now under the Health Care Financing Administration. Therefore, we consider health insurance or health services programs provided under Federal statutes (e.g., Medicare, Medicaid, or the uniformed services health programs) to be compatible with SSA's programs. We disclose information to such income maintenance and health care programs if the information concerns eligibility, benefit amounts, or other matters of benefit status in a social security program and is relevant to determining the same matters in the other program. For example, we will disclose the amount of an individual's social security benefit where the individual's income bears on his or her eligibility for another income maintenance program. We will disclose evidence concerning an individual's disability if his or her disability is relevant to determining eligibility for benefits in the other program. Under this test, however, we will not generally disclose an individual's social security number or last-known address, since that information does not concern the individual's eligibility or benefit status in the social security program. (However, it has been our policy to verify social security numbers at the request of other agencies, and we will continue to do so under these regulations.)

We will also disclose information under appropriate circumstances for epidemiological and similar research. We consider this health-related activity to be a compatible purpose, since it may help prevent or lessen diseases, and thus may reduce the need for benefits under health maintenance programs.

(3) *Law enforcement (§ 401.315).* The Privacy Act permits a broad range of disclosures for civil or criminal law enforcement activities. However, the Senate Government Operations Committee report on the Privacy Act (Sen. Rep. No. 93–1183, p. 73) states:

> In requiring that the agency rule on each request on a case-by-case basis, it is hoped that secret law enforcement access, that is disclosure without notification to the subject of the file, will only be permitted in the most exigent and essential circumstances.

We believe that disclosure in this area should be limited under FOIA principles because, unless there are clearly defined situations for disclosure, it is often difficult to determine what is in the public interest and what is a "clearly unwarranted invasion of personal privacy" when the public and private interests must be weighed against each other. Generally, we believe that information should be released only in criminal cases involving—

(1) Violent crimes (like murder or kidnapping) where the individual about whom the information is sought has been indicted or convicted of that crime;

(2) Criminal activities involving a social security program; and

(3) Criminal activities involving another program with the same purposes if the information concerns eligibility, benefit amounts, or other matters of benefit status in a social security program and is relevant to determining the same matters in the other program.

In extreme life theatening situations such as those involving a threat to national security, the holding of hostages, and acts of terrorism the Commissioner or designee, after appropriate consultation with the Secretary, will decide under § 401.115 whether to disclose the needed information.

In other situations under our application of FOIA principles we believe a reduced public interest in disclosure will be outweighted by the individual's interest in privacy.

Disclosures and Safeguards for Research and Statistical Purposes

We will continue disclosing information for statistical and research purposes. We will disclose if the following conditions apply—

(1) The requester indicates that it will use the information only for research and statistical purposes and will protect individuals from unreasonable and unwanted contact;

(2) The activity is related to the social security program or other income or health maintenance programs, including epidemiological and similar research; and

(3) The requester meets the rules we have for safeguarding its confidentiality.

Research about the nation's income, work, age, and health patterns is clearly in the public interest. Since SSA itself uses data in its records for research and statistical purposes, we believe disclosure to requesters for those purposes is permissible under the Privacy Act. Moreover, we will do our best to see that the information is not further disclosed or used for nonresearch purposes. The new regulation would permit disclosure of data identifying specific individuals only in limited circumstances.

Court Orders

The Privacy Act allows disclosure to comply with any court order. However, as in the area of law enforcement, we have applied FOIA principles to limit the scope of these disclosures. Since participation in the social security programs is compulsory, individuals have little choice in the amount or kinds of information which we collect and keep about them. Court testimony generally becomes a matter of public record, so there can be no further protection of its confidentiality. Furthermore, the information requested is often more readily available from other sources or with the consent of the person concerned. These factors all argue for a restrictive position.

Accordingly, we disclose information in response to court orders if no law precludes disclosure and if—

(1) Another section of the regulation would allow the release; or

(2) The Secretary of HHS is a party to the proceeding; or

(3) The information is necessary for due process in a criminal proceeding.

In other cases, we disclose information in response to the needs of the courts while trying, to the extent practicable, to preserve the confidentiality of information.

Obtaining and Correcting Your Record

Sections 401.400 through 401.420 discuss how to request information from your record, and how to correct any information with which you do not agree.

The sensitive nature of medical information causes special problems in guaranteeing individuals the right to all information in an agency's files about them. Sometimes, a person's health might be harmed if he or she knew what was in a medical record.

The Privacy Act guarantees an individual the right to know what records an agency maintains about him or her, with certain exceptions, but also allows an agency to set up special procedures for giving an individual access to medical records. The regulation requires an individual to name a doctor or some other responsible representative whenever the individual wants to have access to a medical record. If we feel that the information might harm the individual, the report will be sent to the representative that the individual named.

We believe this procedure protects the individual from harm that might occur if he or she received the report directly, and also protects the individual's right under the Privacy Act to have access to information in an agency's files about him or her.

Appeals

Sections 401.500 through 401.510 discuss how to appeal any decision in which we refuse to correct a record, refuse to disclose information, or refuse to grant access to a record.

Public Response

We published this regulation with a Notice of Proposed Rule Making on April 10, 1079, at 44 FR 21498. We allowed the public until June 11, 1979, to comment on the regulation. On June 1, 1979, we announced a series of seven public meetings to explain these rules and to obtain public response to them (44 FR 31667). At that time we also extended the period within which the public could submit written comments to August 31, 1979.

We received 18 letters that supported broad disclosure of SSA's records. One of these was signed by 20 individuals. We also received 29 letters making specific comments on our proposed rules. Many similar comments and recommendations were received from the speakers and the audiences at the public meetings. We received two letters expressing support for sharing information with agencies having purposes compatible with those of the Social Security Administration.

Discussion of Comments

Major Changes

§ 401.215 *Freedom of Information Act.*

In response to comments we modified this section to show that an oral request is a valid FOIA request. However, since oral requests are usually handled by oral responses and are not documented, a decision on an oral request is not appealable. Therefore, we modified § 401.500 to show that only decisions made on written requests can be appealed.

§ 401.300 *General principles.*

In response to several comments regarding the intent and clarity of this section, we have restructured the section and modified the language.

§ 401.315 *Law enforcement purposes.*

In response to comments and concerns expressed at several public meetings on the release of information for law enforcement purposes, we have deleted the portion dealing with national security and have modified the material regarding other serious crimes.

§ 401.350 *Deceased persons.*

We modified the language of this section in response to a suggestion that we protect the privacy of a living person when disclosing information about a deceased person.

§ 401.400 *General.*

In response to a comment that we might charge individuals for obtaining information from their records, a possible restriction on their ability to pursue appeals, we have modified § 401.125 to show that we generally do not charge for this type information.

§ 401.405 *How to get your own record.*

One commenter stated that we should limit a parent's access to a minor's records. We followed the Privacy Act in modifying this section to require that the parent must be acting on the child's behalf.

§ 401.510 *Appeals after denial of disclosure or access.*

One commenter stated that, when a requester receives a notice stating that SSA will disclose part of the records requested, he or she will have 30 days from date of receipt of the notice to appeal that decision. The commenter suggested that the time to appeal begins when the released records are received, if this receipt occurs after receipt of the "partial denial" notice. We have modified this section to adopt this suggestion.

General Comments

Comment. Several speakers at the public meetings stated that these regulations should be more restrictive, and several persons submitted written comments making the same suggestion. Conversely, several persons wrote that these rules should be less restrictive. The reason generally given for disclosing more information was to improve the efficiency of Government programs at various levels. The reason given for disclosing less information was to protect individual privacy.

Response. We recognized in drafting these rules that public opinion would be divided on how broad SSA's authority to disclose information from its records should be. We tried to reflect a fair balance between the requirements of the various laws in this area. Many commenters supported this approach

although they suggested modifications which are discussed below.

Comment. Several speakers at the hearings and many of those submitting written comments said some of the proposed rules were vague or should be more specific.

Response. Because we tried to reflect the balance between the requirements of various laws on the disclosure of information in our records, we had to use broad general statements in setting out our rules. For example, the first sentence in § 401.100 states "The Social Security Administration (SSA) generally provides information which individuals request about themselves." Similar types of statements are made about what we do with requests from various agencies, organizations, and other persons for information about an individual. While these statements explain the general principles we will follow in evaluating requests for information from sources other than the individual, they do not cover all situations or provide the details on how we will perform this evaluation in specific cases. Even if we could anticipate every situation that can arise, which we cannot, we do not believe it is desirable to include that level of detail in a regulation. Further information will be contained in the procedures we are developing for SSA employees to follow when evaluating these requests. These procedures will be available for inspection at any social security office in the near future.

Response to Comments by Section

§ 401.105 *When the regulation applies.*

Comment. A law group commented that this section seemed to exclude all information about the acts of SSA officials and employees.

Response. While the proposed rule explained that these rules do not apply to information about the acts of SSA officials and employees, it also cited the rules which do apply to that kind of information. We have restructured § 401.105 to bring this information together so that it clearly states what information is covered by these rules and where to find other rules that apply to information which is not covered here. We also added a new paragraph (e) which clarifies our policy on disclosure by medical, psychological and vocational consultants who examine social security applicants under contracts with State agencies.

§ 401.115 *Situations not specified in this part.*

Comment. Several legal services groups commented on the broad authority vested in the Commissioner by this section. They were concerned that this authority could be used to disclose information in any instance where it was not specifically prohibited. One group suggested this section be deleted or rewritten to set out the situations when this type of disclosure would be made.

Response. We understand the concerns of the commenters. However, reading § 401.115 in the context of the rest of Regulation No. 1, we believe those concerns should be alleviated. The purpose of § 401.115 is to do no more than recognize that disclosure may be permitted even though one of the exemptions in the FOIA applies. SSA, however, does not intend to disclose any information where disclosure would result in significant harm to any individual or interest protected by an exemption and, of course, will not disclose any information where disclosure is prohibted by law. We have added an example of the unique situations in which this authority may be used.

§ 401.120 *Safeguards against unauthorized disclosure or use.*

Comments. We received several different comments on this proposed section. One commenter wanted to know if the onsite inspections were voluntary or enforceable. Another asked if we consider the mechanisms for safeguarding the information rather than the mere assurance that such measures will be taken. A third commenter indicated that the information should be withheld if appropriate safeguards are not present. At the hearing in Denver, an individual pointed out that we should have more control over redisclosures.

Response. While we agree with the point of these observations, no law gives us authority over what happens to information once we disclose it under the FOIA. We can only exercise control over its release. Therefore, we have set up assurances we may properly obtain before releasing information to someone other than the person whom the information concerns. In determining whether appropriate measures to safeguard the requested information will be taken, we may need to know and evaluate what measures or mechanisms are planned by the requestor of the information. Although an individual may assure us prior to release of any information that we would be permitted to conduct an onsite inspection to verify that safeguards are in place, this permission is voluntary. If any of these assurances are not complied with after the information is released, the limited recourse we might have is to deny subsequent requests for information from the individual or organization.

§ 401.205 *Disclosures required by law.*

§ 401.210 *Disclosures prohibited by law.*

Comment. We were asked to list in each of these sections the laws which apply. This commenter also questioned the use of the term information in these sections when in § 401.110 we defined "information about an individual."

Response. We considered listing the laws that apply to these two sections. However, any listing of laws would only be accurate up to a certain point in time. It is possible we could have several new laws in this area each year, and therefore be in a position of either having to update the regulation each time that happens or leave the list incomplete. We therefore chose not to list the various laws. However, whenever we withhold requested information we will include in the denial notice a citation as to any law authorizing us to make that denial. When complying with a request for information, we will generally do no more than release the information, if it is discloseable.

Regarding the use of the term "information," we have modified § 401.110 so that it now defines the term "information" as meaning information about an individual. This will permit us to use the shorter term "information" throughout these regulations, without any question about the definition.

§ 401.215 *Freedom of Information Act.*

Comment. Several commenters pointed out that this section implies that an oral request is not a request under the FOIA. Also, one of these commenters suggested this section be reorganized to make it and subsequent sections easier to understand.

Response. We have deleted the references to written requests from this section so that it now applies to any request for information. However, the time limits for responding to FOIA requests (20 CFR 422.436) and appeal rights set out in § 401.510 will apply only to written requests, and we will continue to furnish written responses only to written requests.

§ 401.220 *Other laws.*

Comment. A commenter stated this section was unclear as to when section 1106 of the Social Security Act applies, and suggested we provide some examples. This commenter also felt that we should discuss in this section the consequences of the Privacy Act on the disclosure of information under the FOIA.

Response. Section 1106 is the main statute authorizing our regulating disclosure of information in our records, although the other laws mentioned in this regulation, primarily the FOIA and the Privacy Act, govern when we may or may not disclose information. Citing "examples" in the regulation of situations in which section 1106 applies would be useless because it applies to all information covered by the regulation, except information pertaining exclusively to the black lung program.

Regarding the consequences of the Privacy Act on the FOIA, 5 U.S.C. 552a(b)(2) states the Privacy Act shall not prevent any disclosure required by the FOIA. We have modified § 401.215 to reflect that provision.

Comment. A State rehabilitation agency suggested that we add a new section which would permit a State agency to redisclose Social Security Administration information to another State agency which also has an established routine use need for that information.

Response. We have agreements with each State which govern what information we will disclose to the State and how the State may use it. We believe that a policy allowing redisclosure by one agency to another agency within that State should be detailed in these agreements rather than in a uniform nationwide regulation.

§ 401.300 *General principles.*

Comment. One commenter pointed out that in § 401.120 we weigh the requestor's "need to know" against whether there is a "clearly unwarranted invasion of privacy." Yet, in § 401.300 our standard is "the public interest in the disclosure." The commenter asked that we clarify our policy.

Another commenter, who also spoke at the hearing in Atlanta, wrote that this section is somewhat ambiguous, that the criteria for determining whether to disclose are inconsistent with the Privacy Act, and stated that the last phrase in the section, "we generally do not share information for these purposes," is vague.

Response. We have modified this section to show that in weighing the public interest in a disclosure we will also consider the public's expectations that a requestor will preserve the confidentiality of the information he or she may be given.

We have made certain editorial changes which clarify the meaning of this section.

Section 401.300 is entirely consistent with the Privacy Act. It describes how we evaluate questions on whether to disclose information when no law specifically requires or prohibits the disclosure, e.g., the disclosure involves work information which is not prohibited from being disclosed by the Tax Reform Act. The Privacy Act permits, but does not require, disclosure under the circumstances outlined in §§ 401.305–401.345. The Privacy Act says nothing about whether an agency must or should disclose information under these circumstances. We believe that many of these questions will involve FOIA requests which are also excepted from the Privacy Act restrictions against disclosure. Therefore, we will apply the FOIA principles we describe in this section to all questions of disclosure. In this way we will be able to maintain uniform standards in treating disclosure questions.

With regard to the comment that the last phrase of § 401.300 is ambiguous, this phrase must be taken in the context of the sentence in which it appears. However, since there is a question of its meaning, we have modified that sentence's structure to better tie that phrase to the rest of the sentence.

§ 401.305 *Within HHS.*

Comment. Several groups and individuals recommended that SSA should be the agency and not HHS as stated in this section. In addition to citing the Privacy Act definition of agency, they pointed out that the information in question was collected for social security purposes and not for miscellaneous unrelated HHS programs.

Response. HHS is considered to be the "agency" for Privacy Act purposes. As such, the Privacy Act permits disclosure to officers and employees within HHS of SSA records they need to perform their duties. This exchange of records is considered necessary to fulfill the Department's administrative and program responsibilities. However, within the context of those responsibilities, HHS makes every effort practicable to assure the privacy of those records.

§ 401.310 *Compatible purposes.*

Comment. We received many comments on this section, both in writing and at the hearings. They were about evenly divided between suggestions that the criteria for "compatible purposes" be broadened and suggestions that they be more restrictive. Several State rehabilitation agencies requested that this section specifically provide for disclosure to agencies providing vocational rehabilitation services. Several commenters asked that we freely provide information to social services agencies.

Response. This section explains the balance under the law between our responsibility to maintain the privacy of the information in our files and to meet our needs and the information needs of those programs with the same purposes as SSA programs. The regulation provides for disclosure to other income-maintenance or health-maintenance programs only where the information concerns eligibility, benefit amounts, or other matters of benefit status in both the social security and recipient programs. We believe this limitation is necessary to protect the confidentiality of information that is incidental to the individual's social security status while allowing some exchange of information based on the close relationship between eligibility requirements or benefit status in these related government programs.

Rather than maintain an exhaustive listing in this section of the agencies and groups (including State Rehabilitation and social service agencies) to whom we will provide information for "routine uses," we prefer to periodically publish these lists in the **Federal Register** with our notices of systems of records as required by law. Those notices are more detailed than a regulation as to what information will be provided and to whom. They also provide greater flexibility for change. A copy of these notices of systems of records is maintained in each social security office and is available for public inspection.

§ 401.315 *Law enforcement purposes.*

Comment. One commenter suggested this section would open SSA's records to "fishing" expeditions by a variety of law enforcement agencies. Further, this commenter felt this section left open-ended the types of situations in which the FBI and Secret Service could receive information.

Two commenters asked that we broaden paragraph (c) by listing additional crimes as examples of when we would consider disclosing information. One of these commenters pointed out that without a definitive listing there would be delays in responding to requests. We were also asked to set up an office to process information requests from law enforcement agencies. Another commenter expressed the concern of his clients over the potential release of their medical records to law enforcement agencies. We were also asked to make this section more restrictive.

On paragraph (d), one commenter suggested that we limit the disclosures discussed in this paragraph to those involving a substantial, documented

basis for the investigation and when the amount in question is significant. Another commenter suggested we clarify the wording of this section.

Response. We recognize that requests from the FBI or Secret Service in matters involving the national security, hostage taking, or acts of terrorism involve always complex, often unique and extremely sensitive factual situations and should not be decided routinely, as perhaps, the proposed regulation suggested. Therefore, we have deleted paragraph (b) (National Security) which now means that decisions to disclose information in these situations will only be made under § 401.115 by the Commissioner or designee after appropriate consultation with the Secretary.

In drafting paragraph (c) we purposely narrowed the range of felonious crimes concerning which we would disclose information. This listing should not be read as precluding us from disclosing information in connection with other serious crimes where the public interest served by disclosure outweighs the privacy interest. However, we agree that disclosing information for what might be considered "fishing" expeditions could violate individual privacy rights. Therefore, we have modified the new paragraph (b) to clarify that information in situations involving violent crimes will be disclosed only where the individual about whom the information is sought has been indicated or convicted of the crime.

Our experience has shown that most "law enforcement" requests, which don't involve income or health maintenance programs, are for an individual's most recent home or work address. Except for up-to-date addresses for persons receiving benefits from SSA, primarily retired and disabled persons, we normally have information about the last location at which a person worked. Beginning with 1978, we receive employer's wage reports only once a year. Since this information is not received until after the close of a year, it is generally several months old. In most situations we cannot disclose this information because of restrictions contained in the Tax Reform Act (see § 401.210). Better information will usually be available from other sources. Consequently, we did not provide a comprehensive list of felonies, since that might encourage many fruitless requests for information.

We have redesignated proposed paragraph (d) as paragraph (c). We have also modified the language to limit the extent of disclosures where a criminal activity involves other programs which have the same purposes as SSA's programs.

We will disclose information for investigation or prosecution of criminal activity if the information concerns eligibility, benefit amounts, or other matters of benefit status in both the social security and other programs. This limitation is the same as the policy on disclosures for compatible purposes discussed in our response to comments on § 401.310. We do not feel there should be dollar limits on when we will release information to protect these programs.

§ 401.325 *Statistical and research activities.*

Comment. Two groups commented that the Privacy Act does not allow the disclosure of records in personally identifiable form for statistical and research purposes. One of these groups also suggested that we provide for more stringent safeguards if we decide to disclose personally identifiable information. Another commenter asked how we will ensure that the stated safeguards are actually followed. A fourth commenter believed this section was quite protective of the individual but suggested we review the safeguards to be taken to protect disclosed information and not merely rely on the requestor's assurances. At the Atlanta hearing an individual also commented that we should do more than just obtain assurances that disclosed information will be safeguarded.

Response. It is true that the Privacy Act, at 5 U.S.C. 552a(b)(5), specifically discusses disclosure of records which are not individually identifiable. It provides for written agreements between an agency and a data user who assures the agency that any released unidentifiable records will be used only as a statistical research or reporting record. We enter into these agreements when disclosure of identifiable information would be unauthorized, and there is a risk that the data user can combine various pieces of unidentifiable information to identify a particular individual. However, paragraph (b)(5) does not prevent an agency from disclosing a record in identifiable format if the record is to be disclosed under another Privacy Act exception. For example, we might provide information in identifiable format to the Census Bureau under paragraph (b)(4), or to the statistical component of another Federal agency which has established a compatible routine use under paragraph (b)(3) and which has agreed to safeguard the information.

We set out only the broad principles we will expect recipients of information to follow in safeguarding that information. The detailed requirements of each principle, and the steps we will take to monitor that the given assurances are actually being followed, will be placed in our detailed instructions to employees. These instructions will be in the SSA Claims Manual and will be available for public inspection at any social security office in the near future. We will consider the above comments in preparing those instructions.

§ 401.330 *Congress.*

Comment. One commenter wanted to know if materials transferred between Congress and agencies within HHS are available for release to the public. Another commenter questioned Congress' need for information about specific individuals. Two commenters asked that we modify paragraph (b) to have the same conditions governing disclosure apply to members of Congress as apply to other third party requestors. We were also asked to require some evidence that the Congressperson had received an inquiry, and to broaden this section to include members of State legislatures.

Response. Any statistical information SSA provides to Congress would normally also be made available to the public. Any information we furnish to a Congressperson about a specific individual would not normally be considered public information as a result of that request.

Section 401.330(a) reflects the Privacy Act provision (5 U.S.C. 552a(b)(9)) permitting disclosure of information, without consent, to both Houses of Congress for purposes of official congressional business (e.g., legislative investigations and hearings).

Section 401.330(b) covers situations in which people ask their Congressperson for assistance when they have a claim for benefits or some other matter pending with SSA. The Congressperson, in requesting information from us, nearly always sends us a copy of the constituent's letter. We treat the Congressperson as the constituent's representative. Since disclosure would not be a "clearly unwarranted invasion of personal privacy" under these circumstances, we release information that should help the Congressperson reply to the constituent.

The Privacy Act provision cited does not apply to State legislatures. However, a request from such a body for information which would help it meet its legislative functions would be carefully considered under the FOIA rules described in the regulation (§§ 401.215 and 401.300). A request from a particular

State legislator, who has received a request for assistance from a constituent, would receive similar consideration. Such inquiries from State legislatures and their members are quite rare. We do not believe that they warrant a special provision in the regulations.

§ 401.340 *Courts.*

Comment. We received several written comments and a speaker in Atlanta also commented on this section. One commenter asked what situations we meant by "In other cases," in paragraph (b) while another asked that this test be dropped. Another individual suggested that these rules should require that we respond to court orders by advising the court of the Privacy Act's provisions and that, when necessary, we advise the court that under the circumstances the disclosure would be inappropriate. The latter point was also made by the speaker in Atlanta. Two commenters indicated we should require that individuals seek information elsewhere before subpoenaing a record. We were also asked what relationship the Secretary's being a party to a proceeding has to the propriety of disclosing information from SSA's files, and to notify the individual in question before honoring a subpoena requesting information from his or her file.

Response. The sentence in paragraph (b) which reads, "In other cases, we try to satisfy the needs of courts while preserving the confidentiality of information," was included because of SSA's need for some flexibility in dealing with courts. SSA does not automatically comply with every attempt to obtain information through court order or subpoena. For example, SSA will resist subpoenas issued in suits brought by private parties when no other provision of the regulation permits the disclosure (e.g., under the FOIA principles) and the individual about whom the information pertains does not consent to the disclosure. This provision in paragraph (b) allows SSA to work with a court to satisfy the court's needs with a minimum of invasion of privacy. For example, we might ask a judge to examine sensitive personal information in chambers without entering it in the open court record. Judges may also be requested to issue protective orders prohibiting further disclosure of information disclosed during a court proceeding.

We agree in principle that in many cases persons should seek information from other sources before subpoenaing SSA's files. However, in many other cases SSA's information will be more readily available, in a more usable form, and/or more reliable than the same information obtained elsewhere, and when the rules set out in the regulation permit disclosure, we do not object to releasing the information as requested.

We consider subpoenas to be a type of court order for Privacy Act purposes. We have amended paragraph (b) to clarify that we will disclose information in response to a subpoena or other court order if the criteria in paragraph (b) are met. This change merely reflects the policy contained in the last sentence of paragraph (a). When we do honor subpoenas as court orders, we try to comply with the subpoena within the time period stipulated by the court, if possible. Also, as required by the Privacy Act (5 U.S.C. 552a(e)(8)), we will try to notify an individual about a subpoena requesting information about him or her when we disclose information which will become part of a public record. However, time constraints might prevent us from receiving and considering that individual's response before honoring the subpoena.

Regarding the Secretary being a party to a judicial proceeding, the Secretary is the proper defendant in judicial proceedings involving SSA (see 20 CFR 422.210(d)). If the court order involves a proceeding of which the Secretary is a party, the Secretary must, like other parties, respond to the order. While we notify the individual of the subpoena, the court order may not allow us time to receive and consider that individual's response before honoring the court order.

§ 401.350 *Deceased persons.*

Comment. Two commenters indicated that medical information about deceased persons should be kept confidential. These commenters questioned why the cause of death or the person's mental or emotional state should be made public. Another commenter felt we should specify how the privacy rights of living persons who may be affected by disclosure of information about a deceased person would be affected.

Response. This provision sets out the general rule on disclosure of information about deceased persons. We do not usually have information on cause of death or mental and emotional state at death. If a person is receiving benefits from SSA and dies, we generally accept a statement reporting that person's death to terminate his or her benefits, without requiring formal proof of death. When a claim for social security benefits is filed based on a deceased person's work record, we request proof of death, but we do not ordinarily receive any information about the cause of death or the emotional state at death, since this usually is not relevant to any claim for benefits. When we do receive this kind of information, it is usually on a death certificate, which is a public record.

Generally, we have no legal authority to withhold information pertaining only to deceased persons. Neither the FOIA nor the Privacy Act recognizes any privacy interests of a deceased person. However, we can withhold a deceased person's record if disclosure would constitute a "clearly unwarranted invasion of a [living] person's privacy." Therefore, we have modified this section to show that, in deciding whether to release information about a deceased person, we will consider whether the disclosure would directly affect a living person adversely (e.g., cause embarrassment to the decedent's family). We note, however, that the disclosure restrictions in the Internal Revenue Code may require our withholding information on a deceased individual's work history. This is adequately covered in § 401.210.

§ 401.400 *General.*

Comment. A commenter wrote that paragraph (c) was inconsistent with the Privacy Act and HHS implementing regulations. A speaker at the Atlanta hearing said the right of an individual to obtain his or her own records should be unrestricted. Another commenter was concerned that we charge an individual for obtaining information from his or her file. The commenter was especially concerned that these costs could restrict an individual's ability to pursue his or her appeal rights under the Social Security Act.

Response. The Privacy Act requires unrestricted access in most situations, but does permit limitations on access to medical records, and records compiled for possible court action or certain formal administrative proceedings. Subpart D reflects these Privacy Act provisions and the Department's Privacy Act regulation (45 CFR 5b.2(e)(5) and 5b.6). We have amended § 401.125 to show that we do not generally charge an individual for obtaining information from his or her file. We also added to § 401.125 a cross-reference to the fee schedule we follow when responding to requests for information or records.

§ 401.405 *How to get your own record.*

Comment. A commenter recommended that paragraph (a) be amended to limit a parent's right of access to a minor's records. At the San Francisco hearing there was some discussion over requiring identification from individuals before granting them access to a record.

Response. We have amended paragraph (a) to show that, under the Privacy Act, a parent can get nonmedical information about a minor only if the parent is acting on behalf of that minor. We have modified paragraph (b) to show that an individual may have to show documentary proof of his or her identity when he or she requests access to records. This change to paragraph (b) reflects the requirements of 45 CFR 5b.5(b)(2).

§ 401.410 *Medical information.*

Comment. We received numerous written comments on this section. Also, at five of the seven hearings someone addressed the policy in this section. The comments raised the following points:

(a) An individual should be able to get his or her medical records without having to use a representative except in extreme cases;

(b) The criteria when a representative is needed are vague;

(c) SSA should have a doctor on hand to explain medical records to a requestor; and

(d) Appointing a representative to receive medical records is too costly for the poor.

Speakers at the Boston and Denver hearings agreed that an individual's medical records should be partially or wholly withheld from him or her.

Response. This section reflects the provisions of HHS regulation 45 CFR 5b.6, and has been amended to refer to that HHS regulation. While § 401.410 requires that an individual seeking his or her medical records name a representative, the requested information will not always be sent to the representative. In most cases an individual will be given his or her medical records directly. This would be done after a careful review of the material.

We did not list situations when a representative will be used because each request for medical information will require an independent judgment. This judgment will consider such factors as the nature of the individual's condition and whether our file indicates the treating physician has explained the condition to the individual, especially in terminal cases.

We do not believe we should be expected to provide a physician to explain the contents of an individual's medical records when we release them to that individual. Our experience has been that individuals generally request this information in connection with a claim for benefits or a lawsuit. Interpretation and use of these records should be left wholly to the individual or the representative whom the individual appoints.

We are unaware of physicians or other responsible individuals directly charging a person solely for the right to appoint them as a representative to receive any disclosed medical records. That a physician might charge for any office time used to explain the disclosed medical records, though, is understandable. People normally request medical information from our files in connection with a claim for benefits or some lawsuit and often have attorneys representing them.

This section does permit them to designate their attorney to receive the information. Any costs associated with this additional service would normally be included in the attorney's fee and should not result in an immediate expense to the individual. Moreover, a competent adult need not appoint a professional representative who will charge a fee for the service. As the rule in this section states, he or she may appoint any responsible person.

§ 401.420 *How to correct your record.*

Comment. One commenter suggested that individuals be allowed to request a correction in person so that they could get help in preparing their requests. Another commenter felt we did not need to know why an individual wanted to correct or amend his or her record. This commenter also felt that paragraph (b) was unclear.

Response. This section is not intended to preclude an individual from requesting a correction of his or her records in person. However, individuals will normally have to make a written request since the manager of the systems of records they want to correct will normally be in SSA's headquarters in Baltimore, Maryland. We have modified paragraph (a), though, to show that a person can obtain assistance at any social security office in preparing the request.

We need to know why an individual believes that his or her record is not accurate, complete, timely, or relevant in order to understand the request. We have modified paragraph (a)(4) to make this more clear.

To clarify the intent of paragraph (b), we have added an example which describes a situation where we would not change a record.

§ 401.505 *Appeal of refusal to correct a record.*

Comment. One commenter proposed that paragraph (b) be amended so that the time to review an appeal is not extended for 30 days in all cases. It was also recommended that we provide the requester with a reason why we need additional time to reply to the request.

Response. We have modified paragraph (b) to reflect these two suggested changes.

§ 401.510 *Appeals after denial of disclosure or access.*

Comment. One commenter recommended that we provide in paragraph (a) that an appeal may be taken within 30 days of receipt of records which are in partial response to a request for records. This would apply to situations in which the individual receives a notice stating only part of the requested records will be furnished and that those records will be released shortly. As proposed, the individual would have 30 days from the date of the notice to appeal, but the individual has not yet seen the requested records which are being released. Thus when someone receives a notice stating that only part of the requested records will be furnished, and receives the records himself later, the commenter felt that the 30-day appeal period should start from receipt of the records rather than the notice. Another commenter recommended that we include in paragraph (a) whether we will notify a requester of the reasons why we denied his or her request, and of the right to appeal that decision.

Response. We have modified paragraph (a) to reflect these two suggested changes.

Due to the recent redesignation of the Department of Health, Education, and Welfare (HEW) as the Department of Health and Human Services (HHS), we have made the necessary conforming designation changes. We have also made several editorial and clarifying changes.

Accordingly, these rules are adopted as set forth below.

(Catalog of Federal Domestic Assistance Programs No. 13.802–13.805 and 13.807–13.812, Social Security Programs)

Dated: June 5, 1980.

William J. Driver,

Commissioner of Social Security.

Approved: October 30, 1980.

Patricia Roberts Harris,

Secretary of Health and Human Services.

20 CFR Part 401 is amended as follows:

1. Subpart A is transferred to 42 CFR Chapter IV and redesignated as Subpart A in new Part 401. A heading is added for 42 CFR 401 Subpart B. The headings for 42 CFR 401 and for Subparts A and B of 401 read as follows:

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Subpart A—General Provisions

* * * * *

Subpart B—Confidentiality and Disclosure [Reserved]

2. In 42 CFR, § 401.1, paragraph (a) is revised to read as follows:

§ 401.1 Purpose and scope.

(a) The Regulations in this Part implement section 1106(a) of the Social Security Act as it applies to the Health Care Financing Administration. The rules apply to information obtained by officers or employees of the Health Care Financing Administration in the course of administering title XVIII of the Social Security Act, information obtained by Medicare intermediaries or carriers in the course of carrying out agreements under sections 1816 and 1842 of the Social Security Act, and any other information subject to section 1106(a) of the Social Security Act.

* * * * *

§§ 401.1, 401.2 and 401.3 [Amended]

2.a 42 CFR 401 is amended as follows: In §§ 401.1(b), 401.2(a), and 401.3(b)(2) change the references to "Part 422, Subpart E of this chapter" to 20 CFR Part 422, Subpart E." Sections 401.1, 401.2, and 401.3 are redesignated 401.101, 401.102, and 401.105 respectively.

3. In 20 CFR Part 401 Subpart B is redesignated as Subpart F and sections 401.101 to 401.105 are redesignated as 401.600 to 401.604.

4. The table of contents for 20 CFR Part 401 is amended to read as follows:

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Subpart A—General Provisions

Sec.
401.100 Purposes of the regulation.
401.105 When the regulation applies.
401.110 Terms defined.
401.115 Situations not specified in this part.
401.120 Safeguards against unauthorized disclosure or use.
401.125 Fees.

Subpart B—How Laws Apply

401.200 General.
401.205 Disclosures required by law.
401.210 Disclosures prohibited by law.
401.215 Freedom of Information Act.
401.220 Other laws.

Subpart C—Individual Disclosures

401.300 General principles.
401.305 Within HHS.
401.310 Compatible purposes.
401.315 Law enforcement purposes.
401.320 Health or safety.
401.325 Statistical and research activities.
401.330 Congress.
401.335 General Accounting Office.
401.340 Courts.
401.345 Other specific recipients.
401.350 Deceased persons.

Subpart D—Obtaining and Correcting Your Records

401.400 General.
401.405 How to get your own record.
401.410 Medical information.
401.415 Records about two or more individuals.
401.420 How to correct your record.

Subpart E—Appeals

401.500 Which decisions are covered.
401.505 Appeal of refusal to correct a record.
401.510 Appeals after denial of disclosure or access.

Subpart F—Disclosure of Wage Information for Programs of Aid to Families With Dependent Children

401.600 Purpose and scope.
401.601 Definitions.
401.602 When information may be disclosed.
401.603 Information which is necessary.
401.604 Protection of confidentiality.

Authority: Secs. 205, 1102, and 1106 of the Social Security Act; 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 53 Stat. 1398, as amended, sec. 290, 66 Stat. 234; (42 U.S.C. 405, 1302, 1306; 8 U.S.C. 1360); sec. 413(b) of the Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 794; 30 U.S.C. 923, 5 U.S.C. 552a (Privacy Act); 5 U.S.C. 552 (Freedom of Information Act), as amended by Pub. L. 94–409; 90 Stat. 1241; 26 U.S.C. 6103, as amended by Pub. L. 94–455, 90 Stat. 1667 (Tax Reform Act of 1976).

5. New Subparts A through E are added to read as follows:

Subpart A—General Provisions

§ 401.100 Purposes of the regulation.

The Social Security Administration (SSA) generally provides information which individuals request about themselves. This regulation describes how individuals may get access to their own records. This regulation also describes the rules SSA uses to decide whether to disclose information about individuals without their consent. These rules are set out in Subparts A through E of this part. These rules comply with the Freedom of Information Act, the Privacy Act, section 1106 of the Social Security Act, and other applicable statutes. When required by the Privacy Act, SSA publishes notices of routine use for public information and comment. Procedures for requesting information are in §§ 422.428 and 422.436 of this chapter and 45 CFR Parts 5 and 5b.

§ 401.105 When the regulation applies.

(a) *Scope of rules.* This regulation sets out the general guidelines which we follow in deciding whether to make disclosures. However, we must examine the facts of each case separately to decide if we should disclose the information or keep it confidential.

(b) *Social security records.* This regulation applies to information about an individual contained in SSA's records. Other regulations apply to—

(1) Information which is not about an individual—45 CFR Part 5 and Subpart E of Part 22 of this chapter; or

(2) Information about acts of SSA officials and employees or to SSA's personnel records—45 CFR Parts 5 and 5b; or

(3) Information in the possession of a State or local agency administering a program of Aid to Families with Dependent Children—45 CFR 205.50.

(c) *Health insurance records.* This regulation also applies to health insurance records which SSA maintains for the Health Care Financing Administration's (HCFA) programs under title XVIII of the Social Security Act. SSA will disclose these records to HCFA. HCFA may redisclose these records under the regulations applying to records in HCFA's custody.

(d) *Black lung benefit records.* This regulation also applies to records which SSA maintains for the administration of the Federal Coal Mine Health and Safety Act. However, this information is not covered by section 1106 of the Social Security Act.

(e) *Records kept by consultants.* Information retained by a medical, psychological or vocational professional concerning an examination performed under contract in the social security program shall not be disclosed except as permitted by this part.

§ 401.110 Terms defined.

"Access," as that term is used in the Privacy Act (5 U.S.C. 552a(d)), means the individual's right to review and copy records about that individual.

"Act" means the Social Security Act.

"Disclosure" means the availability or release of a record about an individual to another party.

"FOIA" means the Freedom of Information Act.

"HHS" means the Department of Health and Human Services.

"Individual" means a living natural person; this does not include corporations, partnerships, and unincorporated business or professional groups of two or more persons.

"Information" means information about an individual, and includes, but is not limited to, vital statistics; race, sex,

or other physical characteristics; earnings information; professional fees paid to an individual and other financial information; benefit data or other claims information; the social security number, employer identification number, or other individual identifier; address; phone number; medical information, including psychological or psychiatric information or lay information used in a medical determination; and information about marital and family relationships and other personal relationships.

"Record" means any item, collection, or grouping of information about an individual that SSA maintains (e.g., employment history, medical history (including consultative examinations), education) and that contains his or her name, or an identifying number, symbol, or any other means by which an individual can be identified.

"Secretary" means the Secretary of Health and Human Services and any individual authorized to act for him or her in the administration of a social security program.

"Social Security Administration" (SSA) means (1) that principal operating component of the Department of Health and Human Services which has administrative responsibilities under titles, I, II, IV—Part A, X, XI, XIV, XVI, and XVIII of the Act; and (2) units of State governments which make determinations under agreements made under sections 221 and 1633 of the Act.

"Social security program" means any program or provision of law which SSA is responsible for administering, including the Freedom of Information Act and Privacy Act. This includes our responsibilities under Parts B and C of the Federal Coal Mine Health and Safety Act.

"System of records" means a group of records under our control from which information about an individual is retrieved by the name of the individual or by an identifying number, symbol, or other identifying particular.

"We" means the Social Security Administration.

§ 401.115 Situations not specified in this part.

If no other provision in this regulation specifically allows SSA to disclose information, the Commissioner or designee may disclose this information if not prohibited by Federal law. For example the Commissioner or designee may disclose information necessary to respond to life threatening situations.

§ 401.120 Safeguards against unauthorized disclosure or use.

The FOIA does not authorize us to impose any restrictions on how information is used after we disclose it under that law. However, the FOIA does permit us to withhold information, for example, if disclosure would result in a "clearly unwarranted invasion of personal privacy." In deciding whether this exemption applies in a given case, we must consider all the ways in which the recipient might use the information and how likely the recipient is to redisclose the information to other parties. Thus, before we disclose personal information we may consider such factors as—

(a) Whether only those individuals who have a need to know the information will obtain it;

(b) Whether appropriate measures to safeguard the information to avoid unwarranted use or misuse will be taken; and

(c) Whether we would be permitted to conduct on-site inspections to see whether the safeguards are being met.

§ 401.125 Fees.

We follow HHS regulations (45 CFR 5.60, 5.61 and 5b.13) and § 422.440 of Part 422 of this Chapter to determine the amount of fees, if any, to be charged for providing information under the FOIA and Privacy Act. Generally, we do not charge an individual for obtaining information from his or her file.

Subpart B—How Laws Apply

§ 401.200 General.

This section describes how various laws control the disclosure or confidentiality of personal information which we keep. We must consider these laws in the following order.

(a) Some laws require us to disclose information (§ 401.205); some laws require us to withhold information (§ 401.210). These laws control whenever they apply.

(b) If no law of this type applies in a given case, then we must look to the FOIA. See § 401.215.

(c) When the FOIA doesn't require disclosure, we may disclose information if both the Privacy Act and section 1106 of the Social Security Act permit the disclosure. See § 401.220.

§ 401.205 Disclosures required by law.

We disclose information when a law specifically requires it. The Social Security Act requires us to disclose information for certain program purposes. These include disclosures to the Office of Inspector General, HHS, the Parent Locator Service and to States for the administration of the Aid to Families with Dependent Children program. Also, there are other laws which require that we furnish other agencies information which they need for their programs. These include the Veterans Administration for its benefit programs, the Immigration and Naturalization Service to carry out its duties regarding aliens, and the Railroad Retirement Board for its benefit programs.

§ 401.210 Disclosures prohibited by law.

We do not disclose information when a law specifically prohibits it. The Internal Revenue Code generally prohibits us from disclosing tax return information which we receive to maintain individual earnings records. This includes, for example, amounts of wages and contributions from employers. Other laws restrict our disclosure of certain information about drug and alcohol abuse which we collect to determine eligibility for social security benefits.

§ 401.215 Freedom of Information Act.

The FOIA requires us to disclose any information in our records upon request from the public, unless one of several exemptions in the FOIA applies. When the FOIA requires disclosure, the Privacy Act permits it. "The public" does not include Federal agencies, courts, or the Congress, but does include State agencies, individuals, corporations, and most other parties. The FOIA does not apply to requests that are not from "the public" (e.g., from a Federal agency). However, we apply FOIA principles to requests from these sources for disclosure of information (see § 401.300; also see §§ 401.330 and 401.335 for disclosures to Congress and the General Accounting Office.

§ 401.220 Other laws.

When the FOIA does not apply, we may not disclose any personal information unless both the Privacy Act and section 1106 of the Social Secuity Act permit the disclosure. Sections 401.305 through 401.340 discuss how we apply the various provisions of the Privacy Act that permit disclosure. Section 1106 of the Social Security Act requiries the Secretary of HHS to set out in regulations what disclosures may be made; therefore, any disclosure permitted by this regulation is permitted by section 1106.

Subpart C—Individual Disclosures

§ 401.300 General principles.

When no law specifically requiring or prohibiting disclosure (see § 401.205 and § 401.210) applies to a question of whether to disclose information, we follow the FOIA principles to resolve that question. We do this to insure uniform treatment in all situations. The

FOIA principle which most often applies to SSA disclosure questions is whether the disclosure would result in a "clearly unwarranted invasion of personal privacy." To decide whether a disclosure would be a clearly unwarranted invasion of personal privacy we consider—

(a) The sensitivity of the information (e.g., whether individuals would suffer harm or embarrassment as a result of the disclosure);

(b) The public interest in the disclosure;

(c) The rights and expectations of individuals to have their personal information kept confidential; and

(d) The public's interest in maintaining general standards of confidentiality of personal information; and

(e) Those factors discussed in § 401.120. We feel that there is a strong public interest in sharing information with other agencies with programs having the same or similar purposes, so we generally share information with those agencies. However, since there is usually little or no public interest in disclosing information for disputes between two private parties or for other private or commercial purposes; we generally do not share information for these purposes.

§ 401.305 Within HHS

The Privacy Act allows an agency to share information inside the agency when necessary for the agency to carry out its duties. For purposes of this provision, HHS considers itself one "agency." SSA, as a part of HHS discloses information to another HHS component when SSA determines that the other component has a legitimate need for the information and no other law prohibits it.

§ 401.310 Compatible purposes.

(a) *General.* The Privacy Act allows us to disclose information, without the consent of the individual, to any other party for "routine uses."

(b) *"Routine use."* This means the disclosure of a record outside HHS for a purpose which is "compatible" with the purpose for which the record was collected. We publish notices of systems of records in the Federal Register which contain a list of all "routine use" disclosures.

(c) *Determining compatibility.* We disclose information for "routine uses" where necessary to carry out SSA's programs. It is also our policy to disclose information for use in other programs which have the same purposes as SSA programs if the information concerns eligibility, benefit amounts, or other matters of benefit status in a social security program and is relevant to determining the same matters in the other program. For example, we disclose information to the Railroad Retirement Board for pension and unemployment compensation programs, to the Veterans Administration for its benefit program, to worker's compensation programs, to State general assistance programs, and to other income maintenance programs at all levels of government; we also disclose for health-maintenance programs like Medicare and Medicaid, and in appropriate cases, for epidemiological and similar research.

§ 401.315 Law enforcement purposes.

(a) *General.* The Privacy Act allows us to disclose information for law enforcement purposes under certain conditions. Much of the information in our files is especially sensitive or very personnel. Furthermore, participation in social security programs is mandatory, so people cannot limit what information is given us. Therefore, we generally disclose information for law enforcement purposes only in limited situations. Paragraphs (b) and (c) of this section discuss the disclosures we generally make for these purposes.

(b) *Serious crimes.* SSA may disclose information for criminal law enforcement purposes where a violent crime such as murder or kidnapping has been committed and the individual about whom the information is being sought has been indicted or convicted of that crime.

The Privacy Act allows us to disclose if the head of the law enforcement agency makes a written request giving enough information to show—That these conditions are met; What information is needed; and Why it is needed.

(c) *Criminal activity involving the social security program or another program with the same purposes.* We disclose information when necessary to investigate or prosecute fraud or other criminal activity involving the social security program. We may also disclose information for investigation or prosecution of criminal activity in other income-maintenance or health-maintenance programs (e.g., other governmental pension programs, unemployment compensation, general assistance, Medicare or Medicaid) if the information concerns eligibility, benefit amounts, or other matters of benefit status in a social security program and is relevant to determining the same matters in the other program.

§ 401.320 Health or safety.

The Privacy Act allows us to disclose information in compelling circumstances where an individual's health or safety is affected. For example, if we learn that someone has been exposed to an excessive amount of radiation, we may notify that person and appropriate health officials. If we learn that someone has made a threat against someone else, we may notify that other person and law enforcement officials. When we make these disclosures, the Privacy Act requires us to send a notice of the disclosure to the last known address of the person whose record was disclosed.

§ 401.325 Statistical and research activities.

(a) *General.* Statistical and research activities often do not require information in a format that identifies specific individuals. Therefore, whenever possible, we release information for statistical or research purposes only in the form of aggregates or individual data that cannot be associated with a particular individual. The Privacy Act allows us to release records if there are safeguards that the record will be used solely as a statistical or research record and the individual cannot be identified from any information in the record.

(b) *Safeguards for disclosure with identifiers.* The Privacy Act also allows us to disclose data for statistical and research purposes in a form allowing individual identification when the purpose is compatible with the purpose for which the record was collected. We will disclose personally identifiable information for statistical and research purposes if—

(1) We determine that the requester needs the information in an identifiable form for a statistical or research activity, will use the information only for that purpose, and will protect individuals from unreasonable and unwanted contacts;

(2) The activity is designed to increase knowledge about present or alternative social security programs or other Federal or State income-maintenance or health-maintenance programs, or consists of epidemiological or similar research; and

(3) The recipient will keep the information as a system of statistical records, will follow appropriate safeguards, and agrees to our on-site inspection of those safeguards so we can be sure the information is used or redisclosed only for statistical or research purposes. No redisclosure of the information may be made without SSA's approval. We will also require these safeguards when we disclose personally identifiable information to another HHS component for its own

statistical or research functions (see § 401.305).

(c) *Statistical record.* A statistical record is a record in a system of records which is maintained only for statistical and research purposes, and which is not used to make any determination about an individual. We maintain and use statistical records only for statistical and research purposes. We may disclose a statistical record if the conditions in paragraph (b) of this section are met.

(d) *Compiling of records.* Where a request for information for statistical and research purposes would require us to compile records, and doing that would be administratively burdensome to ongoing SSA operations, we may decline to furnish the information.

§ 401.330 Congress.

(a) We disclose information to either House of Congress. We also disclose information to any committee or subcommittee of either House, or to any joint committee of Congress or subcommittee of that committee, if the information is on a matter within the committee's or subcommittee's jurisdiction.

(b) We disclose to any member of Congress the information needed to respond to constituents' requests for information about themselves (including requests from parents of minors, or legal guardians). However, these disclosures are subject to the restrictions in § 401.400ff.

§ 401.335 General Accounting Office.

We disclose information to the General Accounting Office when that agency needs the information to carry out its duties.

§ 401.340 Courts.

(a) *General.* The Privacy Act allows us to disclose information when we receive an order from a court of competent jurisdiction. However, much of our information is especially sensitive. Participation in social security programs is mandatory, and so people cannot limit what information is given to SSA. When information is used in a court proceeding, it usually becomes part of a public record, and its confidentiality cannot be protected. Therefore, we treat subpoenas or other court orders for information under the rules in paragraph (b) of this section.

(b) We generally disclose information in response to a subpoena or other court order if—

(1) Another section of this part would specificially allow the release; or

(2) The Secretary of HHS is a party to the proceeding; or

(3) The information is necessary for due process in a criminal proceeding. In other cases, we try to satisfy the needs of courts while preserving the confidentiality of information.

§ 401.345 Other specific recipients.

In addition to disclosures we make under the "routine use" provision, we also release information to—

(a) The Bureau of the Census for purposes of planning or carrying out a census, survey, or related activity; and

(b) The National Archives of the United States if the record has sufficient historical or other value to warrant its continued preservation by the United States Government. We also disclose a record to the Administrator of General Services for a determination whether the record has such a value.

§ 401.350 Deceased persons.

We do not consider the disclosure of information about a deceased person to be a clearly unwarranted invasion of that person's privacy. However, in disclosing information about a deceased person, we follow the principles in § 401.300 to insure that the privacy rights of a living person are not violated.

Subpart D—Obtaining and Correcting Your Records

§ 401.400 General.

The Freedom of Information Act allows you to request information from SSA whether or not it is in a system of records. The Privacy Act gives you the right to have access to most records about yourself that are in our systems of records. Exceptions to this Privacy Act right include—

(a) Certain medical records (see 5 U.S.C. 552a(f)(3) and section 401.410);

(b) Certain criminal law enforcement records (see 5 U.S.C. 552a(k), and HHS' rule in 45 CFR 5b.11); and

(c) Records compiled in reasonable anticipation of a court action or formal adminstrative proceeding.

We generally follow the HHS rules in 45 CFR 5b.5 and 5b.6 on access to an individual's record. However, in a few situations our rules are somewhat more strict, because of the especially sensitive nature of many of our records. This subpart briefly describes our rules.

§ 401.405 How to get your own record.

(a) *Who may ask.* You may ask for any record about yourself that is in an SSA system of records. If you are a minor, you may get information about yourself under the same rules as for an adult. Under the Privacy Act, if you are the parent or guardian of a minor, or the legal guardian of someone who has been declared legally incompetent, and you are acting on his or her behalf, you may ask for information about that individual. See § 401.410 for the rules which apply to requests for medical records.

(b) *Identification.* When you request access to a record, you must identify yourself. One means of identity is your signature but you may also be requested to show your driver's license, birth certificate, or similar document.

(c) *How to ask.* To request access to a record you may visit your local social security office or write to the manager of the SSA system of records. The name and address of the manager of the system is part of the notice of systems of records which is published annually in the **Federal Register.** Every local social security office keeps a copy of the **Federal Register** containing that notice. That office can also help you get access to your record. You do not need to use any special form to ask for a record about you in our files, but your request must give enough identifying information about the record you want to enable us to find your particular record. This identifying information should include the system of records in which the record is located and the name and social security number (or other identifier) under which the record is filed. We do not honor requests for "all records," "all information," or similar blanket requests.

§ 401.410 Medical information.

(a) *Your own record.* In accordance with 45 CFR 5b.6, when you request medical information about yourself, you must also name a representative in writing. The representative may be a physician, other health professional, or other responsible individual who would be willing to review the record and inform you of its contents at your representative's discretion. If you do not designate a representative, we may decline to release the requested information. In some cases, it may be possible to release medical information directly to you rather than to your representative.

(b) *Requests on behalf of a minor.* If you are the parent or guardian of a minor, we will release the minor's medical record only to a representative that you name in writing. The representative in these cases must be a physician or other health professional (excluding a family member) who would be willing to review the record and inform you of its contents at the representative's discretion. If you do not designate a representative, we will decline to release the requested information. We will also make

reasonable efforts to inform the minor that the record has been given to the representative. We will also tell the representative when further disclosure may be an unwarranted invasion of the minor's privacy. We will also ask the representative to consider the effect that disclosing the record to the parent or guardian would have on the minor in determining whether the minor's record should be made available to the parent or guardian.

(c) *Requests on behalf of an incapacitated adult.* If you are the legal guardian of an adult who has been declared legally incompetent, you may receive his or her records directly.

§ 401.415 Records about two or more individuals.

(a) When information about two or more individuals is in one record filed under your social security number, you may receive the information about you and the fact of entitlement and the amount of benefits payable to other persons based on your record.

You may receive information about yourself or others, which is filed under someone else's social security number, if that information affects your entitlement to social security benefits or the amount of those benefits.

§ 401.420 How to correct your record.

(a) *How to request a correction.* This section applies to all records kept by SSA (as described in § 401.105) except for records of earnings. (Section 422.125 of this chapter describes how to request correction of your earnings record.) You may request that your record be corrected or amended if you believe that the record is not accurate, timely, complete, relevant, or necessary to the administration of a social security program. To amend or correct your record, you should write to the manager identified in the notice of systems of records which is published annually in the **Federal Register** (see § 401.405(c) on how to locate this information). The staff at any social security office can help you prepare the request. You should submit any available evidence to support your request. Your request should indicate—

(1) The system of records from which the record is retrieved;

(2) The particular record which you want to correct or amend;

(3) Whether you want to add, delete or substitute information in the record; and

(4) Your reasons for believing that your record should be corrected or amended.

(b) *What we will not change.* You cannot use the correction process to alter, delete, or amend information which is part of a determination of fact or which is evidence received in the record of a claim in the administrative appeal process. Disagreements with these determinations are to be resolved through the SSA appeal process. (See Subparts I and J of Part 404, and Subpart N of Part 416, of this chapter.) For example, you cannot use the correction process to alter or delete a document showing a birth date used in deciding your social security claim. However, you may submit a statement on why you think certain information should be altered, deleted, or amended, and this will be made part of your file.

(c) *Acknowledgement of correction request.* We will acknowledge receipt of a correction request within 10 working days, unless the request can be reviewed, processed, and an initial determination of denial or compliance given before that time.

(d) *Notice of error.* If the record is wrong, we will correct it promptly. If wrong information was disclosed from the record, we will tell all those who received that information that it was wrong and will give them the correct information. This will not be necessary if the change is not due to an error, e.g., a change of name or address.

(e) *Record found to be correct.* If the record is correct, we will advise you in writing of the reason why we refuse to amend your record and we will also inform you of your right to seek a review of the refusal and the name and address of the official to whom you should send your request for review.

Subpart E—Appeals

§ 401.500 Which decisions are covered.

This subpart describes how to appeal decisions concerning requests for correction of a record, disclosure of a record, or access to a record. These sections apply only to written requests.

§ 401.505 Appeal of refusal to correct a record.

(a) If we deny your request to correct a record, you may request a review of that decision. As discussed in § 401.420(e), our letter denying your request will tell you to whom to write.

(b) The official will review your request within 30 working days from the date of receipt. However, for a good reason and with the approval of the Commissioner, this time limit may be extended up to an additional 30 days. In that case, the official will notify you about the delay, the reason for it, and the date when the review is expected to be completed. If, after review, the official determines that the record should be corrected, the record will be corrected. If, after review, the reviewing official also refuses to amend the record exactly as you requested, the official will advise you—

(1) That your request has been refused and the reason;

(2) That this refusal is SSA's final decision;

(3) That you have a right to seek court review of this request to amend the record; and

(4) That you have a right to file a statement of disagreement with the decision. Your statement should include the reason you disagree. Your statement will be made available to anyone to whom the record is subsequently disclosed, together with a statement of SSA's reasons for refusal to amend the record. Also, prior recipients of the record will be provided a copy of your statement.

§ 401.510 Appeals after denial of disclosure or access.

(a) If we deny your request for disclosure of information about others or for access to your own record, we will advise you in writing of the reason why we are denying your request and of your right to seek a review of that decision. You may appeal that decision to the Commissioner of Social Security, 6401 Security Boulevard, Baltimore, Maryland 21235, within 30 days after you receive the notice denying your request or only partially allowing your request. If any materials are to be sent to you as the result of a partial allowance of your request, they will usually be enclosed with the notice of that decision. If the materials are sent to you after you receive the notice of the decision, you may appeal within 30 days of the date on which you received the materials.

(b) The Commissioner or a designee will mail you a written decision on your appeal. This decision will state why the decision was made and will explain your rights to have the matter heard in court.

(c) If the Commissioner or a designee affirms the denial of a request for records (completely or partially), or fails to comply with the time limits that apply in FOIA cases, you may ask to have the matter reviewed in a Federal district court.

(d) See Part 422, Subpart E, of this Chapter for other procedural rules pertaining to requests and appeals under the FOIA.

[FR Doc. 80-35032 Filed 11-12-80; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 889

[Docket No. R-80-848]

Section 8 Housing Assistance Payments Program—Computation of Gross Family Contribution

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Correction of Interim Rule.

SUMMARY: On September 9, 1980 at 45 FR 59309 HUD published an interim rule revising the method of computing the Gross Family Contribution in the Section 8 Program. That rule contained several typographical and editorial errors. This publication corrects those errors.

FOR FURTHER INFORMATION CONTACT: Kathleen Beckwith, Rental and Occupancy Branch, U.S. Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-5840. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The following errors appeared in 24 CFR Part 889 as published in the **Federal Register** on September 9, 1980:

(a) The effective date of the regulation was incorrectly listed as October 1, 1980. The Supplementary Information Section of the Regulation indicated that "HUD considers it necessary to limit the immediate effect of the statutory changes to families who begin occupancy 60 days after publication of this rule" (p. 59310, first full paragraph). It is our intent to allow 60 days between publication and effective date of the rule to allow adequate time for administrative implementation. Accordingly, the rule is being corrected to show the correct effective date of November 10, 1980.

(b) In the Supplementary Information, on page 59310, second full paragraph, line four, the abbreviation should be [PHAs] instead of [HPHs].

(c) Section 889.105(b). The first word should be "Large" instead of "Larger."

(d) Section 889.105(d)(2). A clause was dropped from the last sentence. The clause "but in no event less than 20 percent of the family's monthly income" should be added.

Accordingly Part 889, published in the **Federal Register** on September 9, 1980 (45 FR 59309) is corrected as follows:

(1) The Effective Date of October 1, 1980 is corrected to read as follows: EFFECTIVE DATE: November 10, 1980.

(2) The Supplementary Information, third paragraph, fourth line, is corrected to read as follows:

* * * * *

* * * Public Housing Agencies (PHAs) and * * *

* * * * *

(3) 889.105(b) is corrected to read as follows:

(b) Large Very Low-Income Family or any Lower-Income Family with Exceptional Medical or Other Expenses. * * *

(4) 889.105(d)(2) is corrected by changing the period to a comma in the last sentence and adding a clause to read as follows:

(2) * * * At that time, the family will be required to pay 25 percent of the family's monthly income after allowances, but in no event less than 20 percent of the family's monthly income.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., November 4, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 80-35382 Filed 11-12-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 6

[T.D. ATF-74; Corrected]

Unlawful Trade Practices Under the Federal Alcohol Administration Act; Correction

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule; correction.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms is issuing this notice to correct two editorial errors which appeared in Treasury Decision ATF-74 published in the **Federal Register** on September 23, 1980, (45 FR 63242). That Treasury decision established four new parts relating to unlawful trade practices under the Federal Alcohol Administration Act. The preamble to that rule listed Internal Revenue and ATF rulings which became obsolete with issuance of those regulations. Three rulings were inadvertently omitted from the list of obsolete rulings. These are: IRS Revenue Rulings 54-151, 1954-1 C.B. 338; 54-577, 1954-2 C.B. 592; and ATF Ruling 74-12, 1974 ATF C.B. 51.

Under the recordkeeping provisions in 27 CFR 6.81(b), industry members are required to keep records for items of restricted value furnished to retailers. Two items, wine lists, § 6.86, and inside signs, § 6.84, were incorrectly included as items for which records must be kept. Both should have been omitted since the regulations place no restrictions on the value of inside signs or wine lists which may be furnished to retailers.

DATE: Treasury Decision ATF-74 is effective November 24, 1980.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202-566-7626.

SUPPLEMENTARY INFORMATION:

Authority and Issuance

This correction notice is issued under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended (27 U.S.C. 205).

Accordingly, 27 CFR 6.81 is corrected to read as follows:

§ 6.81 General.

(a) *Application* * * *

(b) *Recordkeeping requirements.* Industry members shall keep and maintain records on the permit premises, for a three year period, of all items furnished to retailers under §§ 6.83, 6.85, 6.88, 6.89, 6.90, 6.91, 6.96(a), and 6.100. Commerical records or invoices may be used to satisfy this recordkeeping requirement if all required information is shown. These records shall show:

* * * * *

Signed: November 5, 1980.

G. R. Dickerson,

Director.

[FR Doc. 80-35388 Filed 11-12-80; 8:45 am]

BILLING CODE 4810-31-M

CENTRAL INTELLIGENCE AGENCY

32 CFR Part 1900

Public Access to Documents and Records and Declassification Requests

AGENCY: Central Intelligence Agency.

ACTION: Final rule.

SUMMARY: The Central Intelligence Agency (CIA) revises its regulations relating to fees, reduction in fees, and waiver of fees charged in connection with Freedom of Information and certain declassification requests. Changes in

manpower and computer costs since the Agency promulgated the current schedule of fees on February 19, 1975, have necessitated a revision of the fee structure. the intended effect of this revision is to reflect more accurately current levels of costs involved in processing requests and to provide greater detail to the public regarding CIA policies and procedures with respect to fees.

EFFECTIVE DATE: November 13, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Charles E. Savige, Phone (703) 351–5659.

SUPPLEMENTARY INFORMATION: When this rule was proposed on July 24, 1980 (Vol. 45 No. 144, pp. 49296–49297), comments were solicited. One response was received in which the use of the adjective "tangible" was described as unclear and ambiguous. It had been used as a modifier to the word benefit in sentence 3 of 1900.25(a). In consideration of this comment, the adjective identifiable has been substituted. Three typographical errors have also been corrected.

For reasons set out in the preamble, § 1900.25, Chapter XIX of Title 32, Code of Federal Regulations is revised as set forth below.

Don I. Wortman,

Deputy Director for Administration.

§ 1900.25 Fees for records services.

(a) Search and duplication fees shall be charged according to the schedule set forth in paragraph (c) of this section for services rendered in responding to requests for Agency records under this part. Records shall be furnished without charge or at a reduced rate whenever the Coordinator determines that a waiver or reduction of the charge is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Thus, the Coordinator shall determine the existence and extent of any identifiable benefit which would result from furnishing the requested information and he shall consider the following factors in making this determination:

(1) The public or private character of the information sought;

(2) The private interest of the requester;

(3) The numbers of the public to be benefited;

(4) The significance of the benefit to the public;

(5) The usefulness of the information to the public; and

(6) The quantity of similar or duplicative information already in the public domain.

In no case will the assessment of fees be utilized as an obstacle to the disclosure of the requested information. The Coordinator may also waive or reduce the charge whenever he determines that the interest of the government would be served thereby. Fees shall not be charged where they would amount, in the aggregate, for a request, or a series of related requests, to less than $6. Denials of requests for fee waivers may be appealed by writing to the Executive Secretary of the Information Review Committee, via the Coordinator.

(b) In order to protect the requester and the Agency from large, unexpected fees, when it is anticipated that the charges will amount to more than $25, the processing of the request shall be suspended until the requester indicates his willingness to pay. The requester shall be notified and asked for his commitment to pay all reasonable search and duplication fees. At his option, the requester may indicate in advance a dollar limitation to the fees. In such an event, the Coordinator shall initiate a search of the system or systems of records deemed most likely to produce relevant records, instructing the system managers to discontinue the search as soon as the stipulated amount has been expended. Where an advance limit has not been stipulated, the Coordinator may, at his discretion or at the behest of the requester, compile an estimate of the search fees likely to be incurred in processing a request, or of such portion thereof as can readily be estimated. The requester shall be promptly notified of the amount and be asked to approve its expenditure. In those cases where the Coordinator estimates that the fees will be substantial, an advance deposit of 50 percent of the estimated fees will be required; in those cases where there is reasonable evidence that the requester may possibly fail to pay the fees which would be accrued by processing his request, an advance deposit of 100 percent of the estimated fees will be required. The notice or request for an advance deposit shall extend an offer to the requester whereby he is afforded an opportunity to revise the request in a manner calculated to reduce the fees. Dispatch of such a notice or request shall suspend the running of the period for response by the Agency until a reply is received from the requester.

(c) The schedule of fees for services performed in responding to requests for Agency records is established as follows:

(1) For each one quarter hour, or fraction thereof, spent by clerical personnel in searching for a record, $1.50;

(2) For each one quarter hour, or fraction thereof, spent by professional personnel in searching for a record, $3.50;

(3) For each on-line computer search, $11.00;

(4) For each off-line (batch) computer search of Central Reference files, $27.00;

(5) For all other off-line computer searches of Agency files, $8.00 per minute of Central Processing Unit (CPU) time;

(6) For copies of paper documents in sizes not larger than 8½ × 14 inches, $0.10 per copy of each page;

(7) For duplication of non-paper media (film, magnetic tape, etc.) or any document that cannot be reproduced on a standard office copier, actual direct cost; and

(8) For extra copies of reports, maps, reference aids, and other Agency publications, actual cost.

(d) Inasmuch as the Agency's systems of records are highly decentralized, several computer searches may be required to process a request, depending upon its scope. The computer search costs given in paragraph (c), of this section, do not include whatever professional/clerical search time is needed to determine whether the records located are in fact responsive to the request.

(e) Search fees are assessable even when no records pertinent to the requests, or no releasable records are found, provided the requester has been advised of this fact and he has, that notwithstanding agreed to incur the costs of search.

(f) For requests which have accrued substantial search and duplication fees, or for requests for records which have been previously released, or where there is reasonable evidence that the requester may possibly fail to pay the accrued fees, then, at the discretion of the Coordinator, the requester may be required to pay the accrued search and duplication fees prior to the actual delivery of the requested records; otherwise, the requester shall be billed for such fees at the time that the records are provided. Payment shall be remitted by check or money order, made payable to the Treasurer of the United States, and shall be sent to the Coordinator. No appeals or additional requests shall be accepted for processing until the requester has paid all outstanding charges for services rendered under this part.

(Sec. 102 of the National Security Act of 1947, as amended (50 U.S.C. 430), the Central Intelligence Act of 1949, as amended (50 U.S.C. 403 et seq.), Executive Order 12065 (3

CFR, 1978 Comp., p. 190), and The Freedom of Information Act, as amended (5 U.S.C. 522))

[FR Doc. 80-35206 Filed 11-12-80; 8:45 am]

BILLING CODE 6310-02-M

POSTAL SERVICE

39 CFR Part 224

Organizational Changes

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This document reflects organizational changes and incorporates statutory references required to bring the changed provisions into conformance with the Contract Disputes Act of 1978, 41 U.S.C. 601 *et seq.*

EFFECTIVE DATE: November 1, 1980.

FOR FURTHER INFORMATION CONTACT: James A. Cohen, Judicial Officer, (202) 245-4912.

Accordingly, part 224 of title 39, Code of Federal Regulations is amended as follows:

PART 224—GROUPS AND DEPARTMENTS

In § 224.1 revise paragraph (c)(4)(v) to read as follows:

§ 224.1 Administration Group.

* * * * *

(c) * * *

(4) * * *

(v) Board of Contract Appeals:

(A) The Board of Contract Appeals is the Postal Service body designated to hear and decide appeals submitted pursuant to the provisions of the Contract Disputes Act of 1978, 41 U.S.C. 601 *et seq.*, and is the authorized representative of the Postmaster General to hear and decide appeals from decisions of contracting officers when and to the extent such appeals are expressly authorized by the terms of any contract to which the Postal Service is a party. The Chairman of the Board of Contract Appeals is authorized to promulgate rules and procedures for the Board of Contract Appeals. The members of the Board may be assigned other consistent duties such as assisting the Judicial Officer in the performance of his functions under the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*

(B) The Postal Service Board of Contract Appeals is composed of the Judicial Officer as Chairman, the Associate Judicial Officer as Vice Chairman and such additional members, appointed by the Chairman, as may be necessary to assure the timely disposition of matters pending before the Board. All members of the Board of Contract Appeals shall be Administrative Judges possessing the qualifications required by the Contract Disputes Act of 1978. In general, appeals are assigned to a panel of at least three members of the Board.

(39 U.S.C. 401(2).)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 80-35287 Filed 11-12-80; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 124

[AS-FRL 1664-6]

Consolidated Permit Regulations; NPDES New Dischargers; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Suspension of portion of final rule; correction.

SUMMARY: This document corrects a legal citation contained in the notice published October 15, 1980 (45 FR 68391), suspending part of the National Pollutant Discharge Elimination System (NPDES) new discharger provisions in the consolidated permit regulations.

FOR FURTHER INFORMATION CONTACT: Peter D. Holmes, Office of the General Counsel (A-131), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-0753.

Dated: October 29, 1980.

Michele B. Corash,

General Counsel.

Accordingly, the following corrections are made in FR Doc. 80-31850 appearing at 45 FR 68391, column 2, first full paragraph:

§ 124.66 [Corrected]

§ 122.66 [Corrected]

1. "§ 124.66" is corrected to read "§ 122.66."

2. "40 CFR § 124.66(d)(4)" is corrected to read "40 CFR § 122.66(d)(4)."

[FR Doc. 80-35209 Filed 11-12-80; 8:45 am]

BILLING CODE 6560-36-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

41 CFR Part 3-1

Considerations in Selecting an Award Instrument

AGENCY: Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health and Human Services is amending its procurement regulations to add a new subpart that addresses considerations in selecting an award instrument.

EFFECTIVE DATE: This amendment is effective November 13, 1980.

FOR FURTHER INFORMATION CONTACT: E. S. Lanham, Office of Procurement Policy, OGP-OASMB-OS, Department of Health and Human Services, Room 538H, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201 (202-245-0481).

SUPPLEMENTARY INFORMATION: The new subpart provides guidance to Departmental personnel on the selection of award instruments consistent with the Federal Grant and Cooperative Agreement Act of 1977 (Public Law 95-224) and the Office of Management and Budget implementation of the Act as published in the **Federal Register** on August 18, 1978 (43 FR 36860). The subpart addresses procurement relationships where the award instrument is the contract, and assistance relationships where the award instrument is either a grant or cooperative agreement.

It is the policy of the Department to allow time for interested parties to participate in the rulemaking process. However, since the amendment concerns internal administrative procedures, the public rulemaking process was deemed unnecessary in this instance. The provision of this amendment is issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Therefore, 41 CFR Chapter 3 is amended as set forth below.

Dated: November 3, 1980.

Murray N. Weinstein,

Acting Deputy Assistant Secretary for Grants and Procurement.

Under Part 3-1, General, Subpart 3-1.53 Considerations in Selecting an Award Instrument, is added. In addition, the table of contents for Part 3-1 is amended to add the following:

Subpart 3–1.53 Considerations in Selecting an Award Instrument

Sec.

3–1.5300 Scope of subpart.
3–1.5301 Applicability.
3–1.5302 Purpose.
3–1.5303 Distinction between procurement and assistance.
3–1.5304 Procedures.

Subpart 3–1.53 Considerations in Selecting an Award Instrument

§ 3–1.5300 Scope of subpart.

This subpart provides guidance on the appropriate selection of award instruments consistent with the Federal Grant and Cooperative Agreement Act of 1977 (Public Law 95–224) and the OMB implementation of the Act as published in the **Federal Register** on August 18, 1978 (43 FR 36860). This subpart addresses procurement relationships where the award instrument is the contract, and assistance relationships where the award instrument is either a grant or cooperative agreement.

§ 3–1.5301 Applicability.

This subpart applies to the choice of award instrument, contract, grant, or cooperative agreement, for all program and individual transactions, except where specifically prohibited by law.

§ 3–1.5302 Purpose.

This subpart provides guidance to assist in the determination of whether to use the procurement or assistance process to fulfill program needs. The distinction between, and use of, grants and cooperative agreements is not discussed in detail. Detailed guidance may be found in Chapter 1–02 of the Grants Administration Manual.

§ 3–1.5303 Distinction between procurement and assistance.

(a) The Federal Grant and Cooperative Agreement Act of 1977 requires the use of contracts to acquire property or services for the direct benefit or use of the Government and grants or cooperative agreements to transfer money, property, services, or anything of value to recipients to accomplish a public purpose of support or stimulation authorized by Federal statute.

(b) A contract is to be used as the legal instrument to reflect a relationship between the Federal Government and a recipient whenever:

(1) The principal purpose of the instrument is the acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government; or

(2) The Department determines in a specific instance that the use of a type of contract is appropriate. That is, it is determined in a certain situation that specific needs can be satisfied best by using the procurement process. However, this authority does not permit circumventing the criteria for use of procurement or assistance instruments. Use of this authority is restricted to extraordinary circumstances and only with the prior approval of the Deputy Assistant Secretary for Grants and Procurement.

(c) A grant or cooperative agreement is to be used as the legal instrument to reflect a relationship between the Federal Government and a recipient whenever the principal purpose of the relationship is the transfer of money, property, services, or anything of value to the recipient to accomplish a public purpose of support or stimulation authorized by Federal statute.

(1) A grant is the legal instrument to be used when no substantial involvement is anticipated between the Department and the recipient during performance of the contemplated activity.

(2) A cooperative agreement is the legal instrument to be used when substantial involvement is anticipated between the Department and the recipient during performance of the contemplated activity.

(d) As a general rule, contracts are to be used for the following purposes:

(1) Evaluation (including research of an evaluative nature) of the performance of Government programs or projects or grantee activity initiated by the funding agency for its direct benefit or use.

(2) Technical assistance rendered to the Government, or on behalf of the Government, to any third party, including those receiving grants or cooperative agreements.

(3) Surveys, studies, and research which provide specific information desired by the Government for its direct activities, or for dissemination to the public.

(4) Consulting services or professional services of all kinds if provided to the Government or, on behalf of the Government, to any third party.

(5) Training projects where the Government selects the individuals or specific groups whose members are to be trained or specifies the content of the curriculum (not applicable to fellowship awards).

(6) Planning for Government use.

(7) Production of publications or audiovisual materials required primarily for the conduct of the direct operations of the Government.

(8) Design or development of items for Government use or pursuant to agency definition or specifications.

(9) Conferences conducted on behalf of the Government.

(10) Generation of management information or other data for Government use.

(e) As a general rule, grants or cooperative agreements are to be used for the following purposes:

(1) General financial assistance (stimulation or support) to eligible recipients under specific legislation authorizing the assistance.

(2) Financial assistance (stimulation or support) to a specific program activity eligible for assistance under specific legislation authorizing the assistance.

§ 3–1.5304 Procedures.

(a) POC, agency, and regional office program officials should use existing budget and program planning procedures to propose new activities and major changes in ongoing programs. It is the responsibility of these program officials to meet with the principal official responsible for procurement and the principal grants management official, or their designees, to distinguish the relationships and determine whether award is to be made through the procurement process or assistance process. This determination should be made prior to the time when the annual procurement plan is reviewed and approved so that the plan will reflect all known proposed contract actions. The cognizant contracting officer will confirm the appropriateness of the use of the contract instrument when reviewing the request for contract, and document the rationale for the use of the contract instrument in the contract file.

(b) Shifts from one award instrument to another must be fully documented in the appropriate files to show a fundamental change in program purpose that unequivocably justifies the rationale for the shift.

(c) POCs, agencies, and regional offices must ensure that the choice of instrument is determined in accordance with the Federal Grant and Cooperative Agreement Act of 1977 and applicable Departmental policies. If, however, there are major individual transactions or programs which contain elements of both procurement and assistance in such a way that they cannot be characterized as having a principal purpose of one or the other, guidance should be obtained from the Deputy Assistant Secretary for Grants and Procurement, through normal channels, before proceeding with a determination.

(d) Any public notice, program announcement, solicitation, or request

for applications or proposals must indicate whether the intended relationship will be one of procurement or assistance and specify the award instrument to be used.

[FR Doc. 80-35397 Filed 11-12-80; 8:45 am]
BILLING CODE 4110-12-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

41 CFR Parts 7-1, 7-4, 7-6

[AIDPR Notice 81-3]

Miscellaneous Revisions to the AID Procurement Regulations

AGENCY: Agency for International Development (AID), International Development Cooperation Agency.

ACTION: Final rule.

SUMMARY: The AID Procurement Regulations (AIDPR) are being amended to:

—Delete an obsolete reference in § 7-1.704-6(b).

—Clarify the definition of "educational institution" now in Subparts 7-4.57 and 7-4.58 to include consortia whose membership consists exclusively of educational institutions. This will formalize existing AID practice, and is considered necessary because exclusion of such consortia from the special selection procedures in Subparts 7-4.57 and 7-4.58 was never AID's intention, and would be disadvantageous to the Agency.

—Clarify nationality, source, and origin requirements applicable to local cost financing as set forth in § 7-6.5104. As originally published, § 7-6.5104 did not make the nationality, source, and origin requirements for goods or services procured by the local cost financing method sufficiently clear; it has been revised to make these requirements more specific.

EFFECTIVE DATE: This AIDPR Notice is effective on the date it is signed. (October 31, 1980.)

FOR FURTHER INFORMATION CONTACT: Mr. James. M. Kelly, CM/SD/POL, Agency for International Development, U.S. International Development Cooperation Agency, Washington, D.C. 20523. Telephone (703) 235-9107.

PART 7-1—GENERAL

Subpart 7-1.4—Procurement Responsibility and Authority

1. Section 7-1.704-6, *Small business screening procedures,* is amended by revising paragraph (b) as follows:

§ 7-1.704-6 Small business screening procedure.

* * * * *

(b) Preparation of AID Form 1410-14 (see AIDPR 7-16.850).

* * * * *

PART 7-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 7-4.57—Educational Institution and International Research Center Selection Procedure

2. Section 7-4.5701, *Definitions* is revised as follows:

§ 7-4.5701 Definitions.

(a) An educational institution, as used in this subpart, is any non-profit corporation, foundation, trust, or state or local governmental entity operated primarily as an institution of higher learning offering a course of general studies leading to the granting of academic degrees. Consortia whose membership consists exclusively of educational institutions, as defined above, are considered to be educational institutions.

(b) An international research center is an organization formally recognized and listed as such by the Assistant Administrator, Bureau for Development Support.

Subpart 7-4.58—Collaborative Assistance Selection Procedure

3. Section 7-4.5801 *Definition.* Paragraph (b) is revised and a new paragraph (c) is added as follows:

§ 7-4.5801 Definition.

* * * * *

(b) It has been determined that the project requires the services of an educational institution or international research center as defined in AIDPR § 7-4.5701.

(c) The collaborative assistance method is fully defined and discussed in AIDPR Appendix H—Use of Collaborative Assistance Method for AID Direct Contracts for technical assistance.

PART 7-6—FOREIGN PURCHASES

Subpart 7-6.51—Source, Origin, and Nationality

4. Section 7-6.5104, *Contract clause—authorization of local cost financing with U.S. dollars.* The contract clause entitled "Authorization of Local Cost Financing With U.S. Dollars" set forth in paragraph (b) of § 7-6.5104 is amended by changing the clause date from "(April 1980)" to "(Oct. 1980)", and by revising paragraphs (b)(4), (d)(2)(i), (d)(2)(ii), and (d)(3) as follows:

§ 7-6.5104 Local Cost Financing With U.S. Dollars (Oct. 1980).

* * * * *

(b) * * *

(4) *Nationality requirements.* (i) Citizens or firms of any country not included in AID Geographic Code 935 are ineligible as suppliers, contractors, subcontractors, or agents in connection with AID-financed contracts for goods or services.

(ii) Local cost financing is the use of appropriated U.S. dollars to obtain local currency for the payment for goods and services purchased *in the Cooperating Country.* Authorization of local cost financing makes the Cooperating Country, in addition to the United States and any other country included in the authorized geographic code for the project, an eligible source for the purchase of goods or services in the Cooperating Country. Goods or services purchased under local cost financing must be located in the Cooperating Country at the time they are purchased; they cannot be imported specifically for the project being implemented by this contract. The supplier from which goods or services are purchased under local cost financing must also be in the Cooperating Country. Suppliers of goods or services under local cost financing must meet the nationality eligibility tests prescribed in paragraph (d) of the clause of this contract entitled "Source and Nationality Requirements for Procurement of Goods and Services" (AIDPR 7-6.5103). When local cost financing has been authorized, the Cooperating Country is deemed to be included in the "authorized geographic code" for purposes of determining nationality eligibility pursuant to paragraph (d) of the clause entitled "Source and Nationality Requirements for the Procurement of Goods and Services."

* * * * *

(d) * * *

(2) * * *

(i) Shelf items are eligible for local cost financing in unlimited quantities up to the total amount available for local cost financing if they have their source in the Cooperating Country, and their origin in a country included in AID Geographic Code 941.

(ii) Shelf items having their source in the Cooperating Country, and their origin in countries in Geographic Code 899 but not in Geographic Code 941 are eligible for financing if the price of one unit does not exceed $2,500 and if the total amount of such imported shelf items purchased does not exceed the

amount specified in the Schedule of this contract. (For goods sold by units of quantity, e.g., tons, barrels, etc., the unit to which the local currency equivalent of $2,500 is applied is that which is customarily used in quoting prices.)

(3) *Goods imported specifically for the project.* Goods imported specifically for the project being implemented by this contract are not eligible for local cost financing; they are subject to the clause of this contract entitled "Source and Nationality Requirements for Procurement of Goods and Services" (AIDPR 7-6.5103).

(41 CFR 7-1.104.4)

Determination

As required by paragraph 4a of OFPP Policy Letter 80-5, I hereby determine that AIDPR Notice 81-3 has been reviewed against the policies set forth in paragraphs (1) through (8) of Section 2 of the Office of Federal Procurement Policy Act (Pub. L. 93-44 as amended by Pub. L. 96-83, hereinafter referred to as the Act), and policy directives issued by OFPP under Section 6(h) of the Act. Based on this review, I hereby determine that AIDPR Notice 81-3 is not inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of the Act, and policy directives issued by OFPP under Section 6(h) of the Act.

Dated: October 31, 1980.

John F. Owens,

Deputy Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 80-35204 Filed 11-12-80; 8:45 am]

BILLING CODE 4710-02-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

41 CFR Part 101-11

[FPMR Amdt. B-45]

Establishment and Management of Effective Directives Systems

AGENCY: National Archives and Records Service (NARS), General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: This regulation expands the regulations of the General Services Administration dealing with the standards and guidelines for establishing and managing effective directives systems. Recent evaluations of agency directives programs and increasing numbers of telephone requests for information and assistance reflect a need to provide standards and guidance for establishing and managing effective directives systems. this regulation addreses these needs.

EFFECTIVE DATE: November 13, 1980

FOR FURTHER INFORMATION CONTACT: Mr. Gerry Whiting, Acting Director, Information Systems Division, Office of Records and Information Management (202-376-8801).

SUPPLEMENTARY INFORMATION: In the Federal Register of May 15, 1980, (45 FR 32012-32013), GSA proposed to amend 41 CFR Part 101-11, Directives Management, to provide agencies with improved standars and guidelines for effectively establishing and managing directives systems.

Discussion of Major Comments

Comments from interested persons were due on or before July 14, 1980. Twenty-four comments were received from 11 agencies.

Generally, the comments were favorable, stating that the amendment prescribes the essentials of a well-managed system and that it will be useful to agencies in developing and maintaining their directives systems. One comment applauded the inclusion of external issuances in the expanded directives definition.

Other more specific suggestions were to amplify or clarify sections or statements, and these were adopted where appropriate. However, some suggested changes were not incorporated because they were unduly restrictive and were not applicable to Government-wide implementation. For example, one suggestion was that the FPMR contain definite timespans for canceling each type of directive; 5 years for permanent directives, 1 year for temporary, and 30 days for bulletins. Another agency suggested the FPMR require each agency to microfilm the complete set of its current directives at the end of each calendar year. Another agency suggested that a lead agency within a department perform periodic audits of internal agencies' directives systems, and NARS would than audit the lead agency. To implement these requirements would place an additional burden on many agencies, and it is not clear what purpose these actions would serve. The intent of the FPMR is to provide general guidance for directives management for use by all Federal agencies. Each agency, regardless of size, must interpret these guidelines to best meet its needs.

One agency objected to the regulation on the grounds that it is a duplication of the Joint Committee on Printing's (JCP) regulations. The JCP does set guidelines for agencies' central printing and publications management organizations responsible for controlling the development, production, procurement, or distribution of materials using conventional printing and binding methods. However, these guidelines do not address the need and actual maintanance of a directives system as does the FPMR amendment. The JCP regulations are concerned with the methods an agency uses to reproduce all printed materials, while the FPMR is concerned with a system of preparing and issuing policies and procedures, and their maintenance and distribution.

Another suggestion involved introducing the relationship between directives management and information resources management. The latter is an envolving concept, initiated by Executive Order 12174 of November 30, 1979, in an effort to establish procedures to eliminate unnecessary paperwork burdens on the public. At this time the Director of the Office of Management and Budget (OMB) has responsibility for establishing and monitoring agencies' functions and reports to meet the requirements outlined in the Order. While NARS agrees that directives management is a part of information management, equally so with reports, forms, and mail management, it is not an area that should be addressed in the directives FPMR only, or at this time.

The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

PART 101-11—RECORDS MANAGEMENT

1. The table of contents for Part 101-11 is amended by revising and adding the following entries:

101-11.209 Directives managment.
101-11.209-1 Scope.
101-11.209-2 Authority.
101-11.209-3 Definitions.
101-11.209-4 Objectives.
101-11.209-5 Agencies' responsibilities.
101-11.209-6 Additional Information.

Subpart 101-11.2—Creation of Records

2. Section 101-11.209 is revised to read as follows:

§ 101-11.209 Directives management.

§ 101-11.209-1 Scope.

Sections 101-11.209-2 through 101-11.209-6 provide Federal agencies with standards and guidelines for establishing and managing effective directives systems. Small or temporary agencies may modify these regulations to meet their specific requirements.

§ 101-11.209-2 Authority

As required by 44 U.S.C. chapter 29, the Administrator of General Services will provide guidance and assistance to Federal agencies on the creation, maintenance, use, and disposition of records.

§ 101-11.209-3 Definitions.

For the purposes of this subpart, the following definitions apply:

(a) *Directive.* A "directive" means a written communication that initiates or governs action, conduct, or procedure. Directives are often issued as circulars, notices, regulations, orders, and handbooks, and include materials usually issued to multiple addressees in multiple copies for insertion in policy, administrative, and operations manuals.

(1) Both internal and external directives are included in a directives management program.

(i) An "internal directive" means an officially prescribed intraagency policy or procedure, delegation of authority, or assignment of responsibility.

(ii) An "external directive" means officially prescribed guidance issued to a primary audience outside the originating agency.

(2) These definitions do not include news releases, program announcements, catalogs, pricelists, training materials, or correspondence.

(b) *Directives management.* "Directives management" means the effective and efficient development of controlled directives and their distribution, use, maintenance, and disposition.

§ 101-11.209-4 Objectives.

Directives management objectives are to provide agency managers with the means to effectively and efficiently convey written instructions to users and to document agency policies and procedures.

§ 101-11.209-5 Agencies' responsibilities.

Each Federal agency, to provide for effective, continuing directives management, shall:

(a) Assign to all agency managers the responsibility for preparing and maintaining directives needed to carry out their assigned responsibilities.

(b) Assign overall responsibility for planning, organizing, and controlling the directives management program to an office at the department or agency level, and delegate directives management functions, as needed, to lower organizational levels.

(c) Issue a directive(s) that states the purpose, responsibilities, authorities, policies, standards, and procedures of the agency's directives program.

(d) Organize agency directives systematically so that they are readily available to users by:

(1) Developing an integrated directives system that includes all agency policies and procedures;

(2) Classifying directives by subject so that all directives on any subject can be readily identified;

(3) Maintaining current indexes of existing directives and other finding aids, as necessary, so users may easily locate the directives they need;

(4) Establishing distinctive formats for directives so recipients can recognize them as authoritative agency instructions;

(5) Differentiating between permanent and temporary directives and ensuring that temporary directives carry expiration dates; and

(6) Maintaining directives in a form, such as looseleaf binders, where obsolete or revised materials may be easily removed or inserted.

(e) Ensure that directives are clearly written by:

(1) Establishing and implementing writing standards for directives; and

(2) Identifying the audience for each directive, and writing so that the intended readers can easily understand it.

(f) Ensure that directives are useful by:

(1) Providing users with only necessary information;

(2) Keeping directives current by issuing changes as needed; and

(3) Providing for the issuance of supplemental directives. This permits overall agency direction to be adapted to local conditions by field and other organizational components, provided that supplemental directives are consistent with the intent of the originals.

(g) Review each proposed directive to ensure that it is necessary, accurate, complete, and understandable.

(h) Coordinate and clear each proposed directive to avoid issuing conflicting policies or procedures.

(i) Establish and publish effective and efficient procedures for the timely reproduction and distribution of directives.

(j) Furnish copies of directives only to those who need them by:

(1) Requiring originators to identify those with a "need to know" or a "need to act" for each new directive for the purpose of developing accurate distribution lists;

(2) Annually reviewing and updating distribution lists for directives; and

(3) Periodically distributing checklists of current directives so users can determine whether they have received relevant directives.

(k) Require originators to biennially review each directive for need and currentness, and require originators to certify whether to continue, revise, or cancel each directive.

(l) Conduct training, or provide written guidance, as follows:

(1) For managers, on the importance of using the directives system to provide written instructions for accomplishing the agency's objectives;

(2) For directives originators, on the writing style and proper format for directives; and

(3) For users, on how to use the directives system.

(m) Evaluate the effectiveness and cost of the directives system, as follows:

(1) Maintain essential management information on the operation of directives systems. Examples of this information are data on the cost and time required to prepare, clear, and distribute directives; and annual workload data on the number of pages of directives issued, revised, and canceled. This information may be collected on a sampling basis;

(2) Annually review high-cost or high-volume directives activities to find opportunities for improvement;

(3) Evaluate annually the operating performance of the directives system. For example, select a sample of agency directives to find out if the intended recipients (i) received the directive, (ii) received it before its effective date, (iii) needed it, and (iv) understood it and acted correctly; and

(4) Evaluate the application of technologies, such as word processing, automatic data processing, micrographics, photocomposition, and facsimile transmission, as means of improving the efficiency and effectiveness of the directives system.

(n) Maintain an archival collection of directives that documents agency organization, functions, programs, policies, decisions, and procedures. (See §§ 101-11.202-2(c) and 101-11.403.)

§ 101-11.209-6 Additional information.

For more details on managing a directives system, refer to the "Communicating Policy and Procedures Records Management Handbook" (available through the GSA supply system using the FEDSTRIP/MILSTRIP requisitioning process, National Stock Number 7610-00-935-4176). For instructions on preparing external issuances for publication in the **Federal Register**, consult the "Document Drafting Handbook," 1980 edition, available from the U.S. Government Printing Office.

(Sec. 205(c), 63 Stat. 390; 40 USC 486(c))

Dated: October 31, 1980.

R. G. Freeman III,

Administrator of General Services

[FR Doc. 80-35140 Filed 11-12-80; 8:45 am]

BILLING CODE 6820-26-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 2

[Docket No. FEMA-Gen-2A]

Organization, Functions and Delegations of Authority

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: The rule amends FEMA delegations of authority to authorize Regional Directors to issue invitational travel and approve disaster preparedness grants, and to permit the General Counsel to sign corrections to documents submitted to the **Federal Register.**

EFFECTIVE DATE: November 13, 1980.

FOR FURTHER INFORMATION CONTACT: William I. Harding, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472, Tel: (202) 634-4113.

SUPPLEMENTARY INFORMATION: The FEMA delegations of authority by the Director are contained in 44 CFR Part 2. Presently the Director, and the Director, Finance and Administration, have the authority to issue invitational travel. This authority is now to be provided to the Regional Directors; also, consistent with the practice over the years, the Regional Directors are granted specific authority to award disaster preparedness grants. There is occasional need to make an editorial or similar correction to a **Federal Register** document. Since a correction is non-substantive, to expedite these corrections the General Counsel is provided authority to sign such a regulation modification.

PART 2—ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY

Accordingly, Part 2 of Chapter 1 Title 44, Code of Federal Regulations is amended as follows:

1. Add paragraph (d)(4) to § 2.63.

§ 2.63 Associate Director, Plans and Preparedness.

* * * * *

(d) * * *

(4) Subsection 201(d)

* * * * *

2. Add paragraph (g) to § 2.69 as follows

§ 2.69 General Counsel.

* * * * *

(g) Sign document making editorial corrections, including changes to regulations in documents to be published in the **Federal Register.**

3. Amend § 2.71(d) and add a new paragraph (h) as set forth below.

§ 2.71 Regional Directors.

* * * * *

(d) Each Regional Director is authorized to exercise the authorities of the Director, FEMA, with respect to sections 201(d), 302(b), 306(a) and 309 of the Disaster Relief Act of 1974.

* * * * *

(h) Each Regional Director is authorized to approve reimbursement, to the extent appropriated funds are available for obligation by the Regional Director, for expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness, provided:

(1) that the Appropriations Act for the fiscal year in which the obligation is incurred contains the same authorizing language that is found in Pub. L. 96-103 with respect to such travel, and

(2) that the authority exercised under this delegation is subject to the Federal Travel Regulations and per diem rates as may from time-to-time be established by the Administrator of General Services.

Authority: Reorganization Plan No. 3 of 1978, 3 CFR Comp. p. 376, Executive Order 12127, 44 FR 19367, Executive Order 12148, 44 FR 43239.

Dated: November 6, 1980.

John W. Macy, Jr.,

Director.

[FR Doc. 80-35281 Filed 11-12 80; 8:45 am]

BILLING CODE 6718-01-M

44 CFR Part 64

[Docket No. FEMA 5944]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on

the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
California	Contra Costa	Antioch, city of	060026A	May 1, 1975, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	June 28, 1974 Oct. 24, 1975	Do.
Do	Orange	Brea, city of	060214A	Aug. 28, 1974, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	May 24, 1974 Nov. 4, 1975	Do.
Do	San Bernardino	Ontario, city of	060278A	June 27, 1975, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	Aug. 9, 1974 Nov. 12, 19765	Do.
Florida	Polk	Davenport, town of	120410A	Mar. 1, 1976, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	Mar. 4, 1977	Do.
Georgia	Ware	Unincorporated areas	130184	May 5, 1975, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	Dec. 17, 1976	Do.
Idaho	Clearwater	Orofino, city of	160047B	Mar. 21, 1975, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	Dec. 10, 1976 May 26, 1976 Nov. 23, 1973	Do.
Illinois	Cook	Hazel Crest, village of	170102C	Oct. 20, 1972, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	June 28, 1974 July 11, 1975	Do.
Do	Lake	Winthrop Harbor, village of	170398A	July 10, 1975, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	Mar. 24, 1975 Oct. 10, 1975	Do.
Iowa	Cerro Gordo	Mason City, city of	190060	Mar. 21, 1975, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	Mar. 1, 1974	Do.
Kentucky	Boyd	Unincorporated areas	210016	Dec. 12, 1975, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	Dec. 13, 1974 Dec. 2, 1977	Do.
Do	Hardin	Elizabethtown, city of	210095A	May 23, 1975, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	Aug. 23, 1974 Apr. 16, 1976	Do.
Michigan	Genesee	Genesee, township of	260078A	May 11, 1973, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	May 24, 1974 Aug. 6, 1976	Do.
Missouri	Grundy	Trenton, city of	290153A	Aug. 1, 1975, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	Feb. 15, 1974 Dec. 26, 1975	Do.
Nebraska	Wayne	Wayne, city of	310231A	May 30, 1974, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	Mar. 22, 1974 Feb. 27, 1976	Do.
Oklahoma	Cleveland	Moore, city of	400044A	Apr. 18, 1974, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	June 7, 1974 Apr. 16, 1976	Do.
Pennsylvania	Lycoming	Wolf, township of	420663	Mar. 30, 1973, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	July 1, 1977	Do.
South Carolina	Greenville	Unincorporated areas	450089	Feb. 12, 1974, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	Nov. 19, 1976	Do.
Vermont	Franklin	Montgomery, township of	500056A	Sept. 4, 1975, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	June 21, 1974 Aug. 13, 1976	Do.
West Virginia	Mingo	Unincorporated areas	540133A	June 9, 1975, emergency, Dec. 2, 1980, regular, Dec. 2, 1980, suspended.	Dec. 20, 1974 Aug. 5, 1977	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: November 4, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-35282 Filed 11-12-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 302

Civil Defense; State and Local Emergency Management Assistance; Allocation of Funds

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Pursuant to sections 205 and 401(g) of the Federal Civil Defense Act of 1950, as amended, the Director of the Federal Emergency Management Agency promulgates a final regulation pertaining to Federal fiscal year 1981 appropriation amounts available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended.

As this regulation relates to grants, it is therefore exempted from the rulemaking requirements of 5 U.S.C. 553, and because there is a need to allocate

the funds appropriated for section 205 upon the commencement of the new fiscal year, notice and public comment are not being used and the rule is made effective as of October 1, 1980.

DATE: This final rule is effective October 1, 1980.

FOR FURTHER INFORMATION CONTACT: John W. McConnell, Assistant Associate Director, Population Preparedness Office, Plans and Preparedness, Federal Emergency Management Agency, Washington, DC 20472, (202) 566–0550.

SUPPLEMENTARY INFORMATION: In its Justification of Budget Estimates for FY 1981 for Financial Assistance to States, FEMA included $37,100,000 for State and Local Management (personnel and administrative expenses) and $1,934,000 for State and Local Maintenance and Services (for emergency communications systems). These amounts were combined in the U.S. Budget and will be combined in the Appropriations Act to provide for a sum of not to exceed $39,034,000 from the FY 1981 appropriation to be available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended. Of this amount, $37,100,000 was requested for use in making financial contributions (50/50 matching) to States to enable States and their political subdivisions to develop a capability to carry out civil defense measures required in the event of an attack upon the United States. The $1,934,000 was requested for use in making financial contributions (50/50 matching) to assist States and their political subdivisions in maintaining an operationally ready communications system needed to carry out civil defense measures in the event of an attack upon the United States.

Under section 205 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2286), for each fiscal year concerned the Director of FEMA (pursuant to authority delegated in Executive Order 12148, effective July 15, 1979) is required to allocate to each State, in accordance with regulations and the total sum appropriated under section 205, amounts to be made available to the States for the purposes of section 205.

Accordingly, in order to provide for allocation of the total amount appropriated for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended, § 302.3 of Part 302 of Title 44 of the Code of Federal Regulations is hereby amended by addition of a new paragraph, (g), reading as follows:

§ 302.3 Allocation.

* * * * *

(g) For Federal fiscal year 1981, the Director, giving due regard to the (1) criticality of the target and support areas with respect to the development of the total civil defense readiness of the nation, from the standpoint of the need for maintenance and services to assure operable emergency systems to serve such areas, (2) the relative state of development of emergency readiness of each State, and (3) particular circumstances existing in any State which require a greater or lesser expenditure than usual for maintenance and services for Federal fiscal year 1981 (e.g., damage or breakdown of a major direction and control system or recent completion of a new, relatively maintenance free system) shall allocate among all the States funds equal to the full amount by which the total Federal fiscal year appropriation for 1981 available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended, exceeds the total FY 1981 formal allocation for Emergency Management Assistance made under this section. The amounts so allocated under this paragraph shall be available only for contribution (50/50 matching) toward costs incurred by State and local governments during Federal fiscal year 1981 for maintenance and services required to assure operationally ready civil defense emergency direction and control systems and warning systems needed in order to be prepared for an attack upon the United States.

(50 U.S.C. App. 2253; Reorg. Plan No. 3 of 1978, 3 CFR 1978 Comp. p. 329; E.O. 12127, 3–31–79, 44 FR 19367; E.O. 12148, 7–20–79, 44 FR 43239)

Dated: November 4, 1980.

Frank A. Camm,

Associate Director for Plans and Preparedness, Federal Emergency Management Agency.

[FR Doc. 80-35265 Filed 11-12-80; 8:45 am]

BILLING CODE 6718-01-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Parts 1061, 1075

Character and Scope of Specific Programs; State Agency Assistance Funded Under Section 231 of the Economic Opportunity Act

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is revising its policy statement implementing Section 231 (State Agency Assistance) of the Economic Opportunity Act of 1964 as amended. This rule implements changes in legislation which were included in the Economic Opportunity Amendments of 1978 in addition to changes in administrative requirements.

DATES: Effective date: This rule is effective December 15, 1980. Implementation date: The provisions of this rule are applicable to any agency funded after December 15, 1980. For existing grantees, the provisions of this rule will be effective for awards made on or after July 1, 1981. Earlier implementation is permitted by mutual agreement between the Governor and the CSA Regional Office.

FOR FURTHER INFORMATION CONTACT: Ms. Jacqueline G. Lemire, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, Telephone (202) 254; 5047, Teletypewriter (202)254–6218.

CSA has determined that under its published criteria implementing Executive order 12044 this is a significant change to a rule. (Catalogue of Federal Domestic Assistance program number 49.013.)

SUPPLEMENTARY INFORMATION:

CSA is revising its existing policy implementing the provisions of Section 231 of the Economic Opportunity Act of 1964, as amended (45 CFR 1075.1). This revision implements legislative changes mandated by the Economic Opportunity Amendments of 1978. In addition the policy reflects the changing role of States in anti-poverty activities in the ten year period since CSA published its current policy.

A proposed rule was published in the **Federal Register** on May 27, 1980 at

pages 35363–35366 and a sixty day comment period was provided. Ten written responses were received. In addition CSA officials met on two separate occasions with members of the National Association of State Economic Opportunity Office Directors to discuss issues around this policy. This final rule reflects recommendations made, and addresses issues raised, by both the respondents and the Association members. We wish to thank everyone for their very constructive contribution to this final rule. As a result of these comments and discussions, the final rule contains the following major changes:

(1) Non-Federal share—the majority of respondents supported a continuation of the non-Federal share requirement which the proposed rule would have eliminated. Therefore, the amendatory language in the proposed rule revoking the non-Federal share requirement for Section 231 grants (as currently published in § 1068.20 of 45 CFR Chapter X) has been deleted and the non-Federal share requirement remains at 50%.

(2) Training and Technical Assistance—Nine of the respondents plus members of the Association noted their concerns that in the proposed rule training and technical assistance had not been listed as a mandatory activity which they feel is essential. The final rule includes as a mandatory goal, training and technical assistance *to support the implementation of the other mandatory goals.* Other types of T&TA remain as a supplementary goal.

(3) Intergovernmental Contact—As a result of discussions with the Association it was agreed that Section 231 funded offices would serve as the coordinator for all contact between CSA and State governments except for contact directly between CSA and Governors. This has been added as mandatory goal #4 in the final rule.

A majority of the respondents interpreted § 1061.90–4, *Procedures for selecting a State agency to receive assistance under Section 231 of the EOA,* as requiring the Governor to redesignate the entity which he or she wishes to serve as the agency which will carry out the anti-poverty efforts with Section 231 funds. This is not, and was not, the intent of that section. Rather the section simply describes the selection process to be used when a Governor initially chooses to apply for funds under Section 231 or when he or she has determined that a redesignation should be made due to existing circumstances, organizational realignments, etc.

Several respondents opposed the inclusion of mandatory activities since they eliminate the flexibility of the applicants. CSA believes that it is essential that certain activities be carried out by all States receiving funds under Section 231. These activities assure that each State will support national goals but are flexible and broad enough to be responsive to the unique needs of each state and its communities. Therefore, mandatory goals remain in the final rule.

We would like to emphasize that this rule governs only the goals and activities to be undertaken with funds awarded under Section 231. It does not address, nor does it intend to circumscribe, the activities of the State agency which are provided financial assistance by CSA under other Sections of the Economic Opportunity Act or by non-CSA sources.

The provisions of this rule must be fully implemented by July 1, 1981.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942)

William W. Allison,

Acting Director.

45 CFR Chapter X is proposed to be amended as follows:

PART 1075—STATE ECONOMIC OPPORTUNITY OFFICES [REVOKED]

1. Part heading 1075 is revoked.

Subpart 1075.1 [Revoked]

2. Subpart 1075.1, Role of State Economic Opportunity Offices (CSA Instruction 7501–1) is revoked in its entirety.

3. Part 1061 is amended by adding subpart 1061.90 to read as follows:

Subpart 1061.90—State Agency Assistance Funded Under Section 231 of the Economic Opportunity Act

Sec.

1061.90–1 Applicability.
1061.90–2 Purpose.
1061.90–3 Time frame for implementation of rule.
1061.90–4 Procedures for selecting a State agency to receive assistance under Section 231 of the EOA.
1061.90–5 Goals and eligible activities.
1061.90–6 Application process.
1061.90–7 Post-funding requirements.

Authority: Section 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1061.90—State Agency Assistance Funded Under Section 231 of the Economic Opportunity Act

§ 1061.90–1 Applicability.

This subpart is applicable to grants, contracts, and cooperative agreements funded under Section 231 of the Economic Opportunity Act of 1964, as amended, when the assistance is administered by the Community Services Administration.

§ 1061.90–2 Purpose.

The purpose of this subpart is to provide to State Governors criteria by which they may choose a State agency as the agency eligible to apply to the Community Services Administration for funds under Section 231 of the Economic Opportunity Act of 1964, as amended (EOA). This subpart also details the goals which are to be addressed with funds provided under Section 231; pre-funding requirements; the application process; and post-funding requirements.

§ 1061.90–3 Timeframe for implementation of rule.

The provisions of this rule are applicable to any agency funded after [30 days following publication in the **Federal Register**]. For existing grantees the provisions of this rule will be effective for awards made on or after July 1, 1981. However, earlier implementation is permitted by mutual agreement between the Governor and the CSA Regional Office which funds and administers the grant.

§ 1061.90–4 Procedures for selecting a State agency to receive assistance under Section 231 of the EOA.

(a) *How a State agency is selected.* The Governor of a State may select a State agency within his or her State as the agency which will carry out those anti-poverty efforts described in this rule. The agency so selected by the Governor will be considered by CSA to be the State agency to receive Section 231 funds and to perform the work program under the policies in this subpart until the Governor notifies CSA of his or her selection of a successor agency. State agencies receiving Section 231 funds as of [30 days following publication in the **Federal Register**] will continue to be recognized by CSA as the State agency selected by the Governor unless CSA is otherwise notified. The agency which the Governor selects will be the agency to whom prior notification of financial assistance under Section 242 will be provided. The agency selected must be one (1) whose Director has direct line authority and responsibility for implementing the goals of a CSA-approved work program; (2) which has direct organizational access to the Governor for the purposes of carrying out the goals of the CSA-approved work program; (3) which has the demonstrated ability to mobilize State and Federal resources in support of the anti-poverty efforts of Community Action Agencies and other anti-poverty groups; and (4) which has proven experience in planning, coordinating, administering or operating programs for the poor.

(b) *Determination of eligibility.* Sixty days prior to submission of an application for funding the agency selected by the Governor will be responsible for providing the appropriate CSA Regional Office with

documents and other data and information by which the CSA Regional Director can verify eligibility of the agency. These supporting documents must address each of the elements described in (a)(1) through (4) above.

§ 1061.90–5 Goals and eligible activities.

(a) *Mandated goals for all work programs.* CSA recognizes that States differ in their constitutional, statutory and organizational patterns. States also differ in terms of resources available, the causes of poverty, and the resulting programs. However, regardless of these differences CSA believes that the following are valid anti-poverty goals for all States. Therefore, Goals #1 through #5 listed below, along with their selected activities, must be addressed in *all* work programs:

(1) *Goal #1:* To increase the amounts and kinds of Federal, State and private resources available for anti-poverty activities within a State.

(i) Acceptable activities in achieving this goal include but are not limited to:

(A) Seeking out, developing or assisting in the development of every State, local, Federal and non-Federal resource that can be marshalled effectively and/of coordinated to assist poor persons, Community Action Agencies, State commuity action associations, and other anti-poverty efforts within the State.

(B) Developing and carrying out strategies for obtaining additional resources for new and existing anti-poverty activities.

(C) Initiating or stimulating the development and implementation of anti-poverty programs which are needed and not being provided adequately in the State.

(D) Promoting the utilization of all available State resources by making necessary information and support available to poor persons.

(2) *Goal #2:* To strengthen State capabilities for planning and coordinating in order to insure that available assistance related to the elimination of poverty can be more responsive to the needs and conditions of the poor within a State.

(i) Acceptable activities in achieving this goal include but are not limited to:

(A) Promoting the maximum feasible participation of poor people in the planning, conduct and evaluation of other State agency operations and programs which affect the poor.

(B) Developing interagency mechanisms at the State and local program level to insure good communications between State and local agencies, particularly Community Action Agencies and State community action associations, and other agencies and offices whose activities affect the poor.

(C) Developing a formal mechanism by which to advise departments of State government of the capabilities of Community Action Agencies and other CSA-funded anti-poverty groups to assist State agencies in their anti-poverty efforts.

(D) Working for representation of poor persons on State committees and other entities which develop policy, provide advice or operate programs affecting the poor.

(3) *Goal #3:* To assure that the Governor has current and expert advice and information on poverty problems and anti-poverty efforts within the State.

(i) Acceptable activities in achieving this goal include but are not limited to:

(A) Providing the Governor with information and advice with respect to the policies and programs of the Community Services Administration and other anti-poverty resources.

(B) Providing the Governor, the State legislature, and other state agencies with information on the causes and conditions of proverty in the State.

(C) Advising the Governor on the status and impact of State and Federal programs and services affecting poor individuals in the State.

(D) Assisting the Governor in carrying out the provisions of Section 242 of the EOA.

(E) Drafting an Annual Report on Poverty in the State for delivery by the Governor to the State legislature and to the citizens of the State.

(4) *Goal #4:* To serve as the major point of intergovernmental contact between CSA and other State agencies, with the exception of the Governor.

(i) Acceptable activities in achieving this goal include but are not limited to:

(A) Communicating to CSA on a regular basis major state anti-poverty policies, concerns of State government officials about CSA or other Federal anti-poverty efforts, and information about successful state government approaches to anti-poverty problems.

(B) Explaining CSA policies and programs to other state agencies, setting up appropriate meetings between CSA and state officials, and officially advising CSA of program operation capabilities of state agencies which may be designated to receive CSA funds other than those under Section 231.

(5) *Goal #5:* To support the implementation of the mandatory Goals [§ 1061.90–5(a)(1)–(5)] through the provision of training and technical assistance to community action agencies, state community action associations, and other local anti-poverty organizations.

(i) Acceptable activities in achieving this goal include but are not limited to:

(A) Developing and holding workshops and seminars about state anti-poverty program policies and requirements.

(B) Providing on-site assistance to achieve maximum coordination and the fullest benefit of both Federal and state anti-poverty programs.

(C) Developing guidance materials for dissemination to CSA grantees and other appropriate anti-poverty groups or state agencies.

(b) *Supplementary goals and activities.* In those instances where a selected State agency has *funds available* under Section 231 *above and beyond those required to carry out its mandated work program* as described in (a) above, the agency may address one or more of the following in its proposed work program:

(1) *Goal:* To assure that Community Action Agencies and other CSA grantees have available to them the technical expertise and information and other assistance which will enable them to carry out effectively and efficiently their anti-poverty efforts.

(i) Acceptable activities in achieving this goal include:

(A) In consultation with CSA, assisting grantees in implementing corrective actions recommended by CSA as a result of evaluations, pre-reviews, monitoring and/or audit reports.

(B) In consultation with CSA, CSA grantees, and other antipoverty groups, sponsoring or participating in training programs and workshops for staff and board members utilizing state resources and personnel to the extent possible.

(C) Providing information and assistance to CAAs, other CSA grantees, and other anti-poverty groups, in planning, developing and operating programs including volunteer programs.

(2) *Goal:* To assure that the Director of CSA has current and expert information on the impediments to coordinating antipoverty programs at the State level and how these impediments may be eliminated.

(i) Acceptable activities in achieving this goal include:

(A) Advising and assisting CSA in identifying problems posed by Federal and State statutory or administrative requirements that impede state-level coordination of CSA-related programs, and in developing methods or recommendations for overcoming these problems.

(B) Advising CSA on procedures and programs which will promote State

agency participation in carrying out the aims and objectives of the Economic Opportunity Act.

(C) Developing an Annual Report to the Director of CSA on the status and impact of Federal and State programs and services affecting low-income individuals within the State.

(c) *Measurable goals and activities in the Work Program.* Goals and activities appearing in the applicant's work program must be stated in terms which are clearly measurable and must include the quantity as well as the quality and character of the improvements to be achieved.

§ 1061.90–6 Application process.

(a) *Funding offices.* The responsibility for application review, grant approval, and monitoring of grants funded under Section 231 lies with the appropriate CSA Regional Office.

(b) *Application requirements.*

(1) Sixty days prior to the submission of an application for funds to CSA, an applicant selected by the Governor must:

(i) submit eligibility documents to CSA as required in § 1061.90–4(b) above; and

(ii) notify the State clearinghouse and the area clearing houses (if appropriate) of its intent to apply for funds. (See § 1067.10 of this Chapter for detailed instructions.)

(2) Ninety days before the expected funding date or, for refundings, ninety days before the end of the grantee's program year, the applicant/grantee must submit to the appropriate CSA Regional Office a formal grant application.

(3) The following documents must be submitted as part of the formal funding request:

(i) SF–424, Federal Assistance (including all comments received from clearinghouses);

(ii) CSA Form 419, Summary of Work Program and Budget; and

(iii) CSA Form 515, Grantee Budget Information (pages 1 and 2) (See OMB Circular A–102.)

(4) If delegating programs, the following additional documents must be submitted as part of the formal funding request:

(i) CSA Form 85, Administering Agency Funding Estimate;

(ii) CSA Form 87, Delegate Agency Basic Information; and

(iii) CAP Form 11, Assurance of Compliance with Civil Rights Act.

§ 1061.90–7 Post funding requirements.

Grantees receiving funds under Section 231 must comply with all CSA rules applicable to grants funded under this Section. See § 1000.1 of this Chapter for a listing of all such rules.

[FR Doc. 80–35292 Filed 11–12–80; 8:45 am]

BILLING CODE 6315–01–M

FEDERAL MARITIME COMMISSION

46 CFR Parts 505 and 540

[General Order 20; Amdt. 7 and General Order 30 Revised; Amdt. 1]

Compromise, Assessment, Settlement and Collection of Civil Penalties; Transfer of Functions and Responsibilities

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Commission's rules regarding civil penalty procedures are amended to reflect that certain functions formerly performed by the Offices of General Counsel and Hearing Counsel now will be performed by the newly created Bureau of Investigation and Enforcement. These changes are necessary because of the Commission's recent reorganization and they reflect the transfer of certain functions resulting from the reorganization.

EFFECTIVE DATE: November 13, 1980.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, NW., Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Commission's rules regarding compromise, assessment settlement and collection of civil penalties currently contemplate that certain functions will be performed by the Offices of General Counsel and Hearing Counsel. The Commission recently has transferred these functions and responsibilities to a newly created Bureau of Investigation and Enforcement. Certain changes in Parts 505 and 540 of Title 46 CFR are required to reflect this transfer. Pursuant to 5 U.S.C. 553 and section 43 of the Shipping Act, 1916 (46 U.S.C. 841(a)), Title 46 CFR is amended as follows.

PART 505—COMPROMISE, ASSESSMENT, SETTLEMENT AND COLLECTION OF CIVIL PENALTIES UNDER THE SHIPPING ACT, 1916, AND INTERCOASTAL SHIPPING ACT, 1933

The following changes are made to Part 505 of 46 CFR.

§ 505.2 [Amended]

§ 505.4 [Amended]

Appendix A [Amended]

1. In §§ 505.2(c), 505.4(b)(2), (c)(1), (c)(2), (d) and Appendix A the references to "General Counsel" are amended to read "Director, Bureau of Investigation and Enforcement."

§ 505.3 [Amended]

2. In section 505.3 the reference to "Hearing Counsel" and in section 505.4(a) the reference to "General Counsel's Office" are amended to read "Bureau of Investigation and Enforcement."

PART 540—SECURITY FOR THE PROTECTION OF THE PUBLIC

The following changes are made to Part 540 of Title 46 CFR.

§ 540.32 [Amended]

1. In section 540.32(b) the reference to "Office of the General Counsel" is amended to read "Bureau of Investigation and Enforcement".

§ 540.34 [Amended]

Appendix A [Amended]

2. In section 540.34 and in Appendix A the references to "General Counsel" are amended to read "Director, Bureau of Investigation and Enforcement".

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80–35392 Filed 11–12–80; 8:45 am]

BILLING CODE 6730–01–M

Proposed Rules

Federal Register
Vol. 45, No. 221
Thursday, November 13, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 80-CE-21]

Transition Area—Hebron, Nebraska; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Hebron, Nebraska, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Hebron, Nebraska, Municipal Airport, utilizing the Hebron Nondirectional Radio Beacon (NDB) as a navigational aid.

DATES: Comments must be received on or before December 20, 1980.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles A. Sears, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before December 20, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR Section 71.181) by designating a 700-foot transition area at Hebron, Nebraska. To enhance airport usage a new instrument approach procedure is being developed for the Hebron, Nebraska, Municipal Airport utilizing the Hebron Nondirectional Radio Beacon as a navigational aid. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Hebron, Nebraska, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1980, (45 FR 445) by adding the following new transition area:

Hebron, Nebraska

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Hebron, Nebraska Airport (Longitude 97° 35' 01"W) Latitude 40° 09' 09"N) and extending 3 miles either side of the 316° bearing of the Hebron, Nebraska NDB (longitude 97° 35' 14" W, Latitude 40° 09' 01" N) from the 5 mile radius to 8.5 miles northwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65).)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

Since this regulatory action involves an established body of technical requirements for which frequent and rountine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on October 31, 1980.

Paul J. Baker,

Director, Central Region.

[FR Doc. 80-35128 Filed 11-12-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace docket No. 80-AEA-40]

Proposed Amendment to Additional Control Area, and Compulsory Reporting Point

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice porposes to expand additional Control Area, control 1149 at its terminus point and make an editorial change to the description of Croak Intersection. Warning areas to the north and south of control 1149 have expanded seaward and this action will provide additional control area airspace in the corridor between the warning areas necessary ensure efficent use of the affected airspace.

DATES: Comments must be received on or before December 15, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 80–AEA–40, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–204), Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Adminstration, 800 Independence Avenue SW, Washington, D.C. 20591; telephone: (202) 426–3715

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before December 15, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C., 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the applications procedures.

The Proposal

The FAA is considering an amendment to § 71.163 and § 71.209 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would extend additional Control Area, Control 1149, to provide additional control area airspace within the corridor between warning areas located to the north and south which are being expanded by separate nonregulatory action. This amendment is necessary to realign Control 1149 consistent with the revised warning area boundaries and ensure efficient traffic flow. Croak Intersection would be redescribed using the appropriate geogrpahic reference (Long 73°00′00″W.) in lieu of the term "New York Oceanic CTA/FIR boundary." Additional warning area designations (W–70 and W–71) are proposed concurrently with Control 1149 realignment and consist of establishing warning area airspace collocated with the existing and proposed extension of Control 1149. The priority for use of the collocated airspace will be retained by the FAA Controlling Agency and activation as W–70 and W–71 permitted only where Control 1149 is not required for en route traffic. The following Warning Areas would be established:

1. W–70 Virginia Capes, Virginia

Bondaries. Beginning at Lat. 37°04′53″N., Long. 74°36′00″W.; to Lat. 37°13′39″N., Long. 72°40′00″W.; to Lat. 36°42′08′N., Long. 72°40′00′00″W.; to Lat. 36°47′15″N., Long. 74°36′00″00′W.; to point of beginning.

Altitudes. Surface to but not including FL240.
Times of use. Continuous.
Using agency. Federal Aviation Administration, Washington ARTC Center.
Controlling agency. Federal Aviation Adminstration, Washington ARTC Center.

2. W–71 Virginia Capes, Virginia

Boundaries. Beginning at Lat. 37°04′53″N., Long. 74°36′00″W.; to Lat. 37°13′39″N., Long. 72°40′00″W.; to Lat. 36°42′08″N., Long. 72°40′00″W.; to Lat. 36°47′15″N., Long. 74°36′00W.; to point of beginning.

Altitudes. FL 240 to unlimited.
Times of use. Continuous.
Using agency. Federal Aviation Administration, Washington ARTC Center.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.163 and § 71.209 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 349 and 656) as follows:

1. In § 71.163 under Control 1149, the description is deleted in its entirety and the following is substituted therefor:

"That airspace bounded by tangent lines drawn from the circumference of a 5-mile radius circle centered on the Norfolk, Va., VORTAC 088° radial at Long. 75°32'00"W., to the circumference of an 18.1 mile radius circle centered on the Norfolk, Va., VORTAC 088° radial at Long. 72°40'00"W., excluding the portion below 2,000 feet MSL outside the United States."

2. In § 71.209 under Croak, the words "New York Oceanic CTA/FIR boundary." are deleted and the following is substituted therefor:

"Long. 73°00'00"W."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044; as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on November 7, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-35347 Filed 11-12-80; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 292

[Docket No. RM 81-2]

Eligibility, Rates and Exemptions for Qualifying and Utility-Owned Geothermal Small Power Production Facilities; Notice of Proposed Rulemaking

Issued: November 6, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission gives notice that it proposes to adopt regulations implementing section 643 of the Energy Security Act. The Energy Security Act contains amendments to the Federal Power Act and the Public Utility Regulatory Policies Act concerning geothermal energy. The proposed regulations would permit utility-owned small power production facilities using geothermal resources as a primary energy source to obtain the rate and exemption benefits of section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA). The regulations also permit qualifying small power production facilities using geothermal resources of up to 80 megawatts capacity to obtain the exemption benefits of section 210 of PURPA.

DATES: Written Comments by December 15, 1980.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (Reference Docket No. RM 81-2).

FOR FURTHER INFORMATION CONTACT:

Adam Wenner, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8033;

or

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Issued: November 6, 1980.

Background

On June 19, 1980, the Congress enacted section 643 of the Energy Security Act of 1980 (ESA),[1] which contains six amendments concerning geothermal energy to the Federal Power Act and the Public Utility Regulatory Policies Act of 1978 (PURPA). These proposed rules would implement four of those amendments.

Section 201 of the Public Utility Regulatory Policies Act of 1978 (PURPA) mandates that the Federal Energy Regulatory Commission (Commission) prescribe rules under which small power production facilities and cogeneration facilities can obtain "qualifying" status, and thus become eligible for the rates and exemptions set forth in the commission's rules implementing section 201 of PURPA.

Section 201 of PURPA defines a "small power production facility" as a facility which:

(1) Produces electric energy soley by the use, as a primary energy source, of biomass, waste, renewable resouces, or any combination thereof; and

(2) Has a power production capacity which, together with any other facilities located at the same site (as determined by the Commission), is not greater than 80 megawatts.

A cogeneration facility is defined as a facility which produces electric energy and steam or form of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes.

Thus cogeneration facilities produce sequentially two forms of useful energy, namely electric power and heat. Cogeneration facilities can use significantly less fuel to produce electricity and steam (or other forms of energy) than would be needed to produce the two separately. By using fuels more efficiently, cogeneration facilities can make a significant contribution to the Nation's efforts to conserve its energy resources.

Small power production facilities as defined in the Act use biomass, waste, or renewable resouces, including wind, solar, geothermal or hydroelectric energy, to produce electric power. Reliance on these sources of energy can reduce the need to consume fossil fuels to generate electric power.

Prior to the enactment of PURPA, a congenerator or small power produced seeking establish interconnected operation with a utility faced three major obstacles. first, a utility was not generally willing to purchase the electric output at an attractive rate. Second, some utilities charged discriminatorily high rates for back-up service to cogenerators and small power producers. Third, a cogenerator or small power producer that provided electricity to a utility's grid ran the risk of being considered an electric utility and thus being subjected to extensive State and Federal regulation.

Sections 201 and 210 of PURPA are designed to remove these obstacles.

[1] Pub. L. No. 96-294, 94 Stat. 611 (1980).

Each electric utility is required under section 210 to offer to puchase available electric energy from congeneration and small power production facilities that obtain qualifying status under section 201 of PURPPA, and to provide back-up power and other services to such facilities on a non-discriminatory basis. For such purchases, electric utilities are required to pay rates that are just and reasonable to the ratepayers of the utility, that are in the public interest, and that do not discriminate against cogenerators and small power produces.

Section 210(e) of PURPA provides that the Commission can exempt qualifying facilities from State regulations regarding utility rates and financial organization, from Federal regulation under the Federal Power Act (other than licensing under Part I and sections 210–212 of Part II), and from the Public Utility Holding Company Act. However, the Commission can not extempt qualifying facilities from local, State, or Federal licensing, siting, or environmental laws or regulations. Finally, under section 206(c)(3) of the Natural Gas Policy Act of 1978 (NGPA), the Commission could exempt qualifying congeneration facilities from the incremental pricing program under Title II of the Natural Gas Policy Act of 1978 (NGPA).

The Commission issued proposed regulations implementing sections 201 and 210 in 1979. After a series of public hearings, analysis of the extensive written comments received, and consultation with State public utility regulatory commissions, final rules were issued under section 210 on February 19, 1980 [2] and Section 201 on March 13, 1980.[3] On October 23, 1980, the Commission issued a rule, subject to Congressional review, exempting mechanical cogeneration facilities from incremental pricing under Title of the NGPA.[4]

Section 643(a) of the Energy Security Act is intended to clarify the authority of the Federal Energy Regulatory Commission (FERC or Commission) to classify geothermal resources as a "primary energy source" for purpose of eligibility for use by a small power production facility under section 3(17)(A) of the Federal Power Act, as amended by section 201 of PURPA. The conference report indicates that the legislation does not intend "to cast the FERC's present regulations under section 3(17) into doubt by reason of this amendment."[5]

Section 643(b) of ESA contains three amendments to section 210 of PURPA. Subsection 643(b)(1) amends section 210(a) of PURPA. Section 210(a) requires the Commission to prescribe rules "as it determines necessary to encourage cogeneration and small power production . . . which rules [shall] require electric utilities to offer to sell electric energy to and purchase electric energy from qualifying cogeneration and small power production facilities." The amendment to this section adds "geothermal small power production facilities of not more than 80 megawatts capacity" to the list of technologies which the Commission must issue rules to encourage; but not to the class of energy-production facilities to and from which electric utilities are statutorily required to sell and purchase.

The requirement to purchase from and sell to cogeneration and small power production facilities appears to be extended only to "qualifying" facilities. The difference between a qualifying and non-qualifying cogeneration or small power production facility is that a "qualifying" facility must be owned by a person "not primarily engaged in the generation or sale of electric power (other than electric power solely from cogeneration and small power production facilities)."[6]

Utility-owned geothermal small power production facilities do not meet this requirement. Thus, it is not clear, on the face of the statute, that the Commission is authorized to require electric utilities to purchase from or sell to geothermal small power production facilities which are wholly owned by electric utilities, or that it can price their purchases according to the purchasing utility's "avoided costs." [7]

However, the legislative history of ESA indicates that it was the intent of Congress that the Commission, under the "broad authority of section 210 to encourage geothermal small power production," have the authority to make "some or all of the section 210 rate benefits applicable to such facilities in the same manner as such benefits are available to non-utility owned facilities." [8]

In Order No. 69, the Commission noted that section 210(a) of PURPA "provides a general mandate for the Commission to prescribe rules necessary to encourage cogeneration and small power production.[9] While the specific requirement that the Commission issue rules requiring electric utilities to offer to sell to and buy from cogeneration and small power production facilities is limited in sections 210(a)(1) and (2) to "qualifying" facilities, the legislative history and the Commission's interpretation of the general mandate to encourage cogeneration and small power production lead the Commission to believe that it has the authority to extend these privileges to utility-owned geothermal small power production facilities. Therefore, the Commission believes that it has the authority to require electric utilities to purchase from and sell to utility-owned geothermal small power production facilities, and to price these purchases on an avoided cost basis.

Section 643(b)(2) of ESA amends sections 210(e)(1) of PURPA to authorize the Commission to exempt "geothermal small power production facilities of not more than 80 megawatts capacity" from the Federal Power Act, the Public Utility Holding Company Act, and State laws and regulations respecting the rates or the financial or organizational regulation of electric utilities, if the Commission determines such exemption is necessary to encourage cogeneration and small power production. The Commission's exemptive authority under this amendment is not limited to "qualifying" geothermal small power production facilities. As a result, the Commission may exempt utility-owned geothermal small power production facilities from these laws and regulations.

Finally, section 210(e)(2) of PURPA limited the Commission's authority to exempt qualifying small power production facilities to those with a capacity of 30 megawatts of less.[10] Section 643(b)(3) of ESA increases the limit of "80 megawatts for a qualifying small power production facility using geothermal energy as the primary

[2] 45 Fed. Reg. 12214 (Feb. 25, 1980).

[3] 45 Fed. Reg. 17959 (March 20, 1980).

[4] Docket No. RM80–62, issued October 23, 1980, 45 Fed. Reg. ————, October —, 1980).

[5] S. Rep. No. 96–824, 96th Cong., 2nd Sess. 312 (1980). It is the Commissions's position that the geothermal facilities were eligible for qualificationas small power production facilities. This view is based on the legislative history of PURPA. 124 Cong. Rec. S. 17806 (daily ed. October 9, 1978) (remarks of Senators Durkin and Jackson).

[6] Sections 3(17)(C)(ii) and 3(18)(B)(ii), Federal Power Act, 18 C.F.R. § 292.206.

[7] "Avoided costs" are defined in § 292.101(b)(6) of the Commission's rules as "the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, such utility would generate itself or purchase from another source.

[8] 126 Cong. Rec. S. 7423 (daily ed. June 26, 1980) (remarks of Sen. McClure). 126 Cong. Rec. H5718, 5724 (daily ed. June 26, 1980) (remarks of Reps. Dingell, Sharp).

[9] 45 Fed. Reg. 12214, 12221 (Feb. 25, 1980).

[10] Small power production facilities between 30 and 80 megawatts which use biomass as a primary energy source are exempt from the Public Utility Holding Company Act, and from State regulation of wholesale rates and financial organization. See § 292.602 of the Commission's rules.

energy source . . ." Thus, the Commission may exempt any "qualifying" small power production facility using geothermal energy as the primary energy source from the laws and regulations specified in section 210(e)(1) of PURPA.

Summary of the Proposed Rules

§ 292.204 Primary energy source.

Section 3(17)(A) of the Federal Power Act, as amended by section 201 of PURPA, defines a "small power production facility" as a facility which produces energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, or any combination thereof; and which has a power production capacity which, together with any other failities located at the same site (as determined by the Commission), is not greater than 80 megawatts. The amendment contained in section 643(a)(1) of ESA states that geothermal resources are an eligible primary energy source for small power production facilities.

Section 292.204 of the Commission's rules sets forth crtieria for qualifying small power production facilities. To reflect section 643(a)(1) of ESA, the Commission proposes to amend this section of its rules to make it clear that small power producton facilities using geothermal resources as a primary energy source can be qualifying facilities. This change appears in § 292.240(b)(1)(i), where "geothermal resources" is added to the list setting forth the eligible primary energy sources of a qualifying small power production facility.

Definitions

§ 292.202 "Utility geothermal small power production facility."

The Commission proposes to amend § 292.202 by adding a new paragraph (o) which defines "utility geothermal small power production facility" (UGC) as a small power production facility which uses geothermal energy as the primary energy source, and of which an electric utility or electric holding company, or any combination thereof, owns more than 50 percent of the outstanding voting securities.[11]

[11]Section 292.206 presently permits cogeneration and small power production facilities of which utilities own up to 50 percent of the equity to be qualifying facilities. For purposes of this discussion, a geothermal company of which electric utilities own more than 50 percent of the equity or voting securities is considered to be "wholly-utility owned," and is referred to as a utility geothermal company" or UGC.

§ 292.101 "Qualifying facility."

Section 292.101(b)(1) would include a "utility geothermal small power production facility" within the definition of "qualifying facility" set forth in the Commission's rules. This inclusion would make utility geothermal small power production facilities eligible for all of the rate and exemption benefits provided for non-utility owned cogeneration and small power production facilities.[12]

In proposing these changes, the Commission is attempting to make available to the utility industry the same benefits for geothermal projects that are provided to non-utility owned cogeneration and small power production facilities. As indicated in the following discussion, the Commission recognizes that, in certain respects, utilities participating in alternative energy development do face different risks and opportunities than does the non-regulated sector. It seeks comment on the specific proposals set forth in these rules, and on the general issues raised in these discussions.

§ 292.601 Exemption of qualifying facilities from the Federal Power Act.

Non-Utility Owned Facilities

Section 643(b)(3) of ESA amends section 210(e)(2) of PURPA by permitting the Commission to exempt qualifying small power production facilities of up to 80 megawatts capacity using geothermal resources from regulation under the Federal Power Act, the Public Utility Holding Company Act, and from State laws and regulations respecting rates or the financial or organizational regulation of electric utilities.

Section 292.601 of the Commission's rules sets forth exemptions of qualifying facilities from provisions of the Federal Power Act. This rule presently exempts qualifying small power production facilities of 30 megawatts or less from certain provisions of the Federal Power Act. The Commission proposes to amend this section to exempt qualifying small power production facilities using geothermal energy to the maximum extent permitted under ESA. This would be accomplished by amending § 292.601, to provide that exemption from the Federal Power Act applies to all qualifying facilities, other than small power production facilities with a capacity which exceeds 30 megawatts, and which use a primary energy resource other than geothermal resources.

[12]In light of the previously discussed legislative history, it may appear to be inconsistent to classify utility-owned geothermal facilities as "qualifying facilities." One result of that legislation is to permit the Commission to treat utility-owned geothermal facilities the same way as non-utility owned facilities. The Commission rules on cogeneration and small power production are replete with references to "qualifying facilities"; as a drafting matter, rather than revising virtually every rule to include utility-owned facilities, it is less confusing to include UGC's within the definition of qualifying facilities.

Utility-Owned Facilities—Rate Regulation of Sales to Parent Utilities

As discussed previously, the legislative history of section 643(b) of the ESA indicates that the Commission may provide some or all of the section 210 rate benefits to utiltiy-owned geothermal facilities in the same manner as such benefits are available to qualifying (*i.e.*, non-utility-owned) facilities.

Regulated Transactions

In most instances, if no exemption from the Federal Power Act were provided, sales of power by a UGC subsidiary to its utility parent would be sales for resale in interstate commerce, and would be subject to Commission regulation under Part II of the Federal Power Act. Sections 205 and 206 of the FPA provide that rates shall be just and reasonable; the Commission has interpreted these sections to mean that, in general, rates should be based on the cost of providing service, including operating costs and a reasonable return on investment. Unlike non-utility small power producers and cogenerators, utility parent companies, and their UGC subsidiaries are, for the most part, already subject to public disclosure and scrutiny of their costs. The use of cost-of-service pricing should not be a disincentive to these types of transactions—at least not to the same extent that it would be to non-utility companies.

Approval by this Commission of rates for transactions between a UGC subsidiary and its parent may be viewed favorably by the institutions which might finance the UGC. This is so because, if this Commission approves the rates, the utility has reasonable assurance that neither the States nor this Commission will challenge (or permit challenge) to the pass through of the purchased power costs in retail and wholesale rates.[13]

[13]*See, e.g.*, Narragansett Electric Company v. Burke *et al.*, 2431 A.2d 1358, cert. denied 435 U.S. 972 (1977). The Federal Power Commission had established a rate for sales of power from New England Power Company (NEPCO) to Narragansett Electric Company (Narragansett). The Rhode Island Public Utilities Commission (PUC) investigated the costs underlying the wholesale rate and attempted to prevent Narragansett from passing through some of the purchased power expenses to its retail

Footnotes continued on next page

In addition, in the event that the UGC facility does not perform up to expectations, regulation of a sale from the UGC to its parent under the FPA may provide greater assurance of cost recovery. There are several avenues by which a jurisdictional utility might recover its investment in a geothermal project. The Commission has allowed the recovery of costs through amortization for plants which did not become operational.[14] A geothermal facility may qualify for treatment as research, development and demonstration expenses (RD&D) under Commission Order No. 556.[15] If it does, the expenses associated with the project would be included within the utility's cost of service, and passed through to the ratepayer, regardless of its actual operation.[16]

Thus, in the case of a regulated sale from a UGC subsidiary to its utility parent, there is significant assurance of recovery of expenditures. The return on investment to the UGC will, on the other hand, be regulated, and will be limited to a level which the Commission determines to be just and reasonable. As will be discussed later, in the case of an unregulated sale, a UGC would take greater risks of non-recovery of costs, but would have the opportunity to receive a greater return on its investment.[17]

Footnotes continued from last page

customers. The Rhode Island Supreme Court held that the PUC lacks jurisdiction to inquire into the reasonableness of NEPCO's wholesale rate because the Federal Power Act gave sole jurisdiction over sales for resale in interstate commerce to the Federal Power Commission. The Supreme Court had earlier held that regulation over the transmission and sale of electric energy at wholesale in interstate commerce is not within the authority of the States. Connecticut Light and Power Co. v. FPC, 324 U.S. 515 (1945), Public Service Commission of Rhode Island v. Attleboro Steam and Electric, 273 U.S. 83 (1927).

[14] Order No. 49, New England Power Company, Docket Nos. ER76-304, ER76-317, El276-498, issued July 19, 1979.

[15] Order Prescribing Changes in Accounting and Rate Treatment for Research, Development and Demonstration Expenditures, Docket No. RM76-17, issued June 3, 1977.

[16] See *id., mimeo* at 7. In such instances, however, any revenue obtained from successful operation of the facility must similarly be credited to the ratepayer.

[17] The relationship between risk-taking and opportunity for profit is discussed in the Conference Report accompanying PURPA. The conferees recognized that "cogenerators and small power producers are different from electric utilities, not being guaranteed a rate of return on their activities generally or on the activities vis a vis the sale of power to the utility and where risk in proceeding forward in the cogeneration or small power production enterprise is not guaranteed to be recoverable." Conference Report in H.R. 4018, Public Utility Regulatory Policies Act of 1978, H.R. Rept. No. 1750, 97, 95th Cong., 2d Sess. (1978).

Exempt Transactions—Sales From UGC Subsidiary to Its Parent Company

If the Commission were to exempt UGC's from the Federal Power Act, the rate for purchases of power by the parent from its UGC subsidiary would not be established under the just and reasonable standards of section 205 or 206 of the FPA. Instead it would be based on the pricing provisions set forth in § 292.101—§ 292.306 of the Commission's rules. These rules establish a right for a qualifying facility to receive rates based on the "avoided costs" of the purchasing utility, in the case of purchases from "new capacity."[18] For purchasers from existing capacity, the State regulatory authority or nonregulated electric utility may establish rates lower than avoided cost levels, if it finds that the lower rate is "sufficient to encourage cogeneration and small power production."[19]

Finally, the rules provide that rates or terms established by agreement between an electric utility and a qualifying facility do not violate the Commission's rules under section 210 of PURPA, even if they differ from the avoided cost principles established in the rules.[20] This section permits parties to use negotiated rates and terms, rather than State-established rates, for purchases. However, this provision does not divest a State regulatory authority, or this Commission, of its authority to review contracts for purchases as part of its regulation of the purchasing electric utility.[21]

Accordingly, if the Commission exempted UGC's from the FPA, the rate would be established according to the principles described above. For purposes of this discussion, it is assumed that an avoided cost rate is higher than a rate which is "just and reasonable" on the basis of the selling utility's cost of service. This may not always be a valid assumption. On the one hand, the avoided cost rates established by a State regulatory authority or non-regulated electric utility may exceed the delivered cost of power from a geothermal facility.

On the other hand, by definition, a utility's "avoided costs" are "the incremental costs . . . of electric energy or capacity which, but for the purchase from the qualifying facility . . . , such utility would generate itself or purchase from another source." A statutory limitation on the rate that utilities can be compelled to pay for power from cogeneration and small power production facilities is that the rate must be "just and reasonable to the electric consumers of the electric utility and in the public interest."[22]

The Conference Report indicates that this requirement is to be interpreted in a manner which "looks to protecting the interest of the electric consumer in receiving electric energy at equitable rates."[23]

In establishing the full avoided cost pricing standard, the Commission was cognizant of the need to avoid ratepayer subsidies to cogenerators and small power producers, observing that, under that standard, "the utilities' customers are kept whole, and pay the same rate as they would have paid had the utility not purchased energy and capacity from the qualifying facility."[24]

It appears to the Commission that, in most cases, if the geothermal facility is the lowest-cost power supply alternative, the parent utility's avoided costs should be calculated on the basis of the cost of the geothermal facility. There may, however, be instances in which the avoided cost rates established by the State regulatory authority are higher than these costs. In such cases, the rates paid by a parent utility to its UGC subsidiary would be the same as the rates that are available to non-affiliated cogenerators and small power producers. If the rates established by the State regulatory authority fall within the previously discussed statutory parameters, the Commission does not believe that use of these rates for transactions between affiliated companies will be troublesome.

The receipt by the UGC of such avoided costs, rather than cost-of-service based rates, will not benefit the parent utility company unless the parent is permitted to flow through to its customers these purchased power expenses. That issue will be determined by the regulatory authorities which establish rates for sales by the parent utility. For sales for resale in interstate commerce, the FERC makes that determination; for retail sales, the State regulatory authorities could determine whether they should be included in the cost of service and passed through to the ratepayers. In contrast to the holding in *Narragansett, supra,* in the case of an unregulated sale, there would be no Federal imprimatur on the expenditure for the purchase by the parent from the

[18] See n. 7, *supra.* "New capacity" means any purchase from capacity of a qualifying facility, construction of which was commenced on or after November 9, 1978 (§ 292.304(b)(1)).

[19] § 292.304(b)(3).

[20] § 292.301(b)(1).

[21] 45 Fed. Reg. 12214, 12233 (Feb. 25, 1980).

[22] Section 210(b)(1) of PURPA.

[23] Conference Report on H.R. 4018, Public Utility Regulatory Policies Act of 1978, H. Rep. No. 1750, 97, 95th Cong., 2d. Sess. (1978).

[24] 45 Fed. Reg. 12214, 12222 (Feb. 25, 1980).

UGC subsidiary. As a result, a State commission might refuse to permit the pass-through of some or all of the parent utility's purchased power costs from its UGC subsidiary. The investment community may regard the lack of Federal assurance of cost recovery as increasing the risk associated with the project. In that case, the costs of financing the project would increase.

Moreover, in an unregulated transaction, in the case of failure of the UGC, there would be no provision for the recovery of costs through amortization, as in the procedure for regulated sales under the precedent cited above. In most instances, if a purchasing utility fails to receive power, it will not be able to avoid costs. The avoided cost payment to the UGC in such a case would be zero. Since the costs of the UGC are not a part of the business of regulated parent company, they would be borne by the stockholders, rather than the ratepayers.[25]

Conversely, in the case of a successful project, the unregulated UGC subsidiary could receive a greater profit than it would otherwise have obtained. In sum, as a reward for taking the risk that expenses may not be recovered, the UGC would have the opportunity to retain the benefits of its venture.

In order to accommodate utilities which prefer to have their utility geothermal subsidiaries regulated under the Federal Power Act, the Commission proposes in § 292.601(d) to allow a UGC to elect such regulation. Section 292.601(d) states that upon request of a utility geothermal small power production facility the exemption from the Federal Power Act set forth in § 292.601(c) shall not apply.

Purchases by Nonaffiliated Utilities—Obligation To Purchase

The previous discussion was premised on a transaction between a UGC subsidiary and its parent utility. As stated previously, the legislative history of ESA indicates that the Commission has the authority to compel electric utilities to purchase electric power produced by UGC's. Under this provision, one utility might be required to purchase the output of another, unaffiliated utility's geothermal facility, and to pay avoided cost rates for such power.

This type of transaction raises an issue that was not raised in transactions between affiliated companies. Transactions between a parent and subsidiary can be assumed to be voluntary, as they are between companies ultimately controlled by the same persons. Transactions between non-affiliated companies, however, might not be voluntary. A utility might construct a geothermal facility and, under the authority provided in § 292.303 of the Commission's rules, compel another utility to purchase the energy and capacity of the geothermal facility.

In most instances, transactions between utilities under the FPA are voluntary. Permitting UGC's to compel other utilities to purchase their power would be a deviation from these principles.

Avoided Cost Pricing

With regard to the pricing of purchases from UGC's, it is probable that use of avoided-cost pricing would provide for greater development of geothermal resources than would occur if cost-of-service pricing were used. Conversely, in cases where the cost of power from the UGC is less than the avoided cost, the ratepayers of the purchasing utility will not benefit from these lower costs. The Commission seeks comment on the appropriateness of avoided cost pricing for transactions between UGC's and non-affiliated utilities, and the ramifications for the affected utilities' ratepayers.

The Commission perceives the potential for *de facto* exclusion of competition resulting from sales between utilities and their geothermal subsidiaries. It has not, however, determined that this potential limitation on competition is a sufficient basis to deny exemption for this type of transaction. The Commission is particularly interested in obtaining comment on this point.

Obligations To Sell to Qualifying Facilities

The preceding discussion was directed to the obligation of electric utilities to purchase power from UGC "qualifying facilities." The Commission's rules also require, subject to certain restrictions, electric utilities "to sell energy and capacity requested by a qualifying facility." [26] With regard to UGC's, the Commission interprets this requirement to require only that an electric utility provide power required by the geothermal facility itself. The parent of the UGC could not use this provision to compel another electric utility to provide power to the parent's entire system.

§ 292.602 Exemption of qualifying facilities from the Public Utility Holding Company Act and certain State law and regulation.

Non-utility-Owned Facilties

The Commission similarly proposes to exempt "qualifying geothermal facilities" from the Public Utility Holding Company Act, and from State laws regarding rates of electric utilities and their financial and organizational regulation.

The Commission believes that exemption from these laws is necessary to encourage small power production using geothermal energy. The Commission is aware of no reason to distinguish between geothermal facilities smaller than 30 megawatts and those larger than that size but under 80 megawatts—the statutory maximum—for purposes of providing these exemptions. As noted previously, the Commission proposes to amend § 292.601(a) to apply both to utility-owned and non-utility owned small power production facilities using geothermal resources as a primary energy source. In the existing rules, the applicability of § 292.602 includes those facilities described in § 292.601(a). Therefore, exemption of both utility-owned and non-utility owned facilities from the Public Utility Holding Company Act is accomplished by the change in § 292.601(a) described above.

Utility-Owned Facilities

As noted previously, section 643(b)([2) of ESA amends section 210(e)(1) of PURPA to authorize the Commission to exempt "geothermal small power production facilities of not more than 80 megawatts capacity" from the laws and regulations specified in section 210(e)(1). As discussed previously, the geothermal facilities included in this provision are not limited to "qualifying" facilities—that is, they are not limited to facilities "owned by a person not primarily engaged in the generation or sale of electric power (other than electric power solely from cogeneration facilities or small power production facilities)." Thus, the Commission has the authority to exempt geothermal facilities of 80 megawatts or less that are up to 100 percent utility-owned from the Federal Power Act from the Public Utility Holding Company Act, and from State laws or regulations respecting utility

[25] *See, e.g.*, Opinion No. 7, in which the Commission concurred with the holding by the Federal Power Commission that ". . . a utility should be regulated on the basis of its being an independent entity; that is, a utility should be considered as nearly as possible on its own merits and not on those of its affiliates. [47 FPC at 363]." Opinion and Order Approving in Part and Modifying in Part Decision of Administrative Law Judge, Kentucky West Virginia Gas Company, Docket No. RP73-97 issued February 16, 1978, *mimeo* at 11.

[26] § 292.303(b).

wholesale rate and financial organization regulation.

Rather than directly owning a geothermal facility, utilities sometimes find it advantageous to organize a separate corporation or partnership to own a geothermal facility. The principal advantage of this form of ownership is the ability to utilize "project financing" by the entity organized to build or acquire the generating facility. The advantages of this form of organization were described by the Securities and Exchange Commission recently:

> This permits the sponsoring utilities to finance the facility through issuance of long-term securities [by the entity organized to acquire or build the facility] that are not subject to the mortgage bond indentures of the sponsoring companies. It also provides flexibility with respect to the kind of security issued and the amount of debt used to finance the project. In addition, [for jointly-owned projects] the proportionate interests of the participants in the new facility can be altered as load forecasts change and new participants in the project can be admitted by a transfer of the voting securities, which avoids the delay and expense of obtaining a release under a sponsoring utility's indenture, a step that is always necessary in cases involving the transfer of an undivided ownership interest.[27]

An added advantage which is especially important in the development of an experimental and relatively high-risk technology such as geothermal generation is the ability of a sponsoring utility company to insulate itself from the consequences of a default on the obligations issued to finance the geothermal facility under the cross-default provisions in the sponsoring utilities' own mortgage.

To obtain these advantages, a utility or group of utilities considering addition of a geothermal facility might seek to establish a separate subsidiary corporation which owns the facility. However, if a utility company acquires 10 percent or more of the voting securities of a separate company established to construct or operate a geothermal facility, it may become a "public utility holding company" within the meaning of section 2(a)(7)(A) of the Public Utility Holding Company Act [28] (Holding Company Act or PUHCA). In addition, the acquisition of the voting securities of a company which owns a geothermal small power production facility may require approval from the Securities and Exchange Commission under sections 9 and 10 of PUHCA, if the acquiring company is an "affiliate," within the meaning of section 2(a)(11)(A) of PUHCA, of another public utility company.

Many utility companies, especially those that are currently organized only as operating companies, are reluctant to undertake an activity which would subject them to regulation as holding companies. This reluctance may make infeasible the use of the subsidiary form of corporate organization which is necessary for project financing.

The authority granted the Commission by section 643(b)(2) of ESA can remove these disincentives. Regulation under PUHCA is triggered by the acquisiton and ownership of the voting securities of an "electric utility company," defined generally in section 2(a)(3) of PUHCA. Thus, if a UGC is exempt from classification as an "electric utility company", the parent company would not require SEC approval for the acquisition of voting securities of a UGC (unless such parent company were a registered holding company under the PURPA, or a subsidiary of such holding company) and would not become a holding company as a result of that acquisition.

Effect on SEC Regulation

In proposed rules recently issued by the SEC, that Commission also observed that some utilities find it useful to establish separate subsidiary companies which own or operate generating plants to supply power to the sponsoring utilities. As noted by the SEC, the acquisition of the voting securities of this type of generating company permits the sponsoring company to secure a source of supply to serve existing or future needs. It does not enlarge the service area of an electric utility company, nor frustrate effective local regulation.[29]

The SEC noted further that some electric utilities may be deterred from ownership of generating subsidiaries because of their reluctance to become holding companies, or because of the need for case-by-case approvals of the acquisition of voting securities of a separate generating company under sections 9(a)(2) and 10 of PUHCA.

To remove these disincentives, the SEC proposed rules which would exempt electric utilities from obtaining approval for the acquisition of securities of such affiliate generating companies, and which would classify a sponsoring utility company as an "exempt" holding company with respect to one or more eligible generating subsidiaries.

The grant of exemption would, however, require: (1) authorization to acquire voting securities by "the regulatory authorities having jurisdiction over the rates and service" of the parent utility; (2) the subsidiary generating company to supply all of the electricity it generates to its parent company or companies (with certain noted exceptions); and (3) that the issuance of securities by the generating company be "expressly authorized by a regulatory authority having jurisdiction over its rates and service."[30]

As indicated, the exemption under section 210(e) of PURPA eliminates the basis for the SEC's jurisdiction over the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Comments should refer to Docket No. RM81-2 on the outside of the envelope and on all documents submitted to the Commission. In order that the Commission be able to take into account as many comments as possible, the Commission requests that persons submitting comments assist in two ways. First, persons should identify specifically the section or subpart they are addressing. Secondly, where comments urge a different approach from one presented, specific alternative language should be proposed to the extent practicable.

Fifteen (15) copies should be submitted. All comments and related information received by the Commission by December 15, 1980, will be considered prior to the promulgation of final regulations.

(Energy Security Act, Pub. L. No. 96-294, 94 Stat. 611 (1980), Public Utility Regulatory Policies Act of 1978, 16 U.S.C. § 2601, *et seq.*, Energy Supply and Environmental Coordination Act, 15 U.S.C. § 791 *et seq.*, Federal Power Act, as amended, 16 U.S.C. § 792 *et seq.*, Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, 12009, 42 FR 46267)

In consideration of the foregoing, it is proposed to amend Chapter I of Title 18, Code of Federal Regulations, as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 292.204 is amended by revising paragraph (b) to read as follows:

§ 292.204 Criteria for qualifying small power production facilities.

* * * * *

(b) *Fuel Use.* (1)(i) The primary energy source of the facility must be biomass, waste, renewable resources, geothermal

[27] Holding Company Act Release No. 21661, July 22, 1980, 45 FR 49954 (July 28, 1980).

[28] 15 U.S.C. § 701b(a)(7)(A).

[29] Holding Company Act Release No. 21661, n. 7, *supra.*

[30] *Id.* The exemptions are intended to facilitate joint ownership of conventional base-load generation plants, but have broader application.

resources, or any combination thereof, and 75 percent or more of the total energy input must be from these sources.

2. Section 292.202 is amended by adding a new paragraph (o), to read as follows:

§ 292.202 Definitions.

* * * * *

(o) "Utility geothermal small power production facility" means a small power production facility which uses geothermal energy as the primary energy resource, and of which an electric utility or electric utility holding company, or any combination thereof, owns more than 50 percent of the outstanding voting securities.

3. Section 292.101 is amended by revising paragraph (b)(1) to read as follows:

§ 292.101 Definitions.

* * * * *

(b) *Definitions.* The following definitions apply for purposes of this part.

(1) "Qualifying facility" means a cogeneration facility or small power production facility which is a qualifying facility, or a utility geothermal small power production facility, under Subpart B of this part of the Commission's regulations.

* * * * *

4. Section 292.601 is revised to read as follows:

§ 292.601 Exemption of qualifying facilities from the Federal Power Act.

(a) *Applicability.* This section applies to qualifying facilities, other than those described in paragraph (b).

(b) *Exclusion.* This section does not apply to a small power production facility with a power production capacity which exceeds 30 megawatts if such facility uses any primary energy source other than geothermal resources.

(c) *General rule.* Any qualifying facility described in paragraph (a) shall be exempt from all sections of the Federal Power Act, except:

(1) Sections 1–18, and 21–30;

(2) Sections 202(c), 210, 211, and 212;

(3) Section 305(c); and

(4) Any necessary enforcement provision of part III with regard to the sections listed in paragraphs (c)(1), (2) and (3) of this section.

(d) Upon request of a utility geothermal small power production facility, the exemption set forth in paragraph (c) shall not apply.

[FR Doc. 80-35391 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 625, 652 and 663

[FHWA Docket No. 79-3, Notice 3]

Design and Construction Criteria for Bikeway Construction Projects

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Extension of comment period.

SUMMARY: This document extends the period for comments on the notice of proposed rulemaking published on August 4, 1980 (45 FR 51720) requesting comments by November 3, 1980 on bikeway design and construction criteria. The comment period is being extended to December 3, 1980 in order to provide interested parties additional time to respond to the notice of proposed rulemaking.

DATE: Comments will be received until December 3, 1980.

ADDRESS: FHWA Docket No. 79–3, Federal Highway Administration HCC–10, Room 4205, 400 Seventh Street, SW., Washington D.C. 20590. All comments received will be available at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Jeanette Kloos, Highway Design Division, Offfice of Engineering (202–426–0314), or Reid Alsop, Office of Chief Counsel (202–426–0800), Federal Highway Adminstration, 400 Seventh St. SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

(Sec. 141, Pub. L. 95–599, 92 Stat. 2711; 23 U.S.C. 315; 49 CFR 1.48(c)(1))

Issued on: November 4, 1980.

John S. Hassell, Jr.,

Federal Highway Administrator.

[FR Doc. 80-35205 Filed 11-12-80; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-80-887]

Community Development Block Grants, Community Development Disaster Assistance Program

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: This proposed rule would change the current regulations governing the Community Development Disaster Assistance program. The regulations now in effect do not include all of the policies presently used by HUD to administer the program. Since the issuance of regulations additional policies have been articulated in the form of administrative guidelines. These policies need to be expressed in the regulations to provide the necessary guidance to HUD personnel, disaster staff in other agencies, and eligible applicants. The proposed regulations also include the applicable requirements of Executive Order 11988 regarding floodplain management.

COMMENT DUE DATE: Comments are due on or before January 12, 1981.

ADDRESS: Comments should be sent to: Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C., 20410.

FOR FURTHER INFORMATION CONTACT: Liza Bowles, Office of Policy Planning, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–7673 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Section 107 of the Housing and Community Development Act of 1974, as amended allows the Secretary of HUD to make grants to States, units of general local government, and Indian tribes for the purpose of meeting emergency community development needs caused by federally recognized disasters.

Current regulations do not clearly state HUD's policies governing the program. Therefore, guidance is inadequate for HUD personnel, disaster staff in other agencies, and eligible applicants. The purpose of these regulation changes is to provide the necessary guidance by incorporating the governing policies into regulations.

Given the chronic shortage of disaster assistance funds, it is the policy of this Department to make applications for these funds competitive in nature so that those most in need of the funds will receive them.

The funds available for Community Development Disaster Assistance are limited; and, in any particular fiscal year, the incidence of major disasters and emergencies create demands far in excess of the assistance available from HUD. A further purpose of these revisions is to clarify the supplementary funding relationship of Community Development Disaster Assistance to funds available under the Disaster Relief Act of 1974; the Small Business Act of 1958, as amended; and other pertinent statutes. An intention of these revisions is to simplify for applicants the use of Community Development Disaster Assistance resources as a supplement to primary disaster recovery programs for long term recovery and mitigation.

In addition, the regulations have been revised to reflect the requirements of Executive Order 11988 regarding floodplain management.

SPECIAL INFORMATION: A finding of inapplicability with respect to environmental impact has been prepared in accordance with HUD procedures for Protection and Enhancement of Environmental Quality. Copies of the finding are available for inspection and copying in the Office of the Rules Docket Clerk at the above address. This rule is not listed in the Department's semi-annual agenda of significant rules, published pursuant to Executive Order 12221.

Accordingly, the Department proposes to revise 24 CFR 570.407 to read as follows:

§ 570.407 Community development disaster assistance.

(a) *General.* Grants under this section shall be for the purpose of meeting emergency community development needs which have been caused by federally recognized disasters.

These funds may only be used if no other resources are available in a timely manner.

(b) *Definitions.* For the purpose of this section:

(1) "Federally recognized disaster" means any hurricane, tornado, storm, flood, high-water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstrom, drought, fire, explosion, or other natural or man-made catastrophe in any part of the United States which is declared a disaster by the President or a Federal agency.

(2) "A Presidentially declared disaster" is a catastrophe declared by the President to be a major disaster or an emergency pursuant to the Disaster Relief Act of 1974 (42 U.S.C. 5121).

(3) "an agency declared disaster" means a catastrophe which in the determination of a Federal agency requires disaster or emergency assistance pursuant to the statutory authority of such Federal agency.

(4) "emergency community development need" means unforeseen immediate needs resulting from property damage or a threat to property, public health or safety, which can be appropriately addressd through community development activities eligible for assistance under this section.

(c) *Eligible applicants.* Eligible applicants are States, Indian Tribes, and units of general local government as defined in § 570.3(v). For the purpose of this section, the second sentence in § 570.3(v) includes those entities described in § 570.403(b)(1), (2).

(d) *Program Objectives.* The Community Development Disaster Assistance Program provides assistance in meeting the immediate needs of communities affected by Presidentially declared or federally recognized disasters and emergencies, as defined in § 570.407(b). Grants may be awarded to eligible applicants—as defined in § 570.407(c)—for establishing and implementing short term efforts of an emergency nature which inititate and are directed toward longer term mitigation of the effects of a disaster or emergency. Funding is provided for such efforts only if no other Federal, State, local or private resources are available during the period of emergency need.

(e) *Criteria for funding.* Within the limits of available funds, and in consideration of potential subsequent disaster assistane needs, applications will be funded on the basis of the following criteria:

(1) The severity and magnitude of the federally recognized disaster, with priority given to needs caused by Presidentially declared major disasters.

(2) The extent to which the community development needs identified are essential for the immediate restoration or maintenance of community health, safety, or economic stability; and resources are not available from other sources to meet these community development needs.

(3) The extent to which the proposed activities will benefit those low- and moderate-income persons in most serious need of assistance as a result of the disaster.

(4) Where there is a substantial likelihood of a recurrence, the extent to which the activities to be assisted take into account alternatives incidental to the immediate community development needs to avert or lessen the threat of a recurrence.

(f) *Eligible activities.* The activities eligible for assistance under this section are the same as those listed in Subpart C but only to the extent that funds for the proposed activities cannot be provided under the Disaster Relief Act of 1974 or by other Federal, State or local resources. Activities must also principally benefit low-moderate income persons in accordance with the provisions of § 570.302(d). Applicants proposing any activities eligible, for assistance under other Federal programs must follow the procedures of § 570.607.

(g) *Application requirements.* An application may be submitted at anytime provided it is submitted to the appropriate HUD Area Office along with five (5) copies within 150 days after either the Presidential or federal agency declaration that disaster or emergency assistance is required. Applications for grants under this section shall meet the following application requirements:

(1) Standard Form 424 Federal Assistance, prescribed by OMB Circular No. A-102.

(2) The Community Development Program required by § 570.305 which shall specifically describe and identify the emergency community development needs, explain how these needs are caused by the disaster, and show how the proposed activities will meet those needs.

In addition, the Community Development Program shall indicate the applicant's priorities for funding, identify alternative plans or projects in each priority area, and identify adverse impacts for each proposal.

(3) The applicant must identify if the proposed activities are within a floodplain or wetland or if the activity will impact on a floodplain or wetland. The FEMA/FIA maps are the minimum standard for making this determination.

(4) The applicant shall provide the certifications required by § 570.307 except paragraphs (c), (d) and (f) respectfully are modified as follows:

(i) The applicant is exempt from the normal OMB Circular No. A-95 process. However, applicants are required to submit an information copy of their application to the appropriate State and areawide clearinghouses at the time the application is submitted to HUD.

(ii) The applicant must certify that citizens likely to be affected by the project have been provided an opportunity to comment on the application.

(iii) The applicant must certify that the activities will principally benefit persons of low-moderate income.

(5) Where there is an approved HAP the applicant is required to submit an amended HAP, to reflect the housing conditions, needs and revised goals related directly to the disaster or emergency.

(6) Where there is a Community Development and Housing Plan the applicant is required to submit an amended Plan to reflect the changes related to disaster or emergency.

(7) The applicant must describe the disaster assistance activities that are being funded by the Federal Emergency Management Agency, the Small Business Administration, the Red Cross, or any other Federal, State or local agencies.

(h) *Reduction or Termination of Grants.* When the Secretary determines on the basis of a review of the recipient's performance that the objectives set forth in § 570.909(a) have not been met, the Secretary may reduce or terminate the grant. Funds already expended on eligible activities will not be withdrawn.

No reduction or termination will be made until at least one of the corrective or remedial actions specified in § 570.910(b) have been taken, and only then if the recipient has not made an appropriate and timely response. Prior to making such grant reduction or termination, the recipient shall also be notified and given an opportunity within a prescribed time for an informal consultation regarding the proposed action.

Authority: Section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307).

Issued at Washington, D.C., November 4, 1980.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 80-35285 Filed 11-12-80; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 357]

Multi-Vintage Dates Under the Labeling and Advertising Regulations for Wine Under the Federal Alcohol Administration Act

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) has been petitioned by a wine industry member to amend the regulations to allow different vintage dates and percentages from each to be stated on labels of blended wine. The petitioner contends that this information is truthful, accurate and should be disseminated to the consumer. At present, ATF regulations allow vintage statements. A vintage wine is wine labeled with the year of harvest of the grapes. To qualify as vintage wine, at least 95 percent of the volume of the wine must have been derived from grapes harvested in the labeled calendar year, and the wine must be labeled with an appellation of origin other than a country.

ATF wishes to gather information by inviting comments from the public and industry on the desirability of allowing multi-vintage dates and percentages on labels and in advertisements of blended wine.

DATES: Comments must be received on or before January 12, 1981.

ADDRESS: Send comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Roger L. Bowling, Research and Regulations Branch, 202-566-7626.

SUPPLEMENTARY INFORMATION: The Bureau, historically, has not allowed multi-vintage dates and percentages from each on labels or in advertisements. This position was clearly stated in Revenue Ruling 54-250. A more recent Ruling, ATF Ruling 78-4, held that, except for vintage wine, harvest or picking dates could not be stated as they could likely mislead the consumer into thinking the wine was a vintage wine.

The Bureau has now been petitioned to amend the regulations to allow these statements, that is, the distinct vintages and percentages comprising a blended wine's components. However, before issuing proposed regulations, ATF invites persons to submit comments, opinions, or other data so we can determine:

1. Is there sufficient need to state the distinct vintages and percentages of each for blended wine?

2. Would the consumer be misled or confused with two or more vintage dates and percentages on labels and in advertisements?

3. Would such multi-vintage dates and percentages detract from what has traditionally been applied to the word "vintage" and vintage wines?

4. Is there another term that can be substituted for "multi-vintage", such as multi-harvest dates, which would not detract from "vintage" or tend to mislead consumers? What term or phrase do you suggest?

5. If allowed, what restrictions should be placed on the labels? For example, must the components of the blend be qualified to be labeled as vintage wine themselves since a vintage date would be stated for each component? Should such statements be restricted to the back label where such additional information is normally found on a container?

6. The European Economic Community (EEC) prohibits the use of multi-vintage dates. If final regulations are issued, the Bureau will alert American producers, bottlers, and exporters through the use of industry circulars and press releases that wines labeled with multi-vintage dates will be denied entry into these countries. Do you feel these measures are sufficient? What other measures do you recommend?

Diclosure of Comments

Comments on this advance notice may be inspected during normal business hours at: ATF Reading Room, Room 4407, Federal Building, 1200 Pennsylvania Avenue, Washington, DC.

ATF will not recognize any material and comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting comments is not exempt from disclosure.

Drafting Information

The principal author of this document is Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This advance notice of proposed rulemaking is issued under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended, 27 U.S.C. 205).

Signed: October 14, 1980.

G. R. Dickerson,

Director.

Approved: October 28, 1980.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 80-35389 Filed 11-12-80; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 884 and 938

Abandoned Mine Lands Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of intent and proposed rule.

SUMMARY: On November 3, 1980, the Commonwealth of Pennsylvania submitted to OSM its proposed abandoned mine land reclamation plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the Commonwealth's plan.

DATES: Written comments on the plan must be received on or before 5:00 p.m., January 3, 1981. Written comments on whether OSM should hold a public hearing on the plan must be received by 5:00 p.m., November 26, 1980. A public hearing will be held on December 17, 1980 at 10:00 a.m. and will continue until all discussions have been completed. The hearing may be cancelled, as discussed under Supplementary Information, below.

ADDRESSES: Written comments should be sent to: Patrick R. Boggs, Regional Director, Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston West Virginia 25301. The public hearing, if held, will be in Harrisburg, Pennsylvania at the Department of Environmental Resources, Fulton Bank Building, Third and Locust Street, 2nd Floor Conference Room.

The hearing may be cancelled, as discussed under Supplementary Information, below. Copies of the full text of the proposed Pennsylvania Abandoned Mine Reclamation plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region I, 603 Morris Street, Charleston, West Virginia 25301;

Department of Environmental Resources, Office of Resources Management, Third and Reily Street—Evangelical Press Building, 2nd Floor, Harrisburg, Pennsylvania 17120.

The Administrative Record will be available for public review at the OSM Region I office above, on Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Earl R. Cunningham, Assistant Regional Director, AML, Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 25301, Telephone (304) 342-8125.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Public Law 95-87, 30 U.S.C. 1201 et seq., establishes an abandoned mine land program for the purposes of reclaiming and restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or Federal law.

Title IV provides that if the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV, the Secretary may approve the State program and grant to the State exclusive responsibility and authority to implement the provisions of the approved program.

On November 3, 1980, OSM received a proposed abandoned mine reclamation plan from the Commonwealth of Pennsylvania. The purpose of this submission is to demonstrate both the intent and capability to assume responsibility for administering and conducting the provisions of SMCRA and OSM's Abandoned Mine Lands (AML) Reclamation Program (30 CFR Chapter VII, Subchapter R) as published in the **Federal Register** (F.R.) on October 25, 1978, 43 FR 49932-49952.

This notice describes the proposed program and sets forth information concerning public participation in the Director's determination of whether or not the submitted plan may be approved. The public participation requirements for the consideration of a State AML Reclamation Plan are found in 30 CFR Sections 884.13 and 884.14 (43 FR 49948 (1978)). Additional information may be found under corresponding sections of the preamble to OSM's AML Reclamation Program Final Rules (43 FR 49932-49940 (1978)).

The receipt of the Pennsylvania Reclamation Plan submission is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in Pennsylvania.

By submitting a propsed plan, Pennsylvania has indicated that it wishes to be primarily responsible for this program. If the submission as hereafter modified, is approved by the Director of OSM, the Commonwealth will have primary responsibility for the reclamation of abandoned mine lands in Pennsylvania. If the program is disapproved and the Commonwealth does not choose to revise the plan, a Federal AML program will be implemented and OSM will have primary responsibility for these activities.

All written comments must be mailed or hand carried to the Regional Director's Office above or may be hand carried to the public hearing, if a public hearing is found to be necessary and submitted as exhibits to the proceedings.

If the Regional Director finds that the Commonwealth has given the public adequate notice and opportunity to comment in public hearings, and that the record of such hearing does not reflect major unresolved controversies and there are not a significant number of requests during the comment period on the need for a hearing, the hearing may be cancelled by a notice published in the **Federal Register** cancelling the scheduled hearing.

Written comments on the issue of waiver of the public hearing must be received by 5:00 p.m., November 26, 1980.

Pursuant to 30 CFR 884.13, OSM will continue the period of review of the proposed Pennsylvania Reclamation Plan at least until a final decision is made by the Secretary of the Interior on the Pennsylvania permanent regulatory program.

The comment period will close at 5:00 p.m., on January 3, 1981. Comments received after that time will not be considered. Representatives of the Regional Director's Office will be available to meet between 8:00 a.m. and 4:00 p.m. at the request of members of the public to receive their advice and recommendations concerning the proposed Commonwealth AML reclamation program.

Persons wishing to meet with representatives of the Regional

Director's Office during this time period may place such request with Richard Leonard, Public Information Officer, telephone 304/342-8125 at the Regional Director's Office above.

Meetings may be scheduled between 8 a.m. and 4:00 p.m. Monday through Friday excluding holidays at the Regional Director's Office.

The Department intends to continue to discuss the Commonwealth's plan with representatives of the Commonwealth throughout the review process. All contacts between Departmental personnel and representatives of the Commonwealth will be conducted in accordance with OSM's guidelines on contacts with States published September 19, 1979 at 44 FR 54444.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed program. The approval of State AML reclamation plans does not have significant environmental impact, but is only a procedural change in terms of the governmental entity that will be performing the work.

The Director has determined that this is not a significant rule within the meaning of 43 CFR Part 14 and no regulatory analysis is being prepared on the Director's decision relating to the Pennsylvania Reclamation Plan for Abandoned Mine Lands.

The Pennsylvania Reclamation Plan for Abandoned Mine Lands can be approved if:

1. The Director finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The Commonwealth has the legal authority, policies and administrative structure to carry out the plan.

4. The plan meets all the requirements of the OSM, AML Reclamation Program Provisions.

5. The Commonwealth has an approved Regulatory Program, and

6. It is determined that the plan is in compliance with all applicable State and Federal laws and regulations.

The following constitutes a summary of the contents of the Pennsylvania Reclamation Plan submission:

The Department of Environmental Resources has been designated by the Governor of the Commonwealth of Pennsylvania to implement and enforce the Abandoned Mine Lands Program in accordance with SMCRA (P.L. 95-87). The Department of Environmental Resources has developed Commonwealth regulations to carry out Commonwealth mandate. Contents of the State Plan submission include:

(a) Designation of authorized Commonwealth Agency to administer the program.

(b) Commonwealth's Chief Legal Officers opinion of designated Agency to operate the program.

(c) Description of the policies and procedures to be followed in conducting the program including:

(1) Goals and objectives

(2) Project ranking and selection procedures

(3) Coordination with other reclamation programs

(4) Land acquisition, management and disposal

(5) Reclamation on private land

(6) Rights of Entry

(7) Public participation in the program

(d) Description of the Administrative and Management structure to be used in the program including:

(1) Description of the organization of the designated agency and its relationship to other organizations that will participate in the program.

(2) Personnel staffing policies.

(3) Purchasing and procurement systems and policies.

(4) Description of the accounting system including specific procedures for operation of the reclamation fund.

(e) Description of the public's participation in preparation of the plan.

(f) A general description of activities to be conducted under the reclamation plan including:

(1) Know or suspected eligible lands and water requiring reclamation, including a map.

(2) General description of the problems identified and how the plan proposes to deal with them.

(3) General description of how the lands to be reclaimed and proposed reclamation relate to the surrounding lands and land uses.

(4) A table summarizing the quantities of land and water affected and an estimate of the quantities to be reclaimed during each year covered by the plan.

(5) General description of the social, economic, and environmental conditions in the different geographic areas where reclamation is planned, including:

(i) The economic base.

(ii) Sociologic and demographic characteristics.

(iii) Significant aesthetic, historic or cultural, and recreational values.

(iv) Hydrology including water quality and quantity problems associated with past mining.

(v) Flora and fauna including endangered or threatened species and their habitat.

(vi) Underlying or adjacent coal beds and other minerals and projected methods of extraction.

(vii) Anticipated benefits from reclamation.

Dated: November 7, 1980.

Walter N. Heine,

Director.

[FR Doc. 80-35386 Filed 11-12-80; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AD-FRL 1666-4]

Approval and Promulgation of Implementation Plans; Statutory Restriction on New Sources Under Certain Circumstances for Nonattainment Areas; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Notice of comment period extension.

SUMMARY: On September 22, 1980 (45 FR 62850) EPA proposed to exempt from application of the construction moratorium required by section 110(a)(2)(I) of the Clean Air Act, sources locating in those political subdivisions within a nonattainment area where a State Implementation Plan (SIP) meeting the requirements of Part D of the Act is in effect and being implemented. We received a request to extend the comment period beyond the October 14 deadline. The purpose of this notice is to extend the public comment for this proposed rule from October 14, 1980 to November 25, 1980.

DATES: Written comments must be received by November 25, 1980.

ADDRESS: Comments should be directed to Nancy Mayer, Control Programs Development Division, (MD-15), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

FOR FURTHER INFORMATION CONTACT: Nancy Mayer, Control Programs Development Division, (MD-15), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. (919) 541-5497.

This notice is issued under the authority granted in Section 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7601(a).

Dated: November 6, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 80-35279 Filed 11-12-80; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 123

[SW-4-FRL 1666-7]

Georgia's Application for Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region IV.

ACTION: Notice of public hearing and public comment period.

SUMMARY: EPA has promulgated regulations under Subtitle C of the Resource Conservation and Recovery Act (as amended) to protect human health and the environment from the improper management of hazardous waste. Phase I of the regulations were published in the **Federal Register** on May 19, 1980 (45 FR 33063). These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is announcing the availability for public review of the Georgia application for Phase I interim authorization, inviting public comment, and giving notice of a public hearing to be held on the application.

DATE: Comments on the Georgia interim authorization application must be received by December 22, 1980.

Public hearing: EPA will conduct a public hearing on the Georgia interim authorization application at 7:00 p.m. on Monday, December 15, 1980. The State of Georgia will participate in the public hearing.

ADDRESSES: The public hearing will be held at: Main Auditorium, Richard B. Russell Federal Building, 75 Spring Street S.W., Atlanta, Georgia 30303.

Copies of the Georgia interim authorization application are available at the following addresses for inspection and copying by the public:

(1) Land Protection Branch, Georgia Environmental Protection Division, 270 Washington Street SW., Room 822, Atlanta, Georgia 30334, Telephone: 404/656-2833

(2) Environmental Protection Agency, Regional Office Library, Room 121, 345 Courtland Street NE., Atlanta, Georgia 30365, Telephone: 404/881-4216

(3) EPA Headquarters Library, Room 2404, 401 M Street, S.W., Washington, D.C. 20460.

Written comments, requests to speak at the hearing, and requests for further information should be addressed to: Heather M. Ford, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone: 404/881-3016.

FOR FURTHER INFORMATION CONTACT: Heather M. Ford, (404) 881-3016.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated Phase I of its regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. EPA's Phase I regulations establish, among other things: the initial identification and listing of hazardous wastes; the standards applicable to generators and transporters of hazardous wastes, including a manifest system; and the "interim status" standards applicable to existing hazardous waste management facilities before they receive permits.

The May 19 regulations also include provisions under which EPA can authorize qualified State hazardous waste mangement programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for interim authorization, the State hazardous waste program must, among other things:

(1) Have been in existence prior to August 17, 1980, and

(2) Be "substantially equivalent" to the Federal program.

A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123 Subpart F (45 FR 33479).

The State of Georgia has submitted a complete application to EPA for Phase I interim authorization. Copies of the State submittal are available for public inspection and comment as noted above.

Conduct of Hearing

The hearing is intended to provide an opportunity for interested persons to present their views and submit information for consideration by EPA in the decision whether to grant Georgia interim authorization for Phase I of the RCRA program.

The hearing will be informally structured. Individuals providing oral comments will not be sworn in, nor will formal rules of evidence apply. Questions may be posed by EPA personnel to persons providing oral comments; however, no cross-examination by other participants will be allowed.

The State will testify first and present a short overview of the State program. Other commenters will then be called in the order in which their requests were received by EPA. As time allows, persons who did not sign up in advance but who wish to comment on the State's application for Phase I interim authorization will also be given an opportunity to testify. Each organization or individual will be allowed as much time as possible for oral presentation based on the number of requests to participate and the time available for the hearing. As a general rule, in order to ensure maximum participation and allotment of adequate time for all speakers, participants should limit the length of their statements to five minutes.

Dated: November 5, 1980.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 80-35278 Filed 11-12-80; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 720

[OPTS-50018; TSH-FRL 1666-6]

Premanufacture Notification Requirements and Review Procedures; Availability of Proposed Economic Impact and Draft Regulatory Analyses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: ICF Incorporated, under contract to EPA, has prepared an Economic Impact Analysis of the Premanufacture Notification Rules Proposed under section 5 of the Toxic Substances Control Act (TSCA). In addition, EPA has developed a Regulatory Analysis of the section 5 rules in accordance with Executive Order 12044. Both ICF's proposed Economic Impact Analysis and draft of EPA's Regulatory Analysis are available upon request from the Industry Assistance Office of the EPA Office of Toxic Substances. The Agency is soliciting comments on these documents.

DATE: Written comments should be submitted by December 15, 1980.

ADDRESS: All written comments should bear the identifying notation (OPTS-

50018) and be addressed to: Document Control Officer (TS–793), Office of Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St. SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–429, 401 M St. SW, Washington, DC 20460, Toll Free: 800–424–9065, in Washington: 554–1404.

A copy of the draft Regulatory Analysis and the proposed Economic Impact Analysis will be available for public review in each of the ten regional offices of EPA.

SUPPLEMENTARY INFORMATION: EPA proposed premanufacture notification rules, published in the **Federal Register** of January 10, 1979 (44 FR 2242), to implement section 5 of the Toxic Substances Control Act (TSCA). As a result of public comments, EPA reproposed a portion of these regulations in the **Federal Register** of October 16, 1979 (44 FR 59764). EPA also proposed processor notification rules under TSCA section 5 on August 15, 1980 (45 FR 54642).

EPA published a preliminary economic impact analysis of the section 5 rules, prepared by Arthur D. Little, Inc., with the January 10 proposal. This analysis estimated the costs of preparing section 5 notices and briefly examined the potential impact of the proposed rules on new-chemical development. Arthur D. Little also prepared a unit-cost analysis for the notice form reproposed on October 16, 1979. These documents, "Impact of TSCA Proposed Premanufacturing Notification Requirements" (December 1978) and "Estimated Costs for Preparation and Submission of Reproposed Premanufacture Notice Form" (September 1979), are available from the Industry Assistance Office of the EPA office of Toxic Substances.

In the October 16 reproposal and the proposed processor notification rule of August 15, 1980, EPA announced that a further economic analysis of the general section 5 rulemaking was being conducted (44 FR 59782; 45 FR 54652). In November 1979, EPA issued a task order to ICF Incorporated to carry out this analysis. The Agency published a notice in the **Federal Register** of June 10, 1980, (45 FR 39450) soliciting comments on ICF's proposed methodology. EPA received several comments, which it is considering in developing the final Economic Impact Analysis. EPA will publish its response to these comments along with the final economic analysis in early 1981.

The proposed ICF analysis, "Economic Impact Analysis of Proposed Section 5 Notice Requirements," is now available from the Industry Assistance Office. ICF concludes that although there are readily measurable costs associated with notifying EPA, these costs are *not* the major source of the economic impact. Rather, the uncertainty about EPA's action on a notice (which is a function of the very existence of TSCA not just Section 5) and the other "difficult to quantify" consequences only indirectly related to the notification rule (e.g., the decision to undertake a health and safety study, protection of trade secrets revealed in the notice, potential restrictive action) will be the major source of impact. ICF also concludes that there is likely to be a short-run drop in the number of new chemicals introduced as chemical companies shift their activities into "safe" chemicals. Current data, however, do not allow a quantitative estimate of the effect of the proposed rules on chemical innovation.

A draft Regulatory Analysis of the premanufacture notification rules, prepared by EPA, is also available from the Industry Assistance Office. In the draft Reglatory Analysis, EPA discusses the major issues raised by the rules and describes the different alternatives for resolving these issues. The analysis also explains the basis for EPA's proposed choices among the alternatives.

EPA is mailing copies of the draft Regulatory Analysis and the main report of the proposed Economic Impact Analysis to persons who submitted comments on the January 10 or the October 16 proposed rules. Other interested persons should contact the Industry Assistance Office for these analyses. Because of the size of the Economic Impact Analysis, the Agency is not mailing two volumes of appendices. Volume I consists of Appendix A, "Cost of Forms"; Appendix B, "Assessment of the Feasibility of Developing a Methodological Framework for Formal Economic Impact Analysis"; Appendix C, "Discounted Cash Flow Analysis"; and Appendix D, "Discussion of the Economic Burden of Section 5 Notice Requirements on EPA and Society." Volume II consists of Appendix E, "Chemical Segment Profiles." These appendices, which provide useful background to the proposed economic analysis, are available in limited quantities from the Industry Assistance Office.

The proposed Economic Impact Analysis evaluates the potential impact of the proposed section 5 regulations without taking into account other TSCA regulations. EPA, however, has recently initiated a multiyear study under contract with Meta Systems, Inc., of Cambridge, Massachusetts, to assess the overall economic impact of TSCA on the chemical industry. This study will further analyze the economic impact of the premanufacture review program and its role in TSCA regulation as a whole.

Public Participation. EPA does not intend to hold public meetings on the proposed Economic Impact Analysis and the draft Regulatory Analysis because of the technical nature of the issues they raise. The Agency encourages interested persons to submit written comments. Comments on the Economic Impact Analysis may address policy and other noneconomic issues of the rulemaking insofar as decisions on these issues should be influenced by the economic findings and conclusions. However, commenters on the proposed Economic Impact Analysis and the draft Regulatory Analysis should not resubmit or repeat in detail previous comments on the proposed section 5 rules. Comments already submitted on these rules will continue to be a part of the official record of the rulemaking.

EPA will consider all comments when preparing the final versions of these documents and the final section 5 rules. The final analyses will be published when the section 5 rules are promulgated early in 1981. Comments will be available for public inspection in Room 447, East Tower, Environmental Protection Agency, 401 M Street SW, Washington, DC, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: October 23, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80–35275 Filed 11–12–80; 8:45 am]

BILLING CODE 6560–31–M

FEDERAL COMMUNICATIONS COMMISSIONS

47 CFR Part 73

[Docket No. 80–658; RM–3584]

TV Broadcast Station in East St. Louis, Illinois; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a noncommercial educational television channel to East St. Louis, Illinois in response to a petition filed by International Black

Baptist Bible College. The proposed station could bring a first local television service to East St. Louis.

DATES: Comments must be filed on or before December 15, 1980, and reply comments on or before January 4, 1981.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–9660.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of Section 73.606(b), Table of Assignments, Television Broadcast Stations (East St. Louis, Illinois) BC Docket No. 80–658, RM–3584. Notice of proposed rule making.

Adopted: October 15, 1980.

Released: October 23, 1980.

By the Chief, Policy and Rules Division:

1. The Commission has before it a petition for rule making,[1] filed by International Black Baptist Bible College ("petitioner"), which seeks the amendment of Section 73.606(b) of the Commission's Rules (the Television Table of Assignments) by assigning UHF television Channel *46 to East St. Louis, Illinois, for noncommercial educational use. Petitioner states that it will apply for the channel, if assigned. No comments have been received on the proposal.

2. East St. Louis (pop. 69,996 [2]), in St. Clair County (pop. 285,199) is located in southwest Illinois, directly across the Mississippi River from St. Louis, Missouri. It has no local television service.

3. Petitioner claims that the proposed assignment would benefit the community by creating a new programming source directed toward the cultural and social needs of the community. It notes that there are several universities and educational centers in the area. In addition, East St. Louis is one of 63 model cities in the nation and only 5 minutes from St. Louis, Missouri. Petitioner further states that the programming would be directed toward the needs and interests of the minority community.

4. The Commission finds that the proposed assignment should be considered in a rule making proceeding. The proposal would provide the opportunity for a first local TV station to serve the needs of East St. Louis, Illinois.

5. In view of the above, comments are invited on the following proposal to amend the Television Table of Assignments, 73.606(b) of the Commission's Rules, with regard to the following community:

City	Channel Number	
	Present	Proposed
East St. Louis, Ill.		*46

6. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by referrence herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before December 15, 1980, and reply comments on or before January 4, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–9660. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making to* which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Numbers of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference

[1] Public Notice of the petition was given on February 27, 1980, Report No. 1218.

[2] Population figures are taken from the 1970 U.S. census.

Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-35539 Filed 11-12-80; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Regulations; Fee Schedule

AGENCY: National Ocanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: For the past ten months, NOAA has reviewed the foreign fishing fees. As a result of this review, NOAA proposed a new fee schedule for foreign fishing in 1981; sets the surcharge level at 20 percent; proposes new fee collection procedures; proposes a format for the Effort Plan; and announces a public hearing on these issues.

DATES: A public hearing will be held beginning at 10:00 a.m. on December 8, 1980. Persons wishing to attend should notify the National Marine Fisheries Service at the address given below no later than December 3, 1980. If interest warrants, an additional hearing will be scheduled. Written comments on these proposed regulations must be postmarked no later than midnight, December 15, 1980.

ADDRESSES: The public hearing will be held in Room B-100 of the Page Building #1, 2001 Wisconsin Avenue, N.W., Washington, D.C.

Notification of attendance and written comments may be addressed to: Denton R. Moore, Chief, Regulations and Permits Division, F/CM7, National Marine Fisheries Service, 33000 Whitehaven Street, N.W., Washington, D.C. 20235. Telephone (202) 634-7432 or 653-5526.

FOR FURTHER INFORMATION CONTACT: Miss Susan Jelly, telephone (202) 634-7432 or 653-5526.

SUPPLEMENTARY INFORMATION: The four substantive issues presented in this proposed rulemaking are related and pertain to the requirements outlined in Section 204 (b)(10) of the Fishery Conservation and Management Act of 1976, as amended (the FCMA), 16 U.S.C. 1801 *et seq.* That section requires the Secretary of Commerce to establish and publish a schedule of reasonable fees which may take into account the cost of carrying out the provisions of the FCMA. A proposed rulemaking to amend the vessel permit application fee was published on October 1, 1980 (45 FR 64995).

Proposed Poundage Fee Schedule for 1981

The fees charged foreign fishermen for fishing in the fishery conservation zone (FCZ) have been reviewed by NOAA for more than a year. A national conference was convened in Washington, D.C. in the summer of 1978 expressly to review the fee structure and its underlying philosophy. This was followed by an intensive inhouse review comparing the U.S. system with systems used elewhere. This study culminated in an advance notice of proposed rulemaking which appeared in the Federal Register on May 30, 1980 (45 FR 36460). That notice solicited public notice advice and comment regarding the fee system.

One option suggested in the Notice was an "effort" fee based on vessel days on the grounds. The proposal was opposed by virtually all commenters for various reasons.

Another issue raised in that Notice concerned the level of fees which should be charged. Public sentiment, reflected in recent Congressional activity, clearly favors significantly increased fee levels for a variety of reasons. Fees should be set at a level which defrays a significant portion of the costs incurred while administering the Act as it pertains to foreign fishing. The practice in previous years has been to charge a flat 3.5 percent of the published U.S. price for all species for which domestic markets exist. It has been pointed out that the U.S. price for certain species may not accurately reflect the international value of those species. Moreover, the flat-fee approach, while administratively appealing, did not reflect the economic variables associated with some fisheries. Thus, for 1981, we have departed from the practice of charging 3.5 percent of the value of the fish to a practice of setting a fee that reflects our best estimate of a reasonable level for the fishery, and blends U.S. and foreign prices when the U.S. price does not reflect the international value. The proposed fees are roughly twice those charged in 1980, although there are some exceptions.

The proposed fee for each allocated species is set forth in Table 1 below. Explanation of certain fees are included:

1. *Butterfish.* NMFS proposes a fee of $65/mt. This species is highly valued overseas and is a fishery the United States wish to develop.

2. and 3. *Hake (red and silver).* NMFS proposes fees of $7/mt for each. These are the same fees paid in 1979. The fee is not increased because NMFS suspects the fishery is only marginally profitable even at these low fees.

5. *Atlantic mackeral.* NMFS proposes $37/mt since mackeral are a highly desirable species in the United States and overseas.

8. *Illex squid.* NMFS proposes $36/mt. While $36 is six times the present fee, the foreign countries paid $16.50/mt for this desirable species in 1979.

9. *Loligo squid.* NMFS proposes $70/mt, since *Loligo* squid is a very desirable species and one the U.S. industry wishes to export.

16. *Pacific Ocean Perch.* NMFS proposes $44/mt. This is a species already almost fully utilized by U.S. fishermen, and higher fees are entirely appropriate.

19. *Sablefish.* NMFS proposes $55/mt for all sablefish. NMFS proposes to charge the same fee for longline-caught and trawl-caught sablefish, instead of different fees as in the past.

23. *Pacific whiting.* NMFS proposes $8/mt. NMFS does not believe that a higher fee will be economical.

Table I.—*1981 Poundage Fees*

Species	1980 dollar value	1980 fee (dollars per metric ton)	1981 dollar value	Proposed 1981 fee (dollars per metric ton[6])	Percent of 1981 dollar value
1. Butterfish	927	32.454	[1]1,019	65	6 ►
2. Hake, red	315	11.03	[1]266	7	2.6
3. Herring, silver	369	13.92	[1]378	7	1.9
4. Herring, river	113	3.96	[1]138	8	6
5. Mackerel, Atlantic	530	18.55	[1]341	37	11
6. Other finfish (Atlantic)	930	32.55	[1]853	56	7
7. Sharks (Atlantic)	1,091	38.19	[2]423	30	7
8. Squid, *Illex*	176	6.16	[1]522	36	7
9. Squid, *Loligo*	993	34.76	[1]736	70	10
10. Shrimp, royal red			[3]5,445	191	3.5
11. Atka mackerel	223	7.81	[12]114	8	7
12. Cod, Pacific	419	14.67	[12]586	41	7
13. Crab, Tanner	882	30.87	[4]627	50	8
14. Flounders	397	13.90	[5]550	30	5
15. Jack mackerel	154	5.39	[6]198	20	10
16. Pacific ocean perch	397	13.90	[5]440	44	10
17. Other groundfish (Pacific)	56	1.96	[5]220	8	3.5
18. Alaskan pollock	220	7.70	[12]241	16.50	7
19. Sablefish	1,587	55.55	[5]705	55	7.8

Table I.—*1981 Poundage Fees* —Continued

Species	1980 dollar value	1980 fee (dollars per metric ton)	1981 dollar value	Proposed 1981 fee (dollars per metric ton[9])	Percent of 1981 dollar value
20. Rockfish	397	13.90	[5]375	30	8
21. Snails	658	23.03	(7)	46	
22. Squid, Pacific	324	11.34	(7)	23	
23. Whiting, Pacific	176	6.16	[8]176	8	5
24. Dolphinfish (Mahi mahi)	4,354	152.39	[10]5,635	197	3.5
25. Other billfish	1,111	38.89	[10]1,477	52	3.5
26. Precious coral			(8)	Reserved	
27. Seamount groundfish	397	13.90	(7)	14	
28. Sharks, Pacific	825	28.88	[11]123	4	3.5
29. Striped marlin	2,816	98.56	[10]3,693	129	3.5
30. Swordfish	3,036	106.26	[11]3,201	112	3.5
31. Wahoo	2,968	103.88	[10]5,071	177	3.5

[1] Maine, Massachusetts, Rhode Island, New York, New Jersey, and Virginia landings, January–May 1980.
[2] NMFS Southeast Region estimate.
[3] Gulf of Mexico landings, January–June 1980.
[4] NMFS Alaska Region estimate.
[5] NMFS Northwest Region estimate based on negotiated prices of West Coast Fishermen's Marketing Association and actual prices reported by Washington Department of Fisheries.
[6] NMFS Market New, Seattle.
[7] No U.S. prices are available.
[8] Survey by NMFS Northwest Region of processing firms.
[9] To be determined if an application is received.
[10] Hawaii landings, January–March 1979.
[11] Hawaii landings, year of 1979.
[12] Averaged 1980 U.S. and 1979 Japan prices.

Fee Collection Procedures

The foreign fishing regulations pertaining to fee collection present several serious administrative problems both for the United States and the foreign nations involved.

Two modifications to the present system are proposed. The first is to require foreigners to establish and maintain a letter of credit for at least 25 percent of the annual poundage fee (based on the 1980 allocations where applicable; otherwise set by NMFS) and surcharge required by the Fishermen's Protective Act of 1967, as amended, rather than paying for the annual allocation in advance of fishing.

Each foreign nation will be responsible for maintaining its letter of credit at the required level at all times. This is a condition of continuing in the fishery.

Congress is now considering legislation which may provide for the transfer of foreign fishing fees paid to the Secretary of Commerce to a fisheries loan fund. If this legislation is enacted in 1980, the NOAA will amend these proposed fee collection procedures in order to adequately capitalize the fisheries loan fund. This amendment would require foreign nations to pay 20 percent of their 1981 poundage fees (effective January 1, 1981) and the related surcharge in advance of catching operations. The 20 percent cash payment (and surcharge) will be credited to that country's account in equal amounts at the end of the second quarter (after June 30) and at the end of the third quarter (after September 30), where appropriate.

The second proposal would amend the regulations so that foreign fishermen would pay poundage fees on a quarterly basis for fish actually caught in the previous three months. This procedure would be a significant improvement both for foreign nations and the United States. One reason is purely economic. By deferring cash settlements until after fish are actually caught, the debt service (now approximately 15 percent) is minimized. Refunds are no longer required. Fishing can be conducted on a more orderly and predictable basis. For the United States this change will reduce the bookkeeping burden, lessen the chance of error, and save about 1,200 staff hours per year.

A second, related problem arises because of in-season adjustments to the foreign allocations. These adjustments almost invariably involve making additional fish available to foreign fishermen so that operations may be continued. Again, the existing processes which involve prepayment tend to inhibit the orderly conduct of the fisheries. In 1979, 104 separate collection actions were initiated. These tended to overlap, partly because of the time required for their processing, but also as a result of the dynamics of the fisheries involved.

This amendment will also reduce international disagreements over catches. Discrepencies between foreign and NOAA estimates of the foreign catch would be resolved every three months, instead of being allowed to accumulate over an entire year. This will give the NOAA and the Regional Fishery Management Councils a better opportunity to manage foreign fishing on a real-time basis.

The new process would be to bill each nation for its actual catch in the fishery conservation zone during the following periods: January–March, April–June, July–September, and October–December. Countries would have 45 days to resolve catch figures with the Regional Director, and NMFS would then draw on the letter of credit for instantaneous payment.

Fishing Vessel and Gear Damage Compensation Fund

The NMFS proposes to collect the full 20 percent surcharge authorized by the Fishermen's Protective Act of 1967, as amended. The surcharge will be assessed against actual poundage fees and permit application fees, rather than fees paid for the allocation. The surcharge will be collected when vessel permit application fees are submitted, and when quarterly bills are prepared, unless the 20 percent advance payment is required.

Effort Plan

A format for the effort plan is proposed.

Other Matters

The Assistant Administrator for Fisheries, NOAA, has determined that these proposed amendments do not constitute a major Federal action within the meaning of the National Environmental Policy Act of 1969, as amended, since the amendments will not affect the quantity of fish harvested by foreigners. Therefore, no environmental assessment or environmental impact statement is required. The Assistant Administrator also has determined that these proposed amendments do not constitute a significant action under Executive Order 12044, and therefore do not require the preparation of a regulatory analysis.

Authority: 16 U.S.C. 1801 *et seq.*

Signed in Washington, D.C., this 28th day of October, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

The NMFS proposes to amend 50 CFR Part 611 as follows:

1. Section 611.15(a) is amended by adding a new paragraph (8) to read as follows:

§ 611.15 Fishery closure procedures.

(a) * * *

(8) A nation has not established and maintained a letter of credit as required in paragraph 611.22(a).

* * * * *

2. Section 611.15(a)(6) is amended by deleting the word "or".

3. Section 611.15(a) is amended by replacing the period in paragraph (7) with "; or".

§ 611.20 Total Allowable Level of Foreign Fishing. [Amended]

4. Section 611.20 is amended by removing paragraph (c).

5. Section 611.21 is amended by revising paragraph (b)(1) to read as follows:

§ 611.21 Allocations.

* * * * *

(b)(1) After the Secretary of State notifies each foreign nation of its allocation or reallocation of target species, each such nation must prepare and submit an effort plan to the Assistant Administrator for Fisheries, NOAA, Washington, D.C. 20235. Effort plans may be submitted after fishing begins if adequate time to prepare the plan does not exist between the allocations or reallocations and the start of fishing, but the plan must be submitted before 30 days have elapsed after a corresponding allocation or reallocation. The effort plan should follow this format:

Name of Country

Fishing area (BAS, NWA, etc.)

Gear type	Type/size of vessel	Main target species	Number of vessels	Approximate dates of fishing in FCZ	Estimated catch per vessel per day

6. In § 611.22 strike paragraphs (a)(2), (a)(3), (b), and (c) and replace them with the following:

§ 611.22 [Amended]

(a)(2)(i) *Poundage fees.* The owner or operator of each foreign vessel that catches fish in the fishery conservation zone must pay a poundage fee at the rate specified in Table I plus the surcharge required by paragraph (b) of this section.

Table I

[Dollars per metric tons]

Species	Poundage fees
1. Butterfish	65
2. Hake, red	7
3. Hake, silver	7
4. Herring, river	8
5. Mackerel, Atlantic	37
6. Other finfish	56
7. Sharks, Atlantic	30
8. Squid, *Illex*	36
9. Squid, *Loligo*	70
10. Shrimp, royal red	191
11. Atka mackerel	8
12. Cod, Pacific	41
13. Crab, Tanner	50
14. Flounders	30
15. Jack mackerel	20
16. Pacific Ocean Perch	44
17. Other groundfish	8
18. Pollock, Alaskan	16.50
19. Sablefish	55
20. Rockfish	30
21. Snails	46
22. Squid, Pacific	23
23. Whiting, Pacific	8
24. Dolphinfish	197
25. Other billfish	52
26. Precious coral	(1)
27. Seamount groundfish	14
28. Sharks, Pacific	4
29. Striped marlin	129
30. Swordfish	112
31. Wahoo	177

[1] Reserved.

(ii) *Method of Payment of Poundage Fees.* The owner or operator of each foreign vessel that catches fish in the fishery conservation zone must establish and maintain an irrevocable letter of credit, and pay all service charges. The Department of Commerce, NOAA, must be designated as the beneficiary. The letter of credit must be confirmed by a Federally chartered bank in the United States. The letter of credit must be for at least 25 percent of the poundage fee for the total annual allocation of the previous year, or as determined by the Assistant Administrator, plus the surcharge required by paragraph (b) of this section. No catching will be permitted unless (1) the letter of credit is established, and (2) authorized written notice of its issuance and confirmation are provided to the Assistant Administrator at the address in subparagraph 611.22(a)(1). No catching will be permitted if the amount of the letter of credit falls below 25 percent of the poundage fee plus the surcharge required by paragraph (b) of this section.

(iii) *Assessment of Poundage Fees.* Poundage fees will be assessed quarterly for the actual catch during January–March, April–June, July–September, and October–December. The appropriate Regional Director will reconcile catch figures with each country, following the procedures of paragraph 611.15(b). When the catch figures are agreed upon, NOAA will present a bill as the documentary demand for payment to the confirming bank. If, after 45 days from the end of the quarter, catches have not been reconciled, the estimate of the Regional Director will stand and a bill will be issued for that amount. If necessary, the catch figures may be refined by the Regional Director during the next 60 days, and any modifications will be reflected in the next quarter's bill.

(b) The owner or operator of each foreign vessel who submits a vessel permit application under subparagraph (a)(1) of this section or who accepts and pays poundage fees under subparagraph (a)(2) of this section must pay a surcharge equal to 20 percent of the fees. The Assistant Administrator may reduce or waive the surcharge if he determines that the Fishing Vessel and Gear Damage Compensation Fund is capitalized sufficiently.

[FR Doc. 80-35317 Filed 11-12-80; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 642

South Atlantic Fishery Management Council, South Atlantic Scientific and Statistical Committee, and the Advisory Panel; Scoping Meeting

AGENCY: National Oceanic Atmospheric Administration/Commerce.

ACTION: Notice of public meeting.

SUMMARY: The South Atlantic Fishery Management Council, South Atlantic Scientific and Statistical Committee, and the Advisory Panel announce a scoping meeting to discuss the preparation of a fishery management plan for shrimp.

The scoping process is the initial step in preparing a fishery management plan and notice hereof is intended to satisfy the Notice of Intent to Prepare an Enivronmental Impact Statement for the plan involving this fishery. The scoping process is discussed in Section 1501.7 of the regulations (43 FR 55978) implementing the National Environmental Policy Act.

DATE: The meeting will be held on December 9, 1980, from 9:00 a.m. to 5:00 p.m.

ADDRESS: South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, South Carolina 29407.

FOR FURTHER INFORMATION CONTACT: Mr. David Gould, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306,

Charleston, South Carolina 29407. Telephone (803) 571–4366.

Dated: November 5, 1980.

Robert K. Crowell,

Deputy Exective Director, National Marine Fisheries Service.

[FR Doc. 80-35211 Filed 11-12-80; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 674

North Pacific Fishery Management Council; High Seas Salmon Fishery Management Plan; Correction of Notice of Public Hearings

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Correction of notice of public hearings.

SUMMARY: On October 24, 1980, a notice in the **Federal Register** (45 FR 70525–70526) announced public hearings on proposed amendments to the High Seas Salmon Fishery Mangement Plan and regulations for the 1981 season. The notice has been corrected as follows:

DATES: The hearings scheduled for Novermber 6 and 9 will be held on December 6 and 9.

FOR FURTHER INFORMATION CONTACT: Mr. Jim H. Branson, Executive Director, North Pacific Fishery Management Council, Box 3136DT, Anchorage, Alaska 99510, (907) 271–4064.

Dated: November 6, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-35212 Filed 11-12-80; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council; High Seas Salmon Fishery Management Plan; Revised Hearings Schedule

50 CFR Part 674

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Partial Postponement of Public Hearings.

SUMMARY: The North Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), announced public hearings (45 FR 70525) for the purpose of public input on its proposed amendments to the High Seas Salmon Fishery Management Plan and regulations for the 1981 season. The public hearings schedule has been revised only for Juneau and Sitka. All other hearings places and dates remain as originally published. The period for the receipt of written comments has also been extended.

DATES: Written comments may be submitted on or before 5:00 p.m. on January 7, 1981. Those wishing to comment in Sitka or Juneau on the 1981 salmon amendments may do so at the following public hearings:

(a) Sitka, Alaska, Centennial Building, 2:00 p.m.–5:00 p.m. and 7:00 p.m.–9:00 p.m., November 12, 1980.

(b) Juneau, Alaska Gastineau Room, Baranof Hotel, 2:00 p.m.–7:00 p.m., November 13, 1980.

Limited numbers of the proposed amendment package will be available from the Executive Director, North Pacific Fishery Management Council, Suite 32, 333 West Fourth Avenue, Anchorage, Alaska 99501 (P.O. Box 3136DT, Anchorage, Alaska 99510) and the National Marine Fisheries Service, Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Jim H. Branson, Executive Director, (907) 274–4563.

Dated: November 7, 1980.

Robert K. Crowell,

Deputy Executive Director.

[FR Doc. 80-35387 Filed 11-12-80; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 681

Spiny Lobster Fisheries of the Western Pacific Region; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Notice of Public Hearings.

SUMMARY: The Western Pacific Fishery Management Council (the Council) will hold public hearing for the purpose of public input on the Draft Environmental Impact Statement/Fishery Management Plan (DEIS/FMP) for the spiny lobster fisheries of the Western Pacific Region.

DATES: Written comments on the Spiny Lobster DEIS/FMP from members of the public may be submitted no later than January 7, 1981.

Individuals or organizations wishing to comment on the FMP may do so at public hearings to be held as follows:

December 8, 1980—Honolulu, Hawaii

December 11, 1980—Pago Pago, American Samoa

December 18, 1980—Agana, Guam

All of the above hearings will start at 7:00 p.m.

ADDRESS: Send comments to: Chairman, Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1608, Honolulu, Hawaii 96813.

Public hearing locations:

December 8, 1980—Amfac Marine Center, Kewalo Basin, Honolulu, Hawaii

December 11, 1980—Conference Center, Pago Pago, American Samoa

December 18, 1980—Guam Reef Hotel, Agana, Guam

Copies of the fishery management plan are available at the following locations:

Guam:

1. Division of Aquatic and Wildlife Resources, Government of Guam, P.O. Box 2367, Guam, M.I. 96921

Honolulu:

1. Division of Fish and Game, State of Hawaii, 1151 Punchbowl Street, Honolulu, Hawaii 96813
2. Honolulu Laboratory, Southwest Fisheries Center, National Marine Fisheries Service, P.O. Box 3830, Honolulu, Hawaii 96816
3. Western Pacific Fishery Management Council, 1164 Bishop Street, Honolulu, Hawaii 96816

Pago Pago:

1. Office of Marine Resources, Government of American Samoa, P.O. Box 3730, Pago Pago, American Samoa 96799

Saipan:

1. Division of Marine Resources Development, Commonwealth of the Northern Mariana Islands, Saipan, C.M. 96950

Terminal Island:

1. National Marine Fisheries Service, Southwest Regional Office, 300 S. Ferry Street, Terminal Island, California 90731

FOR FURTHER INFORMATION CONTACT:

Mr. Svein Fougner, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Honolulu, Hawaii 96813, Tel: (808) 523–1368 or

Western Pacific Program Office, National Marine Fisheries Service, Southwest Regional Office, P.O. Box 3830, Honolulu, Hawaii 96812, Tel: (808) 946–2181

SUPPLEMENTARY INFORMATION: The Fishery Conservation and Management Act of 1976 (FCMA) as amended, (16 USC 1801 *et seq.)* established a Fishery Conservation Zone (FCZ) extending seaward from the territorial sea to a distance of 200 nautical miles offshore. Except for highly migratory species, the FCMA claims jurisdiction over all living marine resources within the FCZ of the United States. The Council is responsible for the FCZ of American Samoa, Guam, and Hawaii.

The proposed action is to adopt and implement an FMP for the spiny lobster fisheries in the FCZ of the Western Pacific Region between 3 and 200 nautical miles off the Hawaiian Islands, American Samoa, and Guam. The purpose of the plan is to encourage proper use of the spiny lobster resources of the Western Pacific region, making it possible to achieve the optimum yield from the fishery.

Dated: November 5, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-35401 Filed 11-12-80: 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 45, No. 221
Thursday, November 13, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

Hugh Watson Stockyard, Gainesville, Georgia; Posted Stockyards

On November 4, 1980, a notice was published in the **Federal Register** (45 FR 73113) giving notice of the facility no., name and location of stockyard, and date of posting for certain stockyards.

This notice is to correct the facility no. assigned to Hugh Watson Stockyard, Gainesville, Georgia.

The notice should have read:

Georgia
GA–189, Hugh Watson Stockyard
Gainsville—November 14, 1979

Done at Washington, D.C., this 6th day of November 1980.

Jack W. Brinckmeyer,
Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 80–35280 Filed 11–12–80; 8:45 am]
BILLING CODE 3410–02–M

Forest Service

Advisory Committee on State and Private Forestry; Meeting

The Advisory Committee on State and Private Forestry will meet in Washington, D.C., on December 4 and 5, 1980. The meeting will convene at 9:00 a.m. on December 4 in Room 3840, U.S. Department of Agriculture, South Building, Independence Avenue and 14th Street, Washington, D.C.

This Committee, comprised of 15 members from a broad spectrum of geographic and special interest areas, advises the Secretary of Agriculture and various agencies of the Department on the protection, management, and development of the Nation's non-Federal forest land resources. Dr. Ned D. Bayley, Acting Assistant Secretary for Natural Resources and Environment, will chair the meeting. He and representatives of the Forest Service and other interested agencies will attend from the Department of Agriculture.

Discussion will center on preparation of a report containing advice and guidance to the Secretary of Agriculture on USDA State and Private Forestry programs.

The meeting will be open to the public for participation as time permits. Persons who wish to attend should notify the Committee's Executive Secretary, Howard W. Burnett, USDA—Forest Service, P.O. Box 2417, Washington, D.C. 20013, telephone (202) 472–5580. Written statements may be filed with the Executive Secretary before or after the meeting.

Douglas R. Leisz,
Associate Chief.

FR Doc. 80–35258 Filed 11–12–80; 8:45 am]
BILLING CODE 3410–11–M

Office of the Secretary

Conclusion That the Cahaba River Does Not Qualify for Inclusion in the National Wild and Scenic Rivers System

Notice is hereby given in accordance with section 7(b)(i) of the Wild and Scenic Rivers Act, Pub. L. 90.542, October 2, 1968, (as amended), that the Secretary of Agriculture has concluded, on the basis of study, that the Cahaba River, Alabama, should not be included in the national wild and scenic rivers system.

Bob Bergland,
Secretary of Agriculture.
November 7, 1980.

[FR Doc. 80–35257 Filed 11–12–80; 8:45 am]
BILLING CODE 3410–01–M

Renewal of the Citizens Advisory Committee on Equal Opportunity

Notice is hereby given that the Secretary of Agriculture has renewed the Citizens' Advisory Committee on Equal Opportunity.

The purpose of the Committee is to advise the Secretary and other officials of the Department on all aspects of the Department's policies, practices, and procedures which promote equal opportunity. Meetings of the Committee will be open to the public.

The renewal of the Committee is in the public interest in connection with the duties of the Department.

Notice is also being given that a meeting has been scheduled for December 14–16, 1980, in Washington, D.C. The meeting will begin at 2:00 p.m., on December 14, 8:30 a.m., on December 15, and 8:30 a.m., on December 9. The agenda will include program initiatives for the coming years.

Persons wishing additional information concerning this meeting may contact Elda Inoue, Office of the Assistant Secretary for Administration, U.S. Department of Agriculture, Washington, D.C., 20250 (telephone 202–447–3291).

Joan S. Wallace,
Assistanty Secretary for Administration.
November 7, 1980.

[FR Doc. 80–35259 Filed 11–12–80; 8:45 am]
BILLING CODE 3410–95–M

COMMISSION ON CIVIL RIGHTS

Colorado Advisory Committee Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Colorado Advisory Committee to the Commission will convene at 7:00 p.m., and will end at 10:00 p.m., on December 2, 1980, at the St. John's Baptist Rectory, 315 4th Avenue, Longmont, Colorado 80501.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Minoru Yasui, 1150 South Williams, Denver, Colorado 80210, (303) 575–2621 or the Rocky Mountain Regional Office, 1020 Fifteenth Street, Suite 2235, Denver, Colorado 80202, (303) 837–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 7, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80–35294 Filed 11–12–80; 8:45 am]
BILLING CODE 6335–01–M

Illinois Advisory Committee Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 10:00 a.m., and will end at

3:00 p.m., on November 24, 1980, at the Midwestern Regional Office, Conference Room 3619, 230 South Dearborn Street, Chicago, Illinois 60604.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Miss Theresa F. Cummings, 2636 W. Lawrence Avenue, Springfield, Illinois 62704, (217) 525–1117, or the Midwestern Regional Office, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. November 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-35295 Filed 11-12-80; 8:45 am]

BILLING CODE 6335-01-M

Indiana Advisory Committee Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 7:00 p.m., and will end at 10:00 p.m., on November 24, 1980, at the Gary City Hall, Council Chambers, 2nd Floor, 401 Broadway Street, Gary, Indiana 46402.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Harriette B. Conn, 501 State Office Building, Indianapolis, Indiana 46204, (317) 633.6723 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353.7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-35296 Filed 11.12.80; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m., and will end at 6:00 p.m., on November 25, 1980, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, Dr. Bradford E. Brown, 17 Roberta Jean Circle, P.O. Box 95, E. Falmouth, Massachusetts 02536, (617) 548–5123 or the New England Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. November 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-35297 Filed 11-12-80; 8:45 am]

BILLING CODE 6335-01-M

New Jersey Advisory Committee; Amended Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the New Jersey Advisory Committee of the Commission originally scheduled to be held on November 13 at the Ramada Inn, School House Lane, (FR Doc. 80–32924 on page 70037) has been changed.

The meeting now will be held at Johnson and Johnson, Inc. New Brunswick, New Jersey, Kilmer House meeting room.

Dated at Washington, D.C. November 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-35298 Filed 11-12-80; 8:45 am]

BILLING CODE 6335-01-M

Oregon Advisory Committee Meeting

Notice is hereby given, pursuant ot the provisions to the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Oregon Advisory Committee to the Commission will convene at 2:00 p.m., and will end at 8:00 p.m., on November 21, 1980, at the Pacific Gas and Electric Building, Conference Room A, 121 S.W. Salmon, Portland, Oregon 97204.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, Mr. Thomas J. Sloan, 215 N.W. Orchard Drive, Portland, Oregon 97229, (503) 644–0161 or the Northwestern Regional Office, 915 Second Avenue, Room 2852, Seattle, Washington 98174, (206) 442–1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. November 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-35299 Filed 11-12-80; 8:45 am]

BILLING CODE 6335-01-M

Rhode Island Advisory Committee Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Advisory Committee to the Commission will convene at 5:00 p.m., and will end at 6:30 p.m., on December 10, 1980, at the Third World Center, 96 Angell Street, Providence, Rhode Island.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Miriam E. Satterfield, 54 Arbor Drive, Providence, Rhode Island 20908, (401) 277–6920 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-35300 Filed 11-12-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Cornell University Medical College, et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importations Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80–00202. Applicant: Cornell University Medical College, Department of Ophthalmology, The New York Hospital-Cornell Medical Center,

525 East 68th Street, New York, New York 10021. Article: Electron Microscope, Model JEM 100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of pathological human and animal tissues associated with various ocular diseases, particularly tumors. The objectives of the research to be conducted are:

(1) To discover the ultrastructural features of various ocular diseases as well as the mechanisms of their occurrences, and

(2) to find out the relation between the ultrastructural morphology and the ultrasonographic patterns.

All the studies are aimed at the future achievement of a more accurate diagnosis and a better treatment of ocular diseases than those at the present time. The article will also be used to teach the ultrastructural pathology of the eye to the residents and staff. Application received by Commissioner of Customs: February 22, 1980.

Docket No. 80–00203. Applicant: University of Minnesota Hospitals, 420 S.E. Delaware, Minneapolis, MN 55455. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of Article: The article is intended to be used in studies of tissues from animals and human subjects with experimental and clinical vascular diseases, primarily studies of kidney disease and diabetes mellitus. Specimens will be both thin sections of fixed embedded biopsy material and coated dried specimens for scanning EM. Animal experiments will include experimental glomerulonephritis and diabetes in rats, mice, and dogs. Human material will be obtained from clinical cases of various diseases by biopsy, nephrectomy and autopsy. The article will be used in training additional members of the faculty, graduate students and technicians in electron microscopy. Article ordered: January 14, 1980.

Docket No. 80–00204. Applicant: St. Louis University Medical School, 1402 S. Grand Blvd., St. Louis, Missouri 63104. Article: Electron Microscope, Model JEM 100CX with Water Recirculation and Specimen Rotating holder. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of cells and tissues from plant, animal and human organisms. Both prokaryotic and eucaryotic cells will be examined. Experiments will be carried out to determine the effects of disease, drugs, and physiologic modulation on the structure and elemental content of organelle cells and tissues *in vivo* and *in vitro*. The objectives of these investigations are to gain a thorough knowledge of the behavior of cells and tissues under altered circumstances in order to provide the information necessary to appropriately avoid and treat diseased states in plants, animals and humans. In addition, the article will be used for educational purposes in courses PT–535 Introduction to Electron Microscopy and PT–353 Basic ELectron Microscopy. Article ordered: January 2, 1980.

Docket No. 80–00205. Applicant: DHEW, PHS, National Institutes of Health, National Institute of Dental Research, Building 30, Room B–20, 9000 Rockville Pike, Bethesda MD 20205. Article: Electron Microscope, Model EM 10CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of the structural and functional organization of the primary neurons of trigeminal and spinal nerves as well as those portions of the brain and spinal cord which receive the axonal endings of these primary neurons and contain second order neurons in trigeminal and spinal pain pathways. Several different kinds of experiments will be conducted to provide detailed knowledge about the function of neurons which make up trigeminal and spinal pain pathways in terms of their structure, development, synaptic connections, their sources of input, the kinds of neurotransmitters they use, and the effects of loss of inputs on their integrity. These experiments are designed to provide knowledge of the basic mechanisms which underlie the sensation of pain as well as the mechanisms which might explain chronic pain states which result following loss of inputs subsequent to disease related and traumatic peripheral nerve injury. Article Ordered: December 27, 1979.

Docket No. 80–00209. Applicant: Yale University, CMHC, 34 Park Street, New Haven, CT 06508. Article: Electron Microscope, model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of actions (on the brain) of drugs which are used in the treatment of major psychiatric disorders. Experiments will include investigations on antiphyschotic drugs, antidepressant drugs, antianxiety drugs, and drugs of abuse. Article ordered: February 19, 1980.

Docket No. 80–00212. Applicant: Parkview Memorial Hospital, 2200 Randalia Drive, Fort Wayne, Indiana 46805. Article: Electron Microscope, Model JEM 100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of the ultrastructural characteristics of tissues, viruses and cellular inclusions associated with diseases. Experiments to be conducted will involve obtaining material from a variety of diseases and correlating the ultrastructural appearance of the tissue with aspects of the disease and that seen under experimental conditions such as cultures. In addition, the article will be used to instruct residents and staff in the ultrastructure of neoplastic and renal diseases. Article ordered: September 18, 1979.

Docket No. 80–00213. Applicant: Albert Einstein College of Medicine, Eastchester Road & Morris Park Avenue, F–650, Department of Anatomy, Bronx, New York 10461. Article: Electron Microscope, Model JEM 100 CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for molecular analysis of cell membrane components and proteins, such as actin, myosin, tubulin, dynein and clathrin, involved in cell motility and cell surface change. Localization of ions such as Ca^{2+} and vanadium on various cell structures will be sought. Article ordered: December 31, 1979.

Docket No. 80–00222. Applicant: Geisinger Medical Center, N. Academy Ave., Danville, PA 17821. Article: Electron Microscope Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the study of kidney, selected tumors and other tissue derived from human sources. Investigations will be conducted to:

(1) Describe the morphology of pathologic tissues at the cellular and subcellular level.

(2) Arrive at pathologic diagnoses, otherwise unattainable through light microscopy, in order to provide data for prevention of further disease processes or describe disease end-points.

(3) Classify disease processes at the subcellular level.

(4) Provide data for publication, evaluation, and application within the medical community.

In addition, the article will be used to prepare pathology residents in the application of electron microscopy as a diagnostic tool. Article ordered: February 26, 1980.

Docket No. 80–00224. Applicant: Baylor College of Medicine, 1200 Moursund, Houston, Texas 77030. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article:

The article is intended to be used for comprehensive studies of the ultrastructure of various muscle cells including culture human muscle cells from normal subjects and patients with neuromuscular diseases. The article will also be used for training of post doctoral fellows who wish to do high resolution transmission or scanning microscopy. Application received by Commissioner of Customs: March 5, 1980.

Docket No. 80-00233. Applicant: Scott and White Clinic, 2401 S. 31st, Temple, Texas 76501. Article: Electron Microscope, Model H-600-3 and Accessory. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for studies of human tissues in health and disease as seen in a diagnostic pathology service and related to investigation of disease processes in tissues, i.e., kidney, muscle and soft tumors. Experiments will consist of actual case studies and analysis, the search for viruses, crystalline inclusions and other ultrastructure bodies. In addition, the article will be used in the teaching of medical students as well as pathology interns and residents technique applications, limitations and interpretative results of electron micrographs. Article ordered: November 30, 1979.

Docket No. 80-00235. Applicant: State University of New York at Buffalo, Capital Equipment Division, 434 Crofts Hall, Amherst Campus, Amherst, New York 14260. Article: Electron Microscope, Model H-500-L and Accessories. Manufacturer: Hitachi Scientific Instruments Limited, Japan. Intended use of article: The article is intended to be used to study a wide range of biological material during the following investigations:

(1) Functional topology of the cell nucleus—elucidation of the association between nuclear function and matrix structure.

(2) Insect neurobiology—study of the role played by the nervous system in controlling behavior.

(3) Nuclear division in eukaryotic cells—combined biochemical and electron microscopic study to clarify important aspects of cell division.

(4) Yeast nucleic acid—study to provide verification of biochemical molecular weight determinations.

The article will also be used for demonstration purposes in the courses: (a) Cell Biology Laboratory, 211; (b) Molecular Genetics, 329; (c) General Biology Laboratory, 121. Article ordered: January 30, 1980.

Docket No. 80-00237. Applicant: University Hospital, State University of New York, Stony Brook, Stony Brook, New York 11794. Article: Electron Microscope, Model H-500-L and Accessories. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used for studies of human tissues, human cells, body fluids, and excreta for understanding of the etiology and pathogenesis of human diseases. The article will be used by predoctoral and postdoctoral students in the course of Ultramicroscopy for Practicing Pathologists. Article ordered: March 30, 1979.

Docket No. 80-00238. Applicant: University of California, Berkeley, Lawrence Laboratory, One Cyclotron Road, Berkeley, CA 94720. Article: Electron Microscope, Model JEM-200CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for producing photographic images of specimens at very high resolution in the Atomic Resolution Microscopy project within the Materials and Molecular Research Division, and will eventually be utilized as a "feeder" instrument to the Atomic Resolution Microscope (ARM). Article ordered: December 14, 1979.

Docket No. 80-00242. Applicant: The University of Mississippi Medical Center, 2500 North State Street, Jackson, Mississippi 39216. Article: Electron Microscope, Model EM 10C. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of biological tissues, including: brain, internal organs, muscle specimens, bone and skin. The investigations to be conducted include:

(a) Studies of experimentally induced cardiac myopathies.

(b) Experiments designed to clarify the morphological properties of the microvascular in central and peripheral nervous tissue.

(c) Studies directed toward an analysis of synaptic architecture in sensory and motor pathways in mammalian brain and spinal cord tissue.

(d) Investigations of muscle ultrastructure and properties of neuromuscular relationships.

(e) Studies of bone transformations as a function of dietary and nutritional factors.

The article will also be used in the course Techniques in Electron Microscopy to instruct students and faculty in the use of ultrastructural methods in the analysis of structure-function relationships in mammalian, biological tissue. Article ordered: September 26, 1979.

Docket No. 80-00246. Applicant: Research Foundation of the State U of NY, P.O. Box 9, Albany, NY 12201. Article: Electron Microscope, Model JEM 200CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the study of the melt phase produced during very small percentages of partial melting of periodite. Under the conditions, the melt phase which is generated occurs along grain boundaries. Of special interest is the examination of the compositional relationships at the melt/crystal interface to measure mineral/melt distribution coefficients and to assess the effects of high flux thermal neutron radiation on the crystal structures of amphibole, plagioclase, pyroxene, and biotite. Other studies will include the analysis of fine-exsolution lamellae in pyroxenes and amphiboles where the size of the lamellae precludes their analysis by electron microprobe. Article ordered: August 30, 1979.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-35327 Filed 11-12-80; 8:45 am]

BILLING CODE 3510-25-M

National Center for Toxicological Research, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80–00415. Applicant: National Center for Toxicological Research, Jefferson, AR 72079. Article: Tissue Processor for Electron Microscopy. Manufacturer: Max Zollinger, Inc., Canada. Intended use of article: The article is intended to be used for studies of biological tissues which are derived mainly from mammalian sources. A wide variety of experiments will be conducted, including experiments on the carcinogenicity of saccharin. The general aim of the planned investigations is the better understanding of the processes involved in carcinogenesis, and how the individual environmental substances can influence the development of cancer. Application received by Commissioner of Customs: August 15, 1980.

Docket No. 80–00416. Applicant: Calvin College, 3201 Burton Street, S.E., Grand Rapids, MI 49506. Article: Electron Microscope, EM 109. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article is intended to be used for studies of ultrastructure of cells and cellular processes from a variety of organisms. Of special interest are the bovine and human hepatocyte structure and function, turtle heart structure and function, freshwater snail structure and function, and carnivorous plant structure and function. The following experiments which all feature the cellular exploration of various cellular processes will be conducted:

1. Gross hepatocyte morphology will be analyzed as to changes occurring during the inflammatory response with particular note on alterations of mitochondria ultrastructure and the deposition of glycogen stores;

2. Hepatocyte rough endoplasmic reticulum, smooth endoplasmic reticulum and Golgi apparatus will be analyzed to find the site of fibrinogen assembly;

3. Turtle heart will be examined to determine whether smooth muscle cells are present which might account for the observations that slow tonic contractions may appear in electrocardiograms of turtle hearts;

4. Freshwater snails will be studied to observe their gross ultrastructure as well as the events surrounding the biosynthesis and secretion of components of the shell;

(5) Venus fly traps will be studied to elucidate their gross ultrastructure and, in greater detail, the events surrounding the biosynthesis and secretion of proteolytic enzymes found in the trap liquor.

In addition the article will be used for educational purposes in various biology courses. Application received by Commissioner of Customs: August 15, 1980.

Docket No. 80–00417. Applicant: University of California, Davis, Department of Anatomy, School of Veterinary Medicine, Davis, California 95616. Article: Electron Microscope, Model H-600-3. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: The article is intended for analytical electron microcopy of lungs from air pollution exposed animals. Pulmonary cell biology and the reactions of the respiratory system to injury following exposure to ambient levels of air pollutants will be investigated. The article will also be used to train graduate students working for the Ph. D. degree in Anatomy and Comparative Pathology. Application received by Commissioner of Customs: August 15, 1980.

Docket No. 80–00418. Applicant: University of California, Chemistry Department B-017, La Jolla, California 92093. Article: Ion Source. Manufacturer: Eidgenossische Technische, Hochschule, Switzerland. Intended use of article: The article is intended to be used for research on lunar samples regarding the age of the moon, the ages of lunar craters and of the composition of the solar wind and the solar flares; and studies on meteorites regarding the history of the solar system. Application received by Commissioner of Customs: August 15, 1980.

Docket No. 80–00419. Applicant: U. S. National Bureau of Standards (Department of Commerce), Quince Orchard Road and Rte. 270, Gaithersburg, MD 20760. Article: Excimer Laser, TE-861. Manufacturer: Lumonics, Ltd., Canada. Intended use of article: The article is intended to be used to irradiate certain gas molecules such as CH_3NO_2, causing them to undergo reactions such as $CH_3NO_2 \rightarrow CH_3 + NO_2$ or $CH_3NO_2 \rightarrow CH_3O + NO$ or $CH_3^+ + NO_2^-$. The article will generate these unstable, chemical reactive radicals such as CH_3, CH_3^+, and CH_3O. After these species are generated, they will be studied spectroscopically using infrared absorption spectroscopy or laser-excited fluorescence spectroscopy to determine the geometry (bond lengths, angles) of these laser-produced unstable molecules. Application received by Commissioner of Customs: August 15, 1980.

Docket No. 80–00420. Applicant: University of North Carolina, Department of Environmental Sciences and Engineering, School of Public Health 201H, Chapel Hill, North Carolina 27514. Article: Gas Chromotograph/Mass Spectrometer/Data System, Model MM 70/70. Manufacturer: VG-Micromass, United Kingdom. Intended use of article: The article is intended to be used for the study and application of gas phase ion chemistry to problems in environmental sciences and engineering. The particular phenomena to be studied include: unimolecular gas phase reactions of excited ions and gas phase ion-molecule reactions with particular emphasis on developing an understanding of chemical ionization mass spectrometry and studying novel ion-molecule reactions which might have utility for the analysis of materials of interest to environmental scientists and engineers. These materials include polycyclic aromatic hydrocarbons, their phenolic derivatives, chlorinated and brominated aromatic compounds, chlorinated phenols, plasticizers, metabolities, conjugates and transformation products of the above, soil or water extracts and so forth. Experiments will be conducted with the following objectives:

1. To identify the water borne effluents resulting from various coal gasification technologies.

2. To identify the biodegradation products of various coal gasification effluents.

3. To identify physical/chemical treatment products of coal gasification effluents.

4. To monitor the time-course of the biodegradation of compounds in coal gasification effluents.

5. To identify the chemical degradation products of aquatic humic acid.

6. To identify the chlorination products of humic acid model compounds.

7. To identify the volatile compounds resulting from the chlorination of humic acid.

Application received by Commissioner of Customs: August 18, 1980.

Docket No. 80–00422. Applicant: Southwest Research Institute, 6220 Culebra road, P.O. Box 28510, San Antonio, TX 78284. Article: Scanning Attachment with Camera, Lens, Film Holder and Adapters. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is an accessory to an existing electron microscope which will be used to perform chemical analysis on very small areas, such as interfaces and grain boundaries and to study localized plasticity by making electron channeling patterns over small areas, for such purposes as studying crack tip plasticity in ceramics and stainless steels. Application received by Commissioner of Customs: August 19, 1980.

Docket No. 80–000423. Applicant: Mount Zion Hospital and Medical Center, 1600 Divisadero, San Francisco, CA 94115. Article: Electron Microscope, EM 10 CA. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to examine a variety of biological systems including liver, pancreas, brain, human cultured lymphocytes, pituitary tumor-derived growth hormone secreting cells, hepatoma cells, and others. The unifying objective of the many research projects is to define the action and mechanisms(s) of action of a variety of hormones in normal and abnormal cells. Hormones to be studied include insulin, cholecystokinin, thyroid hormones, and others. Hormone effects on target cell structure will be assessed by both qualitative and quantitative electron microscopy (stereology). Application received by Commissioner of Customs: August 19, 1980.

Docket No. 80–00424. Applicant: Buffalo General Hospital, Department of Pathology, 100 High Street, Buffalo, New York 14203. Article: electron Microscope, JEM 100s. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used to examine ultrastructural aspects of various types of biological specimens. The majority of human tissues that will be studied will consist of kidney biopsies and tissue samples of tumors. In addition, the ultrastructure of organs of laboratory animals with experimental diseases will be evaluated. Electron microscopy will be performed to establish or confirm diagnosis of human diseases where light microscopy is inadequate. The article also may be used as an educational tool for pathology residents and research fellows. Application received by Commissioner of Customs: August 19, 1980.

Docket No. 80–00425. Applicant: Baylor College of Medicine, 1200 Moursund Avenue, Houston, TX 77030. Article: Electron Microscope, JEM 200CX. Manufacturer: Japan Electron Optical Labs., Ltd., Japan. Intended use of article: The article is intended to be used for the study of macromolecular protein structures in the Z band and the cytoskeleton in cardiac skeletal muscle. This project includes an *in vivo* and an *in vitro* study of Z bands, microtubules and associated structures using high voltage electron microscopy, optical diffraction and optical reconstruction techniques and various biochemical methods for extraction, purification, and reassembly of these components. A second project involves morphological analysis of components associated with the sarcoplasmic reticulum-glycogenolytic complex in cardiac and skeletal muscle. This project includes studies of isolated cell fractions prepared using standard fixation techniques, freeze-drying methods, and freeze-fracture, and freeze-etching techniques. A third project is an analysis of the lipid protein interactions in cell membranes of the sarcoplasmic reticulum. Application received by Commissioner of Customs: August 19, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80–35328 Filed 11–12–80; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), will meet to review status reports on development of fishery management plans; consider foreign fishing applications, if any; and conduct other fishery management business.

DATES: The meeting, which is open to the public, will convene on Wednesday, December 3, 1980, at approximately 10 a.m., and adjourn at approximately 5:30 p.m.

ADDRESS: The meeting will take place at the Sheraton Beach Resort, Woodmere West Room 1031 South First Street, Jacksonville Beach, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228–2815.

Dated: November 7, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80–35365 Filed 11–12–80; 8:45 am]

BILLING CODE 3510–22–M

Gulf of Mexico and South Atlantic Fishery Management Councils; Public Meetings

AGENCY: National Marine Fisheries Service.

SUMMARY: The Gulf of Mexico and South Atlantic Fishery Management Councils, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), will meet jointly to review research programs in relation to Councils' needs; review methodology and costs for southeast recreational billfish survey; and present reports on the Council Chairpersons' and the Gulf and Atlantic States Marine Fisheries Commission conferences.

DATES: The meetings, which are open to the public, will convene on Monday, December 1, 1980, at approximately 1:30 p.m., and will adjourn at approximately 5 p.m., reconvene on Tuesday, December 2, 1980, at approximately 8:30 a.m., and adjourn at approximately 1 a.m.

ADDRESS: The meetings will take place at the Sheraton Beach Resort, Woodmere South Room, 1031 South First Street, Jacksonville Beach, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228–2815;

or:

South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571–4366.

Dated: November 7, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-35366 Filed 11-12-80; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), will meet to discuss amendments to the Squid, Mackerel and Butterfish Fishery Management Plans (FMP's), status of other FMP's, foreign fishing applications, and other fishery management and administrative matters.

DATES: The meetings, which are open to the public, will convene on Wednesday, December 10, 1980, at approximately 1 p.m., and will adjourn on Friday, December 12, 1980, at approximately noon. The meetings may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: The meetings will take place at the Quality Inn Airport, 20th Street and Penrose Avenue, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: November 7, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-35367 Filed 11-12-80; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), will meet to review the Spiny Lobster Fishery Management Plan (FMP) for possible changes; discuss the upcoming Billfish FMP hearing; update current FMP endeavors, and discuss other management and administrative matters as necessary.

DATES: The meetings will convene on Wednesday, December 3, 1980, at approximately 1:30 p.m., and adjourn at approximately 5 p.m.; reconvene on Thursday, December 4, 1980, at approximately 9 a.m., and adjourn at approximately noon. These meetings are open to the public.

ADDRESS: The meetings will take place at the Sheraton Beach Resort, Woodmere East Room, 1031 South First Street, Jacksonville Beach, Florida.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571–4366.

Dated: November 7, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-35368 Filed 11-12-80; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Prepare Environmental Documents for Construction of a Binary Chemical Munitions Facility and Related Programs

Part 1. Construction of a 155mm Binary Munitions Facility at Pine Bluff Arsenal, Arkansas

1. Summary: By Pub. Laws No. 94–418 and No. 96–436, the Congress of the United States recently authorized and appropriated, respectively, the funds for construction of a binary munitions production facility at Pine Bluff Arsenal, Jefferson County, Arkansas. Notice is hereby given that the Department of the Army is gathering information in order to analyze, in an appropriate environmental document, the potential impacts of implementing the Congressional action by constructing the proposed 155mm facility at Pine Bluff Arsenal (PBA). Pine Bluff Arsenal is an established installation with missions to produce or manufacture chemical, smoke, riot control, incapacitating, incendiary and other pyrotechnic mixes and munitions; to operate limited production facilities for chemical defensive equipment; to receive, store, perform surveillance of, renovate, demilitarize, and ship chemical, conventional, riot control, smoke, and incendiary agents and/or munitions, industrial components and strategic materials.

2. The 155mm artillery binary munition is a device containing two less toxic chemcial compounds, each contained in separate canisters, which react in flight to a target to produce the nerve agent GB.

3. The proposed 155mm projectile facility will manufacture only one of the chemical compounds for the binary munition; load this compound into a canister; and then assemble the canister into a projectile. The assembled projectile cannot function due to the absence of the second canister containing the other chemical compound. This second compound will be procured and filled into canisters by industry at another location. Thus, the proposed facility at PBA will not produce nor store nerve agent. The construction project will renovate an existing building; install standard chemical plant process equipment (including pollution abatement devices); and construct two pre-engineered, non-combustible additions to an existing building to house canister-filling operations and the steam boilers. The proposed facility, as planned, is a total production entity which is independent of any future facilities, if authorized. The Congressional action is limited to facilitization at PBA only. Production was not authorized and the Department of the Army has not requested funds for production.

4. Under current law, production of lethal binary chemical munitions may not occur unless the President certifies to the Congress that such production is essential to the national interest. While fully recognizing this restriction, the Army recognizes the need under the National Environmental Policy Act (NEPA), to discuss and analyze in the environmental document the potential impacts of possible future production and storage at PBA of binary munition components, as well as the immediate impacts of construction of the facility. Notice is also given that a public scoping meeting will be held at White Hall High School, White Hall, Arkansas, on December 8, 1980, at 7:00 P.M. The purposes of the scoping process are (1) to provide a description of the proposed project; (2) to identify potential impacts and issues that should be included in the environmental document; (3) to identify other environmental review, coordination or permit requirements associated with the project; (4) to discuss the role of the environmental impact analysis in the planning and decision making process; and (5) to

discuss the anticipated time frame for preparation of the environmental document and the proposed construction. Prior to the scoping meeting and continuing until January 5, 1981, written comments and questions regarding the subjects to be discussed and analyzed in the environmental document may be addressed to Dr. F. Prescott Ward, Chemical Systems Laboratory, ATTN: DRDAR-CLT-E, Aberdeen Proving Ground, MD 21010, AC (301) 671-2586. Interested persons and agencies may, by contacting Dr. Ward, obtain an information packet containing a draft outline of the proposed environmental document.

Part 2. Binary Chemical Munitions Program

5. Other binary agents and munitions are being studied by the Department of the Army as part of a binary munitions research and development program. The decision to construct the 155mm binary facility at Pine Bluff Arsenal is independent of any future decisions regarding other binary agents and munitions or production facilities, if authorized by the Congress. The Army will, in the near future, be initiating the environmental analysis process to develop a programmatic environmental impact statement (EIS) for the binary munitions program. Proposals, if any, for future site-specific aspects of the program will be analyzed in appropriate tiered documents in accordance with the Council on Environmental Quality regulations, 40 CFR Parts 1500-1508, implementing the National Environmental Policy Act.

6. Notice is hereby given of the initiation of scoping for this programmatic EIS. Questions and comments regarding the scope of and issues to be analyzed in this programmatic EIS may be addressed to Headquarters, US Army Materiel Development and Readiness Command, ATTN: DRCNC, Colonel Clarence Griffin, 5001 Eisenhower Ave., Alexandria, VA 22333. As specific issues are identified through the receipt of comments, seminars and workshops will be scheduled so that interested agencies may assist the Department of Army in scoping the environmental document. Written comments would be appreciated by January 31, 1981, so that plans for scoping seminars may progress.

Dated: November 7, 1980.

John T. Nash,

Assistant for Safety, Office of Environmental Safety and Occupational Health, Office of the Assistant Secretary of the Army (Installations, Logistics, and Financial Management).

[FR Doc. 80-35329 Filed 11-12-80; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Defense Science Board Review Panel on Anti-Submarine Warfare; Advisory Committee Meeting

An Anti-Submarine Warfare Review Panel under the Defense Science Board will meet in closed session on 10 December 1980 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

The Anti-Submarine Warfare Review Panel will review the technical aspects of Anti-Submarine Warfare programs in the 10 December meeting.

In accordance with 5 U.S.C. App. 1 § 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

November 7, 1980.

[FR Doc. 80-35370 Filed 11-12-80; 8:45 am]

BILLING CODE 3810-70-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session December 11, 1980, at the Institute for Defense Analysis, 400 Army Navy Drive, Arlington, Virginia, 22202.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military proposed to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night vision sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, § 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

November 7, 1980.

[FR Doc. 80-35371 Filed 11-12-80; 8:45 am]

BILLING CODE 3810-70-M

Organization of the Joint Chiefs of Staff; National Defense University Panel of the Board of Visitors for National Defense University and Defense Intelligence School; Meeting

The President of the National Defense University has rescheduled the meeting of the National Defense University Panel of the Board of Visitors for National Defense University and Defense Intelligence School, from Tuesday, November 25, 1980, to Tuesday, December 2, 1980. The meeting will be held from 0830-1145 and 1330-1600 in the Hill Conference Center, Theodore Roosevelt Hall, (Building 61), Fort Lesley J. McNair, Washington, D.C. The discussions will include progress and plans for the National Defense University and the curricula, faculty, and students of the Industrial College of the Armed Forces and the National War College. The meeting is open to the public, but the limited space available for observers will be allocated on a first-come, first-served basis. To reserve space, interested persons should write or phone (693-1075), the Assistant to the President, National Defense University, Fort Lesley J. McNair, Washington, D.C. 20319.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

November 7, 1980.

[FR Doc. 80-35369 Filed 11-12-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Strengthening Developing Institutions Program; Applicable Notice for Noncompeting Continuation Applications for Fiscal Year 1981

Grantees who were awarded noncompeting continuation grants in fiscal year 1979 for project periods extending beyond one full year of operation under the Strengthening Developing Institutions Program are advised that their application to continue their grant with Fiscal Year 1981 funds is due January 19, 1981.

If the application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications delivered by mail: An application sent by mail should be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.031, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand delivered should be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Available funds: It is estimated that the appropriation for the Strengthening Developing Institutions Program will be between $110,000,000 and $120,000,000 in Fiscal Year 1981. Of that amount approximately $3.5 million will be available for noncompeting continuation projects.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant.

Application forms: Application forms and program information packages are expected to be ready for mailing by November 19, 1980. They may be obtained by writing to the Division of Institutional Development, U.S. Department of Education (Room 3052, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Strengthening Developing Institutions Program (45 CFR Part 169); and

(b) Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

(The changes made to the Strengthening Developing Institutions program by the Education Amendments of 1980 are not effective until Fiscal Year 1982.)

Further information: For further information contact Dr. Reginald Pearman, Chief, Program Operations Branch, Division of Institutional Development, U.S. Department of Education, (Room 3052, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone: (202) 755-1254.

(20 U.S.C. 1051-1056)

(Catalog of Federal Domestic Assistance Number: 84.031—Strengthening Developing Institutions Program)

Albert H. Bowker,

Assistant Secretary for Postsecondary Education.

November 4, 1980.

[FR Doc. 80-35344 Filed 11-12-80; 8:45 am]

BILLING CODE 4000-01-M

Strengthening Developing Institutions Program; Application Notice for New Projects for Fiscal Year 1981

Applications are invited for new projects under the Strengthening Developing Institutions Program (SDIP).

Authority for this program is contained in Sections 301-306 of Title III of the Higher Education Act of 1965 as amended. (20 U.S.C. 1051-1056)

Applicants are advised that grants awarded during the Fiscal Year 1981 funding cycle will be selected under the procedures set forth under the existing program regulations 45 CFR Part 169 Subpart F, and the grants awarded will be subject to the other provisions of the existing program regulations. Changes made in the Strengthening Developing Institutions program by the Education Amendments of 1980 will not take effect until Fiscal Year 1982.

This program issues awards to two-year and four-year, public and private developing institutions of higher education.

The purpose of the awards is to assist developing institutions of higher education to strengthen their academic quality, administrative capacity, and student services.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by January 19, 1981.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.031, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3,

7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on January 19, 1981.

Program information: Applications for new grants will be accepted from (1) institutions not currently receiving Title III funds, and (2) Title III grantees (under either the Advanced Institutional Development Program or the Strengthening Developing Institutions Program) whose grants expire on or before December 31, 1981.

Requests for designation as developing: Potential applicants are strongly urged to submit a request for designation as a developing institution as soon as possible. All such requests submitted separately and not as part of an official application for funds should be addressed to the Division of Institutional Development, U.S. Department of Education (Room 3052, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

The conversion tables, which explain how the Secretary assigns points to institutions applying for designation as developing are published as an appendix to this notice.

Available funds: It is estimated that the appropriation for the Strengthening Developing Institutions Program will be between $110,000,000 and $120,000,000 in fiscal year 1981.

Two-year colleges: No more than 24 percent of the appropriation will be available for two-year institutions. Depending on the level of the appropriation approximately $22.9 million to $25.3 million will be available for new projects. For the most part, awards will be for between $100,000 and $300,000 and will be for a one year period.

Four-year colleges: Approximately $83.6 million to $91.2 million will be available for four-year institutions in fiscal year 1981. Awards will be for between $200,000 and $500,000 annually, the majority of which will be for a one year period.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant.

Secretary's points: During the fiscal year 1981 grantee selection process the Secretary will not evaluate applicants under § 169.53(b) and thus will not award the 25 points permitted under that paragraph to applicants having certain institutional characteristics.

Application forms: Application forms and program information packages are expected to be ready for mailing by November 19, 1980. They may be obtained by writing to the Division of Institutional Development, U.S. Department of Education (Room 3052, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that (1) the individual parts of the application not exceed the page limitations identified in the application materials; (2) the budgets be prepared based on a proposed performance period of July 1 to June 30 or October 1 to September 30; and (3) applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Strengthening Developing Institutions Program (45 CFR Part 169); and

(b) Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c)

Further information: For further information contact Dr. James Ormiston, Chief, Program Development Branch, Division of Institutional Development, U.S. Department of Education (Room 3052, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 755–1254.

(20 U.S.C. 1051–1056)

November 4, 1980.

(Catalog of Federal Domestic Assistance Number: 84.031–Strengthening Developing Institutions Program)

Albert H. Bowker,

Assistant Secretary for Postsecondary Education.

Tables to be used in determining eligibility for participation in the strengthening developing institutions program.

Educational and General Expenditures Tables.—Point tables: To assist in determining designation as a developing institution for fiscal year 1981 (based upon 1978–79 data).

Points for EAG Expenditures Per FTE Student

Points	2-yr colleges		4-yr colleges	
	Public	Private	Public	Private
0	$14,202+	$21,830+	$32,945+	$29,364+
1	7,741–14,201	13,694–71,829	29,746–32,944	27,140–29,363
2	6,150–7,740	7,659–13,693	13,262–29,745	22,691–27,139
3	5,604–6,149	7,577–7,658	12,174–13,261	22,265–22,690
4	4,949–5,603	6,567–7,576	11,824–12,173	21,938–22,264
5	4,665–4,948	6,272–6,566	10,271–11,823	19,625–21,937
6	4,388–4,664	5,955–6,271	10,197–10,270	19,372–19,624
7	4,208–4,387	5,726–5,954	9,510–10,196	19,119–19,371
8	4,076–4,207	5,526–5,725	8,641–9,509	18,321–19,118
9	3,991–4,075	5,159–5,525	8,498–8,640	17,965–18,320
10	3,926–3,990	4,965–5,158	8,437–8,497	17,917–17,964
11	3,846–3,925	4,881–4,964	8,152–8,436	17,869–17,916
12	3,754–3,845	4,747–4,880	8,056–8,151	14,735–17,868
13	3,668–3,753	4,707–4,746	8,022–8,055	14,494–14,734
14	3,612–3,667	4,670–4,706	7,994–8,021	14,254–14,493
15	3,535–3,611	4,597–4,669	7,649–7,993	14,183–14,253
16	3,453–3,534	4,409–4,596	7,566–7,648	14,237–14,182
17	3,417–3,452	4,389–4,408	7,417–7,565	14,074–14,236
18	3,343–3,416	4,325–4,388	7,318–7,416	13,564–14,073
19	3,329–3,342	4,256–4,324	7,220–7,317	13,116–13,563
20	3,305–3,328	4,187–4,255	7,087–7,219	12,890–13,115
21	3,254–3,304	4,167–4,186	7,046–7,086	12,564–12,889
22	3,206–3,253	4,100–4,166	6,963–7,045	12,440–12,563
23	3,184–3,205	4,063–4,099	6,958–6,962	12,098–12,439
24	3,152–3,183	4,061–4,062	6,832–6,958	11,756–12,097
25	3,134–3,151	3,865–4,060	6,755–6,831	11,677–11,755
26	3,112–3,133	3,781–3,864	6,740–6,755	11,565–11,676
27	3,072–3,111	3,760–3,780	6,738–6,739	11,454–11,564
28	3,043–3,071	3,756–3,759	6,675–6,737	11,305–11,453
29	3,000–3,043	3,666–3,755	6,584–6,674	11,304–11,304
30	2,989–2,999	3,545–3,665	6,486–6,583	11,287–11,303
31	2,964–2,988	3,391–3,544	6,479–6,485	11,271–11,286
32	2,940–2,963	3,339–3,390	6,383–6,478	10,351–11,270
33	2,902–2,939	3,318–3,338	6,348–6,382	10,201–10,350
34	2,882–2,901	3,249–3,317	6,294–6,347	10,051–10,200
35	2,855–2,881	3,217–3,248	6,094–6,293	10,038–10,050
36	2,833–2,854	3,253–3,216	6,067–6,093	8,913–10,037
37	2,818–2,832	3,106–3,152	6,032–6,066	8,746–8,912
38	2,807–2,817	3,088–3,105	5,949–6,031	8,579–8,745
39	2,784–2,806	3,037–3,087	5,865–5,948	8,474–8,578
40	2,768–2,783	2,996–3,036	5,781–5,864	8,241–8,473
41	2,744–2,767	2,952–2,995	5,733–5,780	8,040–8,240
42	2,726–2,743	2,890–2,951	5,575–5,732	8,007–8,039
43	2,708–2,725	2,812–2,889	5,573–5,574	7,894–8,006
44	2,690–2,707	2,775–2,811	5,523–5,572	7,681–7,893
45	2,663–2,689	2,731–2,774	5,480–5,522	7,379–7,680
46	2,645–2,662	2,709–2,730	5,377–5,479	6,467–7,378
47	2,627–2,644	2,690–2,708	5,327–5,376	6,404–6,466
48	2,607–2,626	2,657–2,689	5,226–5,326	6,342–6,403
49	2,578–2,606	2,642–2,656	5,161–5,225	6,247–6,341
50	2,557–2,577	2,625–2,641	5,065–5,160	6,234–6,246
51	2,530–2,556	2,567–2,624	5,051–5,064	6,222–6,233
52	2,514–2,529	2,547–2,566	4,936–5,050	6,195–6,221
53	2,503–2,513	2,507–2,546	4,825–4,935	6,115–6,194
54	2,481–2,502	2,422–2,506	4,727–4,824	6,035–6,114
55	2,460–2,480	2,384–2,421	4,690–4,726	5,917–6,034
56	2,439–2,459	2,346–2,383	4,547–4,689	5,880–6,916
57	2,422–2,438	2,316–2,345	4,527–4,546	5,866–5,879
58	2,410–2,421	2,298–2,315	4,431–4,526	5,852–5,865
59	2,394–2,409	2,278–2,297	4,388–4,430	5,305–5,851
60	2,382–2,393	2,252–2,277	4,344–4,387	5,212–5,304
61	2,357–2,381	2,239–2,251	4,301–4,343	5,119–5,211
62	2,340–2,356	2,220–2,238	4,294–4,300	5,030–5,118
63	2,322–2,339	2,213–2,219	4,240–4,293	5,024–5,029
64	2,307–2,321	2,160–2,212	4,163–4,239	5,018–5,023
65	2,293–2,306	2,142–2,159	4,153–4,162	4,786–5,017
66	2,279–2,292	2,132–2,141	4,140–4,152	4,694–4,785
67	2,262–2,278	2,105–2,131	4,004–4,139	4,650–4,693
68	2,250–2,261	2,095–2,104	3,975–4,003	4,596–4,649
69	2,230–2,249	2,082–2,094	3,957–3,974	4,535–4,595
70	2,212–2,229	2,060–2,081	3,927–3,956	4,491–4,534
71	2,197–2,211	2,012–2,059	3,906–3,926	4,448–4,490
72	2,182–2,196	1,978–2,011	3,897–3,905	4,416–4,447
73	2,172–2,181	1,921–1,977	3,779–3,896	4,398–4,415
74	2,161–2,171	1,896–1,920	3,756–3,778	4,337–4,397
75	2,135–2,160	1,846–1,895	3,730–3,755	4,278–4,336
76	2,108–2,134	1,758–1,845	3,680–3,729	4,231–4,277
77	2,093–2,107	1,738–1,757	3,652–3,679	4,208–4,230

Points for EAG Expenditures Per FTE Student—Continued

Points	2-yr colleges		4-yr colleges	
	Public	Private	Public	Private
78	2,072–2,092	1,708–1,737	3,583–3,651	4,186–4,207
79	2,056–2,071	1,688–1,707	3,558–3,584	4,029–4,185
80	2,035–2,055	1,668–1,687	3,517–3,557	3,927–4,028
81	2,016–2,034	1,603–1,667	3,479–3,516	3,865–3,926
82	1,998–2,015	1,563–1,602	3,478–3,478	3,845–3,864
83	1,968–1,997	1,517–1,562	3,446–3,477	3,804–3,844
84	1,941–1,967	1,508–1,516	3,408–3,445	3,785–3,803
85	1,921–1,940	1,433–1,507	3,353–3,407	3,755–3,784
86	1,906–1,920	1,419–1,432	3,329–3,352	3,692–3,754
87	1,882–1,905	1,373–1,418	3,312–3,328	3,689–3,691
88	1,844–1,881	1,341–1,372	3,227–3,311	3,676–3,688
89	1,804–1,843	1,273–1,340	3,152–3,226	3,585–3,675
90	1,780–1,803	1,237–1,272	3,078–3,151	3,524–3,584
91	1,758–1,779	1,167–1,236	3,013–3,077	3,464–3,523
92	1,735–1,757	1,075–1,166	2,936–3,012	3,456–3,463
93	1,702–1,734	988–1,074	2,871–2,935	3,241–3,455
94	1,680–1,701	942–987	2,762–2,870	3,105–3,240
95	1,637–1,679	865–941	2,743–2,761	2,968–3,104
96	1,606–1,636	777–864	2,708–2,742	2,958–2,967
97	1,557–1,605	743–776	2,548–2,707	2,916–2,957
98	1,507–1,556	644–742	6,534–2,547	2,875–2,915
99	1,395–1,506	604–643	2,381–2,533	1,377–2,874
100	0–1,394	0–603	0–2,380	0–1,376

Basic Education Opportunity Grants Tables.—Point tables: To assist in determining designation as a developing institution for fiscal year 1981 (based upon 1978–79 data).

Points for Total BEOG Divided by FTE Undergraduate Enrollment

Points	2-yr colleges		4-yr colleges	
	Public	Private	Public	Private
0	$0–17	$0–37	$0–44	$0–10
2	18–25	38–42	45–51	11–49
4	26–27	43–57	52–63	50–52
6	28–31	58–62	64–69	53–56
8	32–34	63–77	70–74	57–61
10	35–39	78–80	75–80	62
12	40–41	81–88	81–84	63
14	42–43	89–91	85–86	64
16	44	92–93	87	65–67
18	45–47	94–101	87	68–70
20	48–50	102–106	87–89	71–72
22	51–52	107–110	90	73–76
24	53–55	111–114	90–94	77–79
26	56	115–123	95–97	80–82
28	57	124–132	98–101	83
30	58	133–141	102–103	84
32	59	142–144	104–105	84
34	60–61	145–148	106	85
36	62–64	149–151	107–109	85
38	65–66	152–155	110	86
40	67	156–163	111	87–88
42	68–69	164–169	112	89–92
44	70–71	170–171	113	93–95
46	72–74	172–180	113	96–98
48	75	181–183	114	99–100
50	76–77	184–187	115	101
52	78–79	188–192	115–116	102–103
54	80–81	193–196	117	104
56	82	197–199	118	104
58	83–84	199–201	118–119	105
60	85–86	202–208	120	105–106
62	87	209–211	121–122	107–108
64	88	212–218	123	109–110
66	89	219–222	124	111
68	90–93	223–234	124	112
70	94–96	235–236	125	113
72	97–98	237	126	114
74	99–102	238–248	127	115
76	103	249	128	116
78	103–104	250–256	129	117–118
80	105–106	257–258	130	119–121
82	107–108	259–266	131	122–123
84	109	267–270	131–132	124–128
86	110–111	271–280	133	129–130
88	112–113	281	134–135	131–132
90	114	282–286	136	133
92	115–117	287	137	134–137
94	118–119	288–289	138	138–140

Points for Total BEOG Divided by FTE Undergraduate Enrollment—Continued

Points	2-yr colleges		4-yr colleges	
	Public	Private	Public	Private
96	120–121	290–294	139	141
98	122–123	295–304	139–143	142
100	124–6	305–7	144–6	143
102	127–8	308–12	142–8	144
104	129	313–6	149	145
106	130–1	317–21	150–1	146
108	132–4	322–27	152	147
110	135	328–37	153–7	148–9
112	136	338	158	150–1
114	137–9	339–40	159	152–4
116	140–3	341–6	160–4	155–8
118	144–6	347–52	165	159–61
120	147–9	353–5	165	162
122	150–2	356–65	165	163–73
124	153–4	366–70	166	174–6
126	155–6	371–80	167–71	177–8
128	157	381–99	172–3	179–91
130	158–9	400–2	174	182–3
132	160–2	403–7	175–6	184
134	163–4	408	177	185
136	165–7	409	178	186
138	168–70	410–26	179	187
140	171–3	427–34	180–1	188
142	174–6	435–42	182–7	189
144	177–9	443–6	188	190–6
146	180–1	447–51	189	197–209
148	182–5	452–6	190–2	210–5
150	186–9	456–75	193	216–20
152	190–2	476–81	193	221–3
154	193–5	482–95	194–8	224
156	196–200	495–503	199	225–7
158	201–7	504–8	200–7	228–30
160	208–12	509–39	208–18	231–46
162	213–17	540–60	219–23	247–51
164	218–9	561–84	224–6	252–7
166	220–9	585–608	227–35	258–63
168	230–4	609–14	236	264–74
170	235–9	615–23	237–52	275–9
172	240–3	624–66	253–68	280–2
174	244–9	667–715	269–77	283–95
176	250–6	716–51	278–89	296–319
178	257–62	752–9	290–5	319–23
180	263–9	760–89	296–326	324–8
182	270–7	790–810	327–34	329–37
184	278–86	811–27	335–7	338–40
186	287–97	828–48	338–438	341–4
188	298–322	849–96	439–41	345–7
190	323–34	897–954	442–518	348–77
192	335–54	955–1,000	519–88	378–447
194	355–435	1,001–85	589–92	448–547
196	436–506	1,086–170	593–694	548–78
198	507–90	1,171–571	695–748	579–828
200	591+	1,572+	749+	829+

[FR Doc. 80-35345 Filed 11-12-80; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Vol. 312]

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 5, 1980.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
********** TEXAS RAILROAD COMMISSION **********							
*ADOBE OIL & GAS CORPORATION				RECEIVED: 10/24/80 JA: TX			
8102784	21267	4210500000	108	HENDERSON A #1	OZONA (CANYON)	18,0	NORTHERN NATURAL GAS
8102783	21266	4210500000	108	HENDERSON C #1	OZONA (CANYON)	11,0	NORTHERN NATURAL GAS
*AMERADA HESS CORPORATION				RECEIVED: 10/24/80 JA: TX			
8102959	07016	4216531392	103	ADAIR SAN ANDRES UNIT #1904R	ADAIR	4,0	PIONEER NATURAL GAS
*AMERICAN PETROFINA COMPANY OF TEXAS				RECEIVED: 10/24/80 JA: TX			
8102944	22921	4205430837	103	IRMA MAY SMITH ET AL GU NO 2U	SHERIFF EAST (8800)	0,0	UNITED TEXAS TRANSMI
8102945	22923	4205730837	103	IRMA MAY SMITH NO 2M	SHERIFF (8900)	0,0	UNITED TEXAS TRANSMI
*AMERICAN PUBLIC ENERGY CO				RECEIVED: 10/24/80 JA: TX			
8102796	21477	4221131081	103	RAY WILSON ESTATE #1	FELDMAN (LOWER MORROW)	1200,0	TRANSWESTERN PIPELIN
*AMOCO PRODUCTION CO				RECEIVED: 10/24/80 JA: TX			
8102845	22146	4218930139	103	ANTON IRISH CLEARFORK UNIT #364	ANTON IRISH	2,4	PIONEER NATURAL GAS
8102844	22145	4218930142	103	ANTON IRISH CLEARFORK UNIT #367	ANTON IRISH	1,0	PIONEER NATURAL GAS
8102846	22147	4218930150	103	ANTON IRISH CLEARFORK UNIT #370	ANTON IRISH	13,9	PIONEER NATURAL GAS
8102847	22149	4227930195	103	ANTON IRISH CLEARFORK UNIT #385	ANTON IRISH	8,4	PIONEER NATURAL GAS
8102823	21895	4227930061	103	ANTON IRISH CLEARFORK UNIT #389	ANTON IRISH	1,0	PIONEER NATURAL GAS
8102913	22755	4227930053	103	ANTON IRISH CLEARFORK UNIT #390	ANTON IRISH	1,8	PIONEER NATURAL GAS
8102946	22965	4227930227	103	ANTON IRISH CLEARFORK UNIT #406	ANTON IRISH	3,5	PIONEER NATURAL GAS
8102938	22904	4227930226	103	ANTON IRISH CLEARFORK UNIT #409	ANTON IRISH	4,2	PIONEER NATURAL GAS
8102843	22144	4227930224	103	ANTON IRISH CLEARFORK UNIT #412	ANTON IRISH	1,0	PIONEER NATURAL GAS
8102939	22905	4227930223	103	ANTON IRISH CLEARFORK UNIT #427	ANTON IRISH	1,0	PIONEER NATURAL GAS
8102825	21907	4236531006	103	CARTHAGE GAS UNIT 10 NO 5	CARTHAGE (TRAVIS PEAK)	3,6	TENNESSEE GAS PIPELI
8102896	22650	4218930290	103	E K HUFSTEDLER #3	ANTON IRISH	1,6	PIONEER NATURAL GAS
8102765	21107	4239131165	103	EL OSO CATTLE #22	WOODSBORO S/4200/	9,1	LA RUSA CORP
8102764	21105	4235531470	103	G H MCCANN #37-T	LUBY (G SAND)	17,8	VALLEY GAS TRANSMISS
8102894	22648	4227930197	103	I L ELLWOOD A #2	ANTON IRISH	1,0	PIONEER NATURAL GAS
8102755	21058	4239131348	103	J M OBRIEN A #8-T	GRETA/1250/	125,0	TRANSCONTINENTAL GAS
8102754	21057	4239131343	103	J M OBRIEN B #11-C	GRETA /950/	15,0	TRANSCONTINENTAL GAS
8102756	21060	4239131347	103	J M OBRIEN B #12-C	GRETA/700/	125,0	TRANSCONTINENTAL GAS
8102911	22752	4223531427	103	JANE ELIZABETH CHARLTON #2	BROOKS (CANYON-GAS)	365,0	NORTHERN NATURAL GAS
*8102998	14277	4203931187	103	L F MCKIBBEN A NO 6	HASTINGS WEST	1,0	TEXAS EASTERN TRANSM
*8103009	15600	4203931428	103	LAURA D SHAW NO 21	HASTINGS WEST	31,0	TEXAS EASTERN TRANSM
8103008	15552	4234900000	102	LILLIAN COOPER #1	CHENEYBORO (COTTON VALLE	109,5	LONE STAR GAS CO
8102937	22903	4213533239	103	NORTH COWDEN UNIT #1061	COWDEN NORTH	9,5	PIONEER NATURAL GAS
8102936	22902	4213533234	103	NORTH COWDEN UNIT #1063	COWDEN NORTH	7,7	PIONEER NATURAL GAS
8102935	22901	4213533249	103	NORTH COWDEN UNIT #1070	COWDEN NORTH	3,6	PIONEER NATURAL GAS
8102934	22900	4213533248	103	NORTH COWDEN UNIT #1071	COWDEN NORTH	97,2	PIONEER NATURAL GAS
8102933	22899	4213533253	103	NORTH COWDEN UNIT #1073	COWDEN NORTH	19,7	PIONEER NATURAL GAS
8102947	22973	4213533262	103	NORTH COWDEN UNIT #1078	COWDEN NORTH	23,4	PIONEER NATURAL GAS
8102948	22974	4213533252	103	NORTH COWDEN UNIT #1081	COWDEN NORTH	0,4	PIONEER NATURAL GAS
8102949	22975	4213533293	103	NORTH COWDEN UNIT #1082	COWDEN NORTH	20,1	PIONEER NATURAL GAS

JC NO	...TA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8102842	p2069	4213533002	103		O B HOLT J #5	COWDEN NORTH	5.5	PIONEER NATURAL GAS
8102912	p2754	4222732081	103		R GUTHRIE #1	COAHOMA N (FUSSEL)	22.0	GETTY OIL CO
8102895	p2649	4227930207	103		S N TWILLEY A #2	ANTON-IRISH	1.0	PIONEER NATURAL GAS
8102940	p2910	4222731962	103		TEX LAND/MTGE CO /A/R/A/A/ #109	IATAN EAST/HOWARD/	0.4	GETTY OIL CO
8102897	p2651	4222732034	103		TEX LAND/MTGE CO /A/R/A/A/ #112	COHOMA N (FUSSEL)	35.0	GETTY OIL CO
8102898	p2652	4222731921	103		TEXAS LAND & MTGE A R/A A #98	COAHOMA N (FUSSELMAN)	60.0	GETTY OIL CO
8102941	p2912	4213532773	103		W E COWDEN G #1	COWDEN SOUTH/CANYON 8790	7.7	PIONEER NATURAL GAS
-ANDERSON PETROLEUM INC					RECEIVED: 10/24/80 JA: TX			
8102835	p2023	4210532505	103		AUSTIN C MILLSPAUGH B #3-32	OZONA (CANYON SAND)	65.0	ANDERSON PIPELINE CO
8102871	p2569	4210532562	103		AUSTIN MILLSPAUGH B #4-32	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE CO
-ARCO OIL AND GAS COMPANY					RECEIVED: 10/24/80 JA: TX			
8102917	p2807	4200332175	103		EMMA COWDEN #79	EMMA	10.0	EL PASO NATURAL GAS
8102918	p2808	4200332176	103		EMMA COWDEN #80	EMMA	10.0	EL PASO NATURAL GAS
8102828	p1932	4229530721	102		FRED LOESCH #3	KIOWA CREEK N (MORROW U)	730.0	TRANSWESTERN PIPELIN
8102868	p2522	4213500051	108		H E CUMMINS A #5	GOLDSMITH (5600)	6.0	PHILLIPS PETROLEUM C
8102995	14017	4236530709	103		J T BRUSTER GAS UNIT NO 4	CARTHAGE (COTTON VALLEY)	64.0	SOUTHERN NATURAL GAS
-ART MACHIN & ASSOCIATES INC					RECEIVED: 10/24/80 JA: TX			
8102781	p1242	4220330676	103		HOWARD HEIRS #1-A	WASKOM N (PAGE)	75.0	MISSISSIPPI RIVER TR
-BELCO PETROLEUM CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102832	p1980	4223531383	102		SUGG 07768 115 3	SUGG (ELLENBURGER)	79.0	EL PASO NATURAL GAS
-BRITTANY DRILLING CO					RECEIVED: 10/24/80 JA: TX			
8102890	p2624	4202130244	103		E A ROITSCH #1 ID-12445	GIDDINGS (AUSTIN CHALK)	18.0	PHILLIPS PETROLEUM C
8102891	p2625	4228730413	103		ELBERT BECKER #1 ID-12149	GIDDINGS (AUSTIN CHALK)	12.0	PHILLIPS PETROLEUM C
8102872	p2599	4202130242	103		ERWIN SCHULZE ET AL #1 ID-12437	GIDDINGS (AUSTIN CHALK)	2.0	PHILLIPS PETROLEUM C
-BTA OIL PRODUCERS					RECEIVED: 10/24/80 JA: TX			
8102862	p2434	4238331566	103		COATES A #5	SPRABERRY TREND	57.0	EL PASO NATURAL GAS
-CABOT CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102804	p1534	4223330747	103		YAKE CABOT FAULCONER #2-4	PANHANDLE HUTCHINSON	15.0	PANHANDLE EASTERN PI
8102805	p1535	4223330746	103		YAKE CABOT-FAULCONER #3-4	PANHANDLE HUTCHINSON	22.0	PANHANDLE EASTERN PI
-CAMPANA PETROLEUM CO					RECEIVED: 10/24/80 JA: TX			
8102922	p2862	4222731980	103		READ NO 10 ID #25303	COAHOMA NORTH (FUSSELMAN	31.9	GETTY OIL CO
8102930	p2870	4222732017	103		READ NO 2-A ID #25448	COAHOMA NORTH (FUSSELMAN	32.9	GETTY OIL CO
8102929	p2869	4222732111	103		READ NO 3-A ID #25448	COAHOMA NORTH (FUSSELMAN	36.5	GETTY OIL CO
8102928	p2868	4222731966	103		READ NO 4 ID #25303	COAHOMA NORTH (FUSSELMAN	38.5	GETTY OIL CO
8102927	p2867	4222732039	103		READ NO 4-A ID #25448	COAHOMA NORTH (FUSSELMAN	34.3	GETTY OIL CO
8102926	p2866	4222731910	103		READ NO 5 ID #25303	COAHOMA NORTH (FUSSELMAN	39.4	GETTY OIL CO
8102925	p2865	4222732075	103		READ NO 5A ID #25448	COAHOMA NORTH (FUSSELMAN	33.2	GETTY OIL CO
8102924	p2864	4222731949	103		READ NO 6 ID #25303	COAHOMA NORTH (FUSSELMAN	38.3	GETTY OIL CO
8102923	p2863	4222732099	103		READ NO 6A ID #25448	COAHOMA NORTH (FUSSELMAN	32.8	GETTY OIL CO
-CANUS PETROLEUM INC					RECEIVED: 10/24/80 JA: TX			
*8102992	12665	4235531331	102		#2 CECILIA KELLY	CORPUS CHRISTI WEST (117	365.0	UNITED GAS PIPELINE
8102991	12662	4235531330	102		#3 ELEANOR KELLY 82490	CORPUS CHRISTI WEST (125	365.0	UNITED GAS PIPELINE
-CENTEX OIL & GAS INC					RECEIVED: 10/24/80 JA: TX			
8102799	p1520	4270830236	103		HIGH ISLAND 10 NO 6	HIGH ISLAND 10-GULF (SIP	750.0	TRANSCONTINENTAL GAS
-CENTURA INCORPORATED					RECEIVED: 10/24/80 JA: TX			
8102971	12209	4212700000	103		MCLEAN BOWMAN B #1	GOOD LUCK (SAN MIGUEL)	4.0	ESPERANZA TRANSMISSI
8102970	12208	4212700000	103		MCLEAN BOWMAN B #2	GOOD LUCK (SAN MIGUEL)	4.0	ESPERANZA TRANSMISSI
8102973	12213	4212700000	103		MCLEAN BOWMAN C #1	GOOD LUCK (SAN MIGUEL)	4.0	ESPERANZA TRANSMISSI
8102972	12212	4212700000	103		MCLEAN BOWMAN C #2	GOOD LUCK (SAN MIGUEL)	4.0	ESPERANZA TRANSMISSI
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 10/24/80 JA: TX			
8102813	p1698	4223531506	103		A H DUFF ESTATE NO 5	DOVE CREEK (CANYON D)	91.0	NORTHERN NATURAL GAS
8102829	p1934	4236500000	103		CARTHAGE GAS UNIT 29 NO 2	CARTHAGE (COTTON VALLEY)	1.5	TENNESSEE GAS PIPELI

JD NO	DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8102849	02179	4221932767	103		P E DEHNEL NO 1	WHITHARRAL (CLEARFORK LO	1.0	
=CHEVRON U S A INC					RECEIVED: 10/24/80 JA: TX			
8102806	01538	4249531081	103		H E LOVETT 9CU	KEYSTONE	185.0	TRANSWESTERN PIPELIN
=CHRISTI CO INC					RECEIVED: 10/24/80 JA: TX			
8102852	02193	4204932251	103		BAILEY #1	BROWN COUNTY REGULAR (MA	125.0	ODESSA NATURAL CORP
=COLA PETROLEUM INC					RECEIVED: 10/24/80 JA: TX			
*8102759	01072	4222700000	103		DEVANEY #1	COAHOMA N (FUSSEL)	90.0	GETTY OIL CO
*8102878	02611	4238331463	103		HOLT 136 #1	CALVIN (DEAN)	30.0	UNION TEXAS PETROLEU
8102962	08280	4241330638	103		WHITTEN A NO 1 (#74478)	ELDORADO (6000)	177.0	PRODUCERS GAS CO
8102961	08279	4241330701	103		WHITTEN B NO 1-26 (#77519)	ELDORADO (6000)	116.0	PRODUCERS GAS CO
=COLORADO INTERSTATE GAS CO					RECEIVED: 10/24/80 JA: TX			
8103013	15874	4234100000	108		KILGORE A-14	WEST PANHANDLE	19.0	COLORADO INTERSTATE
=CONOCO INC					RECEIVED: 10/24/80 JA: TX			
8103011	15846	4232330497	108		N J CHITTIM NO 9909 (02082)	SACATOSA (SAN MIGUEL NO	0.4	LOVACA GATHERING CO
=CONVEST ENERGY CORP					RECEIVED: 10/24/80 JA: TX			
8102791	01428	4226330665	102		G B CLARK ET AL NO 2	POLLAN/ELLENBURGER	0.0	EL PASO NATURAL GAS
8102792	01429	4226330660	102		WAYNE WILLIAMS ET AL NO 4	POLLAN/ELLENBURGER	0.0	EL PASO NATURAL GAS
=COURSON OIL & GAS INC					RECEIVED: 10/24/80 JA: TX			
8102812	01685	4235730933	102		MCGARRAUGH NO 1-42	HANNA LAKE (MORROW MIDDL	275.0	TRANSWESTERN PIPE LI
=DALLAS PRODUCTION INC					RECEIVED: 10/24/80 JA: TX			
8102761	01083	4212130301	102		VOTH NO 1	NEW DISCOVERY (SEE FORM	158.0	LONE STAR GAS CO
=DAVIS OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8102793	01430	4223931405	102		JANELLE PARIS UNIT #1	APPLING POINT F-22	63.0	ALUMINIUM CO OF AMER
=DELTA DRILLING CO					RECEIVED: 10/24/80 JA: TX			
8102814	01704	4236531023	102		HOWE #1	CARTHAGE (COTTON VALLEY)	1191.0	NATURAL GAS PIPE LIN
8102814	01704	4236531023	103		HOWE #1	CARTHAGE (COTTON VALLEY)	1191.0	NATURAL GAS PIPE LIN
=DIAMOND SHAMROCK CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102850	02185	4221131169	103		CARL CANSLER NO 1	CANADIAN SE	100.0	NORTHERN NATURAL GAS
8102836	02026	4229530653	103		JOHN R WASSELL NO 3	BRADFORD	320.0	
8103004	14882	4239300000	108		L A MADDOX NO 3	QUINDUNO	12.0	NATURAL GAS PIPELINE
8103005	14886	4239300000	108		L A MADDOX NO 8	QUINDUNO	12.0	NATURAL GAS PIPELINE
8102851	02186	4229530654	103		MARTIN MANDALEK NO 2	BRADFORD	100.0	
=DISCOVERY OPERATING INC					RECEIVED: 10/24/80 JA: TX			
8102864	02463	4241330706	103		BAILEY #1	GWYN (CANYON)	36.0	NORTHERN NATURAL GAS
*8102865	02466	4241330813	103		LIN A #2	W O D (CANYON)	144.0	CRA INC
=E L SMITH III					RECEIVED: 10/24/80 JA: TX			
8102838	02061	4236730166	103		L S BYRD #1	H & H (BEND CONGL)	273.0	NATURAL GAS PIPELINE
8102795	01470	4233731277	103		LEON DAUBE ET AL #1	NEWPURT SOUTH (BEND CONG	273.8	LONE STAR GAS CO
=ECHO PRODUCTION INC					RECEIVED: 10/24/80 JA: TX			
8102818	01755	4223732899	103		CLAYTON LEASE #1	PLEMONS (CONGLOMERATE)	110.0	LONE STAR GAS CO
=ENERGY RESERVES GROUP INC					RECEIVED: 10/24/80 JA: TX			
8102876	02608	4223531468	103		ELA C SUGG 71 #3	SPRABERRY TREND AREA	25.2	NORTHERN NATURAL GAS
=ENSERCH EXPLORATION INC					RECEIVED: 10/24/80 JA: TX			
8102910	02741	4216100000	103		C A NEWSOM NO 2	FREESTONE	270.0	TEXAS UTILITIES FUEL
=ERGON ENERGY CORP					RECEIVED: 10/24/80 JA: TX			
8102752	00985	4235730904	103		BATMAN 1-21	SHARE (MISSISSIPPI)	124.1	HIGH PLAINS NATURAL
8102751	00984	4219530699	103		BRILLHART 1-28	WILDCAT	257.0	HIGH PLAINS NATURAL
=ESTATE OF WM D MCBEE					RECEIVED: 10/24/80 JA: TX			
8103017	16050	4220330584	102		RUDD GAS UNIT #1 WELL #1	LONGWOOD (COTTON VALLEY)	400.0	ARKANSAS LOUISIANA G
=EXXON CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102815	01708	4229732060	103		CHARLES L MCCASLIN 15 D (86539)	RAMIRENA SW (YEGUA #2 SA	55.0	NATURAL GAS PIPELINE
8102869	02558	4236530996	103		DR L H PIRKLE C #3	CARTHAGE (COTTON VALLEY)	554.8	ARKANSAS LOUISIANA G

JC NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8102887	p2621	4200332165	103		FULLERTON CLEARFORK UNIT #2335	FULLERTON	26.0	PHILLIPS PETROLEUM C
*8102886	p2620	4200332157	103		FULLERTON CLFK UNIT #1633	FULLERTON	10.0	PHILLIPS PETROLEUM C
8102884	p2617	4210332213	103		J B TUBB A/C 1 #214L	SAND HILLS (TUBB)	107.0	EL PASO NATURAL GAS
8102881	p2614	4210332213	103		J B TUBB A/C 1 #214U	SAND HILLS (JUDKINS)	44.0	EL PASO NATURAL GAS
8102883	p2616	4210332009	103		J B TUBB A/C 1 #215L	SAND HILLS (TUBB)	13.0	EL PASO NATURAL GAS
8102767	p1125	4210332172	103		J B TUBB A/C 2 #211	SAND HILLS (JUDKINS)	35.0	EL PASO NATURAL GAS
8102856	p2345	4210332210	103		J B TUBB A/C 2 #213L	SAND HILLS (TUBB)	49.0	EL PASO NATURAL GAS
8102885	p2618	4210332182	103		J B TUBB B #22L	SAND HILLS (TUBB)	150.0	EL PASO NATURAL GAS
8102882	p2615	4210332212	103		J B TUBB C #22L	SAND HILLS (TUBB)	151.0	EL PASO NATURAL GAS
8102758	p1067	4204730777	103		MCGILL BROS 457 (86134)	KELSEY DEEP (ZONE 19-K N	100.0	TRUNKLINE GAS CO
8102826	p1911	4224130549	102		MRS S K EAST 110 (09510)	RITA (9-I II A)	15.0	NATURAL GAS PIPELINE
8102757	p1066	4242731340	103		N R & E A MONTALVO 27 (86085)	SUN (F-1-M 4950)	270.0	TENNESSEE GAS PIPELI
8102880	p2613	4216531732	103		ROBERTSON CLEARFORK UNIT #2602	ROBERTSON N (CLEARFORK 7	15.0	PHILLIPS PETROLEUM C
8102807	p1570	4216531688	103		ROBERTSON CLFK UNIT #50	ROBERTSON N (CLFK 7100)	3.0	PHILLIPS PETROLEUM C
8102798	p1510	4213133917	103		V KOHLER A-127 06096	VIGGO (QUEEN CITY #1)	15.0	TENN GAS PIPELINE CO
-FLORIDA GAS EXPLORATION COMPANY					RECEIVED: 10/24/80 JA: TX			
8102834	p2009	4200300000	103		UNIVERSITY A NO 1	FLORWILL (STRAWN) FIELD	18.0	
-FOREST OIL CORPORATION					RECEIVED: 10/24/80 JA: TX			
*8102833	p1985	4247932593	102		VAQUILLAS RANCH CO LTD NO 3	GATO CREEK	240.0	E I DU PONT DE NEMOU
-GERONIMO OIL CO					RECEIVED: 10/24/80 JA: TX			
8102859	p2365	4240931350	103		MARILYN M EVANS NO 2-A	MIDWAY (6200)	36.0	GERONIMO OIL CO
-GETTY OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8102943	p2918	4217331037	103		L S MCDOWELL 32 #1	DEADWOOD WEST (STRAWN)	19.0	EL PASO NATURAL GAS
8102794	p1458	4236500000	103		W F HOUSE #2	CARTHAGE (COTTON VALLEY)	0.0	TEJAS GAS CORP
-GRACE PETROLEUM CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102867	p2509	4216130422	103		G F SIMS #1	WEST TEAGUE TRAVIS PEAK	3660.0	LONE STAR GAS CO
-GULF OIL CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102921	p2856	4232930861	103		C A MCCLINTIC ET AL NO 21	SPRABERRY (TREND AREA)	5785.2	PECOS CO
8102848	p2175	4237132937	103		DEMA SMITH ET AL NO 1	U S M (QUEEN)	18.6	NORTHERN NATURAL GAS
8102909	p2732	4247531943	103		HUTCHINGS STOCK ASSN NO 1048	WAGON WHEEL (PENN)	132.0	CABOT CORP
8102769	p1154	4224531335	103		I R BORDAGES ET AL A #30	FANNETT	100.0	TEXAS EASTERN TRANSM
8102873	p2600	4249531112	103		KEYSTONE CATTLE CO NO 350	KEYSTONE (COLBY)	52.0	CABOT CORP
8102753	p1021	4244530156	108		MALLET LAND & CATTLE CO NO 45	SLAUGHTER	1.9	AMOCO PRODUCTION CO
8102981	i2452	4217900000	108		REST #11	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102982	i2453	4217900000	108		REST #12	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102983	n12459	4217900000	108		REST #13	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102984	i2455	4217900000	108		REST #14	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102985	i2456	4217900000	108		REST #15	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102986	i2457	4217900000	108		REST #16	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102987	i2458	4217900000	108		REST #17	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102974	i2444	4217900000	108		REST #2	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102988	i2460	4217900000	108		REST #20	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102989	i2461	4217900000	108		REST #21	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102990	i2462	4217900000	108		REST #24	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102975	i2445	4217900000	108		REST #3	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102976	i2446	4217900000	108		REST #4	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102977	i2447	4217900000	108		REST #6	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102978	i2448	4217900000	108		REST #7	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102979	i2449	4217900000	108		REST #8	PANHANDLE GRAY	7.0	KERR MCGEE CORP
8102980	i2450	4217900000	108		REST #9	PANHANDLE GRAY	7.0	KERR MCGEE CORP
-H-M OIL CO					RECEIVED: 10/24/80 JA: TX			
8102861	p2416	4248131935	103		LOU ALICE ELLIS #1-T	TWIN BASIN (7175) (PROPO	400.0	TENNESSEE GAS PIPELI

JC NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8102787	21395	4239131364	103		T F WEST #1	BLANCO CREEK (3750)	0.0	HOUSTON PIPELINE CO
=HERRMANN PARTNERSHIP					RECEIVED: 10/24/80 JA: TX			
8102954	03938	4206500000	108		BURNETT #2 (#SW 25768)	WEST PANHANDLE FIELD	18.9	GETTY OIL CO
8102953	03936	4234100000	108		SNEED R C #1 (#SW 35141)	WEST PANHANDLE FIELD	6.9	COLORADO INTERSTATE
=HILLIARD OIL & GAS INC					RECEIVED: 10/24/80 JA: TX			
8102837	22050	4206730304	102		G B JOHNSON NO 1	KILDARE (SMACKOVER)	700.0	TEXAS EASTERN TRANSM
=HOUSTON OIL & MINERALS CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102870	22564	4238331536	103		MERCHANT ESTATE 13 #6	SPRABERRY (TREND AREA)	45.0	UNION TEXAS PETROLEU
=HYDROCARBON GATHERING INC					RECEIVED: 10/24/80 JA: TX			
8102879	22612	4208931075	103		W N LEHRER NO 8-1	LEHRER (1750) FIELD	55.0	HOUSTON PIPE LINE CO
=IKE LOVELADY INC					RECEIVED: 10/24/80 JA: TX			
8102762	21099	4249500000	103		SEALY SMITH 31 NO 1	PALADIN (PENN)	108.0	EL PASO NATURAL GAS
8102808	21574	4241330420	103		VIRGIL J POWELL NO 1-C 72403	TILLERY (CANYON UPPER)	100.0	ATLANTIC RICHFIELD C
=J CLEO THOMPSON & JAMES CLEO THOMPS					RECEIVED: 10/24/80 JA: TX			
8102942	22916	4243500000	103		MAYER NO 1 = RRC #87093	SAWYER CANYON FIELD	155.0	NORTHERN NATURAL GAS
=J M HUBER CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102969	12151	4223330646	103		JOHNSON J NO LA	PANHANDLE WEST	78.0	COLORADO INTERSTATE
=KAISER-FRANCIS OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8102827	21921	4248330637	103		FRANKLIN #1	WHEELER-PAN (HUNTON)	1000.0	PIONEER NATURAL GAS
=KEITH D GRAHAM					RECEIVED: 10/24/80 JA: TX			
8102853	22201	4205130489	102		J LYONS #1 (#12705)	GIDDINGS (AUSTIN CHALK)	215.0	CHAMPLIN PETROLEUM C
8102816	21710	4205130473	102		LACINA-SCHULTZ UNIT #2 (#12619)	GIDDINGS (AUSTIN CHALK)	259.0	CHAMPLIN PETROLEUM C
8102817	21711	4205130474	102		WEICHERT UNIT #2 (#12695)	GIDDINGS (AUSTIN CHALK)	142.0	CHAMPLIN PETROLEUM
=KEN ELLIS OIL CO					RECEIVED: 10/24/80 JA: TX			
8102966	10864	4242932015	103		GANN #1	IVAN NE (CONGL 4000)	530.0	LONE STAR GAS COMPAN
=KILROY CO OF TEXAS					RECEIVED: 10/24/80 JA: TX			
8102931	22872	4229732034	103		PATRICIA P CROCKER #1	SOL WEST (MACKHANK)	269.0	UNITED TEXAS TRANSMI
=L & L PETROLEUM CORPORATION					RECEIVED: 10/24/80 JA: TX			
8103014	15894	4246931383	103		C K MCCAN JR #5	SALEM	90.0	TEXAS EASTERN TRANSM
8102967	10985	4246931383	103		C K MCCAN JR #5 (81751)	SALEM	90.0	TEXAS EASTERN TRANSM
8102951	00573	4246931278	102		C K MCCAN JR ET AL #3	SALEM	91.0	TEXAS EASTERN TRANSM
=L & M OIL CO					RECEIVED: 10/24/80 JA: TX			
8102854	22219	4213331883	103		GROVES #1		10.0	LONE STAR GAS CO
=L B SHERMAN					RECEIVED: 10/24/80 JA: TX			
8102965	09082	4209330536	103		VETA MAY #1-A	SIPE SPRINGS (MARBLE FAL	44.0	LONE STAR GAS CO OF
=LACY & BYRD INC					RECEIVED: 10/24/80 JA: TX			
8102819	21762	4232930863	103		MIDKIFF 34 NO 1	SPRABERRY (TREND AREA CL	65.0	EL PASO NATURAL GAS
=LEEDE OIL & GAS INC					RECEIVED: 10/24/80 JA: TX			
8102875	22605	4210532593	103		UNIVERSITY 50A #8	FARMER (SAN ANDRES)	10.0	J L DAVIS
8102874	22604	4210532599	103		UNIVERSITY 50A #9	FARMER (SAN ANDRES)	10.0	J L DAVIS
=MATTHEWS JIM & CAROLYN					RECEIVED: 10/24/80 JA: TX			
8102914	22760	4213332130	103		MCGOUGH #1	LAKE LEON (DUFFER) FIELD	62.0	LONE STAR GAS CO
=MAY PETROLEUM INC					RECEIVED: 10/24/80 JA: TX			
8102889	22623	4229530741	103		HEIL #1 (87837)	FOLLETT (MORROW)	365.0	NORTHERN NATURAL GAS
=MCCORMICK OIL & GAS CO					RECEIVED: 10/24/80 JA: TX			
8102763	21100	4234931091	102		ROBERT MCGEHEE #1	CHENEYBORO (COTTON VALLE	200.0	LONE STAR GAS CO
=MEADCO PROPERTIES					RECEIVED: 10/24/80 JA: TX			
8102831	21969	4223531465	103		#1 A SUGG 3085 A (#85945)	ELA SUGG (WOLFCAMP)	73.0	NORTHERN NATURAL GAS
=MEWBOURNE OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8102950	23792	4229530705	102		GEORGE E TRAVIS #1 ID #87239	LADY (UPPER MORROW)	0.0	NORTHERN NATURAL GAS
8102950	23792	4229530705	103		GEORGE E TRAVIS #1 ID #87239	LADY (UPPER MORROW)	0.0	NORTHERN NATURAL GAS
=MOBIL PROD TEXAS & NEW MEXICO INC					RECEIVED: 10/24/80 JA: TX			

JD NO	DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8102766	01116	4250100000	103		H D MAHONEY NO 53	WASSON	46.7	SHELL OIL CO ET AL
*8102858	02357	4224900000	108		LA GLORIA GAS UNIT NO 2-T	LA GLORIA (CULPEPPER)	3.0	TRANSCONTINENTAL GAS
-MORAN EXPLORATION INC					RECEIVED: 10/24/80 JA: TX			
8102877	02609	4238331494	103		ROCKER B 84	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL GAS
-MOBACHER PRODUCTION CO					RECEIVED: 10/24/80 JA: TX			
8102811	01648	4228730535	103		MRS JOHN CARMEAN ET AL NO 4	GIDDINGS (AUSTIN CHALK)	230.0	CLAJON GAS CO
-MURJO OIL & ROYALTY CO					RECEIVED: 10/24/80 JA: TX			
8102963	08803	4236700000	108		LADD-CARR A #1	BRAZOS EAST (STRAWN)	8.0	LONE STAR GAS CO
-NICO ENERGY CORP					RECEIVED: 10/24/80 JA: TX			
8102863	02441	4205130458	102		WHITENER #1 ID-12551	GIDDINGS (AUSTIN CHALK)	2737.0	CLAJON GAS CO
-NIGAS SUPPLY INC					RECEIVED: 10/24/80 JA: TX			
8102893	02635	4206530747	103		KEITH #6	PANHANDLE CARSON	52.2	PANHANDLE EASTERN PI
-NORTH STAR PETROLEUM CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102996	14104	4223300000	108		W A CARVER A-22 (00985)	PANHANDLE HUTCHINSON COU	4.9	PANHANDLE PRODUCING
-NORTHERN NATURAL GAS PRODUCING CO					RECEIVED: 10/24/80 JA: TX			
8102855	02260	4206530654	103		KIRBY NO 2	PANHANDLE-CARSON COUNTY	10.0	NORTHERN NATURAL GAS
-PANHANDLE PRODUCING COMPANY					RECEIVED: 10/24/80 JA: TX			
8102993	13622	4206500000	108		BURNETT B-1 (01639)	PANHANDLE CARSON COUNTY	5.0	GETTY OIL CO
8102994	13623	4206500000	108		BURNETT B-2 (01639)	PANHANDLE CARSON COUNTY	5.0	GETTY OIL CO
8103007	15129	4223300000	108		KINGSLAND NO 8 (01934)	PANHANDLE HUTCHINSON COU	0.2	PHILLIPS PETROLEUM C
-PAR OIL CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102824	01903	4236531015	103		HILL HEIRS NO 1	BETHANY (TRAVIS PEAK)	0.0	ARKANSAS LOUISIANA G
-PARKER & PARSLEY INC					RECEIVED: 10/24/80 JA: TX			
8102920	02826	4232930883	103		BROWN NO 1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM C
8102919	02824	4246131520	103		MORGAN E NO 1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM C
-PENNZOIL PRODUCING COMPANY					RECEIVED: 10/24/80 JA: TX			
8102857	02352	4235500000	103		E A KINSEY NO 8-2-D	AGUA DULCE	55.0	UNITED GAS PIPE LINE
8102786	01383	4250531149	102		JENNINGS NO 39-D	JENNINGS W	550.0	NATURAL GAS PIPELINE
8102768	01142	4235531390	103		TALBERT NO 20	AGUA DULCE	365.0	UNITED GAS PIPE LINE
-PETROLEUM TECHNICAL SERVICE CO					RECEIVED: 10/24/80 JA: TX			
8102782	01255	4246131508	103		COWDEN ET AL NO 4	SPRABERRY (TREND AREA)	18.3	PHILLIPS PETROLEUM C
-PETROMARK MINERALS INC					RECEIVED: 10/24/80 JA: TX			
8102802	01525	4204100000	102		DIETRICH UNIT I NO 1	KURTEN (WOODBINE) FIELD	178.0	PRODUCERS GAS CO
8102802	01525	4204100000	103		DIETRICH UNIT I NO 1	KURTEN (WOODBINE) FIELD	178.0	PRODUCERS GAS CO
8102800	01521	4204100000	102		J D CONLEE NO 1	KURTEN (WOODBINE) FIELD	170.0	PRODUCERS GAS CO
8102800	01521	4204100000	103		J D CONLEE NO 1	KURTEN (WOODBINE) FIELD	170.0	PRODUCERS GAS CO
8102801	01523	4204100000	102		J D CONLEE NO 2		57.0	PRODUCERS GAS CO
8102801	01523	4204100000	103		J D CONLEE NO 2		57.0	PRODUCERS GAS CO
-PETROSIL RESOURCES INC					RECEIVED: 10/24/80 JA: TX			
8102760	01077	4228500000	103		HOWELL MILLER UNIT NO 1	SPEAKS N (FRIO)	58.0	SEAGULL PIPELINE COR
-PHILCON DEVELOPMENT CO					RECEIVED: 10/24/80 JA: TX			
8102892	02629	4235700000	108		MEKEEL #1	PARSELL (MORROW UPPER)	21.0	DIAMOND SHAMROCK COR
8102900	02672	4229500000	108		PETERSON #1	HORSE CREEK NW (MORROW L	15.0	DIAMOND SHAMROCK COR
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 10/24/80 JA: TX			
8103001	14845	4213507256	108		(04868) MILLARD-C NO 5	PENWELL (ELLENBURGER)	0.7	EL PASO NATURAL GAS
8102955	04538	4213504595	108		(15204) SLAT NO 8	TXL (WOLFCAMP NORTH)	4.5	SHELL OIL CO
8103018	16151	4223330582	103		PHILLIPS-EAGLE NO 2	W PANHANDLE	78.0	EL PASO NATURAL GAS
8103019	16152	4234130487	103		REEDER W H NO 3	W PANHANDLE	120.0	EL PASO NATURAL GAS
-PICKENS CO INC					RECEIVED: 10/24/80 JA: TX			
8102960	07701	4227331204	102		LEHMAN 5580 GAS UNIT NO 3	RICARDO SOUTH (5580)	180.0	HOUSTON PIPE LINE CO
-R L BURNS CORP					RECEIVED: 10/24/80 JA: TX			
8102797	01508	4247932040	103		PALAFOX 21-1	SEGUNDO (OLMOS)	55.0	TEJAS GAS CORP
-SANCHEZ-O'BRIEN MINERALS CORP					RECEIVED: 10/24/80 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8103006	15011	4229732036	102		GEORGE WEST TOWNSITE NO 2	GEORGE WEST TOWNSITE	500.0	UNITED TEXAS TRANSMI
*SAXON OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8102997	14259	4239330849	103		UNIVERSITY 29 #1	SPRABERRY (TREND AREA)	12.8	PHILLIPS PETROLEUM C
8103002	14857	4238330854	103		WEATHERBY J #1	SPRABERRY (TREND AREA)	14.6	PHILLIPS PETROLEUM C
8103003	14858	4238330855	103		WEATHERBY J #2	SPRABERRY (TREND AREA)	16.1	PHILLIPS PETROLEUM C
*SHELL OIL CO					RECEIVED: 10/24/80 JA: TX			
8102840	02109	4242731349	102		MARTINEZ-STATE NO 3	RINCON N (VICKSBURG Y2)	100.0	LONE STAR GAS CO
*SIGNOR CORP					RECEIVED: 10/24/80 JA: TX			
8102957	06399	4208300000	103		LAMAR TURNER #3	BETLIN (FRY) FIELD	180.0	BRADY TEXAS MUNICIPA
*SOUTHLAND ROYALTY CO					RECEIVED: 10/24/80 JA: TX			
8102789	01416	4210532382	103		TODD 53 #1	WYATT	70.0	PERMIAN CORP
8102790	01419	4210532326	103		TODD 70A #1	HOWARD DRAW	70.0	PERMIAN CORP
8102788	01415	4210532438	103		TODD 708 #1	WYATT	75.0	PERMIAN CORP
*SUN OIL COMPANY (DELAWARE)					RECEIVED: 10/24/80 JA: TX			
8102821	01811	4213500000	108		B H BLAKENEY -N- NO 1	GOLDSMITH EAST (GLORIETA	1.5	PHILLIPS PETROLEUM C
8102904	02680	4208130766	103		CENTRAL NATIONAL BANK NO 10	LYGAY	25.0	LONE STAR GAS CO
8102903	02679	4208130816	103		CENTRAL NATIONAL BANK NO 12	LYGAY	13.0	LONE STAR GAS CO
8103012	15859	4218300000	108		J C MCKINLEY NO 14	EAST TEXAS	0.7	UNITED GAS PIPE LINE
8102780	01186	4238300000	108		JOHN D CARR NO 1	SPRABERRY TREND AREA	9.0	EL PASO NATURAL GAS
8102770	01166	4222700000	108		M & B ROB NO 2	HOWARD-GLASSCOCK	1.0	PHILLIPS PETROLEUM C
8102822	01813	4213500000	108		PAUL MOSS UNIT NO 150	COWDEN SOUTH	2.0	ODESSA NATURAL CORP
8102779	01179	4213500000	108		PAUL MOSS UNIT NO 38	COWDEN SOUTH	1.0	ODESSA NATURAL CORP
8102778	01178	4213500000	108		PAUL MOSS UNIT NO 39	COWDEN SOUTH	1.0	ODESSA NATURAL CORP
8102777	01177	4213500000	108		PAUL MOSS UNIT NO 42	COWDEN SOUTH	0.6	ODESSA NATURAL CORP
8102776	01176	4213500000	108		PAUL MOSS UNIT NO 55	COWDEN SOUTH	1.5	ODESSA NATURAL CORP
8102775	01175	4213500000	108		PAUL MOSS UNIT NO 56	COWDEN SOUTH	1.5	ODESSA NATURAL CORP
8102774	01174	4213500000	108		PAUL MOSS UNIT NO 57	COWDEN SOUTH	1.5	ODESSA NATURAL CORP
8102773	01173	4213500000	108		PAUL MOSS UNIT NO 58	COWDEN SOUTH	2.0	ODESSA NATURAL CORP
8102772	01172	4213500000	108		PAUL MOSS UNIT NO 61	COWDEN SOUTH	1.0	ODESSA NATURAL CORP
8103020	16177	4235531379	102		STATE TRACT 423 NO 11	REDFISH BAY	1770.0	UNITED GAS PIPE LINE
8102899	02670	4233531577	103		V T MCCABE A NO 16	JAMESON NORTH (STRAWN)	19.0	LONE STAR GAS CO
8102905	02682	4233531576	103		V T MCCABE NO 25	JAMESON N (ELLEN)	5.0	LONE STAR GAS CO
8102932	02882	4208931068	103		W R FRNKA NO 4	MUSTANG CREEK	0.0	TEXAS EASTERN TRANSM
8102771	01171	4222700000	108		W R SETTLES NO 10	HOWARD-GLASSCOCK	0.4	PHILLIPS PETROLEUM C
*TENNECO OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8102906	02722	4239330771	103		CHAMBERS 2-10	MENDOTA NW (GRANITE WASH	198.0	PIONEER NATURAL GAS
*TEXACO INC					RECEIVED: 10/24/80 JA: TX			
8102841	02063	4224731117	102		A K EAST FEE #17	BLACK DIAMOND EAST (PETT	144.2	VALERO TRANSMISSION
8102839	02062	4224731115	102		A K EAST FEE #18	BLACK DIAMOND EAST (PETT	131.4	VALERO TRANSMISSION
8102820	01783	4210532478	103		A R KINCAID TRUST #6	OZONA (CANYON SAND)	144.0	NORTHERN NATURAL GAS
8102956	06092	4217900000	108		B H LOVE (NCT-1) #3	PANHANDLE EAST	10.6	COLTEXO CORP (1)
8102908	02730	4210532129	103		HELEN HENDERSON WILKINS #8	DAVIDSON RANCH (PENN 789	29.0	NORTHERN NATURAL GAS
8102916	02806	4216531638	103		SAM C JENKINS #4	JENKINS (SAN ANDRES)	17.0	PHILLIPS PETROLEUM C
8102915	02805	4216531668	103		SAM C JENKINS #5	JENKINS (SAN ANDRES)	8.4	PHILLIPS PETROLEUM C
8102958	06863	4226130437	102		YTURRIA L & C CO NCT-1 NO 40	CABAZOS	0.0	TENNESSEE GAS PIPELI
*TEXAS OIL & GAS CORP					RECEIVED: 10/24/80 JA: TX			
8103015	15898	4224531255	102		GILBERT #1	SOUTH BROUSSARD (2ND NUD	300.0	UNITED GAS PIPE LINE
8103015	15898	4224531255	103		GILBERT #1	SOUTH BROUSSARD (2ND NUD	300.0	UNITED GAS PIPE LINE
8102964	09077	4246931277	102		HIEBEL GAS UNIT #1	PRIDHAM LAKE (4400)	160.6	
8102860	02383	4207330351	102		NEW BIRMINGHAM MINERALS GU 2 #1	WHITE OAK CREEK (TRAVIS	150.0	
8102860	02383	4207330351	103		NEW BIRMINGHAM MINERALS GU 2 #1	WHITE OAK CREEK (TRAVIS	150.0	
8102809	01581	4223500000	103		WINTERBOTHAM C #2	DOVE CREEK (CANYON D)	400.0	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
=TOM BROWN INC					RECEIVED: 10/24/80 JA: TX			
8102785	21274	4232930841	103		ERWIN B #1	SPRAGBERRY (TREND AREA)	2.8	EL PASO NATURAL GAS
=TRINITY OIL & GAS CORP					RECEIVED: 10/24/80 JA: TX			
8102830	21952	4213332030	103		KYLE RICH B #3 (#15703)	FOSTER (MARBLE FALLS)	20.0	ODESSA NATURAL CORP
=TRIPLE L OIL CO INC					RECEIVED: 10/24/80 JA: TX			
8102968	11001	4248131588	102		CELESTINA NO 1 (77319)	NEW TAITON WEST (3350)	10.0	TENNESSEE GAS PIPELI
8102999	14641	4246931450	102		JOHN KEERAN 83155	KEERAN EAST (6940)	300.0	DELHI PIPELINE CO
8103000	14642	4246931450	102		JOHN KEERAN 83156	KEERAN EAST (7180	300.0	DELHI GAS PIPELINE C
=U B OPERATING INC					RECEIVED: 10/24/80 JA: TX			
8102866	22497	4228730570	103		BRENDA #1	GIDDINGS (AUSTIN CHALK)	180.0	PGP GAS PRODUCTS INC
8102907	22726	4228730558	103		CHERYL NO 1 (LEASE #12606)	GIDDINGS (AUSTIN CHALK)	0.0	PGP GAS PRODUCTS INC
=WAY & MILLS					RECEIVED: 10/24/80 JA: TX			
8102810	21640	4238331459	103		UNIVERSITY 11 #11	FARMER (SAN ANDRES)	11.5	NORTHERN NATURAL GAS
=WAYMAN W BUCHANAN					RECEIVED: 10/24/80 JA: TX			
8103010	15685	4236731106	103		NEAL UNIT #1	WEATHERFORD (ATOKA UPPER	52.9	ALEDO GAS CO LTD
=WES-MOR DRILLING INC					RECEIVED: 10/24/80 JA: TX			
8102952	01071	4242931945	103		J Q CORBETT JR NO 1	CORBETT (MARBLE FALLS)	40.0	PETROLEUM COMP OF TX
=WESELY ENERGY CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102888	22622	4210532571	103		SHANNON ESTATE NO 1	ENCONTRADO (PENN DETRITA	30.0	PHILLIPS PETROLEUM C
=WESELY EXPLORATION INC					RECEIVED: 10/24/80 JA: TX			
8102803	21532	4203730193	103		FEAZELL UNIT NO 1-A (015844)	BEDFORD WYNNE (SMACKOVER	30.0	NATURAL GAS PIPELINE
=WHB EXPLORATION INC					RECEIVED: 10/24/80 JA: TX			
8103016	16021	4241900000	102		DAVIS-JONES	JOAQUIN SOUTHEAST (PALUX	365.0	TEXAS EASTERN TRANSM
=WILSON ENERGY INC					RECEIVED: 10/24/80 JA: TX			
8102901	22673	4210500000	103		UNIVERSITY 8 A #2	FARMER (SAN ANDRES)	17.0	BIG LAKE GASOLINE PL
8102902	22674	4210500000	103		UNIVERSITY 8 A #3	FARMER (SAN ANDRES)	2.0	BIG LAKE GASOLINE PL

OTHER PURCHASERS VOLUME NO 1312

8102759	EL PASO NATURAL GAS CO
8102833	UNITED TEXAS TRANS CO
8102858	NATURAL GAS P L CO OF AMER
8102865	LONE STAR GAS CO
8102878	EL PASO NATURAL GAS CO
8102886	AMOCO PRODUCTION CO
8102887	AMOCO PRODUCTION CO
8102992	TENNGASCO GAS GATHERING CO
8102998	AMOCO GAS CO
8103009	AMOCO GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days after the date of publication of this notice in the **Federal Register.**

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35213 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-7-000]

Florida Gas Transmission Co.; Proposed Changes in Rates and Charges

November 5, 1980.

Take notice that on October 31, 1980, Florida Gas Transmission Company (FGT) tendered for filing proposed changes in its F.E.R.C. Gas Tariff, Original Volumes No. 1, 2 and 3.

The proposed rate changes would increase FGT's revenues from resale sales and transportation services by $20,228,541 based on the twelve months ended August 31, 1980, as adjusted.

FGT states that the increased rates are required to reflect higher levels of all costs of operation including the cost of labor, materials, depreciation and capital.

FGT states that copies of its rate filing were served on all the Company's jurisdictional customers and the Florida Public Service Commission. Also FGT states that Statement P will be filed within fifteen days of its filing.

Any person desiring to be heard or to make any protests with reference to said filing should on or before Nov. 20, 1980 file with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35214 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-2761, et al.]

Kerr-McGee Corporation, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

November 5, 1980.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-2761, June 19, 1978 [1]	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Okla. 73125.	Phillips Petroleum Company, Hugoton Field, Texas County, Okla., and Sherman County, Tex.		
G-9224, Sept. 11, 1980 [2]	Phillips Petroleum Company, 5 C4 Phillips Building, Bartlesville, Okla. 74004.	Northern Natural Gas Company, Lee Plant located in Sections 30 and 31, Township 175, Range 35E, Lea County, N. Mex.	(3)	14.65
CI62-607-000, D, Oct. 20, 1980	Gulf Oil Corporation, P.O. Box 2100, Houston, Tex. 77001.	Natural Gas Pipeline Company of America, Escobas and Martinez Fields, Zapeta and Jim Hogg Counties, Tex.	Leases have been released to the land owners by an Out of Court Settlement between the land owner and Gulf.	
CI67-1619-000, C, Oct. 27, 1980	Amoco Production Company, 1670 Broadway, Denver, Colo. 80202.	El Paso Natural Gas Company, Mocane Field, Beaver County, Okla.	(3)	14.65
CI77-334-001, C, Oct. 22, 1980	Southland Royalty Company, 1000 Fort Worth Club Tower, Forth Worth, Tex. 76102.	Transcontinental Gas Pipe Line Corporation, OCS-G-3119 Well No. 1 located in Vermilion Block 21, Offshore Louisiana.	(3)	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI77-335-001, C, Oct. 22, 1980	....do	Florida Gas Transmission Company, OCS-G-3119 Well No. 1 located in Vermilion Block 21, Offshore Louisiana.	(²)	15.025
CI77-718-001, C, Oct. 24, 1980	Conoco, Inc., P.O. Box 2197, Houston, Tex. 77001	Tennessee Gas Pipeline Company, East Cameron Block 33, Field, East Cameron Block 42, Cameron Parish, Offshore Louisiana.	(³)	15.025
CI78-473, Feb. 8, 1980 ⁴	Texaco, Inc., P.O. Box 2100, Denver, Colo. 80201	Colorado Interstate Gas Company, Table Rock Field, Sweetwater County, Wyo.	(⁵)	15.025

¹ Applicant is filing to notify the Commission that Docket No. G-2761 should be vacated and its FERC Gas Rate Schedule No. 8 should be rejected because it is being changed from a fixed rate sale to a percentage rate sale.
² Applicant requests a change in delivery point from the Lovington Plant to the Lee Plant.
³ Applicant is filing under Amendatory Agreement dated 6-23-80.
⁴ Applicant is filing under Gas Sales Contract dated 3-26-59, amended by Amendment dated 9-11-80.
⁵ Applicant is filing under Gas Sale and Purchase Contract dated 9-1-76, amended by Amendment dated 9-29-80.
⁶ Applicant is filing under Gas Sale and Purchase Contract dated 9-14-76, amended by Amendment dated 7-1-80.
⁷ Applicant is filing under Gas Purchase and Sales Agreement dated 6-24-77, amended by Amendment dated 9-25-80.
⁸ Applicant requests a change in delivery point from the Central Point in the Field to the Champlin Petroleum Company Processing Plant.
⁹ Applicant is filing to amend its Contract under Amendment dated 1-16-80 and FERC G.R.S. No. 561.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 80-35215 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-514]

Mid Louisiana Gas Co.; Amendment to Application

November 5, 1980.

Take notice that on October 14, 1980, Mid Louisiana Gas Company (Applicant), 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP80-514 an amendment [1] to its application filed August 22, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to include an additional condition that would attach to the certificate when issued, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its pending application it is requesting authorization to deliver natural gas to United Gas Pipe Line Company (United) for redelivery to Liquid Carbonic Corporation (Liquid Carbonic) at a plant in Geismar, Ascension Parish, Louisiana. It is stated that in the original proposal the certificate for service would have been conditioned in two respects: first, the service would be fully interruptible, and second, it would be subject to United's delivery of the gas to the Geismar plant. It is stated that in view of the priorities established in Sections 401 and 402 of the Natural Gas Policy Act of 1978, Applicant does not propose that the service be accorded priority for deliveries ahead of Applicant's other customers up to each customer's daily contract volume for other than interruptible service. Applicant proposes, therefore, that the authorization issued herein would condition the service to Liquid Carbonic as interruptible service under Section 13 of Applicant's FERC Gas Tariff, and that the service not be classified as an essential agricultural use or essential industrial process and fuel stock use, or otherwise be given priority ahead of Applicant's other customers.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 17, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35216 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[1] The amendment was initially tendered for filing on October 14, 1980; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until October 27, 1980; thus, the filing was not completed until the later date.

[Docket No. CP80-548-001]

Texas Eastern Transmission Corp.; Amendment to Application

November 5, 1980.

Take notice that on October 30, 1980 Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521 Houston, Texas 77001, filed in Docket No. CP80-548-001 an amendment to its application filed September 15, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect an extension of a transportation agreement with Public Service Electric and Gas Company (Public Service), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that there is a currently effective transportation agreement between Applicant and Public Service dated September 11, 1980, which would provide for the transportation of natural gas. It is stated that Public Service purchases said gas up to 50,000 dekatherms equivalent per day from East Tennessee Natural Gas Company for the purpose of electrical generation. The transportation service, it is stated, is due to terminate on October 31, 1980.

It is stated that Applicant and Public Service have extended their gas purchase agreement until November 30, 1980. Applicant requests authorization for the extension in order to allow Public Service to reduce its reliance on imported oil for electric generation. It is stated that the extension would have no impact on Applicant's ability to render service to its customers under existing sales agreements, would not affect high priority needs, and would not result in curtailments for November 1980.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before

November 17, 1980 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35217 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-16-000]

Toy Enterprizes; Filing of Petition for Review Under 42 U.S.C. 7194

Issued November 5, 1980.

Take notice that Toy Enterprizes on October 24, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before November 20, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before November 20, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35218 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-106-001]

Trunkline Gas Co.; Proposed Changes

November 5, 1980.

Take notice that Trunkline Gas Company (Trunkline) on October 28, 1980, tendered for filing and revised tariff sheets as listed on the attached Appendices (1) and (2).

These revised tariff sheets were filed in compliance with the Commission's Orders dated June 27, 1980 and August 22, 1980 in Docket No. RP80-106. The Commission's Order of June 27, 1980, as amended August 22, 1980 conditionally accepted Trunkline's proposed revised tariff sheets as filed on May 30, 1980, subject to certain conditions. Trunkline states that the revised tariff sheets on the attached Appendices (1) and (2) are in compliance with those conditions.

Copies of this filing were served on Trunkline's jurisdictional customers, interested state commissions and all parties to this proceeding.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 20, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35219 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-416]

ANR Storage Co.; Petition To Amend

November 6, 1980.

Take notice that on October 8, 1980, ANR Storage Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79-416 a petition to amend the order issued August 22, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the expansion of a storage field boundary, the reconditioning of the existing production well, and the drilling of an additional well in Kalkaska County, Michigan, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the order issued August 22, 1980, authorized it to develop the Cold Springs 31 Reservoir and the Excelsior 6 Reservoir, both located in Kalkaska County, Michigan, to provide 11,500,000 Mcf of gas storage to Southern Natural Gas Company. In developing these reservoirs, Petitioner states that it rehabilitated two existing wells, drilled nine new injection/withdrawal wells, and constructed a field meter station, a 7,500 horsepower compressor station, and 3.5 miles of various diameter pipeline.

Petitioner proposes herein to expand the storage field boundary to include the East Kalkaska 1 Reservoir in the east half of Kalkaska Township, Kalkaska County, Michigan, as a part of the storage reservoir. It is stated that the expansion is predicated on additional seismic information and data on bottom hole pressures which show a distinct possibility for communication on the western side of the Excelsior 6 Reservoir with the eastern side of the east Kalkaska Reservoir. Petitioner asserts that it is acquiring all necessary storage and mineral rights and gas producing property in the East Kalkaska 1 Reservoir. Petitioner further proposes to recondition the existing production well at East Kalkaska 1 to be used only as an observation well and to drill one additional well from the Excelsior 6 drilling pad which would be used for observation and possible injection/withdrawal, if required.

Applicant estimates the total cost of constructing the facilities to be $1,751,000 which would be financed by funds on hand.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to

intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35333 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-20-000]

Columbia Gas Transmission Corp. and Transcontinental Gas Pipe Line Corp.; Application

November 6, 1980.

Take notice that on October 17, 1980, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-20-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas in interstate commerce and the construction and operation of the facilites necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose the exchange of natural gas in accordance with the terms of a gas exchange agreement dated October 10, 1980. It is stated that in order to effectuate said agreement it would be necessary for both Columbia and Transco to construct and operate natural gas facilities.

Applicants state that in Docket No. CP80-430 Columbia has requested authorization to increase Pennsylvania Gas and Water Company's (Penn Gas) contract demand by 10,000 dekatherm (dt) equivalent effective November 1, 1980. It is stated that under Subpart G of Part 284 of the Commission's Regulations the three companies have agreed to one-year transportation arrangement beginning November 1, 1980, which would provide for the transportation and delivery of volumes to Penn Gas by Transco for the account of Columbia. Columbia, it is stated, would reduce its receipts from Transco at an existing interconnection at Downingtown, Pennsylvania, and Transco would deliver equivalent volumes, up to 10,300 dt equivalent for Columbia's account to Penn Gas in Luzerne County, Pennsylvania.

It is further stated that the Applicants have agreed to a long-term exchange arrangement in order to continue the delivery of increased volumes to Penn Gas after October 31, 1981. Applicants state that Columbia would deliver natural gas to Transco during the storage injection period from April 1 through October 31 at an interconnection to be constructed between Applicants' systems near Renovo, Clinton County, Pennsylvania. It is stated that deliveries during the storage withdrawal period from November 1 through March 31 would be made at an interconnection to be constructed between Applicant's systems near Easton, Northampton County, Pennsylvania.

Applicants state that Transco would construct a tap on its Leidy Line in Clinton County for the Renovo exchange and a tap on its Leidy Line in Northampton County for the Easton exchange at an estimated total cost of $103,500, which cost would be reimbursed by Columbia.

Furthermore, Columbia proposes the construction and operation of the following:

(1) 8.9 miles of 24-inch transmission pipeline looping an existing 12-inch section of transmission Line No. 1804 in York and Lancaster Counties, Pennsylvania.

(2) A 650 horsepower compressor unit at Easton compressor station, 1.2 miles of 8-inch interconnecting pipline and appurtenant measuring and regulating facilities extending from Easton compressor station to Transco's Leidy Line, all in Northampton County, Pennsylvania. These facilities are necessary, it is stated, to have the required pressure to deliver volumes to Transco near the Easton compressor station during the winter period.

(3) A 375 horsepower compressor unit at Renovo compressor station, 0.5 mile of 8-inch interconnecting pipeline and appurtenant measuring and regulating facilites extending from Renovo compressor station to Transco's Leidy Line, all in Clinton County, Pennsylvania. It is stated that these facilities are necessary to provide the pressure required to deliver volumes to Transco near Renovo compressor station during the summer period.

It is stated that the estimated total construction cost for Columbia's proposed facilities would be $7,163,000. Columbia proposes to finance the facilities with funds on hand and with money provided by The Columbia Gas System, Inc., the sole owner of Columbia's outstanding securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant ot the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35334 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-2-000]

Compass Petroleum Industries, Inc.; Application for Production-Related Cost Allowance

November 6, 1980.

Take notice that on October 6, 1980, Compass Petroleum Industries, Inc. (Applicant), P.O. Box 264, Beaver Dam, Kentucky 4230, filed an application in the form prescribed by §§ 271.1104 and 271.1105 of the Federal Energy

Regulatory Commission Rules under the Natural Gas Policy Act of 1978, 15 U.S.C. § 3301 et seq., (NGPA) to be allowed to collect $1.222 per Mcf in addition to the applicable NGPA maximum lawful price for certain sales of natural gas to Equitable Life Assurance Society of the United States.

Applicant asserts that this amount is necessary to recoup its losses due to shrinkage, Btu adjustment, compression/transportation, and cleaning (scrubbing) and without which applicant, a small producer, cannot continue to operate.

Any person desiring to be heard or to make any protest in this docket should on or before November 28, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the action to be taken herein but will not serve to make the protestants parties to this proceeding. Any person wishing to become a party to this proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with Commission Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35335 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-31-000]

Consolidated Gas Supply Corp.; Application

November 6, 1980.

Take notice that on October 24, 1980, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-31-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities at its Lost Creek Storage Pool, in Lewis and Harrison Counties, West Virginia, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant asserts that in recent weeks it has detected gas which has begun to emanate from an unused water well located near the southwestern boundary of its Lost Creek Storage Pool. Although the water well is stated to be only approximately 150 feet deep in contrast to the gas storage formation which is said to be approximately 1,600 feet deep, Applicant asserts that in cooperation with the West Virginia Office of Oil and Gas and other state agencies it has endeavored to determine whether storage gas has migrated into the shallow water-bearing formation and if not the source of the water-well gas.

To this end, Applicant submits that it has reduced the operating pressures in the affected area of the storage pool, collected and analyzed samples of the gas produced through the water well, conducted an on-the-ground survey of the area to ascertain whether gas is or has been detected at other points on the surface, closely monitored the pressures on wells in the area, and undertaken a well logging program designed to gather information concerning the condition of its active production and storage wells in the area. Applicant further submits that it has also begun to locate and re-enter several abandoned wells in the area in order to determine whether natural gas could be migrating into the shallow water-bearing formation by way of a casing rupture or a defective or damaged well plug.

Applicant proposes, herein, to recondition four wells on the southwestern boundary of the pool and utilize three of these wells for storage observation purposes. Applicant also proposes to recondition three abandoned wells in the protective area of the pool and to retain one of those wells for storage observation. Applicant asserts that retention of wells for observation purposes would permit it to monitor more closely the pressures and water levels in the southwestern portion of the pool.

The proposed construction is estimated to cost $1,643,248, which cost would be met by funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35336 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-2-000]

El Paso Natural Gas Co.; Application for Approval of an Extension of a Transportation Agreement

November 6, 1980.

Take notice that on October 1, 1980, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. ST81-2-000 an application pursuant to Section 284.106(c) of the Commission's Regulations under the Natural Gas Policy Act of 1978 for approval of an extension of a transportation agreement with Pioneer Corporation (Pioneer), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has agreed to a two-year extension of its transportation agreement with Pioneer to commence on January 1, 1981.

According to Applicant, it would receive natural gas purchased by Pioneer from Phillips Petroleum Company's Dumas Plant in Moore County, Texas. Applicant would transport up to 20,000 Mcf of natural gas per day with delivery to Pioneer at Mobil Oil Corporation's Waha Plant in Pecos County, Texas. Applicant contends that the total volume to be transported is currently inestimable.

Applicant would charge Pioneer a back-haul rate of 1.0 cent per Mcf of natural gas transported to recover operating costs.

Any person desiring to be heard or to make any protest with reference to said application should on or before

November 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35337 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-22-000]

El Paso Natural Gas Co.; Application

November 6, 1980.

Take notice that on October 17, 1980, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-22-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)) for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing March 3, 1981, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in transportation and sales service presently rendered by Applicant.

Applicant requests waiver of the total cost limitation of $300,000. It proposes to increase the total project limitation to $500,000. Applicant contends that such an increase is commensurate with the increases in the cost of equipment and expenses incident to the proposed facilities due to inflation. Such costs, it is asserted, would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35394 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-28-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

November 6, 1980

Take notice that on October 22, 1980, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-28-000 an application pursuant to Section 7 of the Natural Gas Act and § 157.7(c) and § 157.7(e) of the Regulations thereunder (18 CFR 157.7(c) and 157.7(e)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1981, and operation of facilities to make miscellaneous rearrangements on its system and for permission and approval to abandon, during the calendar year 1981, direct sales service and facilities no longer required for deliveries of natural gas to Applicant's customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of the budget-application pursuant to § 157.7(c) is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the transportation and sales service presently rendered by Applicant. It is stated that the total cost of such rearrangements would not exceed $300,000 which cost would be financed from cash on hand.

The stated purpose of the budget-application pursuant to § 157.7(e) of the Commission's Regulations is to augment Applicant's ability to act with reasonable dispatch in abandoning service and removing direct sales measuring, regulating, and related facilities. Applicant states that it would abandon service and facilities only when deliveries to any one direct sales customer would not have exceeded 100,000 Mcf of natural gas during the last year of service.

The application further states that Applicant would not abandon any service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission could not be obtained, a statement certifying that the customer has no further need for service would be filed with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35395 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-21-000]

Orange and Rockland Utilities, Inc.; Application

November 6, 1980.

Take notice that on October 17, 1980, Orange and Rockland Utilities, Inc. (Applicant), One Blue Hill Plaza, Pearl River, New York 10965, filed in Docket No. CP81-21-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to New York State Electric & Gas Corporation (NYSE&G) at a rate of 3,300 Mcf of gas per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in Docket No. G-9439 it was authorized to sell natural gas to NYSE&G for use in NYSE&G's Goshen, New York franhise area. It is stated that Applicant and NYSE&G entered into a service agreement dated January 31, 1973, providing that NYSE&G would take its entire requirements for gas for NYSE&G's own use and resale in the Goshen, New York, franchise area up to 2,900 Mcf of gas per day.

Applicant states that it has entered into a revised service agreement with NYSE&G dated September 12, 1980, which increases the volume of gas sold and purchased to 3,300 Mcf of gas per day. Applicant states that said increase is necessary to meet the demand in the relevant NYSE&G franchise area. It is stated that the demand represents increased high-priority load in the area.

No change in the tariff rate is herein proposed, it is stated. Applicant states that the requested increase would be available from Applicant's suppliers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35338 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-16-000]

Southern Natural Gas Co.; Application

November 6, 1980.

Take notice that on October 16, 1980, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in docket No. CP81-16-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition of an interest in certain existing pipeline and related facilities presently owned and operated by Michigan Wisconsin Pipe Line Company (Mich Wis), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to acquire a 16.67 percent interest in 0.8 mile of existing 10-inch diameter pipeline and related facilities which extends from the production platform in Vermilion Block 242 to a pipeline jointly owned by Mich Wis and Tennessee Gas Pipeline Company, a Division of Tenneco Inc., in Vermilion Block 241, offshore Louisiana (Vermilion 242 lateral). Although Mich Wis presently owns 100 percent of the Vermilion 242 lateral, it has recently agreed to sell a 16.67 percent undivided interrest to United Gas Pipe Line Company subject to Commission approval, it is stated. Applicant asserts that Mich Wis would continue to operate and maintain the Vermilion 242 lateral.

Applicant states that it requires an interest in the Vermilion 242 lateral because it has acquired the purchase rights of one-sixth of the reserves underlying Vermilion Block 242 attributable to the interest of Getty Oil Company.

Applicant estimates the cost of the proposed acquisition of the Vermilion 242 lateral to be $500,000 which would be financed initially through short-term financing and/or cash from current operations and ultimately from permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if

the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35339 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-388]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Amendment to Application

November 6, 1980.

Take notice that on September 30, 1980,[1] Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-388 an amendment to its pending application filed in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize transportation and delivery of all or a portion of gas dedicated to Orange and Rockland Utilities, Inc. (Orange and Rockland) to Texas Gas Transmission Company (Texas Gas) for injection into Texas Gas' storage facilities for the account of Orange and Rockland and to deliver equivalent volumes to Orange and Rockland during the period from November 1, 1980, through April 30, 1981, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that its application herein sought authorization to transport up to 50,000 Mcf of natural gas per day for Orange and Rockland which volume was to be purchased by Orange and Rockland from East Tennessee Natural Gas Company for use in Orange and Rockland's electric generating stations to displace fuel oil with such requested authorization to extend through August 31, 1980, the then termination date of the fuel shortage emergency period. It is further stated that the transportation service has been rendered during such period pursuant to temporary certificate authorization issued to Applicant on June 5, 1980, as extended by order issued August 12, 1980, and again by order issued September 17, 1980, which extended the period through October 21, 1980. The volumes being transported pursuant to such temporary certificate authorization are presently being delivered to Orange and Rockland at Applicant's existing Pearl River delivery point in Rockland County, New York, it is said.

It is further stated that Orange and Rockland has now advised Applicant that it would be unable to receive all of the total volume of 50,000 Mcf per day at Pearl River during the period ending October 31, 1980. Applicant, therefore, proposes to transport and deliver all or a portion of said volume of 50,000 Mcf per day during the remainder of such period to Texas Gas for injection into Texas Gas' storage facilities for the account of Orange and Rockland during the period from November 1, 1980, through April 30, 1981. Applicant agrees to transport and deliver to Orange and Rockland at Pearl River volumes equivalent to such stored volumes up to 50,000 Mcf per day for use by Orange and Rockland to displace fuel oil in its electric generating stations.

Applicant asserts that it would deliver the gas to Texas Gas for injection into storage at Applicant's existing Greenville, Mississippi, delivery point to Texas Gas in Washington County, Mississippi. The receipt point from Texas Gas for the storage withdrawal gas would be at Applicant's existing Egan D interconnection with Texas Gas located in Acadia Parish, Louisiana, it is asserted.

Applicant further asserts that the total of the volumes to be transported for Orange and Rockland would not exceed 50,000 Mcf on any day and estimates that during the injection period ending October 31, 1980, it would deliver approximately 35,000 Mcf per day to Texas Gas for injection into storage with the remaining approximately 15,000 Mcf per day to be delivered directly to Orange and Rockland at Pearl River, New York.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35340 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-25-000]

United Gas Pipe Line Co.; Application

November 6, 1980

Take notice that on October 22, 1980, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-25-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Tenneco Oil Company, a Division of Tenneco Inc. (Tenneco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 20,000 Mcf of natural gas per day for Tenneco pursuant to a gas transportation agreement dated September 26, 1980. It is stated that Tenneco has said gas available in the Haynesville Field, Claiborne Parish, Louisiana. It is stated that under the agreement, Applicant would receive the gas by or for Tenneco's account at a mutually agreeable point near the Stephen's Plant, Claiborne Parish, Louisiana, and would deliver equivalent volumes, less 2.3 percent for fuel and unaccounted for gas, to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) for Tenneco's account at the existing points of interconnection between Applicant and Tennessee at (i) Vinton, Cameron Parish, Louisiana, (ii) Cocodrie, Terrebonne Parish, Louisiana, (iii) Bayou Sale, St. Mary Parish, Louisiana, and/or (iv) at any other mutually agreeable existing points.

Applicant states that it would construct and operate any facilities necessary to receive the gas under its budget-type authorization. Applicant states that Tenneco would reimburse Applicant for 64 percent of the expense of installing these facilities. The measuring facilities for delivery of the gas to Tennessee are in existence, it is stated.

It is stated that Tenneco would pay Applicant an amount per Mcf equal to

[1] This amendment was initially tendered for filing on September 30, 1980; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until October 9, 1980; thus the filing was not completed until the latter date.

Applicant's jurisdictional transportation rate in effect from time to time in Applicant's Northern Rate Zone as such may be determined by Applicant based on rate filings made from time to time with the Commission. Applicant states that the current jurisdictional transportation rate is 19.32 cents per Mcf.

Applicant states that the transportation agreement would be for a term of five years beginning on the date deliveries commence and continuing from year to year thereafter.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35341 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-24]

United Gas Pipe Line Co. and Arkansas Louisiana Gas Co.; Petition To Amend

November 6, 1980.

Take notice that on October 10, 1980, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Arkansas Louisiana Gas Company (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP77-24, a joint petition to amend the order issued January 13, 1977,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize additional points of exchange between United and Arkla, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that they have been authorized to exchange up to 1,185 Mcf of natural gas per day at eleven points pursuant to the gas exchange agreement between United and Arkla dated March 14, 1976, as amended. Petitioners herein request the following additional points of exchange pursuant to an amendatory letter agreement between them dated July 21, 1980.

Proposed Delivery Points

(1) 200 Mcf per day attributable to Arkla Exploration Company's (AEC) interests in the Triton O. B. Clinton No. 1 well and the Triton H. P. Clinton No. 1 well would be delivered to United at a mutually agreeable point in Jackson Parish, Louisiana.

(2) 1,000 Mcf per day, attributable to AEC's interests in the Triton L. James Oxford No. 1 well, the Triton Kavanaugh No. 1 well and the AEC Kavanaugh No. 1 well would be delivered to United at a mutually agreeable point in Jackson Parish, Louisiana.

Proposed Redelivery Points

(1) 260 Mcf per day from Amoco's 26.15 percent interest in the Bartlett and Bailey Unit #1 well located in the southeast corner of the C. Yarborogh Survey, A-816, Harrison County, Texas.

(2) 1,000 Mcf per day attributable to Amoco's interest in the John D. Brooks No. 1 well, would be delivered to Arkla at a mutually agreeable point on Arkla's pipeline in the vicinity of the Robert Maxwell Survey, A-266, Marion County, Texas.

(3) The quantity of gas that would be redelivered by United to Arkla at Bistineau Storage Field in Bienville Parish, Louisiana, at which point United injects gas into such storage facility, would be the difference between (i) the sum of the deliveries by Arkla to United at the herein proposed and previously authorized delivery points and (ii) the sum of the redeliveries by United to Arkla at the herein proposed and previously authorized redelivery points. United would credit Arkla's account of gas in storage each month with a volume of gas equal to the sum of the differences hereinabove stated, less compressor fuel required for injection. In the event the volume redelivered by United exceeds the volume delivered by Arkla to United, then Arkla would deliver to United a volume equal to the difference of redelivered and delivered volumes prior to injection at Bistineau Storage.

Petitioners state that the metering and regulating equipment required at the delivery points in Jackson Parish, Louisiana, and redelivery point in Marion County, Texas, would be installed and operated by United under its budget-type authority. It is stated that the required facilities at the proposed redelivery point in Harrison County, Texas, are in existance and would be owned and operated by Arkla. Petitioners state that they do not propose any increase in total volumes to be exchanged.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35342 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By point regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180518; PH-FRL 1666-8]

California Department of Food and Agriculture; Issuance of Specific Exemption To Use Ethephon as a Plant Regulator

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use ethephon to hasten maturity of grapes grown for fresh market and raisin production on 82,000 acres of grapes in California. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on October 31, 1980.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-124, 401 M St., SW., Washington, D.C. 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: According to the Applicant, ethephon is needed to accelerate the maturity of table grapes (Emperor, Tokay, and Thompson seedless) and raisin grapes (Thompson seedless) in order to avoid damage from rainfall and frost. In addition to early maturation, use of Ethrel, which contains the active ingredient (a.i.) ethephon, will ensure a more uniform development of color in table grapes which is essential for fresh market acceptance, the Applicant claims. Grapes with a less than desirable color must often be sold to wineries at a reduced price. Growers often leave fruit on the vines longer so that acceptable coloring is developed. However, this increases the chances of losses due to rainfall (which favors fungal infections) or frost.

California ranks number one in production of grapes in the United States with 576,000 acres producing nearly 4 million tons of grapes annually, valued at $543 million. In 1978, the Applicant estimated that use of ethehon could have averted from 40-50 percent of the losses incurred because of rainfall and/or frost. It is estimated that 150,000 tons of raisins with a market value of $240 million were lost in 1978.

The Applicant proposed to make one application of ethephon at a dosage rate of 0.25-0.5 pound a.i. per acre using ground equipment, with a preharvest interval of 30 days. The standard California requirements for obtaining a permit from a County Agricultural Commissioner, before applying a pesticide under a specific exemption, will apply here also. Application will be made in accordance with California closed mixing system regulations.

EPA has determined that residue levels of ethephon are not likely to exceed 2 parts per million (ppm) in or on grapes, 8 ppm in grape juice, 10 ppm in grape pomace, 12 ppm in raisins, and 65 ppm in raisin waste from the proposed use. These levels have been judged adequate to protect the public health. There are established tolerances for ethephon ranging from 0.1 ppm on coffee to 30 ppm on blackberries and peppers. EPA has also determined that this use of ethephon is not likely to have any adverse environmental effects.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the growth regulator noted above until October 31, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The Union Carbide product Ethrel (EPA Reg. No. 264-267), which contains the a.i. ethephon [(2-chloroethyl) phosphonic acid] may be applied at a dosage rate of 0.25 pound to 0.50 pound a.i. per acre. A given acreage may be treated only once. Applications are to be made with ground equipment using from 30 to 300 gallons of water per acre.

2. Up to 55,000 acres of Thompson seedless grapes grown for raisin production may be treated with ethephon. Up to 6,000 acres of Tokay and 21,000 acres of Emperor grapes may also be treated with ethephon. A total of 41,000 pounds a.i. are authorized.

3. All applicable label directions, precautions, and restrictions must be followed. Before ethephon is used under this exemption, a permit must be obtained from the Country Agricultural Commissioner. A written recommendation, which substantiates the need for treatment, shall be obtained from a licensed agricultural pest control advisor or a University of California farm advisor before a permit is requested.

4. Pesticide dealers must not sell ethephon for use on grapes unless such a permit is presented. Dealers shall also maintain records of sale of ethephon for use under this specific exemption.

5. All applications of ethephon under this specific exemption shall be made by, or under the supervision of, an applicator State-certified for this particular category of pest control and shall be made in accordance with California closed mixing system regulations.

6. Applicators shall submit a report to the County Agricultural Commission within 7 days of treatment.

7. The County Agricultural Commission, under the Applicant's auspices, shall monitor use of ethephon under this exemption.

8. The following commodities with residues of ethephon not exceeding the indicated levels may enter interstate commerce: fresh grapes—2.0 ppm; grape juice—8.0 ppm; grape pomace—10.0 ppm; raisins—12.0 ppm; and raisin waste—65.0 ppm. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

9. A 14-day pre-harvest interval must be observed.

10. The EPA shall be immediately informed of any adverse effects resulting from the use of ethephon under this specific exemption.

11. The Applicant is responsible for ensuring that all of the provisions and restrictions of this specific exemption are met and must submit a final report which summarizes the results of this program by the end of March, 1981.

Dated: November 6, 1980.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-35273 Filed 11-12-80; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180521; PH-FRL 1666-1]

Minnesota and North Dakota; Issuance of Specific Exemptions To Use Asulox on Flax

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued specific exemptions to the Minnesota and North Dakota Departments of Agriculture (hereafter referred to as "Minnesota," "North Dakota," or the "Applicants") to use Asulox on 32,000 acres of flax in five counties in northwest Minnesota and on 68,600 acres in six counties in North Dakota to control wild oats, wild buckwheat, and foxtails. These specific exemptions are issued under the Federal Insecticide Fungicide and Rodenticide Act.

DATE: The specific exemptions expire on October 31, 1980.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767), Office of Pesticide Programs,

Environmental Protection Agency, Rm. E–124, 401 M St., SW., Washington, D.C. 20460, (202–426–223).

SUPPLEMENTARY INFORMATION: Flax does not compete well with weeds; weed infestations result in poor stands of flax by reducing germination and competing with the developing flax plants. Wild oats and foxtails are common weed pests of flax. According to the Applicants, these weeds are present in all areas where flax is produced, and due to heavy snowfall this past winter, heavy weed growth delayed planting and shortened the time for use of preplant herbicides.

Eptam, Avadex, Dalapon, Carbyne, MCP Amine and Bromoxynil are registered for selective weed control in flax. According to the Applicants, the registered alternative pesticides are either not effective or are not acceptable control methods for wild oats, wild buckwheat and foxtails for this season's wet conditions.

Minnesota reports that Kittson, Lake of the Woods, Marshall, Pennington, and Roseau Counties, where flax is a major crop, grow from 75,000 to 95,000 acres of flax annually. Significant losses in agricultural income may be incurred, the Applicants claimed, if the exemptions were not granted.

North Dakota reports that Bottineau, Cavalier, Pierce, Pembina, Rollette, and Towner Counties annually grow about 98,000 acres of flax.

The Applicants proposed to use an asulam formulation, Asulox, EPA Reg. No. 359–662, in a single post-emergence application when wild oats are in the three- to four-leaf stage. Applications will be made by both private and commercial State-certified applicators using both ground and air equipment in Minnesota and ground equipment only in North Dakota in the counties named above.

EPA has determined that the available data are adequate to support the proposed use of Asulox on flax. Residues of the active ingredient (a.i.) asulam are not likely to exceed 2.0 parts per million (ppm) in flax seed and its fractions or 2.5 ppm in flax straw. EPA has deemed these levels to be adequate to protect the public health. Appropriate crop rotation restrictions have been imposed. No unreasonable adverse effect on the environment from this use of asulam is anticipated.

After reviewing the application and other available information, EPA has determined that the criteria for exemptions have been met. Accordingly, the Applicants have been granted specific exemptions to use the pesticide noted above until October 31, 1980, to the extent and in the manner set forth in the applications. The specific exemptions are also subject to the following conditions:

1. A single post-emergence application of Asulox (EPA Reg. No. 359–662) is authorized.

2. Application shall be made by air and/or ground equipment in Minnesota and by ground equipment in North Dakota, at a rate not to exceed 1.25 pounds a.i. per acre.

3. A maximum of 10,000 gallons of formulation may be applied to 32,000 acres of flax in the five Minnesota counties mentioned above; a maximum of 68,000 acres of flax in the six North Dakota counties named above may be treated.

4. Applications will be made when wild oats are in the 3–4 leaf stage.

5. All applications shall be made by State-certified private and commercial applicators.

6. Precautions shall be taken to avoid or minimize spray drift from target area. Application may not be made when weather conditions favor spray drift.

7. Residue levels of asulam are not expected to exceed 2.0 ppm in flaxseed and its fractions (meal, oilseed cake, refined oil, and soapstock) and 2.5 ppm in the flax straw. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of these actions. Any resulting residues in meat, milk, poultry, and eggs will be well below detectable levels (0.05 ppm in meat, 0.025 ppm in milk, and 0.1 ppm in poultry tissues and eggs).

8. Crops other than small grains may not be planted in the treated area within 12 months of application. Small grain crops may not be planted within ten months of application. Root crops may not be planted in the treated area within 18 months of application. Fodder from grain crops rotated to treated flax fields may not be grazed or cut for forage.

9. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed.

10. Application of Asulox to flax may result in crop injury and reduction in yield under stress conditions or if the herbicide is applied at stages of growth other than those specified.

11. The EPA shall be immediately informed of any adverse effects resulting from the use of Asulox in connection with these exemptions.

12. Each Applicant is responsible for ensuring that all of the provisions of its specific exemption are met and each must submit a report summarizing the results of this program by January 15, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: November 6, 1980.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-35270 Filed 11-12-80; 8:45 am]

BILLING CODE 6560-32-M

[RP FRL 1563–2]

Mutagenicity Risk Assessments; Proposed Guidelines

October 30, 1980.

AGENCY: Environmental Protection Agency.

ACTION: Proposed guidelines for Mutagenicity Risk Assessments.

SUMMARY: The Environmental Protection Agency has developed Guidelines for Mutagenicity Risk Assessments (Guidelines). These Guidelines will be used within the policy and procedural framework provided by the various statutes which EPA administers, to guide Agency analysis of mutagenicity data.

These guidelines were developed by an Agency-wide working group, under the direction of the Reproductive Effects Assessment Group (REAG). REAG is an advisory body located within the Agency's Office of Research and Development, which serves as the senior Agency technical review group for mutagenicity assessment performed by Agency program offices. A preliminary draft of the Guidelines was sent for review to approximately 30 scientists in the field of chemical mutagenesis within government, universities in the United States and abroad, and the private sector. In general, the comments received were favorable, and changes in the draft were made, as appropriate, in response to them. In addition to soliciting public comments on the Guidelines by publication of this **Federal Register** Notice, the Agency is providing them to the Agency's Science Advisory Board for review.

FOR FURTHER INFORMATION CONTACT: Dr. Donna Kuroda, 202/426–2275.

DATES: Comments must be submitted by February 11, 1980.

ADDRESS: Reproductive Effects Assessment Group (RD–689), Office of Health and Environmental Assessment, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

SUPPLEMENTAL INFORMATION:

I. Introduction

As a result of the progress in the control of infectious diseases, increase in average human lifespans, and better procedures for identifying genetic disorders, a considerable heritable

genetic disease burden has been recognized in the human population. It is estimated that at least 10% of all human disease is genetically related, resulting from changes in the composition or arrangement of genes and chromosomes (1, 2). Such genetic diseases can lead to structural or functional health impairments. Moreover, many of these diseases are expressed in infancy and in early childhood and are chronic in nature. As a result, they cause a severe impact upon the affected individuals and their families in terms of physical and mental suffering and economic losses, and upon society in general, which may often become responsible for institutional care. Some examples of genetic diseases and syndromes genetically based include Down's syndrome and Klinefelter's syndrome, cystic fibrosis, hemophilia, sickle cell anemia, and achondroplastic dwarfism. Other commonly recognized diseases which are likely to have a genetic basis include hypercholesterolemia, rheumatic fever, hypertension, pyloric stenosis, glaucoma, allergies, and several types of mental retardation. These diseases are only a few of the thousands which are associated with genetic errors (3).

Mutations are largely recognized as being deleterious to the organisms receiving them. The adverse effects may be manifested at the biochemical, cellular, and physiological levels of organization. Although mutations are the building blocks for further evolutionary change of species, it is believed that increases in the mutation rate above the spontaneous level will lead to an accumulation of deleterious mutations in the human population (4). Since the existing incidence of human genetic disease is already sizable, the Agency wants to control exposures to chemicals which may add to this existing burden.

Because of the technical and industrial expansion during the last two decades, a large number of chemicals have been released into our environment. Some have been shown to have mutagenic activity in mammalian and submammalian test systems, and thus have the potential to increase genetic damage in the human population. Chemicals with mutagenic activity in various test systems have been found widely distributed among drugs, food additives, cosmetics, industrial compounds, pesticides, and consumer products. As our knowledge of genetics and disease etiology increases, it is reasonable to believe that we will become aware of some chemically-induced human genetic effects. The extent to which exposure to these natural and man-made environmental agents may have increased the amount of genetic damage in the present human population and contributed to the mutational "load" that will be transmitted to future generations is unknown at this time. Since the prospect of curing most heritable diseases caused by mutagens in the near future is unlikely, minimizing exposure to mutagens is among the best available means to protect against further deterioration of the human gene pool.

This document describes the procedures that the Environmental Protection Agency (EPA) will follow to evaluate the risk associated with the exposure of humans to chemical mutagens. Previously, the Agency indicated its intent to develop procedures in the "Criteria for Evaluating the mutagenicity of chemicals" which describe the basic concerns and need for such a document (5). These procedures will ensure quality and consistency in the Agency's scientific risk assessments for mutagenic effects. The necessity for a consistent approach to evaluate the mutagenic risk from chemical substances arises from the authority conferred upon the Agency by a number of statutes to regulate potential mutagens. These statutes include the Federal Insecticide, Fungicide, and Rodenticide Act, the Toxic Substances Control Act, the Clean Air Act, the Federal Water Pollution Control Act, the Safe Drinking Water Act, and the Resource Conservation and Recovery Act.

The mutagenicity risk assessments prepared pursuant to these guidelines will be utilized within the requirements and constraints of the applicable statutes to arrive at regulatory decisions concerning mutagenicity. The standards of the applicable statutes and regulations may dictate that additonal considerations, e.g., the economic and social benefits associated with use of the chemical substance, will come into play in reaching appropriate regulatory decisions.

In order to ensure the quality and consistency of the Agency's scientific risk assessments, EPA has created the Reproductive Effects Assessment Group (REAG) in its Office of Research and Development. This group will have the responsibility for carrying out an oversight function for the Agency's risk assessment activities to ensure consistent application of mutagenicity risk assessment procedures, as well as the responsibility to conduct mutagenicity risk assessments for program offices when deemed necessary. The REAG will utilize, as appropriate, expert consultants and advisors from various Federal agencies, academia, and the private sector to assist in reviewing mutagenicity risk assessments performed by the program offices or to assist REAG in performing risk analyses at the request of the program offices.

The assessment of heritable mutagenic risk to humans involves a two-step process. First of all, the mutagenicity of the chemical must be determined, and secondly, evidence must be evaluated to determine if the chemical reaches or affects gonadal organs. Results from such an evaluation can be combined with expected human exposure information, when available, and the impact of the mutagenic risk for human populations can be estimated to the extent possible.

II. Concepts Relating to Heritable Mutagenic Risk

For the purposes of these guidelines, a mutagen is defined as a chemical substance or mixture of substances that can induce alterations in the DNA of either somatic or germinal cells of organisms. The Agency is concerned with the risk associated with both germ cell mutations and somatic mutations. Mutations carried in germ cells can be inherited by future generations and contribute to genetic disease, whereas mutations occurring in somatic cells may be implicated in the etiology of several disease states, including cancer (6,7). These guidelines, however, only concern genetic damage as it relates to germ cell mutations. The position on the use of mutagenicity test results in the assessment of carcinogenic risk has been described in the Agency's Interim Cancer Assessment Procedures (8).

The potential for mutagenic risk to germ cells can be identified on the basis of tests involving either germ or somatic cells. In the case of somatic cell tests, however, the quantitation of mutagenic risk depends on evidence that the chemical or its metabolites reaches or affects a critical target (DNA) in germinal tissue.

There are several mutagenic endpoints of concern to the Agency. These include point mutations (i.e., change in the base sequence of DNA) and structural and numerical chromosome aberrations. Structural aberrations include deficiencies, duplications, inversions, and translocations, whereas numerical aberrations refer to gains or losses of whole chromosomes (aneuploidy) or sets of chromosomes (haploidy, polyploidy). The Agency's Office of Pesticide Programs already has

published various testing standards for the detection of mutagenic effects (9).

For some mutagenic mechanisms, it is conceivable that only one or a few molecules of the active compound may cause heritable changes in DNA. Mutagenic effects may also arise by mechanisms not directly related to chemical alterations of DNA, such as interference with DNA synthesis, DNA repair, or nuclear division processes.

III. Rationale for Using Nonhuman Test Systems

The virtual universality of DNA as the genetic material and of the genetic code provides a rationale for using various non-human test systems to predict the intrinsic mutagenicity of test chemicals. Additional support is provided by the observation that chemicals causing genetic effects in one species or test system frequently cause similar effects in other species or systems. Although cells of any species could theoretically be used to detect and predict genetic change in other species, certain test systems offer notable advantages, such as increased sensitivity; ease and speed of conducting the tests; low cost; anatomical, histological, and/or metabolic similarities to humans; suitability for handling large numbers of test organisms; a large data base; and a basis for characterizing genetic events.

Nonhuman test systems must be used because of the lack of suitable epidemiological data on germ cell mutations in humans. Clear epidemiological evidence for an increased mutation rate in humans due to exposure to a chemical substance is unavailable at this time. Presently only a very few of the estimated many thousands of genes in the human genome are useful as markers in determining the point mutation rates within human populations; there is a huge amount of genetic variability in the human population; and humans have a long generation time. Dominant and sex-linked recessive mutations can be detected in the first generation following treatment; however, autosomal recessive mutations and those affecting multifactorial traits largely go unnoticed because they are not recognized in the heterozygous state. Information on chromosomal aberrations induced in humans can be obtained with cytological techniques, but this information is limited. Thus, in most cases, although mutational changes occur in humans, they will be unobserved or unexpressed until future generations.

IV. Risk Assessment

A. Testing Systems

Assessing risks as a result of exposure to chemical mutagens is a complex task because of the diversity in chemical structure of mutagens and the various ways they can interfere with genetic processes. Therefore, in order to adequately assess the mutagenic potential of a chemical, data from several test systems may be needed to evaluate the ability of a chemical to produce chromosomal alterations, point mutations, and primary DNA damage (manifested by DNA repair or recombinational events). There are many testing systems currently available which can contribute information about the mutagenic potential of a test compound.

Test systems for detecting point mutations include those in bacteria, eukaryotic microorganisms, insects, and mammalian somatic cells in culture, as well as tests for detecting germinal mutations in intact mammals (e.g., the mouse specific locus test). Positive results in a mouse specific locus test argue strongly that a chemical is a potential human mutagen because the test demonstrates the mutation occurs in germinal cells and is transmitted to the next generation. However, since the development of mouse specific locus data is limited by the requirements for special strains of mice and a large number of test animals, it is not expected that many chemicals will be tested using this system. To obtain data on a large number of environmental pollutants, it will be necessary to rely on other tests to assess the risk of point mutations. Although prokaryotes, lower eukaryotes, and mammalian cells in culture do not have the ability to carry out all types of metabolic conversions that occur in intact mammals, the addition of a metabolic activation system derived from mammalian tissues has made these systems a valuable tool for detecting mutagens.

For detecting chromosomal aberrations, the following test systems have been employed: *in vitro* and *in vivo* mammalian cytogenetic tests, insect tests for heritable chromosome effects, dominant lethal tests in rodents, the heritable translocation test in rodents, and the mouse sex chromosome loss test. The heritable translocation test in rodents is among the best available tests for detecting heritable chromosomal rearrangements in mammals; the mouse X-chromosome loss test is a value in detecting the unequal distribution of chromosomal material during gametogenesis.

Other tests have been designed to detect nondisjunction (unequal distribution of chromosomes during cell division) in such diverse systems as the mouse, *Drosophila*, fungi, and mammalian cells in culture. The present data base for these systems, however, is limited at this time. Primary DNA damage which provides information bearing on the mutagenicity of a chemical can also be detected by a variety of test systems, such as unscheduled DNA repair synthesis in mammalian cells, mitotic recombination in yeast, and sister-chromatid exchange in mammalian somatic and germ cells.

The test systems mentioned above are not necessarily the only test systems that will provide the best evidence of mutagenicity. These systems are enumerated merely to demonstrate the breadth of the available techiques for assessing mutagenic potential, and to indicate the types of data which the Agency will consider in its evaluation of mutagenic potential. Most systems possess certain limitations which must be taken into account. The selection and performance of appropriate tests for evaluating the risks associated with human exposure to any suspected mutagen will depend on sound scientific judgment and experience, and may necessitate consultation with geneticists familiar with the sensitivity and experimental design of the test system in question. In view of the rapid advances in test methodology, the Agency expects that more relevant tools for predicting human mutagenic potential will become available with time. The Agency will closely monitor developments in mutagenicity evaluation and will refine its risk assessment scheme as better test systems become available.

B. Weight-of-Evidence Approach

The judgment as to whether a chemical substance is likely to be a potential human mutagen will be based on a weight-of-evidence approach that involves and considers the quality and adequacy of all the available data.

A positive response in the mouse specific locus test alone can provide strong evidence to regard a chemical as a potential human mutagen. As an alternative to the mouse specific locus test, positive responses in any two different point mutation test systems plus evidence for the presence of the test substance and/or its metabolites in mammalian gonadal organs also provides strong evidence that a compound is a potential human mutagen. Positive results in at least two systems are desirable because of the

possibility of obtaining false positive or species-specific positives.

The heritable translocation test or the X chromosome loss test for chromosomal alterations in mice can provide equally strong evidence that a chemical is a potential human mutagen. Both tests detect events that are induced in treated mammals and transmitted to progeny where they are scored. In the absence of positive findings in these two test systems, positive results in two *in vivo* somatic cell cytogenetic test systems or in an *in vitro* cytogenetic test system and an *in vivo* somatic cell cytogenetic test system, coupled with evidence for the presence of the test substance and/or its metabolites in mammalian gonadal organs, will provide strong evidence that a compound is a potential human mutagen.

The test systems described here may not detect all the genetic events that are of concern to humans. Furthermore, the sensitivity of some of these systems to detect mutations is not known and may be low for certain chemical classes. Nevertheless, positive responses in these tests currently provide the best experimental evidence that a chemical has the potential to produce genetic damage in people.

If data suitable for applying the criteria just described are not available, then the chemical substance under consideration will be assessed by examining all data that give insight to its mutagenic activity. The following factors will be considered:

1. Genetic endpoints (e.g., point mutations, chromosomal mutations) detected by the test systems.

2. Sensitivity and predictive value of the test systems for various classes of chemical compounds.

3. Number of different test systems used for detecting each genetic endpoint.

4. Consistency of the results obtained in different test systems and different species.

5. Whether the tests are conducted in accordance with appropriate test protocols agreed upon by experts in the field.

6. Evidence that a chemical reaches or affects the germinal tissue, as provided by such sources as data demonstrating the alkylation of DNA or other cellular macromolecules, unscheduled DNA synthesis, sister chromatid exchange, or chromosome aberrations, in germinal cells; and non-specific accumulation of radioactive label in the gonads following administration of the labeled chemical. Other relevant evidence includes adverse gonadal effects following acute, subchronic or chronic toxicity testing; and adverse reproductive effects, such as decreased fertilization index, reduced sperm count, or abnormal sperm morphology.

Data on these factors will be used to determine whether there is strong, substantial, or only suggestive evidence that a particular chemical may be potentially mutagenic to humans.

Although definitive proof of non-mutagenicity is not possible, it seems appropriate that a chemical could be classified operationally as a non-mutagen if it gives a negative response in an adequate number of test systems that are together capable of detecting all genetic endpoints of concern, namely, point mutations, chromosomal effects, and primary DNA damage. Furthermore, if a chemical does not reach or affect gonadal organs, it can be considered not to cause heritable mutations. Stringent scientific criteria (e.g., adequate sample size, suitable experimental design, appropriate concentration range, proper controls, and adequate number of tests) should be required for acceptance of negative results to assure that the failure to detect genetic activity or the presence of the chemical in the gonadal tissue is not based on inadequacies of the test procedures.

C. Quantitative Assessment of Results

The degree of risk can be estimated by combining the preceding qualitative evaluation for mutagenicity with the potential for human exposure. When there is a lack of appropriate mutagenicity data to make a quantitative estimate, risk can still be expressed in meaningful descriptive terms. To do this, the strength of evidence that the agent possesses intrinsic mutagenic activity, that it reaches or affects gonadal organs, and the extent and pattern of human exposure to the chemical, must be examined. From these elements a judgment as to the degree of human risk may be derived. When appropriate mutagenicity data are available for making a quantitative estimate of genetic risk to humans, two major approaches are available. One approach uses only experimental data on germinal alterations induced in intact mammals. Test systems providing such data are the heritable translocation, X-chromosome loss, and specific locus tests. These tests are complete in that they directly measure genetic damage in germ cells which is observed in a subsequent generation. In this approach, information on the level of human exposure is used with experimental data on induced mutation frequency, usually obtained at much higher exposure levels. An estimate of human risk is obtained by extra polating the induced mutation frequency downward to the approximate level of anticipated human exposure. With point mutational effects, there is a strong theoretical basis for the use of the linear or no-threshold models for this extrapolation (10, 11, 12). For certain chromosomal alterations , the biological mechanisms are generally thought to fit a multiple-hit model. Other mathematical models for extrapolation should, therefore, be considered when the dose-response data are able to fit an appropriate model. Linear extrapolation of the experimental data on translocations, for example, are likely to overestimate the risks present at lower levels of exposure and a model other than the one-hit model should be considered.

The other experimental approach for assessing genetic risk uses biochemical data from intact mammals and mutagenicity data from validated test systems (13, 14, 15). The intact mammal is used primarily for relating the exposure level for a chemical to germ cell dose. This involves relating the level of mutagen-DNA interactions in germ cells to the specific exposure level by an appropriate route of administration. This information is then used with results obtained from mutagenicity test systems in which the relationship between the induction of mutations and interactions with DNA can be made. Using mutagen-DNA interactions as the common denominator, a relationship can be constructed between exposure and the induced mutation frequency. In some cases, measurements of DNA binding induced by a particular chemical agent can be determined at levels of exposures which may affect human populations, and potential human risk can be determined without the extrapolation of the data to lower levels. Such results would not require a high to low exposure level extrapolation to determine potential human risk. In those instances where the lowest experimental exposure level is greatly above those levels to which humans are exposed, it will be assumed that DNA binding is directly proportional to the exposure level unless there are compelling reasons to believe otherwise.

For some mutagenic events, DNA may not necessarily be the critical target. Interaction of chemicals with other macromolecules, such as tubulin which is involved in the separation of chromosomes during nuclear division, can lead to chromosomal nondisjunction. At present the means are not available to make strictly quantitative assessments for these types of mutagenic mechanisms. Ongoing research should provide the means to

make future quantitative risk assessments for mutagens acting through these mechanisms.

In performing mutagenicity risk assessments, it is important to account for the sensitivity of the tests in detecting specific mutagenic endpoints. For example, although chemical substances which interact with DNA are likely to cause both point and chromosomal mutations, it is expected that point mutations may be relatively more frequent than chromosomal mutations at lower exposure levels. The former event can be initiated by a single interaction with DNA, whereas the latter may involve more than one interaction. Therefore, when assessing the mutagenic risk associated with low human exposures to the chemical, the point mutation data would generally be the more sensitive and appropriate information source.

Any risk assessment should clearly delineate the strengths and weakness of assumptions made, the uncertainties in the methodology, and the rationale used in reaching the conclusion, e.g., similar or different routes of exposure, metabolic difference between humans and test animals. The results should be expressed in terms of the excess of genetic disease per year or per lifetime, or the fractional increase in the assumed background spontaneous mutation rate of humans, or the radiation equivalency.

VI. References

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Dated: November 4, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-34956 Filed 11-12-80; 8:45 am]

BILLING CODE 6560-35-M

[OPP-180523; PH-FRL 1666-2]

New York; Issuance of Specific Exemption for Fenvalerate on Cabbage

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the New York Department of Environmental Protection (hereinafter referred to as the "Applicant") to use fenvalerate (Pydrin) on 12,000 acres of cabbage in New York to control the cabbage looper. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on November 1, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E–124, 401 M St., SW., Washington, D.C. 20460, (202–426–0223).

SUPPLEMENTARY INFORMATION: The Applicant anticipates that an emergency situation will develop with respect to cabbage loopers on cabbage in upstate counties of New York. The Applicant contends that if the cool weather sets in during the last 35 days of cabbage growth, the cabbage looper will not be controllable. The Applicant claims that use of the pesticides registered for control of the cabbage looper is not practicable because:

1. The pesticide Phosdrin is not very effective against the pest and its residual action is short.

2. The pesticide Diazinon has not been effective in New York for many years.

3. Methomyl and *Bacillus thuringiensis* do not control the cabbage looper when temperatures are low.

4. While Monitor generally controls the pest, it may not be used within 35 days of harvest. This 35-day preharvest interval is a critical period for cabbage due to the unusually high infestation of the cabbage looper.

The Applicant estimates that the cabbage industry in New York could lose up to $12 million without adequate control.

The Applicant proposes to use fenvalerate at a rate of 0.1 to 0.2 pounds active ingredient (a.i.) per acre on up to 12,000 acres of cabbage. More than 50 percent of the fields checked in a county would have to be infested with cabbage loopers in numbers greater than one to two loopers per plant, as determined by research on Cooperative Extension personnel. Application would be made only when anticipated average daily temperature during the spray period is below 8° F during the day and/or 55–60° F at night.

EPA has determined that residues of fenvalerate in or cabbage should not exceed 2 parts per million (ppm) from the proposed use. EPA has judged this level to be adequate to protect the public health. No unreasonable hazard to the environment is anticipated from this program. Since fenvalerate is highly toxic to aquatic vertebrates and invertebrates and to bees, appropriate conditions to protect them having been imposed.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide

noted above until November 30, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Pydrin (EPA Reg. No. 201-401), manufactured by Shell Chemical Co., may be used. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label.

2. Total acreage of cabbage to be treated may not exceed 12,000 acres.

3. A maximum of 9,600 pounds of a.i. may be applied at a maximum rate of 0.2 pound a.i. per acre.

4. A maximum of four applications are authorized.

5. A 7-day preharvest interval is imposed.

6. All applications must be made by, or under the supervision of, State-certified commercial applicators or by qualified growers.

7. Root crops may not be planted for 12 months after the last application. No other crop may be planted for 60 days after last application.

8. Fenvalerate will be applied by ground or aerial equipment in a spray volume of not less than 3 gallons per acre.

9. Fenvalerate may be applied to cabbage fields only when fields are to be harvested within 35 days and a State entomologist has determined that:

a. A major infestation of cabbage loopers exists.

b. Registered pesticides are not controlling the cabbage looper.

c. Significant economic losses to cabbage growers will occur.

10. It is recommended that fenvalerate not be applied any closer to fish-bearing fresh waters than 200 feet (at the 0.1 pound a.i. rate), and 300 feet (at the 0.2 pound a.i. rate) by ground, and 750 feet (at the 0.1 pound a.i. rate), and 1,250 feet (at the 0.2 pound a.i. rate) by air. Applications closer than these may result in fish and/or other aquatic organism kills.

11. Participants are to be notified of their obligation to report all adverse effects on non-target organisms arising from the use of this product. The EPA must be immediately informed of any adverse effects resulting in connection with this specific exemption.

12. Precautions must be taken to avoid or minimize spray drift to non-target areas. It is recommended that pesticide application be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speeds exceed 10 miles per hour.

13. This product is highly toxic to bees exposed to direct treatment or to residues on crops or weeds. It may not be applied or allowed to drift to weeds or crops in bloom if bees are actively visiting the treatment area. Protective information may be obtained from the State Cooperative Agricultural Extension Service.

14. Fenvalerate is extremely toxic to fish and aquatic invertebrates. It may not be applied directly to any body of water. Drift reduction precautions must be observed. It may not be applied where excessive runoff is likely to occur. Care must be taken to prevent contamination of water by cleaning of equipment or disposing of wastes or excess pesticides.

15. Cabbage with residues of fenvalerate not exceeding 2 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

16. Cabbage trimmings from treated fields must not be fed to livestock.

17. All applicable directions, restrictions, and precautions on the EPA registered product label must be adhered to.

18. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a final report summarizing the results of this program by May 1, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C 136))

Dated: November 6, 1980.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-35271 Filed 11-12-80; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180522; PH FRL 1665-8]

Oregon; Issuance of Specific Exemption for Chlorpyrifos on Mint

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Oregon Department of Agriculture (hereafter referred to as the "Applicant") to use chlorpyrifos to control the mint root borer on 20,000 acres of peppermint in Oregon. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on October 30, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-124, 401 M St., SW., Washington, D.C. 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: The mint root borer (*Fumibotys fumalis* (Guenee)) causes damage to the rhizomes of the peppermint. The main damage occurs after the harvesting of the peppermint (August, September, October). Larvae feed in the rhizomes for 70 to 80 days and then emerge to form prepupa in the soil. The following spring pupation occurs and the adults emerge from early to mid-June. Eggs are then deposited on the peppermint and upon hatching, the larvae enter the rhizomes. Larvae leave damaged rhizomes and seek fresh ones. Damage to the rhizomes severely weakens the peppermint plants and renders them extremely susceptible to winter injury, resulting in reduced stands the following season. Oregon estimates that the production lifetime of a peppermint field infested with mint root borer is reduced by one-half (4-5 years compared with 8-10 years). The mint root borer has become a serious pest of peppermint in the United States. Oregon reports that it was discovered in that State in 1971 and that now approximately 24,000 acres are infested. Washington reports it was first detected in that State in 1976 and is now established in 4,000 acres of peppermint. No pesticide is currently registered for the control of the mint root borer. Oregon estimates that an annual loss of up to $10 million could occur, if there is not effective control of the mint root borer.

The Applicant proposes to make a single post-harvest application of Lorsban 4 EC, EPA Reg. No. 464-448 which contains the active ingredient (a.i.) chlorpyrifos. Oregon will treat 20,000 acres of peppermint in north central Oregon, western Oregon which includes the Willamette Valley, southwestern Oregon and Josephine County. The proposed dosage rate is 4 pints product (2 pounds a.i.) in no less than 10 gallons of water per acre per season.

EPA has determined that residues of chlorpyrifos and its metabolite, 3,5,6-trichloro-2-pyridinol, are not likely to exceed 0.1 part per million (ppm) in or on fresh or spent peppermint hay, and 0.35 ppm in mint oil from the proposed use. These levels have been judged adequate by EPA to protect the public health. EPA anticipates no unreasonable adverse effect on the environment as a result of this program.

After reviewing the application and other available information, EPA has determined that the criteria for an

exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until October 30, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Use of the Dow product Lorsban 4 EC insecticide (EPA Reg. No. 464–448) is authorized. If an unregistered label is used in connection with this product, it must contain the identical applicable precautions and restrictions which appear on the registered label.

2. A single application is authorized at a dosage rate of four pints of product (2 pounds a.i.) per acre. A total of 10,000 gallons of product (40,000 pounds a.i.) are authorized.

3. Applications are to be made by ground application using no less than 10 gallons of water per acre. The pesticide will be incorporated into the soil by application of 0.5–1.0 inch of irrigation water immediately after treatment.

4. Only one post-harvest application/acre/season is to be made. Either growers or commercial State-licensed applicators may apply chlorpyrifos. Oregon State University extension specialists and agents shall provide information about rates and procedures.

5. Up to 20,000 acres of peppermint in the areas indicated above, may be treated with chlorpyrifos.

6. Mint oil with a residue level of chlorpyrifos and its metabolite, 3,5,6-trichloro-2-pyridinol, not exceeding 0.35 ppm may enter interstate commerce. Fresh or spent hay with residues of chlorpyrifos and its metabolite not exceeding 0.1 ppm may also enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

7. All applicable directions, precautions, and restrictions on the EPA-registered label must be adhered to.

8. Any adverse effects resulting from the use of chlorpyrifos under this specific exemption must be immediately reported to the EPA.

9. There must be a 400-foot buffer zone between peppermint fields and any fish-bearing area.

10. The Applicant must submit a report to EPA summarizing the results of this program by the end of March, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136)).

Dated: November 6, 1980.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-35269 Filed 11-12-80; 8:45 am]

BILLING CODE 6560-32-M

[OPP-C31027B; PH-FRC 1667-1]

Sumitomo Chemical America, Inc.; Approval of Application to Conditionally Register a Pesticide Product Entailing a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Sumitomo Chemical America, Inc. has received approval to conditionally register the pesticide product SUMITHION 40% WDP entailing a changed used pattern.

FOR FURTHER INFORMATION CONTACT: William H. Miller, Product Manager (PM) 16, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E–343, 401 M St., SW., Washington, D.C. 20460. (202–426–9458).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 1, 1979 (44 FR 25507) that Sumitomo Chemical America, Inc., 1330 Dillion Heights Ave., Baltimore, MD 21228 had submitted an application to register the pesticide product SUMITHION 40% WDP. Active ingredient: *O- O*-dimethyl-*O*-(4-Nito-m-tolyl)phosphorothioate 40% (w/w). The application proposed that the use pattern of this pesticide be changed to include indoor use for control of mosquitoes. The proposed classification was for general use.

On October 8, 1980 Sumitomo was granted approval to conditionally register the pesticide product for control of mosquitoes in residential buildings for malarial control only.

The product has been assigned EPA Registration No. 39398–9. A copy of the approved label and list of data references used to support registration are available for public inspection in the office of the product manager.

The data and other scientific information used to support registration, except for material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) will be available for public inspection in the Information Services Branch, Rm. EB–35, EPA, 202–426–8850 in accordance with section 3(c)(2) of FIFRA, within 30 days after the registration date of October 8, 1980. Requests for data must be made in accordance with provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), EPA, 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) Identify the product by name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(5), 92 Stat. 842, (7 U.S.C. 136)).

Dated: November 6, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-35268 Filed 11-12-80; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180517; PH FRL 1666-5]

Wyoming; Issuance of Specific Exemption for Use of Strychnine Baits for Control of Rabid Skunks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Wyoming Department of Agriculture (hereafter referred to as the "Applicant") to use strychnine baits to control rabid skunks in Campbell and Crook Counties, Wyoming. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on October 31, 1980.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Registration Division (TS–767), Office of Pesticide Programs, Evironmental Protection Agency, Rm. E–124, 401 M St., SW., Washington, D.C. 20460, (202–426–0223).

SUPPLEMENTARY INFORMATION: The section 18 regulations provide that the Administrator may grant an emergency exemption to a Federal or State agency when the following conditions exist:

(a) A pest outbreak has [occurred] or is about to occur and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest, (b) significant economic or health problems will occur without the use of the pesticide, and (c) the time available from discovery or prediction of the pest outbreak is insufficient for a pesticide to be registered for the particular use. 40 CFR 166.1.

The exemption is also subject to the provisions of 40 CFR Part 164, specifically, Subpart D, published in the **Federal Register** of March 18, 1975, (40 FR 12261). In cases such as the one presented by this Applicant, if the

request is for the use of a pesticide which has been finally cancelled or suspended, then the application constitutes a petition for reconsideration of such cancellation or suspension order. On March 9, 1972, Administrator Ruckelshaus cancelled and suspended the registration of strychnine, sodium cyanide, and 1080 (sodium fluoroacetate) for predator control. However, the Administrator's order banned the use of these pesticides for predator control without distinguishing between rabid and nonrabid predators, the former a human health problem and the latter an economic problem. Therefore, the exemption cannot be granted without the treatment of a prior public hearing, unless certain conditions are found to exist.

Subpart D of the section 6 regulations provides that in emergency circumstances the Administrator may rule on the application without convening a formal hearing and without making a finding as to the question of substantial new evidence when he determines:

(1) That the application presents a situation involving need to use the pesticide to prevent an unacceptable risk: (i) to human health, or (ii) to fish or wildlife populations when such use would not pose a human health hazard; and (2) That there is no other feasible solution to such risk; and (3) That the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing as required by § 164.131; and (4) That the public interest requires the granting of the requested use as soon as possible. 40 CFR 164.133.

The Administrator has determined that this exemption met the above criteria and a formal hearing was not necessary.

It should be noted that a rebuttable presumption exists against registration of rodenticide products containing strychnine which are registered for outdoor, aboveground use (see Federal Register of December 1, 1976, p. 52810); however, a final decision has not yet been made by EPA as to appropriate regulatory action in this matter.

The Applicant reported that two rabid skunks have been confirmed, one in Campbell County, the other in Crook County, Wyoming. Rabies is caused by a virus which affects the central nervous system. It is present in the saliva of infected animals and is transmitted by contamination of a wound with the saliva. People and domestic animals, especially dogs, may become infected.

Rabies epidemics normally are associated with an animal species which has a high population and serve to reduce the high population. The disease is fatal and of short duration. Attempts to control rabies involve reducing the animal population carrying the virus, thus reducing the chance of coming in contact with the infected animal.

The value of man's control of an infected population has been questioned. It has been suggested that a combination of preventive measures, posting of warning signs, and vaccination of pets, would be as effective in preventing the spread of rabies and would not pose a threat to non-target species.

The control of a rabid animal population may be useful in high contact areas. If an outbreak occurs which threatens public health, then elimination or removal of the target animal along with posting of warning signs and vaccination of pets may be necessary. The finding of rabid animals in Campbell and Crook Counties, Wyoming, indicates that an immediate public health problem exists in these areas.

The Applicant proposes to apply a maximum of 500 egg or paraffin-larded strychnine baits within a 3-mile radius of the site where a confirmed-rabid skunk was found.

Some non-target species are expected to be taken, but with careful placement of baits, specific animal populations are not expected to be adversely affected. According to the Fish and Wildlife Services, Billings, Montana, the Black-footed ferret is the only endangered species in the area to be treated, but there should be no problem if baits are kept away from prairie dog towns.

In light of the above and pursuant to the controlling regulations, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use strychnine baits in Campbell and Crook Counties, Wyoming, until October 31, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The areas to be treated are presently limited to a circle within a 5-mile radius around a confirmed rabid skunk found within a 2-mile radius of areas of human habitation in the counties named above.

2. When the Applicant receives a report of skunk, cat, dog, raccoon, or weasel which is behaving abnormally and is located within 2 miles of an area of human habitation, personnel of the Department may place a maximum of 100 strychnine-treated baits within a 5-mile radius of the area of human habitation pursuant to taking specimens of skunks to determine whether rabid skunks are present in the area. If no rabid skunks are found, the unconsumed strychnine baits will be retrieved. If one or more rabid skunks are found, a maximum of 400 additional baits may be placed in areas of skunk habitation within the 5-mile radius circle around the location of the rabid skunk.

3. Strychnine baits may not be placed within the vicinity of a prairie dog colony or within 10 miles of a known ferret sighting.

4. Exposure of any bait station within a 5-mile radius circle (to survey for presence of rabies or suppress rabid skunk populations) may not exceed 30 days.

5. Each strychnine paraffin-lard bait will contain approximately 28 milligrams of actual strychnine alkaloid and each egg bait approximately 34 milligrams.

6. Personnel of the Wyoming Department of Agriculture are responsible for preparing the strychnine baits, selecting bait stations, posting warning signs, securing premise entry agreements, checking bait stations periodically for kills, and retrieving all unconsumed baits at the termination of the control program.

7. A maximum of two strychnine baits per site will be placed in the following skunk habitats: skunk dens, holes, garbage dumps, road culverts, junk piles, and unoccupied buildings.

8. Strychnine baits will be placed only on those lands where premise entry agreements have been signed by the landowner, lessee, or administrator.

9. Warning signs will be posted at entries to all premises and other visible positions near locations where treated baits have been placed. Eggs will be stamped with the word "Poison."

10. Each bait station will be checked as often as possible for kills but, in any case, no less than once a week.

11. All retrieved or excess strychnine baits will be disposed of by burial at least 18 inches deep in an approved sanitary landfill or burned in an incinerator. Containers to be destroyed will be handled in a similar manner.

12. Animals poisoned in the control program will be submitted for laboratory analysis for presence of rabies virus if possible. Otherwise they will be buried on the premises to prevent possible secondary non-target species poisonings.

13. The Applicant must follow any more stringent requirements imposed by State pesticide law or regulation applied by the State pesticide regulatory officials.

14. The Applicant must notify the State Fish and Wildlife authorities concerning areas to be baited.

15. The Applicant is responsible for reporting to EPA on a monthly basis the number of baits placed, retrieved, consumed, or missing. Total fatalities including non-target species, must be reported. Adverse effects must be reported immediately.

16. A final report summarizing the entire program must be submitted by December 31, 1980.

(Sec. 18, as amended 92 Stat. 819; (7 U.S.C. 136)).

Dated: November 6, 1980.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-35272 Filed 11-12-80; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-59035A; TSH-FRL 1665-7]

1,2-Substituted-1,1,2,2-Tetramethyl Disilane; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On September 5, 1980 EPA received an application for a test marketing exemption (TM–80–40) from the premanufacture notification requirements of section 5 of the Toxic Substances Control Act (TSCA). The manufacturer has claimed its identity confidential.

EPA has determined that the manufacturer's test marketing of this chemical substance will not present any unreasonable risk of injury to health or the environment. Therefore, the Agency has granted this manufacturer an exemption from the TSCA premanufacture reporting requirements for test marketing of the substance in the manner described in the application.

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS–794), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460 (202–426–2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is one that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b), to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

The application was assigned test marketing exemption number TM 80–40; receipt of the application was announced in the **Federal Register** on September 29, 1980 (45 FR 64244).

The manufacturer claimed its identity, specific chemical identity, and the specific use as confidential business information.

The substance is described generically as *1,1,2-substituted-1,1,2,2,-tetramethyl disilane;* its generic use is as a coating. Three hundred pounds of the substance will be manufactured during a maximum test marketing period of 9 months.

EPA has established that the test marketing of TM 80–40, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below.

In its risk assessment, the manufacturer cited the low exposure of this substance to personnel and the environment as its major basis for concluding that there will be no risk of injury to human health and the environment. Results from preliminary tests conducted on the substance indicate that the LD_{50} is greater that 5 g/kg and that the substance is a mild skin and eye irritant. While the potential exists that this substance may be a possible lung carcinogen and could produce kidney damage, the Agency has determined that such risks are unlikely considering the small production volume, limited worker exposure and the use of specific safety equipment. In the Agency's analysis of this application we learned that the substance is very volatile, and reacts both in air and in water. For this reason the substance will be manufactured in a closed system. As a further precaution for ensuring worker safety, the Company has indicated that protective equipment (i.e. goggles, gloves and respirators) will be used by those individuals involved in the manufacturing and processing of the substance during this test market period.

Based on the facts and information obtained and reviewed, EPA grants the manufacturer a test marketing exemption for TM 80–40, effective immediately, but subject to all conditions set out in the exemption application, and in particular those enumerated below:

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the one customer specified in the application who will test market the substance, and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 300 pounds described in the test market application.

5. The test marketing activity approval in this notice is limited to the 9-month period commencing on the date of publication of the notice in the **Federal Register.**

6. The substance will be manufactured in a closed system as specified in the application.

7. The number of workers, both manufacturers and processors will not exceed that specified in the application, and the exposure levels and duration of exposure will not exceed that specified.

8. A material safety data sheet will be developed for this substance and will be distributed to those individuals who come into contact with the substance.

9. The results of the test currently being run on the test market substance will be forwarded to EPA as soon as they are completed. The Agency reserves the right to rescind its decision to grant this exemption should the test results differ from those predicted by the Agency.

Dated: October 31, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-35274 Filed 11-12-80; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51169; TSH-FRC 1666-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by: PMN 80–283, December 14, 1980. PMN 80–286, December 20, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M Street SW., Washington, DC 20460, (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Carolyn Brown, Chemical Control Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–221, 401 M Street SW., Washington, DC 20460, (202–426–3980).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identitiy of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agnecy will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "Dates", submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "(OPTS–51169)" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: November 5, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80–283.

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. January 13, 1981.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Annual sales—In excess of $500 million.

Manufacturing site—East-North central U.S.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided, Styrene methacrylate acrylate polymer.

Use. Claimed confidential business information. Generic name provided: Chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that: There will be no direct exposure during manufacture, use, or disposal operations since the new substance is not isolated as an entity but is used as a solution in an organic solvent; exposure, if any, will be as a result of an

accidental spill which would involve 3 workers, 2 hours/day intermittently during processing, and 2 workers, 1 hour/day intermittently during disposal of the PMN substance.

Environmental Release/Disposal. The submitter states that: Less than 30 Kilograms of the PMN substance may be released to the environment per year; there are no release points during manufacture or use; any accidental spill will be absorbed by an inert media and disposed of in an approved site; and liquid solutions of the new substance will be disposed of by burning in an approved site.

PMA 80-286.

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. January 19, 1980.

Manufacturer's Identity. East Shore Chemical Co., Inc., 1221 E. Barney Ave., Muskegon, MI 49443.

Specific Chemical Identity. *N*(4-Diazo phenyl) morpholine hexafluorophosphate.

Use. Reprographics.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	100	1,000
2d year	100	2,000
3d year	100	4,000

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration (mg/m³)	
			Hours/day	Day/year	Average	Peak
Manufacture	Inhalation	2	1	40	1-10	10-100

Consumer and commercial use exposure. The manufacturer states that the use of the product is limited to user prepared solutions generally containing less than 5% solids of the product.

Environmental Release/Disposal. The manufacturer states that environmental release of the substance to the air will occur 24 hours a day, 60 days per year during manufacture and that sludge is filtered and disposed of through a waste water system.

[FR Doc. 80-35276 Filed 11-12-80; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-19]

TV Broadcast Application Ready and Available for Processing Pursuant to Section 73.3572(c) of the Commission's Rules

Released: November 10, 1980.

Cut-Off Date: December 22, 1980.

Notice is hereby given that the application listed below, having been accepted for filing on May 16, 1979, will be considered to be ready and available for processing after December 22, 1980. An application, in order to be considered with the application listed below or with any other application on file by the close of business on December 22, 1980 which involves a conflict necessitating a hearing with the application listed below, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. not later than the close of business on December 22, 1980.

Petitions to deny the application listed below must be on file with the Commission not later than the close of business on December 22, 1980.

BPET-781130KH, (new), Knoxville, Tennessee, Tennessee State Board of Education, Channel 15, ERP: Vis. 1271 kW; HAAT: 1683 feet.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-35354 Filed 11-12-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Director, Office of Individual Assistance; Delegation of Authority

The Director, Office of Finance and Administration, has been delegated the power and authority to issue determinations of excess property and to transfer such excess property as required. In this Delegation of Authority the Director, Office of Finance and Administration, redelegates to the Director, Office of Individual Assistance, Disaster Response and Recovery, Federal Emergency Management Agency, his authority to issue determinations of excess property in the Federal Emergency Management Agency's strategic storage centers and to transfer such excess property as required.

Section A. Authority Delegated. The Director, Office of Individual Assistance, Disaster Response and Recovery, is authorized to exercise the authority of the Director, Office of Finance and Administration, to issue determinations of excess property in the Federal Emergency Management Agency's strategic storage centers and to transfer such excess property as required.

Section B. Authority to Redelegate. The Director, Office of Individual Assistance, Disaster Response and Recovery, is authorized to redelegate to employees of the Federal Emergency Management Agency the authority delegated in this document.

Dated: October 21, 1980.

Robert Volland,

Director, Office of Finance and Administration.

[FR Doc. 80-35289 Filed 11-12-80; 8:45 am]

BILLING CODE 6718-01-M

Regional Directors; Delegation of Authority

The Director, Office of Finance and Administration, has been delegated the power and authority to issue determinations of excess property and to transfer such excess property as required. In this Delegation of Authority the Director, Office of Finance and Administration, redelegates to the Regional Directors of the Federal Emergency Management Agency his authority to issue determinations of excess property in Disaster Field Offices and to transfer such excess property as required.

Section A. Authority Delegated. The Regional Directors are authorized to exercise the authority of the Director, Office of Finance and Administration, to issue determinations of excess property in the Federal Emergency Management Agency's Disaster Field Offices in their respective regions and to transfer such excess property as required. Mobile homes will be excessed only in accord with Federal Emergency Management Agency mobile home disposition instructions.

Section B. Authority to Redelegate. The Regional Directors are authorized to redelegate to employees of the Federal

Emergency Management Agency the authority delegated in this document.

Dated: October 21, 1980.

Robert H. Volland,

Director, Office of Finance and Administration.

[FR Doc. 80-35290 Filed 11-12-80; 8:45 am]

BILLING CODE 6718-01-M

Privacy Act of 1974; Annual Notice of Systems of Records; Correction

In FR Doc. 80-31359 appearing at page 67830 in the issue for Tuesday, October 14, 1980, make the following change:

On page 67857, in the first column, the system number which currently reads "FEMA/T&E-2" should read "FEMA/T&E-1".

BILLING CODE 1505-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 3, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: 10265-2.

Filing party: Neal M. Mayer, Esquire, Coles & Goertner, 1000 Connecticut Avenue, NW., Washington, D.C. 20036.

Summary: Agreement No. 10265-2 modifies the basic agreement of the Association Agreement No. 10265 between Companhia de Navegacao Lloyd Brasileiro and Companhia Maritima Nacional to delete the reference to its approval being coextensive with Agreement No. 10346.

Agreement No.: T-2925-2.

Filing party: Cyrus C. Guidry, Port Counsel, Port of New Orleans, P.O. Box 60046, New Orleans, Louisiana 70160.

Summary: Agreement No. T-2925-2, between Port of New Orleans and Armasal Lines modifies the basic agreement which provides for the construction and lease to United Brands Company (assigned to Armasal) of a roll-on/roll-off platform and related properties at New Orleans, Louisiana for the berthing of vessels and for the marshalling, receipt, and delivery of container and breakbulk cargoes. The purpose of the modification is to decrease from the leased premises approximately 10,800 square feet of land area, consisting of a building with adjacent parking area, which was added by Agreement No. T-2925-1.

Agreement No.: T-3929.

Filing party: Joe H. Hamner, Jr., Board of Commissioners of the Port of New Orleans, P.O. Box 60046, New Orleans, Louisiana 70160.

Summary: Agreement No T-3929, between the Board of Commissioners of the Port of New Orleans (Board) and Coordinated Caribbean Transport, Inc. (CCT), provides for the lease by the Board to CCT of certain premises and facilities for the purpose of berthing vessels owned or chartered by CCT and for other terminal activities related to CCT's operation. Further provision is made for the assignment by the Board of outside vessels to these leased premises under certain specified conditions. CCT will compensate the Board for the use of the premises and facilities according to a rental schedule as mutually agreed and as set forth in the agreement. The term of the agreement is one year with provisions for extension periods.

Agreement No.: T-3931.

Filing party: E. F. Brimo, Treasurer, Global Terminal & Container, Services, Inc., P.O. Box 273, Jersey City, New Jersey 07303.

Summary: Agreement No. T-3931, between Global Terminal and Container Services, Inc. (Global) and Hafskip, Ltd. (Hafskip) establishes an arrangement whereby Global provides stevedoring, LCL cargo handling (container freight station) and various terminal services at its marine terminal facility at Jersey City, New Jersey (Port of New York), for Hafskip's vessels in the trade between Iceland and New York. Hafskip will compensate Global for its services according to a rate schedule as mutually agreed and as filed with the Commission. The term of the agreement is indefinite, and it may be cancelled on either 30 or 90 days' notice, as provided in the agreement.

By Order of the Federal Maritime Commission.

Dated: November 7, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-35323 Filed 11-12-80; 8:45 am]

BILLING CODE 6730-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposals

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on November 4, 1980. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of the FTC request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before December 1, 1980, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Federal Trade Commission

The FTC requests an extension-without-change clearance of the Quarterly Financial Report, Forms MG and TR. Forms MG and TR request profits data and balance sheet data quarterly from a sample of manufacturing, mining, retail trade and wholesale trade corporations. The survey group consists of approximately 15,000 corporations of all sizes, out of a universe of approximately 1,080,000. The FTC estimates that reporting burden will average 1.75 hours for each quarterly report filed by a respondent.

John M. Lovelady,

Senior Group Director, Regulatory Reports Review.

[FR Doc. 80-35261 Filed 11-12-80; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the National Archives and Records Service Advisory Committee on Preservation Steering Subcommittee will meet on December 4, 1980, from 10:00 a.m. to 4:00 p.m., McGraw-Hill Conference Room, 1221 Avenue of the Americans, New York City. The meeting will be devoted to the development of work plans for the Advisory Committee's three working subcommittees.

The meeting will be open to the public.

Dated: November 6, 1980.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 80-35286 Filed 11-12-80; 8:45 am]

BILLING CODE 6820-~~27~~-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

National Institute for Occupational Safety and Health

Chronic Effects of Physical Trauma on the Skin; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Chronic Effects of Physical Trauma on the Skin

Date: November 25, 1980.
Time: 9:00 a.m. to 1:00 p.m.
Place: Robert A. Taft Laboratories, 4676 Columbia Parkway, Room B-56, Cincinnati, Ohio 45226.
Purpose: To discuss protocols for determining the extent of problems associated with chronic physical and mechanical trauma to the skin.

Additional information may be obtained from: Allan S. Susten, Ph.D., Division of Biomedical and Behavioral Science, National Institute, for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: (513) 684-8394.

Dated: November 6, 1980.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 80-35316 Filed 11-12-80; 8:45 am]

BILLING CODE 4110-87-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-32]

Beckett Ridge Subdivision, Ohio; Intended Environmental Impact Statement; Scoping Meeting

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Beckett Ridge Subdivision, Union Township, Butler County, Ohio. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Issued at Washington, D.C. November 5, 1980.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

EIS on Beckett Ridge Subdivision, Union Township, Butler County, Ohio

The Columbus, Ohio Area Office of the U.S. Department of Housing and Urban Development (HUD) intends to issue an Environmental Impact Statement (EIS) for a primarily residential land development project identified as Beckett Ridge Subdivision. The purpose of this notice is to solicit from all interested persons, local, state and Federal agencies, recommendations or comments regarding any issue that should be addressed in the proposed EIS.

Description. HUD has received a request from Beckett Ridge Joint Venture of West Chester, Ohio for the availability of home mortgage insurance under Section 203(b) of the Housing Act of 1934. This subdivision, located in Union Township, southeastern Butler County, Ohio and bounded by State Route 747, Tylersville Road, LeSourdsville-West Chester Road and Rialto Road, will consist of a total of approximately 4,000 new single family and multifamily units on a 1,700 acre tract of land. Parts of the area have been set aside for schools, commercial and industrial development, open space, and utility easements. To date 500 housing units have been completed (without HUD/FHA assistance) and construction of 200 additional housing units has received HUD/FHA approval prior to completion of the EIS. Construction began in 1973 and should be completed by 1990.

Need. An EIS is being prepared because the project size exceeds the threshold level for EIS; as established by HUD in its Departmental Procedures for Protection and Enhancement of Environmental Quality (24 CFR 50).

Alternatives. Alternatives available to HUD are to: (1) accept the project as submitted; (2) accept the project with conditions and/or modifications; and, (3) reject the project.

Scoping. A Preliminary Scoping Report has been prepared which identifies major probable environmental impacts and issues as now perceived. These include the locally unique "Beckett Ridge End Moraine" which is visually characterized by an abrupt rise in the locally flat relief and a mature, secondary growth, hardwood forest; slumping and erosion of steeper areas; a two acre wetland, a 100-year floodplain and wet soils; a high voltage transmission line; noise, air quality and traffic congestion; and, limited school capacity.

Copies of this Notice and of the Preliminary Scoping Report are being distributed to all local, regional, state and Federal agencies, local news media, groups, and individuals who are scheduled to receive the Draft EIS.

A Scoping Meeting has been scheduled for 1:00 p.m. EST, December 10, 1980, at the Beckett Ridge Country Club, 5595 Beckett Ridge Blvd., West Chester, Ohio. All Interested parties are invited to attend.

This Notice, the Preliminary Scoping Report, the Scoping Meeting and comments received therefrom will be used to: (1) determine significant environmental issues; (2) identify data that the EIS should address; and, (3) identify cooperating agencies.

The Draft EIS is expected to be published in March 1981.

Comments. Comments regarding this proposal should be sent to Dwight Adams, Environmental Officer, Ohio Area Office, Department of Housing and Urban Development, 200 North High Street, Columbus, Ohio 43215; phone:

(614) 469–5179. Such written comments should be mailed on or before December 10, 1980.

[FR Doc. 80-35321 Filed 11-12-80; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-80-1039]

Public Housing Development; Invitation for Applications

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Develpment (HUD).

ACTION: Notice.

SUMMARY: The final rule for the revised public housing program (24 CFR 841) became effective October 1. The final rule establishes two different procedures for submitting proposals under the public housing program. This Notice applies only to Public Housing Agencies (PHAs) located outside central cities which have been established by HUD as separate allocation areas. These PHAs are being invited to submit applications which provide a means of allowing PHAs, which must compete for funding, to express their interest in developing public housing. The applications will be used by HUD Field Offices to target funds based on interest, local housing need and priority. Pipeline applications that are consistent with the HUD Field Office allocation plan will be selected on the basis of their ratings and, if funds became available, the Field Office will invite the PHAs to submit PHA proposals.

FOR FURTHER INFORMATION CONTACT: PHAs should contact the HUD Field Office for their jurisdication.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Title 24, Code of Federal Regulations, Part 841, as amended effective October 1, 1980 (45 FR 60836), that the Department of Housing and Urban Development is currently accepting applications to develop public housing projects under the provisions of the United States Housing Act of 1937, as amended, from those eligible PHAs which are located outside HUD-established central city allocation areas. Informaiton regarding eligible PHAs and the application format are available at the applicable HUD Field Office.

Eligible PHAs are invited to submit applications for the development of public housing projects in accordance with this Invitation and the public housing development regulation, 24 CFR 841, revised effective October 1, 1980.

Authority: Section 7(d) Department of HUD Act, 42 U.S.C. 3535(d); U.S. Housing Act of 1937, 42 U.S.C. 1437.

Issued at Washington, D.C. on November 6, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-35322 Filed 11-12-80; 8:45 am]

BILLING CODE 4210-01-M

General Manager, New Community Development Corporation

[Docket No. D-80-626]

Surplus Real Property; Redelegation of Authority

AGENCY: Department of Housing and Urban Development, Area Manager and Deputy Area Manager, Minneapolis Area Office.

ACTION: Redelegation of Authority with Respect to Surplus Real Property.

SUMMARY: The Area Manager and Deputy Area Manager, Minneapolis Area Office, each is authorized to exercise the authority of the Secretary of Housing and Urban Development, pursuant to Section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484(b), as amended, with respect to the below described property, together with any improvements and related personal property located thereon.

Family Housing Area, Baudette Air Force Station, Baudette, Minnesota, identified more particularly in the GSA Determination of Surplus (Excess Real Property and Related Personal Property) of June 3, 1980 (GSA Control Number 5–D–MN–503C) (Sec. 7(d), Department of HUD Act (42 U.S.C. 3434(d))).

EFFECTIVE DATE: This delegation shall be effective on November 14, 1980.

Authority.—Section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484(b). Delegation with authority to General Manager, New Community Development Corporation. 45 FR 63360 (9/24/80).

Issued in Washington, D.C., November 3, 1980.

A. Russell Marane,

General Manager.

[FR Doc. 80-35242 Filed 11-12-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

School Construction Priorities List—Fiscal Year 1982

November 4, 1980.

This notice is published in exercise of authority delegated by the Secretary of Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The school construction priority list has been revised for Fiscal Year 1982 as required by Pub. L. 95–561, 92 Stat. 2319, Section 1125(c) requires that: "At the time any budget request for school construction is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all school construction priorities".

On Wednesday, May 7, 1980 a notice was published, in Vol. 45, No. 90 of the Federal Register, to inform all concerned parties that for FY 1982 the list of all school construction priorities would be published as one inclusive list. This combines the B.I.A. schools and schools operated under contracts with the Bureau into one list.

This notice for FY 1982 provides the current list of proposed construction projects.

Construction of these projects is subject to the availability of funds and/or status of currently committed construction projects approved by Congress. These proposed projects are also subject to further review in terms of either replacement or rehabilitation.

BIA School and Bureau Contract School Construction Ranking—FY 1982

Ranking	School name	State
1	Laguna Middle School	NM.
2	Little Eagle Day School	SD.
3	Nenahnezad Boarding School	NM.
4	San Simon Day School	AZ.
5	Alamo	NM.
6	Ft. Wingate Elementary School	NM.
7	Taos Day School	NM.
8	Canoncito Day School	NM.
9	Ramah Middle School	NM.
10	Nazlini Boarding School	AZ.
11	Kinlichee Boarding School	AZ.
12	Chi-Chil-Tah Boarding School	NM.
13	Paschal Sherman Indian School	WA.
14	Low Mountain Boarding School	AZ.
15	Bullhead Day School	SD.
16	St. Francis Boarding School	SD.
17	Coeur d'Alene Day School	ID.
18	Pinon Boarding School	AZ.
19	Albuquerque Indian School	NM.
20	San Juan Day School	NM.
21	Spring Creek Elementary School	SD.
22	Santa Clara Day School	NM.
23	Standing Pine Day School	MS.
24	O'Kreek Elementary School	SD.
25	Marty Indian School	SD.
26	Ojibwa Indian School	ND.
27	Tucker Elementary School	MS.
28	Tuba City Elementary School	AZ.
29	Red Lake Day School	AZ.
30	Ahfachkee Day School	FL.
31	Lake Valley Boarding School	AZ.
32	Huerfano Dormitory	NM.
33	Jones Academy	OK.

BIA School and Bureau Contract School Construction Ranking—FY 1982—Continued

Ranking	School name	State
34	Carter Seminary	OK.
35	Wahpeton Boarding School	ND.
36	Cove Day School	AZ.
37	Rocky Ridge Boarding School	AZ.
38	Kayenta Boarding School	AZ.
39	Rosebud Elementary School	SD.
40	Ft. Thompson Community School	SD.
41	Many Farms High School	AZ.

This current list of school construction projects applies only to FY 1982. A revised list is developed and published for each succeeding year.

Further information regarding this list or the ranking process may be obtained from the Chief, School Facilities Staff, Bureau of Indian Affairs, P.O. Box 2147, Albuquerque, NM 87103, Telephone: (505) 766–2985.

Thomas W. Fredericks,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-35307 Filed 11-12-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

New Mexico; Intent to Prepare Environmental Impact Statement

The Department of the Interior, Bureau of Land Management, New Mexico State Office is responsible for preparing Environmental Impact Statements for four related actions in the San Juan Basin of northwestern New Mexico.

Listed below is a summary of each action proposed under the San Juan Basin Project with the contact for each.

1. San Juan Basin Cumulative Overview

The overview will address the cumulative impacts of numerous site-specific federal actions proposed in the San Juan Basin, including the proposed Multiple Resource Program which would provide on-the-ground management for the area.

Contact: Robert Armstrong, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501 (505) 988–6467, FTS 476–1467.

2. New Mexico Generating Station EIS

Public Service Company of New Mexico proposes to construct a 2,000 megawatt coal-fired generating station near the Bisti Trading Post in San Juan County, New Mexico. The coal source will be an existing lease.

Major ancillary facilities involved with the proposed project include construction of a water pipeline to serve as the primary source of cooling water; construction of two 500 kv transmission lines from the plant site to Albuquerque, New Mexico; and the possible development of either a construction camp or new townsite.

Both 100-year floodplains and wetland-riparian habitat may be impacted by the proposal.

Alternative sites, sources of water, and routes for the pipeline and transmission lines along with other alternatives to the proposal will be identified and considered in the EIS.

Contact for the NMGS EIS is: Robert Armstrong, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501 (505) 988–6467, FTS 476–1467.

3. Accelerated Wilderness Study Areas (WSA's) EIS

The schedules for three WSA's in the San Juan Basin have been accelerated to merge with the on-going planning effort and the regional coal leasing schedule in order to address conflicts with potential coal leasing in the area.

The EIS will address the Denazin (NM–010–004), Ah-shi-sle-pah (NM–010–009) and Bisti (NM–010–057) Wilderness Study Areas.

Contact: Angie Berger, Albuquerque District Office, 3550 Pan American Freeway, Albuquerque, New Mexico 87107 (505) 766–2455, FTS 474–2455.

4. San Juan River Regional Coal Leasing EIS

The EIS will address leading of federal coal in the San Juan River Region. This proposed leasing is needed to meet the Department of Interior's (DOI) federal leasing target and the Department of Energy's (DOE) regional production goal in accordance with the federal coal management program as announced by the Secretary of the Interior on June 4, 1979. In addition the document will include analysis of impacts resulting from the coal lease exchange as authorized by Pub. L. 96–475, dated October 19, 1980.

Contact: Ralph Sena, Albuquerque District Office, 3550 Pan American Freeway, Albuquerque, New Mexico 87107 (505) 766–2455, FTS 474–2455.

The tentative schedule for release of the Draft Environmental Impact Statements is December 1982.

Scoping meetings will be held in several cities and towns in New Mexico. The times and locations of scoping meetings will be announced through the local media and in subsequent **Federal Register** Notices.

Scoping for the San Juan Basin Cumulative EIS and the New Mexico Generating Station EIS is scheduled to begin in early January 1981.

Ed Hastey,

Associate Director.

November 7, 1980.

[FR Doc. 80-35291 Filed 11-12-80; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board North Atlantic Technical Working Group; Meeting

Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Pub. L. 92–463).

Name: North Atlantic Technical Working Group.
Date: 8 December 1980.
Place: Garden Room, Biltmore Plaza Hotel, Providence, Rhode Island.
Time: 10:00 a.m. to 6:00 p.m.

Committee membership consists of representatives from federal agencies, the coastal states from Maine through New Jersey, the petroleum industry, and other private interests.
Agenda: Update on U.S. Coast Guard's proposed Port Access Routes; Lease Sale No. 52 Environmental Statement Issues (Scoping).
The meeting will be open to the public. Public attendance may be limited by the space available. Persons wishing to make oral presentations to the Committee regarding matters on the agenda should contact Richard Barnett of the New York OCS Office (212–264–1061) by 1 December. Written statements should be submitted by 15 December to the New York OCS Office, Bureau of Land Management, 26 Federal Plaza, Suite 32–120, New York, New York 10278.

Minutes of the meeting will be available for public inspection and copying by 2 February 1981 at the above address.

Judith Gresham,

Acting Manager, New York OCS Office.

[FR Doc. 80-35235 Filed 11-12-80; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 80-68]

Uinta-Southwestern Utah Regional Coal Leasing and Utah Power and Light Company Coal Lease Exchange Clarification and Notice of Hearings

The purpose of this notice is to supplement the draft Uinta-Southwestern Utah Regional Coal environmental impact statement (EIS) notice of availability (45 FR 68468–68470, October 15, 1980) which did not include a comprehensive statement enumerating the subfactors considered by the Regional Coal Team (RCT) in the ranking and selection of the tracts

considered for leasing, and did not expressly solicit comments on tract lease sale scheduling as required by 43 CFR 3420.4–6.

The following subfactors were considered by the RCT in ranking the tracts for leasing:

1. *Coal economics:* production rate, estimated mine life, total coal reserves, recoverable reserves, coal quality (sulfur content and BTU value), surface ownership, type of mine (surface versus underground), coal transportation needs, and coal access;

2. *Impacts on the natural environment:* air quality, soils, hydrology, surface and underground water resources, vegetation, endangered and threatened species, reclamation potential, wildlife, cultural and historical values, recreation values, visual resources, and noise;

3. *Socio-economic impact:* effect on local population, infrastructure, social services, public safety, culture and well being, and agriculture; and

4. *Unsuitability criteria:* rights-of-ways and easements; land use for scientific studies, historic lands and sites, federally listed endangered and threatened species, eagle nests, state residents fish and wildlife, floodplains, and municipal watersheds.

Regarding a tract lease sale schedule, when the Federal Coal Management Program was adopted, it was envisioned that any tract selected by the Secretary for competitive sale could be offered over a four-year period. As a general startup consideration, however, lease sale schedules are being planned for periods shorter than four years. Should the preferred alternative analyzed in the draft Uinta-Southwestern Utah Regional EIS eventually be adopted by the Secretary, it is anticipated that the tract would be offered for sale over a three- to nine-month period beginning in July 1981. This schedule is preferred over a longer schedule, because the lead time between leasing and anticipated regional production deficiencies approximates the time it takes to bring a new mine into production. Comments on sales scheduling are encouraged during the comment period on this EIS, especially as different schedules may affect impacts. Upon the close of the comment period on the draft EIS, the Regional Coal Team will analyze the comments and make any revisions in ranking, selection, and scheduling they feel are necessary prior to preparation and completion of the final EIS.

In accordance with the requirements of 43 CFR 3420.4–6, the public is invited to make comments on these matters. Public hearing are scheduled as follows:

- November 18, 1980, Escalante High School Gymnasium, Escalante, Utah, 7:00 p.m.
- November 19, 1980, Emery County Court House, Castle Dale, Utah, 7:00 p.m.
- November 20, 1980, Room 7, Municipal Building, Price, Utah, 7:00 p.m.
- November 21, 1980, Room 220, Salt Place, Sale Lake City, Utah, 7:00 p.m.

Written comments may be submitted to: Ronald Bolander, EIS Team Leader, Bureau of Land Management, Utah State Office, 136 East South Temple, Salt Lake City, Utah 84111.

Comments must be submitted by December 9, 1980. Copies of the EIS are available upon request from Mr. Bolander at the address listed above.

Dated: November 5, 1980.

Ed Hastey,

Associate Director, Bureau of Land Management.

Approved: November 6, 1980

Guy R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 80-35348 Filed 11-12-80; 8:45 am]

BILLING CODE 4310-84-M

North Atlantic Outer Continental Shelf Oil and Gas Lease Sale; Intent To Prepare an Environmental Impact Statement for Proposed OCS Lease Sale No. 52

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management's New York Outer Continental Shelf Office intends to prepare an environmental impact statement (EIS) on the offshore oil and gas leasing proposal known as OCS Sale No. 52. This proposed sale, which would be the second in the North Atlantic, is tentatively scheduled for October 1982. A total of 540 lease blocks, comprising approximately 3.1 million acres (1.2 million hectares), have been selected for leasing consideration and further environmental study. These blocks range from 81 to 164 statute miles southeast of Cape Cod and Nantucket Island, Massachusetts, and range in water depths from 171 to 9285 feet (52 to 2,830 meters).

Alternatives to be considered in the environmental impact statement will include options to modify, delay, or withdraw the proposed lease offering. The draft environmental impact statement is scheduled for publication in September 1981.

A series of meetings have been scheduled to promote public participation in defining the significant issues that relate to the proposed leasing action. Interested persons are encouraged to attend and present their views at one of the following meetings:

November 18, 1980—Council Chambers, Dale Avenue, Gloucester, Massachusetts, 2–4 p.m. and 5–7 p.m.

November 19, 1980—New Bedford Whaling Museum Theater, 18 Johnny Cake Hill, New Bedford, Massachusetts, 2–4 p.m. and 7–9 p.m.

November 24, 1980—Executive Legislature Building Auditorium, Building No. 20, Veterans Memorial Highway, Hauppauge, Long Island, New York, 2–4 p.m. and 7–9 p.m.

While any forms of public comment are welcome, written statements (which may be read at the meeting if the author wishes) are encouraged. Supplemental information or additional comments may be sent to New York OCS Office no later than December 1, 1980.

For further information regarding the public meetings or the Sale No. 52 EIS, contact Mr. Jose Natario, New York OCS Office, Federal Building, 26 Federal Plaza, Suite 32–120, New York, New York 10278, telephone: (212) 264–5580.

Dated: November 7, 1980.

Ed Hastey,

Associate Director, Bureau of Land Management.

[FR Doc. 80-35245 Filed 11-12-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Availability of Revised Migratory Bird Disease Contingency Plan and Related Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service has prepared a revised Migratory Bird Disease Contingency Plan and related Environmnetal Assessment. The Plan establishes guidelines for responding to disease outbreaks. It supercedes the Service's Duck Virus Enteritis Contingency Plan which dealt only with response to disease outbreaks caused by that virus. An earlier draft of the Migratory Bird Disease Contingency Plan was made available for public comment as announced in the Federal Register (43 FR 5304). As a result of the public comments, significant changes have been made to the draft Plan. Comments on the revised Plan and Environmental Assessment are invited.

DATE: Comments should be submitted on or before January 12, 1981.

ADDRESSES: Copies of the drafts may be obtained from the Division of Wildlife Ecology Research, U.S. Fish and Wildlife

Service, Department of the Interior, Washington, D.C. 20240, Telephone: 202–343–7557. Comments should be sent to Associate Director—Wildlife Resources, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, Telephone: 202–343–5333.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Division of Wildlife Ecology Research, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, Telephone: 202–343–7557.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service has the responsibility for protecting and managing migratory birds as authorized in the Migratory Bird Treaty Act and other legislation and Executive orders. Control of migratory bird diseases is one aspect of this responsibility. Some disease loss is natural and inevitable; however, response to certain serious disease problems has demonstrated that migratory bird losses can be greatly reduced by timely, aggressive, well-planned, and coordinated control efforts. The key factors for reducing these losses are adequate preparation, early detection, rapid and accurate diagnosis, and rapid initiation of appropriate control activities.

The plan assigns specific responsibilities for responding to disease outbreaks and establishes notification procedures for Service personnel. The procedures and information provided are designed for use in combating major migratory bird disease problems. Since disease outbreaks also occur on non-Service lands, the plan provides guidelines for cooperation by Service personnel with other Federal agencies, States and the private sector in responding to disease outbreaks.

The plan supersedes the Service's Duck Virus Enteritis Contingency Plan issued July 19, 1973, which dealt only with DVE. The present plan covers all diseases of migratory birds and accommodates the administrative organizations of the Service that have occurred since 1973, including the development of the National Wildlife Health Laboratory at Madison, Wisconsin. Additionally, this plan requires a disease plan be prepared for each Service region and for designated National Wildlife Refuges.

Review of Public Comments and the Service's Response

The availability of the draft Megratory Bird Disease Contingency Plan was announced in the Federal Register, 43 FR 53064 dated November 15, 1978; the public comment period was subsequently extended to January 31, 1979 (44 FR 2203). Forty-one public comments were received by the Service. These originated from the Canadian Wildlife Service, 4 Federal agencies, 20 State conservation agencies, 1 national conservation organization, 3 national animal welfare organizations, 2 game breeder associations and 10 individuals, several of whom were associated with disease study centers and veterinary science departments.

Twenty-seven of the respondents were in general agreement with the plan, but 12 of these proposed that areas of additional cooperation with States or regional disease groups be included. An additional 2 of the 27 requested further clarification or assurance of humane control methods. Another of the 27 supported the plan but felt that additional training be required for the regional disease biologists. One supporting the plan recommended clarifying parts of the prevention section and expanding the monitoring aspect. Another respondent that supported the plan questioned the certification section as did two others who had also proposed additional cooperation.

Three of the respondents opposed all or some aspects of the portion dealing with certification of birds before release.

Two of the respondents felt that the prevention portion of the plan including the certification aspect should be reevaluated.

Six of the respondents felt that the entire plan should be revised because of a combination of concers about wildlife epidemiological concepts, inadequate justifcation, lack of consultation or the certification aspect. Of those opposed to the entire plan, or the prevention and/or certification portions, three recommended that the plan be divided into two parts which would allow the prevention portion to be reevaluated and the response portion to be revised and implemented. Six of those opposed to the entire plan or parts of the plan proposed an advisory group for evaluating and developing the plan and/or the disease program. In addition, three of those opposed to the plan also believed that additional training should be required for the regional disease biologist.

Three respondents acknowledged receipt of this plan and although they indicated only cursory review, they stated no objections to the plan.

After review of the comments, the Service decided to divide the plan into two parts: one dealing with preparation for and response to disease outbreaks and the other dealing with the prevention aspects, including the certification portion. The prevention portions will be reevaluated. The revised plan is now available for review and consists only of preparations for and response to disease outbreaks. Since the prevention aspects of the plan are not included in the revised plan, individual responses to comments dealing with prevention or certification aspects will not be discussed in this summary. Comments dealing with the preparation for and response to disease outbreaks have been processed and responses provided for each comment. These responses also indicate where some aspects of the draft plan have been modified or additions made to the draft plan.

Comment: The Maryland Department of Natural Resources (Maryland), Southeastern Cooperative Wildlife Disease Study (Southeastern), the North American Game Breeders and Shooting Preserve Operators Association (N. Am. Game Breeders) and Mr. William B. Stark recommended separating the preventive management part of the draft plan from the portions dealing with the response to disease outbreak with corollary comment that the part dealing with response could be implemented at an earlier date.

Response: The Draft Migratory Bird Disease Contingency Plan as it appeared in the **Federal Register** consisted of a disease prevention aspect and a description of protocols for responding to disease outbreaks. The Service now intends to issue only that portion of the plan dealing with preparation for and response to disease outbreaks. The portions of the draft plan dealing with prevention of disease outbreaks and the associated provisions for certification of birds for release on Service-owned lands by non-Service persons will be reconsidered and will not be part of the initial Migratory Bird Disease Contingency Plan.

Comment: The National Audubon Society (Aubudon), N. Am. Game Breeders, Mr. Jack Frost, Dr. Louis Leibovitz, and Mr. William B. Stark raised conceptual questions about the preventative management portion of the draft plan and recommended that the epidemiological aspects of disease among migratory bird populations should be better documented before implementation of this portion of the plan.

Response: The Service has separated the prevention aspect of the plan from those portions dealing with preparation for and response to disease outbreaks. The prevention and certification portions of the plan will be dealt with later, after further assessment of the issues identified in the prevention

portion of the draft plan by scientists from outside the Service.

Comment: Dr. Leibovitz felt that the state of knowledge of migratory bird disease was not developed to the point that effective control measures could be implemented and that the intent of the plan should be directed at increasing our knowledge of migratory bird disease problems, through (1) investigating disease outbreaks; (2) establishing specific diagnosis for outbreaks; and (3) setting priorities as to which diseases are most important. In a corollary comment, Dr. Kocan noted that specific efforts must be place on monitoring and surveillance.

Response: Our present avian disease knowledge is not as advanced as our medical knowledge. However, with prompt response and correct diagnoses, implementation of control measures will reduce migratory bird losses. Additional information about the occurrence, distribution and significance of migratory bird diseases is desirable. Establishment of the National Wildlife Health Laboratory and implementation of the Migratory Bird Disease Contingency Plan provide for broader monitoring of migratory bird disease losses than previously existed.

Comment: Audubon expresses the concern that the plan does not clearly recognize and distinguish the difference between disease prevention and disease control.

Response: The preventive management portion of the draft plan has been withdrawn from the revised plan and will be reconsidered. The portion dealing with response to disease outbreaks, i.e. disease control, is dealt with in the revised plan.

Comment: The State conservation agencies of California, Maryland, Michigan, New Jersey, New Mexico, Oklahoma, Utah, and Virginia; the Northeastern Research Center for Wildlife Diseases (Northeastern); the Southeastern, Dr. Delmar R. Cassidy of the National Veterinary Services Laboratories, and Dr. Louis Leibovitz discussed the importance of State and Federal cooperation in responding to disease problems, and offered recommendations to improve cooperation and coordination with other Federal, State, and Private diagnosticians and facilities.

Response: Several changes dealing with greater cooperation with State, regional and other Federal diagnostic experts, and/or earlier coordination with the States during disease outbreaks have been made to the plan by including procedural details for earlier notification; active consultation; and use of State, regional, university, and other Federal diagnostic experts and facilities for primary or confirmatory diagnosis, and for field response to migratory bird disease outbreaks whenever appropriate.

Effective disease detection, diagnosis and control will require cooperative efforts by all agencies. While the National Wildlife Health Laboratory is assigned the lead for outbreaks on Service lands, coordination and cooperation with State conservation agencies will be a responsiblity of Service personnel, and the Service will assist with disease outbreaks on non-Service lands to extent that manpower, facilities, and funds permit. A Memorandum of Understanding between Animal Plant and Health Inspection Service (APHIS) of U.S. Department of Agriculture and the Fish and Wildlife Service has been developed to strengthen cooperative efforts between these two agencies in combatting disease problems of mutual concern.

Comment: The Animal and Plant Health Inspection Service (APHIS) and Audubon amplified on the importance of cooperating with APHIS and recommended earlier notification of that agency as well as continued cooperation in related activities.

Response: The importance of coordination with other Federal and State health and environmental agencies is recognized and additional liaison is provided for in the revised plan. The National Wildlife Health Laboratory and the National Veterinary Sciences Laboratories of APHIS have collaborated in the diagnosis of several important avian disease problems. This plan provides for notification of appropriate agencies including APHIS, the Center for Disease Control of the U.S. Public Health Service, and State agriculture and conservation agencies as soon as major disease problems for which these agencies have responsibility are encountered by the National Wildlife Health Laboratory.

Comment: The State conservation agencies of Maryland, New Mexico, and Virginia either inquired as to who would be notified at the State level or suggested specific individuals to be notified.

Response: Provisions to notify appropriate State personnel have been incorporated into the revised plan. The Regional Disease Biologist will contact State conservation agencies to determine which State employee they wish designated as the primary contact between the State agency and the Regional Disease Biologist, Disease Control Specialist, and the National Wildlife Health Laboratory (Section I–D–2).

Comment: The Florida Game and Fresh Water Fish Commission (Florida) expressed the concern that if local and regional diagnostic facilities were not used, especially for outbreaks on non-Service lands, diagnosis, activation of the response team and implementation of effective control activities would be delayed.

Response: The Service fully recognizes the expertise available at other diagnostic laboratories. The National Wildlife Health Laboratory was established to meet the needs of the Service relative to disease problems, not to replace existing expertise. Non-Service disease experts and diagnostic facilities will be utilized to the extent appropriate and feasible, and this cooperation is addressed in the plan.

Activation of the response team involves considerable expenditure of Federal resources and this accountable decision requires a more detailed evaluation that the diagnosis alone. The decision for activation lies with the Regional Directors.

Comment: The State conservation agencies of Colorado, North Carolina, and Virginia recommended that the Service disease training workshops be available for State wildlife personnel, and Dr. Cassidy recommended that disease training of Service and State personnel be coordinated with USDA training activities.

Response: The Service recognizes the desirability of conducting workshops to familiarize field biologists with disease problems, and, within the resources available, has and will continue to provide training to State and other Federal personnel. This subject is discussed in Sections I and II of the plan. The Service has also participated in disease workshops conducted by other agencies and groups, and will continue this cooperative effort in the future.

Comment: The Virginia Commission of Game and Inland Fisheries (Virginia) requested that diagnostic services of the National Wildlife Health Laboratory be readily available to States.

Response: When requested, the Service will assist with disease outbreaks on non-Service lands to the extent that manpower, facilities and funds permit. However, since resources are limited and the Service will not be able to deal with all disease problems, the use of limited resources must be weighed against the potential risk to migratory bird resources. The decision to provide diagnostic services support rests with the National Wildlife Health Laboratory Director, and the decision to

provide support in controlling disease outbreaks lies with the Service's Regional Directors.

Comment: Virginia inquired as to the procedures for a State agency to request diagnostic services from the National Wildlife Health Laboratory.

Response: A State or other Federal agency may request field assistance by contacting the Regional Disease Biologist and may request diagnostic service support directly by contacting the Disease Control Specialist at the National Wildlife Health Laboratory as addressed in the plan.

Comment: The State conservation agencies of Florida, New Mexico, and Utah recommended that the plan define specific responsibilities of the Service's Public Affairs Officer to keep the appropriate State agencies apprised of the disease outbreak.

Response: The State public affairs officer(s) and designated State employee will be kept informed of response team activities including progress of the die-off and control activities and this has been addressed in the revised plan.

Comment: Virginia inquired as to whether the Service's Public Affairs Officer would arrive automatically or only when requested by State agencies in disease outbreaks on non-Service lands.

Response: The decision to assign a Service Public Affairs Officer to the site of the disease outbreak is made by the Regional Director or designated representative. Whether on-site or not, the Service's Public Affairs Officer is directed to work cooperatively with State Public Affairs Officers. If a Service Public Affairs Officer is not on-site, the Response Team Leader will provide information about the cause and extent of the die-off.

Comment: The New Jersey Division of Fish, Game and Shellfisheries (New Jersey) recommended that copies of the regional and/or station plans be made available to the appropriate States.

Response: The plan has been revised to direct the distribution of Regional Migratory Bird Disease Contingency Plans to appropriate State conservation agencies. Station plans will be available upon request.

Comment: Audubon recommended that the plan discuss how implementation of the plan would avoid delays in implementing control measures such as were encountered at the 1973 duck plague outbreak at Lake Andes, South Dakota.

Response: The procedures and responsibilities outlined in the plan ensure that detection and control of disease outbreaks are responded to as quickly as possible. Furthermore, expanded cooperation with APHIS as expressed in the Memorandum of Understanding (Appendix IV of the revised plan) was implemented in part to increase understanding of each agency's responsibility and to reduce delays in responding to disease outbreaks.

Comment: Mr. Stark expressed the belief that the plan represents a duplication of APHIS emergency programs.

Response: The Migratory Bird Disease Contingency Plan fulfills part of the Service's responsibility to protect and manage migratory birds as authorized in the Migratory Bird Treaty Act and other legislation and Executive orders. APHIS is responsible for diseases of agricultural plants, domestic livestock and poultry. APHIS emergency programs are designed to protect domestic livestock and poultry and do not duplicate responsibilities outlined in the Migratory Bird Disease Contingency Plan.

Comment: Dr. C. W. Beard, Director of the Southeast Poultry Reseach Laboratory suggested that the Service objectives might include the issue of preventing severe losses of domestic poultry in situations where migratory waterfowl are involved.

Response: The Service has a Memorandum of Understanding with the APHIS and will aid that agency in the prevention of losses of domestic poultry, when migratory birds are involved in such losses. However, it is not felt that Service objectives should include a responsibility that is a statutory authority of another agency.

Comment: Virginia and Audubon recommended that the plan include the criteria used to determine that exotic pathogens are believed to endanger livestock or poultry and the meaning of USDA jurisdiction in the event of exotic outbreaks.

Response: The Secretary of Agriculture, advised by APHIS, has authority for determining that an exotic pathogen is believed to endanger domestic livestock or poultry. It is not the function of the Migratory Bird Disease Contingency Plan to define what criteria are used by that Department in reaching their determination.

Comment: Florida pointed out that there may be situations such as diagnosis of an exotic pathogen that might warrant immediate activation of the response team.

Response: Some situations may require activation of the response team before all pre-conditions in the plan are met. This has been addressed in the revised plan. The Regional Disease Biologist will respond to the scene if an exotic pathogen is suspected of being the cause of the die-off.

Comment: Virginia and Audubon requested further clarification of the Service responsibilities on State and other non-Service lands.

Response: While the Service has the authority for protecting and managing migratory birds as provided in the Migratory Bird Treaty Act and other legislation and Executive orders, management of this resource is also a State responsibility. This plan seeks to effect a cooperative approach for dealing with migratory bird disease problems whenever they occur. It is general Service policy not to become involved in the control of migratory bird disease problems on State lands unless assistance is requested by the appropriate State agency, nor on private lands without the cooperation of the landowner and the State conservation agency, although specific major outbreaks on non-Service lands may warrant direct Service involvement. The successful control of disease outbreaks rests with the cooperation among all involved. State conservation agencies will be kept informed of outbreaks on Service lands and asked to assist in the control effort. In outbreaks on State-managed lands, the States may elect to control the outbreaks with their resources, or the Service can be asked to assist.

Comment: The Minnesota Department of Natural Resources requested a clarification of jurisdictional responsibilities relative to disease outbreakes among resident waterfowl populations.

Response: When disease outbreaks among resident waterfowl populations may effect wild, free-flying, migratory birds the Service has a responsibility to address disease problems with those private, local, or State agencies involved.

Comment: The Tennessee Valley Authority expressed the viewpoint that disease outbreaks may be a symptom of inadequate amounts of suitable habitat and expressed the concern that the Service not shift program priorities away from habitat acquisition and/or development.

Response: The establishment of the National Wildlife Health Laboratory and implementation of the Migratory Bird Disease Contingency Plan does not constitute a shift of either funds or emphasis away from habitat acquisition and/or development. Funding for the wildlife disease program and land acquisition and development are from different appropriations and thus are not directly competitive with one another.

Comment: Mr. Stark expressed the viewpoint that the plan is inconsistent with other current bird management plans.

Response: It is not clear which specific migratory bird management plans the writer addresses. However, the Migratory Bird Disease Contingency Plan is considered to be consistent with the Service's responsibility for protecting the migratory bird resource.

Comment: Audubon, Friends of Animals, and Mr. Frost expressed the viewpoint that an environmental impact statement should be prepared before implementation of the draft plan.

Response: An environmental assessment has been prepared on implementation of the Migratory Bird Disease Contingency Plan proposed by the Service.

Comment: Audubon, the Wisconsin Bird and Game Breeders Association and Mr. Frost recommended that the plan should describe the nature and magnitude of the migratory bird disease problem including the effectiveness of the proposed program. In expanding on this concern, Audubon indicates the need to identify the cost of implementing the plan relative to the reduced size of migratory bird disease losses and to what degree the objectives are possible and feasible. Friends of Animals suggested that the nature and magnitude of the migratory bird disease problem and the effectiveness of control measures be discussed in an environmental impact statement.

Audubon expressed the expectation of the plan providing an estimate of how much disease losses might be reduced by implementation of the plan.

Response: An overview of the nature and magnitude of migratory birds disease problems and control techniques is addressed in the environmental assessment of the plan. The impact of implementation of the plan is also discussed in that assessment.

It should be noted that the costs of implementing and executing the plan are not the same as those associated with the National Wildlife Laboratory because (1) Regional Disease Bilogists and control activities are supported with Regional funds and (2) implementation of the plan is only one aspect of responsibilities assigned to the National Wildlife Health Laboratory.

Objectives listed in the plan represent goals towards which Service activities should be directed. The fact that strategies for accomplishing them have not specifically been identified does not make the objectives invalid. In fact, the specific strategies may differ from one location or situation to another because of the varying factors that effect the occurrence of disease.

Diseases have the capability of debilitating or killing enormous numbers of waterfowl and other migratory birds. Since the Service has the responsibility for the continued welfare of this resource, the Service has the responsibility for implementing measures to reduce disease-related mortality. Decisions to implement disease control activities include an assessment of our expectation to reduce losses since an exact estimate of how many birds might be saved is impossible.

Comment: Friends of Animals suggested that a list of the various diseases, and methods of diagnosis be included in an environmental impact statement.

Response: The Service plans to continue preparing information on specific diseases including general information on the identification, and control of diseases. Service staff have prepared technical articles on several diseases, and general information for use at workshops has been prepared on botulism, and duck virus enteritis (DVE).

Comment: Friends of Animals recommended that a cost effectiveness analysis of each control technique be discussed in an environmental impact statement.

Response: Because the control technique cannot be selected ahead of time and because the type of technique and magnitude of the effort will vary with each situation, it is not possible in this plan to provide a cost estimate for controlling each disease outbreak acted upon.

Comment: Dr. Cassidy and Mr. Stark expressed the concern for use of dispersal as a valid disease control technique, and the former referred to the dispersal of birds from Lake Andes, South Dakota duck plague outbreaks.

Response: The methods selected for reducing losses depends upon a number of factors including characteristics of the particular disease, species involved, species at risk, and timing of bird movements into or out of the area. The selection of the dispersal effort at Lake Andes National Wildlife Refuge was made after careful consideration of the alternatives available.

Comment: The Colorado Division of Wildlife discussed some concerns about carcass burial and recommended that the Service endeavor to obtain open date and place burning permits from EPA. However, Friends of Animals recommended that the environmental effects of mass carcass burning versus burying be discussed in an environmental impact statement.

Response: The Service will explore the possibility of obtaining open burning permits from appropriate State agencies and the U.S. Environmental Protection Agency.

Burning of carcasses and materials is preferred over burying, but where burning is not feasible, carcasses will be buried in a manner to discourage digging by predators. An environmental comparison between burning and burying was not made in the environmental assessment because site situations and volume of carcasses will often determine which method is most environmentally appropriate.

Comment: The Animal Protection Institute of America recommended the inclusion of further information on environmental impacts of chemical disinfectants, and Friends of Animals recommended that the effect of each different chemical proposed be discussed in an environmental impact statement.

Response: When chemicals are proposed for use in depopulating groups of infected birds or disinfecting disease contaminated areas and these might significantly affect the environment, an environmental assessment would be prepared.

Comment: The Animal Protection Institute of America and the Society for Animal Protective Legislation recommended that the plan discuss the humaneness and relative advantages and disadvantages of any methods which might be employed if it were necessary to depopulate a group of infected birds.

Response: Techniques to kill disease-infected birds are chosen to minimize the suffering of those birds affected and to decrease the number of birds that might become infected and die if control activities are not implemented.

Comment: The Animal Protection Institute of America recommended that the plan fully describe the effect of pyrotechnics on hearing loss, and Friends of Animals recommended that the effect of all dispersal techniques be described and discussed in an environmental impact state.

Response: Several dispersal techniques may be used and many of these have been discussed in the Service's Pollution Response Plan for Oil and Hazardous Substances. Birds dispersed by use of pyrotechnics and propane exploders are usually some distance from the "exploders", and if the adaptation of certain species to sitting on exploders is any indication, these sounds are not painful to the birds.

Comment: Flordia, N. Am. Game Breeders, Mr. Frost, and Dr. Vorhies recommended that the Service seek

input from disease experts outside the Service in the development of the plan, and Dr. M. L. Sunde of the University of Wisconsin's Department of Poultry Science stated his belief that all poultry science departments in the United States should have been made aware of the fact that the plan was being developed.

Response: The Service submitted the Migratory Bird Contingency Plan to the Federal Register for the purpose of obtaining public comments from all sectors.

Comment: Mr. Frost recommended that public comments on the plan be analyzed by an independent board of recognized avian disease authorities.

Response: Evaluation of the public comments on the Migratory Bird Disease Contingency Plan is the responsibility of the Service, and the Service has the expertise to assess these comments. APHIS staff have also been involved in the review of comments relating to the response portion of the draft plan.

Comment: Audubon, N. Am. Game Breeders, Dr. Leibovitz, and Mr. Stark proposed establishment of an advisory board either for development of the plan and/or the disease program.

Response: That aspect of the draft plan dealing with disease prevention and the provision for certification of birds by non-Service persons will be reconsidered and is not part of the revised plan. The Service will consult with avian disease experts, avicultural industry representatives and others when the prevention and certification portions are reconsidered. However, the Service believes that establishment of an advisory board for disease control procedures outlined in the revised plan is unnecessary.

Comment: The Maryland Department of Natural Resources, Virginia, Audubon, Dr. L. P. E. Choquette of the Canadian Wildlife Service's National Wildlife Research Centre, Dr. M. W. Vorhies of the South Dakota State University Diagnostic Laboratory, Dr. A. Kocan, and Mr. Stark stated their belief that the minimum training required for the Regional Disease Biologist was insufficient to qualify a biologist as a disease diagnostician and some noted specific instances where responsibilities assigned to the Regional Disease Biologist required more training than the minimum required.

Response: The training required for the Regional Disease Biologist is considered adequate for the role assigned to this position. The Regional Disease Biologist responds to disease outbreaks and ensures that specimens are properly selected, collected and shipped to diagnostic laboratories. While the regional Disease Biologist may make provisional diagnoses, his/her main diagnostic function is rapid response to the problem area and on-site communications with National Wildlife Health Laboratory. Positive diagnosis and recommendations for disease control measures are the responsibility of the diagnostic laboratory and Disease Control Specialist.

Furthermore, the Regional Disease Biologist position removes some of the administrative workload from the Disease Control Specialist, provides individuals who will have continuity in the knowledge of refuges and history of disease outbreaks in the region, and provides for prompt and proper submission of specimens. Some changes were incorporated into the revised plan so that duties assigned conform with this concept.

Comment: Audubon recommended that the plan discuss why the Response Team Leader was not a professional medical person.

Response: The Response Team Leader is responsible for coordinating and mobilizing the support necessary for an effective disease control operation. A Disease Control Specialist with professional training as a wildlife disease biologist or veterinarian provides the technical support needed by the Response Team Leader for an effective control operation.

Comment: Audubon recommended that the professional and technical capabilities of the National Wildlife Health Laboratory as well as the training and qualifications of specific positions at the National Wildlife Health Laboratory be detailed in the plan.

Response: The National Wildlife Health Laboratory's professional staff is comprised of wildlife biologists, wildlife disease experts, and veterinarians capable of performing the diagnostic and research tasks assigned to them and recommending migratory bird disease control activities.

Comment: Audubon recommended that the criteria by which field stations were identified and required to prepare station disease contingency plans be described.

Response: The revised plan includes some of the factors which Regional Directors should consider in identifying those stations for which Station Disease Contingency Plans will be prepared.

Comment: Virginia, New Jersey, and Audubon, recommended that definitions of several terms be included in the plan. Requested definitions included such terms as concentration, species diversity, high risk of disease, magnitude of the problem, unusual mortality, disease, relocation, significant numbers of birds, chronic diseases situation, periods of high potential for outbreaks, criteria for identification of areas susceptible to disease outbreaks, times of high risk, approved laboratory, standard laboratory tests, specific pathogens to be tested for, criteria for unhealthy situation, excessive losses, and others.

Response: Several of these terms were in the prevention portion of the draft plan which is being reconsidered, and some are discussed in the environmental assessment. Some terms or phrases have been reworded to make their meaning clearer, and the meaning of others will be clarified during training workshops.

Comment: Virginia inquired as to whether emergency procedures for operation of the National Wildlife Health Laboratory had been established for weekends and holidays in order to expedite response to outbreaks.

Response: Procedures have been established at the National Wildlife Health Laboratory so that the Disease Control Specialist on duty can be contacted at any time.

Comment: The Kentucky Department of Fish and Wildlife Resources recommended that the notification procedure be simplified.

Response: A notification chart for penciling in the names and numbers of persons to be notified by the project leader has been included (Appendix II of the revised plan). Similar notifications procedures are outlined at the National Wildlife Health Laboratory.

Comment: Audubon recommended that the plan cite the specific statutes and provisions under which Endangered Species permits and Section 7 Consultations were required.

Response: Statutes and regulations governing Endangered Species permits and Section 7 consultations and more specific information on responsibilities related to activities affecting endangered species have been cited in the revised plan.

Comment: Audubon recommended that the plan discuss how migratory bird disease outbreaks would be handled on station for which station disease contingency plans had not been reported.

Response: Reponsibilities for notification and response to migratory bird disease die-offs will be the same regardless of the existence of a Station Disease Contingency Plan. When Stations Plans are not available, information needed for implementation of control efforts will obviously have to be gathered as quickly and accurately as possible.

Comment: Audubon recommended that the plan outline the provision for updating the station contingency plans.

Response: Responsibilities have been assigned for ensuring that Station Contingency Plans remain current.

NEPA Considerations

A draft Environmental Assessment of the revised Migratory Bird Disease Contingency Plan has been prepared. The public is invited to review and comment on the draft Environmental Assessment. Copies are available from the Division of Wildlife Ecology Research, U.S. Fish and Wildlife Service, Department of Interior, Washington, D.C. 20240, Telephone: 202–343–7557.

Authorship

The Plan was prepared by the U.S. Fish and Wildlife Service personnel assigned to the Migratory Bird Disease Contingency Plan Development Team. The Environmental Assessment was prepared by the Service's Office of Migratory Bird Management.

The primary author of this notice is Charles W. Dane, Division of Wildlife Ecology Research.

Dated: September 15, 1980.

Lynn A. Greenwalt,

Director.

FR Doc. 80-35331 Filed 11-12-80; 8:45 am]

BILLING CODE 4310-55-M

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Third Regular Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service publishes items added to the provisional agenda of the third regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora which were suggested by several Parties. The Service requests information and comments on these items and announces a public meeting with regard to them, and with regard to proposals to amend the lists of species in Appendices I and II of the Convention.

The Service also announces a change in the time of the third regular meeting, sets a cutoff date for receipt of requests for observer status, and gives a status report on the formation of the U.S. delegation to the meeting.

ADDRESSES: Information and comments on additional provisional agenda items should be sent to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Written information and comments received by the Service are open to public inspection during normal business hours at the Federal Wildlife Permit Office, Room 616, 1000 N. Glebe Road, Arlington, Virginia.

DATES: A public meeting will be held on November 13, 1980. The Service will consider information and comments concerning additional provisional agenda items received by November 21, 1980.

FOR FURTHER INFORMATION CONTACT: Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703/235–2418.

SUPPLEMENTARY INFORMATION:

Background

The United States is a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as CITES or the Convention) which is an international agreement designed to control trade in certain animal and plant species which are or may become threatened with extinction. CITES provides for biennial (regular) meetings of the Conference of the Parties to review its implementation. This notice is one in a series of notices designed to inform the public of the preparations being made for the next regular meeting (New Delhi 1981) thus enabling the public to participate in the process. In previous **Federal Register** notices, the Service published the provisional agenda for the meeting (45 FR 3100), accepted some suggestions for additions to the provisional agenda (45 FR 53238), published its acceptance of several proposed U.S. negotiating positions (45 FR 58413) and modified that acceptance (45 FR 74569).

Provisional Agenda of Third Regular Meeting of the Conference of the Parties with Additional Items

The United States by virtue of its membership on the Standing Committee (see 45 FR 3100 for a description of the Standing Committee's functions) has received advance notice of the provisional agenda, as amended by the addition of items suggested by some of the Parties and by the re-arrangement by the Secretariat of some of the items. This amended provisional agenda is printed here in full with additional items indicated by the names of the Parties in parentheses which suggested them.

Convention on International Trade in Endangered Species of Wild Fauna and Flora

Third Meeting of the Conference of the Parties, New Delhi (India), 25 February through 8 March 1981

Agenda (provisional)

I Opening by the Indian Authorities
II Welcoming Addresses
III Appointment of the Credentials Committee
IV Adoption of the Agenda and Working Programme
V Report of the Credentials Committee
VI Adoption of the Rules of Procedure
VII Admission of Observers
VIII Report of the Standing Committee.
IX Report of the Secretariat.
X Financing of the Secretariat and of meetings of the Conference of the Parties.
  1. Budget.
XI Relationship with other international agreements and organizations.
XII Committee reports and recommendations.
  1. Technical Expert Committee on Harmonization of Permit Forms and Procedures.
  2. Identification Manual Committee.
  3. Nomenclature Committee.
  4. Ranching Committee.
XIII Study and project reports.
  1. Guidelines for the preparation and transport of live animals and plants.
  2. Status of subspecies included in the appendices.
  3. Species thought to be extinct included in the appendices.
  4. Exemptions under Article VII of the Convention.
  5. Index of species mentioned in legislation.
  6. Report of IUCN/SSC Threatened Plants Committee.
  7. Technical cooperation, training, and implementing legislation.
XIV Interpretation and implementation of the Convention.
  1. Analysis of national reports under Article VIII, paragraph 7, of the Convention by Tec.
  2. Effects of reservations
  3. Disposal of Appendix I specimens.
  4. Parts and derivatives of animal species listed on Appendix III and of plant species listed on Appendix II or III.
  5. Regulation of trade in Appendix II wildlife (Australia).
  6. Interpretation of the Convention with regard to the exploitation of wild species (Australia).
  7. The treatment of species included in Appendix I or II in order to control trade in other listed species (U.S.).
  8. Scientific Authority review of applications for importation of Appendix I specimens (U.S.).
  9. Other Reports by the Parties.
XV General Matters of Principle relating to the appendices.
  1. Ten year review of the appendices (Canada).
  2. Criteria for addition to and deletion from the appendices of species in accordance with Art. II 2b. (Canada).

3. Reverse listing concept for the appendices (Australia).

XVI Consideration of proposals for amendment of Apendices I and II.

XVII Conclusion of the meeting.

1. Election of the new members of the Standing Committee.
2. Determination of the time and venue of the next regular meeting of the Conference of the Parties.
3. Closing remarks.

Explanation of Additional Provisional Agenda Items

Items suggested by the United States

The items added to the provisional agenda on the suggestion of the United States (items XIV. 7 and 8) were explained in previous **Federal Register** notices (45 FR 53238 and 45 FR 74569) and will not be discussed here.

Items suggested by Australia

The three items added to the provisional agenda on the suggestion of Australia (Items XIV. 5 and 6 and Item X. 3) need no further explanation, since the proposals which formed the basis of these items were published in full in the **Federal Register** of November 10, 1980 (45 FR 74569).

Items suggested by Canada

Although the Service has not received written documentation of the details of the two items suggested by Canada, informal discussions with Canadian officials and written information, enables the Service to present a summary of the substance of these two items:

1. Ten year review of the appendices (item XV.1)—Canada believes that in order to assure the integrity of the lists of species subject to the controls of CITES (Appendices I, II and III), the Parties should review the lists once every ten years. The Parties at their last regular meeting (San Jose 1979) conducted such a review. Canada is proposing that the Parties conduct a similar review once every ten years. It is believed that Canada wants the first of these reviews to take place at the fourth regular meeting of the Conference of the Parties.

2. Criteria for addition to and deletion from the appendices of species in accordance with Art. II 2(b) (item XV. 2)—The basic rules for determining whether a species warrants inclusion on the appendices to CITES are found in Article II (entitled "Fundamental Principles"). Article II not only provides for inclusion of species which are to some degree of probability threatened with extinction, but also provides for the inclusion (and thereby regulation) of other species which, although not so threatened, would enable more effective control of trade in those that are. These are the so-called "II 2(b)" or "lookalike" species. The first regular meeting of the Conference of the Parties (Berne 1976) adopted two resolutions which set forth more detailed criteria for addition and deletion of species to Appendices I and II. One of the resolutions, although it mentions lookalike species, only does so in order to provide parameters for listing taxa higher than species level containing a mix of lookalike and threatened species. There are no specific parameters in these "Berne Criteria" which clarify the meaning of the language of Article II 2(b), or establish the type of information necessary for adding or deleting species to Appendices I and II pursuant to Article II 2(b). Canada apparently wants the Parties to rectify this omission. If this proposal were adopted it might have some impact on the decisions made under item XVI, Consideration of proposals for amendment of Appendices I and II.

Request for Information and Comments

The Service invites information and comments on the items added to the provisional agenda on the suggestion of the United States, Australia and Canada. Information and comments on the items added on the suggestion of the United States were requested by the Service in a previous notice (45 FR 53238). The Service re-opens the comment period for such items.

Public Meeting

The Service announces that a public meeting will be held November 13, 1980 at 9:30 a.m. in room 5160 of the main Interior Building, 18th and C Streets, N.W., Washington, DC. for the following purposes:

1. To receive information and comments on the proposed agenda items added on the suggestion of the United States, Australia and Canada.

2. To discuss proposals by the United States and other Parties to amend the list of species in Appendices I and II. A **Federal Register** notice appeared on November 6, 1980 which summarized these proposals and invited public comment on them.

Written statements may be submitted to the Service before or at the meeting. Appointments to speak may be made with the Federal Wildlife Permit Office, Washington, DC. 20240, telephone 703/235-2418. Participants without prior appointments will be given an opportunity to speak to the extent time allows following speakers with appointments.

Observers

Rule 2(3) of the provisional rules of procedures for the third regular meeting of the Conference of the Parties requires national nongovernmental agencies or bodies which have been approved for the purpose of being represented by observers at the meeting to submit evidence of such approval to the Secretariat at least one month prior to the opening of the meeting. In order to enable the timely and orderly consideration and processing of such requests, the service will not consider any such request received after December 1, 1980. For an explanation of the procedures for obtaining observer status, see the Service's May 9, 1980 **Federal Register** notice (45 FR 31004).

U.S. Delegation Selection

The Service has selected eleven persons to be members of the United States delegation to the third regular meeting of the Conference of the Parties and has sent a request to the State Department that the delegation be accredited. Presuming their accreditation and acceptance the members of the U.S. delegation will be introduced to the public at the meeting on November 13, 1980.

Change of New Delhi Meeting Dates

Previous notices have stated that the Third regular meeting of the Conference of the Parties to CITES would be held in New Delhi, India on February 2–13, 1981. In another subsequent notice, the pubilc was informed that the meeting dates might be changed to February 16–27 due to a time conflict with another international meeting. The Service has recently been authoritatively informed that the dates for the meeting are February 25 through March 8, 1981.

This notice was prepared by Arthur Lazarowitz, Federal Wildlife Permit Office.

Dated: November 7, 1980.

Joan C. Anthony,

Chief, Management Operations Branch, Federal Wildlife Permit Office.

[FR Doc. 80-35240 Filed 11-12-80; 8:45 am]

BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-52 (Sub-No. 12F)]

Atchison, Topeka & Santa Fe Railway Co.—Abandonment—Near Mentone and Patton in San Bernardino County, Calif.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and

Decision decided November 5, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, the present and future public convenience and necessity permit the abandonment by the Atchison, Topeka and Santa Fe Railway Company of a portion of the line of railroad on the Redlands District of the Los Angeles Division, extending from railroad milepost 13.4 near Mentone to railroad milepost 13.4 near Mentone to railroad milepost 19.9 near Patton, San Bernardino County, state of CA, approximately 6.5 miles in length, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979), and further that application shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts for a period of 120 days from November 5, 1980, to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. A certificate of public convenience and necessity permitting the abandonment was issued to the Atchison, Topeka and Santa Fe Railway Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after the such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents use in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than November 24, 1980. The offer, as filed, shall contain information required pursuant to § 1121.38(a)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35254 Filed 11-12-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-52 (Sub-No. 11F)]

Atchison, Topeka & Santa Fe Railway Co.—Abandonment—Near Laton in Lanare, Fresno and Kings Counties, Calif; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided November 5, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Atchison, Topeka and Santa Fe Railway Company of a portion of the line of railroad known as the Laton District of the Valley Division, extending from railroad milepost 0.0 at Laton to railroad milepost 17.56 near Lanare, Fresno and Kings Counties, State of CA, approximately 17.56 miles in length. A certificate of public convenience and necessity permitting the abandonment was issued to the Atchison, Topeka and Santa Fe Railway Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decision in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, to no later than November 24, 1980. The offer, as filed, shall contain information required pursuant to § 1121.38(a)(2)(3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35253 Filed 11-12-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 97F)]

Chicago & North Western Transportation Co.—Abandonment—Between Florence and Blair, Nebr.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided November 5, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.*—Abandonment Goshen, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a line of railroad extending from railroad milepost 117.5 near Florence, NE to railroad milepost 99.2 near Blair, NE, a distance of 18.3 miles, in Douglas and Washington Counties, NE, and further that applicant shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts for a period of 120 days from November 5, 1980, to permit any State or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. A certificate of public convenience and necessity permitting the abandonment was issed to the Chicago and North Western Transportation Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the regulations). Such documents shall be made available during regular working hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than November 24, 1980. The offer, as filed shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment

shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

FR Doc. 80-35252 Filed 11-12-80; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. OP1-064]

Permanent Authority; Decision-Notice

Decided: October 31, 1980.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before December 29, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Agatha L. Mergenovich,

Secretary.

MC 38170 (Sub-31F), filed October 21, 1980. Applicant: WHITE STAR TRUCKING, INC., 1750 Southfield Road, Lincoln Park, MI 48146. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 146300 (Sub-3F), filed October 21, 1980. Applicant: JERRY L. GUDGEL and LARRY GUDGEL, d.b.a. J-LOR TRUCKING, 1512 15th St., N.W., Auburn, WA 98002. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 152340F, filed October 21, 1980. Applicant: FREDERICK C. IPPOLITO, 797 Webster Rd., Webster, NY 14580. Representative: Frederick C. Ippolito (same address as applicant). Transporting *food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers,* if such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

[FR Doc. 80-35255 Filed 11-12-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-29115, published at page 63176, on Tuesday, September 23, 1980, on page 63184, in the second column, in paragraph "MC 134336 (Sub-10F)", the tenth line, "* * * MT, MN, NE * * *" should be corrected to read "* * * MT, NM, NE * * *".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 80-32216, appearing at page 68772 in the issue of Thursday, October 16, 1980, make the following correction:

On page 68775 first column, paragraph MC 113158 (Sub-II-4TA), Todd Transport Co. Inc., the destination states in paragraphs (1) and (2) were reversed. For the convenience of the reader the complete sentence should read: *Foodstuffs* (except frozen foods and commodities in bulk), (1) from points in Lincoln County, NC to points in AL, AR, FL, GA, LA, MS, OK, SC, TN, and TX, and (2) from points in Frederick and Rockingham Counties, VA and Berkeley County, WV to points in AL, AR, LA, MS, OK, TN, and TX, for 270 days.

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3 These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which is is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount

and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–71

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 21866 (Sub-II–35–TA), filed October 22, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Building, Phila., PA 19110. *General commodities,* except Classes A and B explosives and household goods as defined by the Commission, between East Greenville and Sounderton, PA, on the one hand, and, on the other, Atlanta, GA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Knoll International, Water St., E. Greenville, PA 18041.

MC 152317 (Sub-II–1–TA), filed October 23, 1980. Applicant: W. & W. TRUCKING CO., INC., Route 1, Box 177, Big Stone Gap, VA 24219. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Contract Carrier, Irregular routes, *STCC Group 24, Lumber or Wood Products, except furniture,* between points in GA, IL, IN, KY, NY, NC, OH, PA, SC, TN, VA, and WV, under contract with Hamer Lumber Company, A Division of The Celotex Corp. Supporting shipper(s): Hamer Lumber Company, A Division of The Celotex Corporation, P.O. Box 418, Kenova, WV 25530.

MC 143300, (Sub-II–2–TA), filed October 31, 1980. Applicant: J. C. WOOLDRIDGE, INC., Rt. 7, Box 43, Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *New furniture,* between points in Henry County, VA, on the one hand, and, on the other, points in New York, Nassau, Queens, and Westchester Counties, NY, Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, and Union Counties, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: American Furniture Company, Inc., Hairston St., Martinsville, VA 24112.

MC 129086 (Sub-II–5TA), filed October 23, 1980. Applicant: SPENCER TRUCKING CORPORATION, Route 2, Box 254A, Keyser, WV 26726. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. Aplite from Montpelier, VA, including its commercial zone, to Baltimore, MD, Connellsville, PA, and Clarksburg, WV, including their respective commercial zones, for 270 days. Supporting shipper: Anchor Hocking Corporation, 109 North Broad Street, Lancaster, OH 43130.

MC 152403 (Sub-II–1–TA), filed October 27, 1980. Applicant: V & F COACH LINES, INC., 5000 Thompson Rd., Gahanna, OH 43230. Representative: David A Turano, 100 E. Broad St., Columbus, OH 43215. *Passengers and their baggage, in the same vehicles with passengers,* between The Ohio Valley Mall at Richland Township, Belmont County, OH and Wheeling, WV over Interstate Highway 70 and return over the same route, serving no intermediate pts, for 270 days. Supporting shippers: There are 139 statements in support attached to this application which may be examined at the ICC Regional office in Philadelphia, PA.

MC 152425 (Sub-II–1–TA), filed October 30, 1980. Applicant: SHIRK FREIGHT AGENCY, INC., Box 47, 417 S. Maple St., Marysville, OH 43040. Representative: Gary L. Shirk (same as applicant). Contract carrier: Irregular routes: *General commodities* except those of unusal value, A and B explosives, household goods as defined by the Commission, commodities in bulk, and those that require special equipment, between Columbus, OH, on the one hand and Canton, OH, Chicago, IL, New York, NY and Phila., PA and within their respective commercial zones on the other hand, for 270 days. Under continuing contract(s) with Central Ohio Shippers Coordinated Corp., of Columbus, OH. Supporting shipper(s): Central Ohio Shippers Coordinated Corp., P.O. Box 2622, Columbus, OH 43216.

MC 116763 (Sub-II–47–TA), filed October 27, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant), *Paper and paper products and such materials, equipment and supplies used in the manufacturing, processing and distribution of paper and paper products* (except commodities in bulk, in tank vehicles), between Appleton, WI, on the one hand and on the other, points in the United States in and east of MN, IA, MO, OK and TX (except WI) for 270 days. Supporting shipper(s): FOX RIVER PAPER CO., 100 West Water St., P.O. Box 2215, Appleton, WI 54513.

MC 61825 (Sub-II–11–TA), filed October 27, 1980. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone, (same as applicant). *Salt and salt products, in packages,* from Fairport Harbor, OH to points in NC and VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Morton Salt Division of Morton Norwich Products, Inc., 110 North Wacker Drive, Chicago, IL 60606.

MC 150724 (Sub-II–3–TA), filed October 30, 1980. Applicant: DONALD SANTISI TRUCKING COMPANY, 340 Victoria Rd., P.O. Box 4145, Youngstown, OH 44515. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Such merchandise as is dealt in by wholesale, retail, and discount stores (except commodities in bulk), from Franklin County, OH to points in TX, OK, AR, CA, UT, NV, CO, FL, and GA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ross Laboratories, 625 Cleveland Ave., Columbus, OH.

MC 107012 (Sub-II–102TA), filed October 31, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). (1) *ranges, prefabricated fireplaces, and heaters;* (2) *parts accessories, and materials used in the manufacture of (1) above,* between the facilities of Preway, Inc., at or near Perris, CA and points in the US (except AK and HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Preway, Inc., 1420 2nd St. North, Wisconsin Rapids, WI 54494.

Note.—Common control may be involved.

MC 107012 (Sub-II–103TA), filed October 31, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). (1) *Plastic articles and materials and* (2) *equipment and supplies used in the manufacture and distribution of plastic articles and supplies (except commodities in bulk),* between points in the US (except AK and HI). Restricted to traffic originating at or destined to the facilities of Mobil Chemical Co., Plastics

Division for 270 days. Supporting shipper: Mobil Chemical Co., Plastics Division, Main St., Macedon, NY 14502.

Note.—Common control may be involved.

MC 152431 (Sub-II–1TA), filed October 31, 1980. Applicant: HARVIE BLACK, JR., d.b.a. BLACK TRUCKING CO., 2149 Johnstown Rd., Huntington, WV 25701. Representative: Robert G. Malone (same as applicant). Contract, irregular: *General commodities, except commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and those requiring special equipment,* between pts. and places in the US, except HI. Restricted to traffic moving under continuing contract(s) with Connors Steel Co.; Midwest Corp.; Blumberg Electric Co.; Cardinal Steel Co.; Lilly Electrical Sales & Equip; Terrell Industries; Goodwill Industries; Benham Coal, Inc., Div. International Harvester, Tram Inc., for 270 days. Supporting shippers: There are 9 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Phila., PA.

MC 129625(Sub-II–1TA), filed October 31, 1980. Applicant: ROBERT COLE TRUCKING CO., P.O. Box M, Falls Creek, PA. 15840. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Salt, in bulk, in dump vehicles,* from Pts. in Sandy Township, Clearfield County, and Bell Township, Jefferson County, PA, to pts. in Bedford, Blair, Fulton, Huntingdon, and Somerset Counties, PA, restricted to the transportation of shipments having a prior interstate movement by rail for 270 days. An underlying ETA seeks 120 days. Supporting shipper: International Salt Co., Morgan Hwy., Clarks Summit, PA 18411.

The following protests were filed in Region 4. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 219 South Dearborn Street, Room 1304, Chicago, IL 60604.

MC 113434 (Sub-4–5TA), filed October 29, 1980. Applicant: GRA-BELL TRUCK LINE, INC., P.O. Box 1001, A–5253–144th Avenue, Holland, Michigan 49423. Representative: Roger Van Wyk, P.O. Box 1001, A–5253–144th Avenue, Holland, Michigan 49423. *Glass containers and accessories* between Burlington, WI and the states of IL, KY, MI, and MO. An underlying ETA seeks 120 days authority. Supporting shipper: National Can Corporation, 8101 West Higgins Road, Chicago, IL 60631.

MC 107295 (Sub-4–24TA), filed October 29, 1980. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). (1) *Roofing and roofing materials* from Phillipsburg, KS and Joplin, MO to points in AZ, CA, CO, ID, MT, NV, NM, OK, OR, TX, UT, WA, and WY, and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of commodities named in (1) above in the reverse direction. Supporting shipper: Tamko Asphalt Products, Inc., 220 West 4th St., Joplin, MO 64801.

MC 145485 (Sub-4–TA), filed October 29, 1980. Applicant: DAVIS CARTAGE COMPANY, P.O. Box 96, Corunna, MI 48817. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Automobile and appliance parts and materials and supplies used in connection with the manufacture, distribution, and repair of such parts* between points in Clinton and Shiawassee Counties, MI, and Bennington County, VT, on the one hand, and, on the other, points in and east of MN, IA, and MO, and in and north of KY and VA, restricted to traffic originating at or destined to the plantsites of Schmelzer Corporation. Supporting shipper: Schmelzer Corporation; 201 Vinewood Avenue; Durand, MI 48429.

MC 125894 (Sub-4–3TA), filed October 29, 1980. Applicant: J & R SCHUGEL TRUCKING, INC., 301 North Water Street, New Ulm, MN 56073. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. *Salt and salt products* from the plant site of Cargill, Inc. at Sioux City, IA to points in MN on and east of U.S. Highway 71 and on and south of U.S. Highway 12, and points in Wisconsin on and south of Interstate Highway 94. An underlying ETA seeks 120 days authority. Supporting shipper: Cargill, Incorporated, Central-Area Transportation Manager, P.O. Box 930, Minneapolis, MN. 55440.

MC 144645 (Sub-4–4TA), filed October 29, 1980. Applicant: ROBERT HANSEN TRUCKING, INC., Rt. 2, Box 125, Delavan, WI 53115. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Contract,* Irregular, *Pet food and materials, equipment and supplies used in the manufacture or distribution of pet food* between points in the United States under continuing contracts with Landon Company, Inc., of Delavan, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Landon Company, Inc., Route 3, Box 457, Delavan, WI 53115.

MC 143002 (Sub-4–11TA), filed October 28, 1980. Applicant: C.D.B., INCORPORATED, 155 Spaulding, SE., Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Contract;* irregular; *General commodities (except household goods as defined by the Commission and class A and B explosives)* between various points in the United States under continuing contract(s) with Herman Miller, Inc., of Zeeland, MI. Supporting shipper: Herman Miller, Inc., 8500 Byron Road, Zeeland, MI 49464.

MC 144030 (Sub-4–3), filed October 28, 1980. Applicant: DRUE CHRISMAN, INC., P.O. Box 264, U.S. 50, Lawrenceburg, IN 47025. Representative: Paul J. Snodgrass, P.O. Box 264, U.S. 50, Lawrenceburg, IN 47025. *General Commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, Commodities in bulk and those requiring special equipment, Between Points in the United States. An underlying E.T.A. seeks 120 days authority. There are 9 supporting shippers.

MC 144527 (Sub-4–6TA), filed October 27, 1980. Applicant: BULS EYES TRANSPORT, INC., Suite 2424, 33 N. Dearborn St., Chicago, IL 60602. Representative: Patrick H. Smyth, Smyth & Guth, P.C., 19 South LaSalle St., Suite 401, Chicago, IL 60603. *Contract* irregular: *Non-Alcoholic Beverages,* between Van Wert County, OH, and, on the other hand, points in IA, IL, IN, KY, MI, MN, MO, TX and WI under a continuing contract(s) with New England Apple Products, Inc. Supporting shipper: New England Apple Products, Inc., Harvard Road, Littleton, MA 01460.

MC 125777 (Sub-4–8TA), filed October 28, 1980. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46403. Representative: Duane C. O'Donnell (same as above). *Ferrous Sulphate in Bulk* from St. Louis and St. Louis County, MO to the 3M Plant at or near Cordova, IL and from at or near Clinton, IA to the 3M Plant at or near Cordova, IL. Supporting shipper: Minnesota Mining & Mfg. Corp., 3M Center, St. Paul MN 55144.

MC 125777 (Sub-4–9TA), filed October 28, 1980. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46403. Representative: Duane C. O'Donnell (same as above). *Coke in Bulk and in Containers on Flatbed Trailers* between Toledo, OH, on the one hand and points in IN & MI on the other. Supporting shipper: Koppers Company, Inc. 850 Koppers Bldg. Pittsburgh, PA 15219.

MC 146821 (Sub-4–3TA), filed October 28, 1980. Applicant: RON BESTEMAN TRANSPORT, INC., 2240 Byron Center

Rd. SW., Wyoming, MI 49509. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Apple juice, cider and vinegar and other apple products and glass and paper containers (except in bulk)* between Grand Rapids and Belding, MI, and points in IL, IA, MN, and WI, in mechanically refrigerated vehicles. Supporting shipper: Indian Summer, Inc., 700 Kideville, Belding, MI 48809.

MC 146753 (Sub-4–6TA), filed October 27, 1980. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995. Representative: Norman T. Fowlkes III, Suite 805, 666 Eleventh Street, NW., Washington, DC 20001. *Such commodities* as are dealt in or used by discount chain department stores (except commodities in bulk), between points in the U.S. Restricted to traffic moving from, to, or between the facilities of Venture Stores. Supporting shipper: Venture Stores, Division of May Company, 615 Northwest Plaza, St. Ann, MO 63074.

MC 152387 (Sub-4–1TA), filed October 29, 1980. Applicant: ELDON ARMSTRONG TRUCKING, INC., 4222 Old Forge Road, Port Huron, MI 48060. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Such commodities as are dealt in or used by manufacturers and converters of paper and paper products* (except commodities in bulk), between points in WI on the one hand, and, on the other, ports of entry on the International Boundary Line between the U.S. and Canada in MI. Supporting shipper(s): There are seven (7) statements in support of this application. An underlying ETA seeks 120 days authority.

MC 146994 (Sub-4–2TA), filed October 28, 1980. Applicant: MOTOR RAIL DELIVERY, INC., 600 Fern Street, Ferndale, MI 48220. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *Hosuehold appliances* from Greenville and Belding, MI to Detroit, MI. (Restriction: The above authority is restricted to the movement of piggyback trailers having a subsequent movement by rail or water beyond the territory involved). Supporting shipper: Gibson International Company, Gibson Appliance Center, Greenville, MI 48838.

MC 52665 (Sub-4–1TA), filed October 28, 1980. Applicant: GEM CITY TRANSFER LINE, INC., 1811 North 30th Street, P.O. Box 1207, Quincy, IL 62301. Representative: Douglas G. Brown, P.C., the INB Center—Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. *Contract,* Irregular: *General commodities (except household goods, Classes A and B explosives, and commodities in bulk in tank vehicles),* between all points in the U.S. except AK and HI, restricted to traffic moving to, from or between facilities utilized by Donaldson Company, Inc., its subsidiaries, divisions, and vendors, under continuing contract or contracts with Donaldson Company, Inc., Minneapolis, MN. Supporting shipper: Donaldson Company, Inc., 1400 West 94th Street, Minneapolis, MN, 55431.

MC 152395 (Sub-4–1TA), filed October 28, 1980. Applicant: KRUEGER TRUCKING, INC., 1330 Bellevue St., Green Bay, WI 54308. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract,* irregular: *Furniture or fixtures and equipment, supplies, and materials* between points in the U.S. under contract to Krueger Metal Products, Inc. and subsidiaries. An underlying ETA seeks 120 days authority. Supporting shipper: Krueger Metal Products, Inc., 1330 Bellevue St., Green Bay, WI 54308, and subsidiaries. Under continuing contract(s) with supporting shipper.

MC 152385 (Sub-4–1TA), filed October 29, 1980. Applicant: DAVID D. MARTIN, d.b.a. DAVID D. MARTIN TRUCKING, 103 Tuttle Ave., Mandan, ND 58554. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Contract,* irregular: *Used and reconditioned machinery, equipment, parts and attachments for such machinery and equipment,* Between points in the United States, (except Alaska and Hawaii), for the account of General Tractor, Inc. An underlying ETA seeks 120 day authority. Supporting shipper: General Tractor, Inc., 7750 State Highway 101, Shakopee, MN 55379. Under continuing contract(s) with supporting shipper.

MC 133689 (Sub-4–41TA), filed October 28, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Fruit Juices,* from Evanston, IL to points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Ventura Coastal Corporation, 2113 Greenleaf Street, Evanston, IL 60202.

MC 133689 (Sub-4–40TA), filed October 28, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Electrical accessories, electrical articles, and materials, equipment and supplies used in the manufacture and distribution of electrical accessories and related articles,* between Greenville and Jefferson City, TN, on the one hand, and, on the other, points in the United States in and east of ND, SD, KS, NE, OK, and TX. Supporting shipper: Magnovox Consumer Electronics, Snapp Ferry Road, Greenville, TN 37743.

MC 108859 (Sub-4–7TA), filed October 28, 1980. Applicant: CLAIRMONT TRANSFER CO., 1803 Seventh Avenue, North, Escanaba, MI 49829. Representative: Elmer J. Wery, P.O. Box 3548, Green Bay, WI, 54303. *General commodities (except household goods as defined by the Commission, Classes A and B explosives, and those requiring special equipment),* between the facilities of MTD Products, Inc., and its divisions or subsidiaries located at Shelby (Richland County), Willard (Huron County), and Wooster, (Wayne County), OH, on the one hand, and on the other, points presently served by applicant in its regular route operations. Supporting shipper: MTD Products, Inc., 979 South Conwell Avenue, Willard, OH 44890.

MC 35628 (Sub-4–9TA), (Republication), filed September 2, 1980. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 110 Ionia Avenue, NW., Grand Rapids, MI 39501. Representative: Michael P. Zell (address same as applicant). Common: *Regular; General Commodities,* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving all points in Todd and Logan Counties, KY, as off route points in connection with applicant's presently authorized regular route service. Applicant intends to tack and interline with present authority. An underlying ETA was filed. There are fourteen supporting shippers.

MC 152419 (Sub-4–1TA), filed October 31, 1980. Applicant: ART KOHLER TRUCKING, INC., P.O. Box 68, Audubon, MN 56511. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. (1) *Pasta products,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of pasta products, between the facilities of Noodles by Leonardo, Inc., at or near Cando, ND, on the one hand, and, on the other, points in the U.S. Supporting shipper: Noodles by Leonardo, Inc., Cando, ND 58324.

MC 145195 (Sub-4–6TA), filed October 30, 1980. Applicant: DEEJAY TRANSPORTATION, INC., P.O. Box 651, Horace, ND 58047. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Non-alcoholic beverages and materials, equipment and supplies used in the production, bottling,*

and distribution of non-alcoholic beverages, From the facilities of Gold Medal Beverages at or near Minneapolis, MN, to points in MT. An underlying ETA seeks 120 days authority. Supporting shipper: Gold Medal Beverage Company, 553 North Fairview, St. Paul, MN 55104.

MC 146643 (Sub-4–33TA), filed October 31, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th Street, Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Contract;* Irregular; *air conditioners, heating equipment, air cleaners, humidifying equipment and furnaces and materials, equipment and supplies used in the manufacture, distribution and repair of the above named commodities,* between the facilities of Fedders Corporation at or near Effingham, IL, on the one hand, and, on the other, points in IN, MI, NY, OH, PA and WI. Supporting shipper: Fedders Corporation, Woodbridge Avenue, Edison, NJ 08817. An underlying ETA seeks 120 days authority.

MC 105269 (Sub-4–3TA), filed October 31, 1980. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., Kalamazoo, MI 49503. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49005. *Paper, paper products, and materials and supplies used in the manufacture and distribution thereof (except in bulk)* between Kalamazoo, MI, on the one hand, and, on the other, points in NY, restricted to traffic on behalf of International Paper Company. Supporting shipper: International Paper Co., 77 W. 45th St., New York, NY 10036.

MC 152388 (Sub-4–1TA), filed October 28, 1980. Applicant: DOUGLAS BROTHERS TRUCKING, INC., 7530 Pulaski Road, Concord, MI 49237. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. (1) *Mineral wool and fiberglass products and insulation produced from fiberglass materials and/or rock, slag, clay or glass* from Huntington, IN and Albion, MI and their respective commercial zones to various points in the U.S. in the east of MN, IA, MO, AR and LA; (2) *Materials, equipment and supplies used in the manufacture of (1)* from various points in the United States in and east of MN, IA, MO, AR and LA, to Huntington, IN and Albion, MI and their respective commercial zones. Supporting shipper: Guardian Insulation, 1000 E. North Street, Albion, MI 49224.

MC 149546 (Sub-4–5TA), filed October 28, 1980. Applicant: D & TRUCKING, INC., 498 First Street NW., New Brighton, MN 55112. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses,* as described in Section A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) between Minneapolis, MN, on the one hand, and on the other hand all points in the U.S. in the east of NE, ND, SD, KS, AR and LA. Supporting shipper: Goldberger Foods, Inc., Minneapolis, MN).

MC 124078 (Sub-4–43TA), filed October 27, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Cement clinker,* from West Des Moines, IA to Nazareth, PA and Jersey City, NJ. An underlying ETA seeks 120 days authority. Supporting shipper: Chem Tech Services, 4251 Main Street, Skokie, IL 60076.

MC 152396 (Sub-4–1TA), filed October 28, 1980. Applicant: OSCAR G. BJUGSTAD, OSCAR L. BJUGSTAD, AND AUGUST D. BJUGSTAD d.b.a., BJUGSTAD TRUCKING CO., Route 2—Hwy. 51, Stoughton, WI 53589. Representative: Wayne W. Wilson, 150 E. Gilman Street, Madison, WI 53703. *Contract;* Irregular; *Pump jacks* from Evansville, WI to points in KS and PA. An underlying ETA seeks 120 days authority. Supporting shipper: Baker Manufacturing Company, 133 Enterprise Street, Evansville, WI 53536.

MC 40978 (Sub-4–9TA), filed October 29, 1980. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Expanded plastic articles,* from Indianapolis, IN, to points in IA, IL, KY, MI, MN, MO, OH, and WI. Supporting shipper: W. R. Grace Co., Formpac Division, P.O. Box 295, Tuckerton Road, Reading, PA, 19605.

MC 143356 (Sub-4–2TA), filed October 29, 1980. Applicant: MIRACL MOTOR SERVICE LTD., 1825 N. California Ave., Chicago, IL 60647. Representative: Stanley Phillips, 5527 N. Central Ave., Chicago, IL 60630. *Composition board, accessories and materials used in the installation thereof* from Plant-site and warehouse facilities of Abitibi-Price Corp. at or near Toledo, OH to pts. in IL and WI and rejected shipments on return. Supporting shipper: Abitibi-Price Corporation, 3250 W. Big Beaver Rd., Troy, MI 48012.

MC 151087 (Sub-4–2TA), filed October 29, 1980. Applicant: AREA INTERSTATE TRUCKING, INC., 15344 Dixie Highway, HARVEY, Ill. 60426. Representative: Michael R. Werner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Contract,* irregular, *bedding, new furniture and materials, supplies and equipment used in the manufacture, sale and distribution of new furniture,* between Harvey, IL on the one hand, and, on the other, Columbia, PA and points in OH. Supporting shipper: Harris Hub Company, Inc., 15600 South Commercial Avenue, Harvey, IL. 60426.

MC 52657 (Sub-4–4TA), filed October 29, 1980. Applicant: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Court, Burr Ridge, IL 60521. Representative: James Bouril, 16 W. 151 Shore Court, Burr Ridge, IL 60521. *Motor vehicles, in truckaway service, in secondary movements,* from Little Ferry, NJ to points in CT, NJ, NY and RI; from Pittsburgh, PA to points in MD, OH, PA and WV. Restricted to the transportation of vehicles having a prior movement from the facilities of Regie Nationale-Des-Usiness Renault, France. An underlying ETA seeks 120 day authority. Supporting shipper: American Motors Corporation, 14250 Plymouth Rd., Detroit, MI 48232.

MC 106674 (Sub-4–35TA), filed October 29, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (address same as applicant). *Interior building products for walls, ceilings, floors and related supplies (except commodities in bulk)* from Westlake, OH; Medina, OH; Baltimore, MD; Red Lion, PA; to points in the U.S. (except AK & HI). An underlying ETA seeks 120 days authority. Supporting Shipper: Donn Corporation, 1000 Crocker Road, Westlake, Ohio 44145.

MC 123294 (Sub-4–14TA), filed October 29, 1980. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Paper and paper products* from Indianapolis, IN, to Quincy, IL. Supporting shipper: Irwin Paper Company, 300 Main Street, Quincy, IL 62301. An underlying ETA seeks 120 days authority.

MC 148993 (Sub-4–1TA), filed October 29, 1980. Applicant: TILMON YEARWOOD (an individual), 14921 South Kedzie Ave., Markham, IL 60426. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. *(a) anti-freeze, fuel additives, toilet preparations and beauty aids and (b)*

commodities used in the manufacturing and distribution of commodities in (a) between Chicago and Coal City, IL and their commercial zones, on the one hand, and, on the other, points in MI, IN, WI, IA, MN, MO, and OH. Restricted to the transportation of traffic from, to or between the facilities of DeMert & Dougherty. An underlying ETA seeks 120 days authority. Supporting shipper: DeMert & Dougherty, 5000 W. 51st Street, Chicago, IL 60650.

MC 112893 (Sub-4–3TA), filed October 29, 1980. Applicant: BULK TRANSPORT COMPANY, 100 Waukegan Road, P.O. BOX 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. *Transformer oil,* between Waukesha Co., WI on the one hand and points in the U.S. on the other. Supporting shipper: RTE-ASEA Corporation, 400 South Prairie Avenue, Waukesha, WI 53186.

MC 148779 (Sub-4–1TA), filed October 29, 1980. Applicant: RON FOX TRUCKING, INC., 22N–675W, Valparaiso, IN 46383. Representative: Paul D. Borghesani, 300 Communicana Building, 421 South Second Street, Elkhart, IN 46516. *Contract* irregular: *Plastic materials* from Toledo, OH and Ringwood, IL to San Francisco, CA and its commercial zone. Supporting shipper: Fairchild Camera and Instrument Corporation, 464 Ellis Street, Mountain View, CA 94042.

MC 108223 (Sub-4TA), filed October 28, 1980. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., P.O. Box 43050, St. Paul, MN 55164. Representative: Stephen F. Grinnell, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Common regular: General commodities* (except household goods as defined by the Commission and classes A and B explosives, (1) Between Davenport, IA and St. Louis, MO and points in its Commercial Zone: from Davenport over Interstate Hwy 80 to junction Interstate Hwy 74, then over Interstate Hwy 74 to junction IL Hwy 121, then over IL Hwy 121 to junction Interstate Hwy 55, then over Interstate Hwy 55 to St. Louis, MO, and return over the same route, serving no intermediate points: (2) Between Chicago, IL and St. Louis, MO and points in its Commercial Zone: from Chicago over Interstate Hwy 55 to St. Louis, MO and return over the same route, serving no intermediate points; (3) Betweeen Chicago, IL and Cleveland, OH and points in its Commercial Zone: from Chicago over U.S. Hwy 20 to Cleveland, and return over the same route, serving the intermediate point of Toledo, OH and points in Cuyahoga, Lorain, Lucas, Medina and Summit Counties, OH as off-route points. There are 21 supporting shippers. Applicant intends to tack this authority with its existing regular route authority. An underlying ETA seeks 120 days authority.

MC 119619 (Sub-4–5TA), filed October 29, 1980. Applicant: DISTRIBUTORS SERVICE CO., 2000 W. 43rd Street, Chicago, IL 60609. Representative: Arthur J. Piken, Queens Office Building, 95–25 Queens Boulevard, Rego Park, NY 11374. *Foodstuffs (except commodities in bulk).* From points in Jefferson County, KY, to points in CT, DE, DC, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Louisville Freezer Center, 2000 S. Ninth St., Louisville, KY 40208.

MC 123407 (Sub-4–8TA), filed October 29, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Plastic pipe, fittings, and accessories* from Macon, GA, to points in AL, GA, IL, IN, KY, LA, MO, MS, NC, NJ, OH, SC, TN, TX, and VA. *Supporting shipper: Dyka U.S.A., Inc., P.O. Box 10246, Macon, GA 31297. *An underlying ETA seeks 120 days authority.

MC 115651 (Sub-4–11TA), filed October 29, 1980. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Heisley, Ames, Hill & Ames, P.C., 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. *Carbonized ink liquid,* from Sycamore, IL to Emigsville and York, PA, Goshen, IN, and Temple, TX. An underlying ETA seeks 120 day authority. Supporting shipper: Duplex Products Inc., 228 W. Page St., Sycamore, IL 60178.

MC 67111 (Sub-4–2TA), filed October 28, 1980. Applicant: KAIN'S MOTOR SERVICE CORP., West End of Bates St., Logansport, IN 46947. Representative: Frank M. Cook, 616 Circle Tower Building, Indianapolis, IN 46204. *Common* regular: (with the usual exceptions) serving Leiters Ford, IN as an off-route point in connection with presently authorized regular routes between Chicago, IL and Logansport, IN. Supporting shipper: Switches Div. of Dura Corp., 516 High St., Logansport, IN 46947.

MC 148930 (Sub-4–4TA), filed October 30, 1980. Applicant: AERO DELIVERIES, INC., 529 Gidley Dr., Grand Haven, MI 49417. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Contract Irregular: *Such merchandise as is marketed by home products distributors (except in bulk)* between Chicago, IL, and points in IA, KS, MI, MN, MO, NE, ND, and SD, under a continuing contract with Shaklee Corporation. Supporting shipper: Shaklee Corporation, 1900 Powell St., Emeryville, CA 94680.

MC 152412 (Sub-4–1TA), filed October 30, 1980. Applicant: VANEERDEN TRUCKING COMPANY, INC., 1150 Freeman SW., Grand Rapids, MI 49503. Representative: J. Michael Smith, 465 Old Kent Building, Grand Rapids, MI 49503. *Contract,* irregular *Transporting commodities as dealt in by wholesale and retail food business houses* between points in the U.S. under a continuing contract with VanEerden Produce Company Grand Rapids, MI. Supporting shipper: VanEerden Produce Company, 1245 Terminal Crescent, SW., Grand Rapids, MI 49503.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 200 (Sub-5–66TA), filed October 29, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis, (same as applicant). *General commodities (except household goods as defined by the Commission and Classes A and B explosives),* between points in U.S. Restricted to shipments originating at or destined to facilities used by Morse Electro Products, its affiliates, suppliers, or vendors. Supporting shipper: Morse Electro Products Corp. Mfg., 3433 Morse Dr., Dallas, TX 75236.

MC 200 (Sub-5–67TA), filed October 29, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis, (same as applicant). *Chemicals, NOI, (except in bulk),* between Ashtabula, OH and Hopkinton, MA. Restricted to shipments originating at or destined to facilities utilized by Monson Chemicals, Inc., its suppliers, or vendors. Supporting shipper: Monson Chemicals, Inc., 84 South St. Hopkinton, MA 01748.

MC 41849 (Sub-5–3TA), filed October 29, 1980. Applicant: KEIGHTLEY BROS., INC., 1305 Gratiot Street, St. Louis, MO 63103. Representative: Patrick M. Browne (same as applicant). *Lime, in bulk,* from the plant site of the United States Gypsum Company at New Orleans, LA to AL, AR, MS, and TX.

Supporting shipper(s): United States Gypsum Company, 101 South Wacker Drive, Chicago, IL 60606.

MC 41849 (Sub-5–4TA), filed October 29, 1980. Applicant: KEIGHTLEY BROS., INC., 1305 Gratiot Street, St. Louis, MO 63103. Representative: Patrick M. Browne (same as applicant). *Line, in bulk,* from Pelican Lime Company at or near Amelia, LA to points in AL, AR, MS, and TX. Supporting shipper(s): Pelican Lime Company, P.O. Box 1637, Morgan City, LA 70380.

MC 41849 (Sub-5–5TA), filed October 29, 1980. Applicant: KEIGHTLEY BROS., INC., 1305 Gratiot Street, St. Louis, MO 63103. Representative: Patrick M. Browne (same as applicant). *Ferrous sulphate, in bulk,* from St. Louis and St. Louis county, MO to the plant of the 3M Company at or near Cordova, IL. Supporting shipper(s): Minnesota Mining and Manufacturing Company (3M), 3M Center, St. Paul, MN 55144.

MC 106398 (Sub-5–50), filed October 29, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, OK 74120. *Building materials:* from the facilities of Jo-Moco Products Company at Tulsa, OK to points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Jo-Moco Products Company, 1102 East 2nd Street, Tulsa, OK 74120.

MC 107064 (Sub-5–2TA), filed October 29, 1980. Applicant: STEERE TANK LINES, INC., Post Office Box 220998, Dallas, TX 75222. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. *Soda ash,* in bulk, from Sweetwater County, WY to Dimmitt, TX. Supporting shipper: Amstar Corp.—Spreckels Sugar Div., Post Office Box 169, Dimmitt, TX 79027.

MC 129908 (Sub-5–34TA), filed October 29, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S. W. 15th Street, Oklahoma City, OK 73147. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *Such commodities as are dealt in by Grocery and Food Business Houses and Materials, supplies and equipment used in connection with or incidental to the manufacturing or distribution of such commodities* (1) between IN on the one hand and on the other points in CA, TX and TN. And (2) Between points in CA, ID, OR and WA. Supporting shipper: Carnation Co., 5045 Wilshire Blvd., Los Angeles, CA 90036.

MC 138469 (Sub-5–26TA), filed October 29, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK, 73107. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Av., Park Ridge, IL 60068. *Such commodities as are dealt in or used by business machine manufacturers (except commodities in bulk),* (1) from Chicago, IL and MI to El Paso, TX, and (2) From El Paso TX to points in the United States (except AK and HI). Supporting shipper: Victor Business Products, 9555 Plaza Circle, El Paso, TX 79907.

MC 138627 (Sub-5–6TA), filed October 29, 1980. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Masonry Products,* From Adel and Sergeant Bluff, IA and points in OH to points in IL, KS, MN, MO, NE, ND, SD, WI, and WY. Supporting shipper: Sioux City Brick and Tile Company, P.O. Box 807, 222 Commerce Building, Sioux City, IA 51106.

MC 140364 (Sub-5–9TA), filed October 28, 1980. Applicant: ARMOUR FOOD EXPRESS COMPANY, P.O. Box 2785, Amarillo, TX 79105. Representative: R. L. Gordon, Manager-Transportation, 111 West Clarendon, Phoenix, AZ 85013. Contract, Irregular: *Meats, meat products, dairy products, articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers as described in Sections A, B, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk),* between points in the U.S. restricted to the transportation of traffic originating at or destined to the facilities utilized by National Beef Packing Company. Supporting shipper: National Beef Packing Company, 1501 East Eight Street, Liberal, KS 67901.

MC 144622 (Sub-5–57TA), filed October 29, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, LIttle Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. *General commodities (except household goods as defined by the Commission and Classess A and B explosives)* from the facilities of Charter Oak Shippers Cooperative Association, Inc., and its members located in CT, MA, RI, NY, and NJ to points in the United States. Supporting shipper: The Charter Oak Shippers Cooperative Association, Inc., One Parkland Drive, Box 1147, Darien, CT 06820.

MC 146448 (Sub-5–13TA), filed Octobert 29, 1980. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Timonthy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, Va 22101. *Ball bearings, roller bearings and pillow blocks* from Allentown, Altoona, Hanover, King of Prussia, Kulpsville and the Commercial Zone of Philadelphia, PA, Hornell, NY and Glasgrow, KY, to Reno, NV. Supporting shipper: SKF Industries, Inc., P.O. Box 515, King of Prussia, PA 19406.

MC 146703 (Sub-5–3TA), filed October 10, 1980. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K Street, N.W., Washington, DC 20006. *Dog food and related products* from Kansas City, MO to EL Paso, TX. Supporting shipper: Economy Cash & Carry, Inc., 1000 E. Overland, El Paso, TX 79901.

MC 148194 (Sub-5–2), filed October 29, 1980. Applicant: LARRY D. AND PATRICIA CHICK, 1319 San Miguel, Springdale, AR 72764. Representative: Michael H. Mashburn, Blair, Cypert, Waters & Roy, P.O. Box 869 Springdale, AR 72764. *Foodstuffs and food additives,* from Bridgeton, MO to Fargo, ND; St. Paul and Minneapolis, MN; Milwaukee, WI; Glendale, CA; Orlando and Miami, FL; and Denver, CO. Supporting shipper: Consolidated Flavor Corporation, 264 Boulder Industrial Drive, Bridegeton, MO, 63044.

MC 150142 (Sub-5–2), filed October 29, 1980. Applicant: LARRY D. AND PATRICIA CHICK, 1319 San Miguel, Springdale, AR 72764. Representative: Michael H. Mashburn, Blair, Cypert, Waters & Roy, P.O. Box 869, Springdale, AR 72764. Contract: Irregular. *Foodstuffs and food additives,* between Bridgeton, MO on the one hand, and, on the other, points within the U.S., restricted to operations performed pursuant to a continuing contract or contracts with Consolidated Flavor Corporation and restricted against contract carrier operations from Bridgeton, MO to Fargo, ND; St. Paul and Minneapolis, MN; Milwaukee, WI; Glendale, CA; Orlando and Miami, FL; and Denver CO. Supporting shipper: Consolidated Flavor Corporation, 264 Boulder Industrial Drive, Bridgeton, MO, 63044.

MC 150578 (Sub-5–13TA), filed October 29, 1980. Applicant: STEVENS TRANSPORT, a DIVISION OF STEVENS FOODS, INC., 2944 Motley Dr., Mesquite, TX 75150. Representative: S. Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Mellamine plastic materials and urea molding compound,* from Dallas, TX to Gardenia, Valencia and Los Angeles, CA; Morganton and West Jefferson, NC; Lake City, PA; Lynnbrook, NY; Providence, RI; Fort

Gibson, MS; Minneapolis, MN; Laredo and Del Rio, TX and Fredonia, WI. Supporting shipper: Plastics Mfg. Co., 2700 S. Westmoreland, Dallas, TX 75223.

MC 151154 (Sub-5–11TA), filed October 28, 1980. Applicant: LENERTZ, INC. OF IOWA, 1004 29th Street, Sioux City, IA 51104. Representative: Edward A. O'Donnell (same address as applicant). *(1) Foodstuffs and (2) equipment, materials and supplies used in the manufacture and distribution of foodstuffs (except commodities in bulk in tank or hopper vehicles).* Between Detroit, MI, Chicago, IL, Lowell, MA, Pennsauken, NJ and St. Paul, MN on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Restricted to traffic originating at or destined to facilities at The Prince Company. Supporting shipper: The Prince Company, 115 W. Plato Blvd., St. Paul, MN 55107.

MC 151154 (Sub-5–12TA), filed October 28, 1980. Applicant: LENERTZ, INC. OF IOWA, 1004 29th Street, Sioux City, IA 51104. Representative: Edward A. O'Donnell (same address as applicant). *Automotive parts and accessories,* between points in Dakota, Hennepin and Ramsey Counties, MN, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Restricted to traffic originating at or destined to points in Dakota, Hennepin and Ramsey Counties, MN. Supporting shipper: Midwest Wholesale Tire, 1454 Sibley Memorial Highway, Mendota, MN 55150.

MC 151154 (Sub-5–13TA), filed October 28, 1980. Applicant: LENERTZ, INC. OF IOWA, 1004 29th Street, Sioux City, IA 51104. Representative: Edward A. O'Donnell (same address as applicant). *(1) Caulking compounds and adhesives, and, (2) materials, equipment and supplies used in the manufacture and distribution of caulking compounds and adhesives (except commodities in bulk in tank or hopper vehicle).* Between Minneapolis and St. Paul, MN, Westwego, LA and Houston, Beaumont and Corpus Christi, TX on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Restricted to traffic originating at or destined to Minneapolis and St. Paul, MN, Westwego, LA, and Houston, Beaumont and Corpus Christi, TX. Supporting shipper: Gulf Seal Specialties, Inc., 601 Jefferson, Suite 535, Houston, TX 77002.

MC 151154 (Sub-5–14TA), filed October 29, 1980. Applicant: LENERTZ, INC., OF IOWA, 1004 29th Street, Sioux City, IA 51104. Representative: Edward A. O'Donnell (same address as applicant). *(1) Vending machines and (2) equipment, materials and supplies used in the manufacturing and distribution of commodities in (1) above.* Between St. Paul, MN on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Restricted to traffic originating at or destined to St. Paul, MN. Supporting shipper: Gross Given Manufacturing Co., 75 W. Plato Blvd., St. Paul, MN 55107.

MC 151154 (Sub-5–15TA), filed October 29, 1980. Applicant: LENERTZ, INC. OF IOWA, 1004 29th Street, Sioux City, IA 51104. Representative: Edward A. O'Donnell (same address as applicant). *(1) Adhesives, sealants, expoxies, urethanes and coatings, and (2) equipment, materials and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk in tank or hopper vehicles),* between St. Paul, MN, Madison, WI, and Port Byron, IL, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Restricted to traffic originating at or destined to St. Paul, MN, Madison, WI and Port Byron, IL. Supporting shipper: Technical Sealants and Adhesives, Inc., 43 East Water Street, St. Paul, MN 55107.

MC 151154 (Sub-5–16TA), filed October 29, 1980. Applicant: LENERTZ, INC. OF IOWA, 1004 29th Street, Sioux City, IA 51104. Representative: Edward A. O'Donnell (same address as applicant). *Chemicals, and materials, equipment and supplies used in the manufacturing and distribution of chemicals (except commodities in bulk in tank or hopper vehicles),* between Minneapolis, MN on the one hand, and, on the other, all points in the U.S in and east of ND, SD, NE, CO, OK and TX. Supporting shipper: Industrial Chemical & Equipment Co., 2205 Hennepin Avenue East, Minneapolis, MN 55414.

MC 151201 (Sub-5–2TA), filed October 28, 1980. Applicant: CARY TRANSIT, INC., 1606 Camero Box 130, Carrollton, TX 75006. Representative: Ronald Wigington, 3410 S. W. 11th St., Lawton, OK 73501. *(1) Malt beverages: (2) materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between points in Jefferson and Denver Counties, CO on the one hand, and, on the other, points in TX and OK. Supporting shippers: Southwest Sales, Inc., 728 F. Ave., Box 1586, Lawton, OK 73502; Golden Distributing Co., 5353 Kell, Wichita Falls, TX; Adolph Coors Co., Golden, CO 80401.

MC 152117 (Sub-5–2TA), filed October 28, 1980. Applicant: LITTLE GINNY TRANSPORT SYSTEMS, INC., 824 27th Ave., S.W., Cedar Rapids, IA 52404. Representative: Virginia A. Wilson (same). *Toilet preparations, shampoo & permanent hair waving kits, and materials, supplies, and equipment used in the manufacture thereof,* between the facilities utilized by Proctor & Gamble Distributing Co. in IA, on the one hand, and, on the other, points in the states of AZ, CA, CO, ID, NV, OR, WA, UT, TX, OK, AR & TN. Supporting shipper: The Proctor & Gamble Company, P.O. Box 599, Cincinnati, OH 45201.

MC 152136 (Sub-5–1TA), filed October 28, 1980. Applicant: DANE TRUCKING & CARTAGE COMPANY, 7816 Noneman Street, Fort Worth, TX 76180. Representative: Sam Hallman, Phinney, Hallman, Pulley & Coke, 4555 First National Bank Building, Dallas, TX 75202. Contract; Irregular. *Rubber coated tire fabric,* between Tyler, TX and Lawton, OK. Supporting shipper: Kelly Springfield Tire Company, 300 Cumberland Road, P.O. Box 30, Cumberland, MD 21501.

MC 152378 (Sub-5–1TA), filed October 28, 1980. Applicant: RAIL-HIGHWAY TRANSPORTATION COMPANY, a Division of AJF, INDUSTRIES, INC., 11960 Westline Industrial Dr., Suite 330, St. Louis, MO 63141. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW, Washington, DC 20036. *General Commodities (except household goods as defined by the Commission and Classes A and B explosives)* between points in AR, IL, IN, IA, KS, KY, MO, TN, restricted to transportation incidental to trailer-on-flatcar or container-on-flatcar service by a rail carrier. Supporting shippers: 15.

MC 152386 (Sub-5–1TA), filed October 28, 1980. Applicant: LACINDA LYNN, INC., d.b.a. LADD TRUCKING CO., P.O. Box 1011, Canadian, TX 79401. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768. *Drilling mud, in sacks, bags, or other containers* between points in Hemphill, Wheeler, Lipscomb, Ochiltree, Collingsworth, Gray, Roberts and Hansford Counties, TX, on the one hand, and, on the other, (1) points in OK West of IH 35; (2) points in Morton, Stevens, Seward, Meade and Clark Counties, KS; and (3) points in NM. Supporting shippers: Barker & Taylor Drilling Co., Amarillo, TX, Dotco Fishing Tools, Canadian, TX, Mid-West Mud Co., Inc., Canadian TX.

MC 152402 (Sub-5–1TA), filed October 29, 1980. Applicant: DALE KOTTWITZ, d.b.a. KOTTWITZ HAULING SERVICE, 1710 West Eighth Street, Hastings, NE 68901. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Feed ingredients,* between Shickley, NE, and points in its commercial zone, on the one hand, and,

on the other, points in NM. Supporting shipper: Biegert Bros. Fertilizer Co., P.O. Box 197, Shickley, NE 68436.

MC 152406 (Sub-5–1TA), filed October 29, 1980. Applicant: TEXAS WESTERN EXPRESS, INC., 5713 Azle Avenue, Fort Worth, TX 76106. Representative: A. William Brackett, 1108 Continental Life Building, Fort Worth, TX 76102. Contract: Irregular. *Auto parts* between points in Tarrant and Dallas Counties, TX, on the one hand, and, on the other, points in CA, AZ, CO, NM, UT, NV, WA, OK, AR and LA. Supporting shipper: Don Crofford Auto Parts, Inc., 3822 N. Grove St., Fort Worth.

MC 152407 (Sub-5–1TA), filed October 29, 1980. Applicant: SKIP'S TRUCKING CO., INC., P.O. Box 460, Allen, TX 75002. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. Contract, irregular: *Construction and Material Handling Machines and Machinery;* between points in the U.S. Supporting shipper: Pettibone Corporation, Southwest Sales Branches, 1401 S. Loop, Irving, TX 75060.

Republication

MC 119399 (Sub-5–28TA), filed October 9, 1980. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara (same as applicant). *Liquid resin solution, in drums and pails (except in bulk),* from Mayes County, OK to points in CO, FL, GA and IA. Supporting shipper: Interplastic Corporation, Commercial Resins Division, Bartlesville, OK.

MC 2095 (Sub-5–4TA), filed October 31, 1980. Applicant: KEIM TRANSPORTATION, INC., P.O. Box 226, Sabetha, KS 66534. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Iron and Steel Articles (except "Mercer" commodities as defined in 74MCC 459, 543 or earth drilling commodities as described in Roy L. Jones, et al. 103MCC 825),* From Clinton County and Lycoming County, PA to points in WI; TN; MS; AR; MO; IA; NE; FL; KS; OK; TX; CO and CA. Supporting shipper: Jersey Shore Steel Company, P.O. Box 5055, Jersey Shore, PA 17740.

MC 9291 (Sub-5–4TA), filed October 31, 1980. Applicant: CARROL BALL TRANSPORT, INC., P.O. Box 53, Centerville, KS 66014. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Such commodities as are dealt in or used by manufacturers and distributors of containers (except commodity in bulk).* Between the facilities of Hoover Universal, Inc., Beverage Bottling Div., at or near Lenexa, KS. on the one hand, and points in MO, AR, IA and MN, on the other hand. Supporting shipper: Hoover Universal, Inc., 9939 Widmer, Lenexa, KS 66215.

MC 30844 (Sub-5–28TA), filed October 30, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 4616 East 67th Street, Tulsa, OK 74121. Representative: Robert Kroblin, P.O. Box 21222, Tulsa, OK 74121. *Such Merchandise as dealt in by wholesale and retail stores,* from Jersey City, NJ to Tulsa, OK. Supporting shipper: Tulsa Shippers Association, Inc., 15 S. Frankfort, Tulsa, OK 74420.

MC 30844 (Sub-5–29TA), filed October 31, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, Tulsa, OK 74121. Representative: Larry L. Strickler, P.O. Box 5000, Waterloo, IA 50704. *Plastic articles, materials and supplies used in the manufacture of plastic articles,* between Omaha, NE, on the one hand, and, on the other, points in the United States, restricted to shipments originating at or destined to the facilities of Plastilite Corporation. Supporting shipper: Plastilite Corporation, 9409 North 45th, Omaha, NE 68112.

MC 30844 (Sub-5–30TA), filed October 31, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, Tulsa, OK 74121. Representative: Larry L. Strickler, P.O. Box 5000, Waterloo, IA 50704. *Binders, boards, printed forms, ruled indexes, corrugated boxes KD, envelopes, indexes, and carbonized paper* between points in Black Hawk County, IA, on the one hand, and, on the other, points in Los Angeles County, CA, restricted to shipments originating at or destined to facilities of Control-O-Fax Corp. Supporting shipper: Control-O-Fax Corp., 3070 W. Airline Hwy., Waterloo, IA.

MC 30844 (Sub-5–31TA), filed October 31, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, Tulsa, OK 74121. Representative: Larry L. Strickler, P.O. Box 5000, Waterloo, IA 50704. *Oil Filters, Air Cleaner Cartridge* and *Fuel Filters,* from Edison, NJ to points in the U.S., restricted to the transportation of traffic originating at or destined to the facilities of Filter Dynamics Co., Lee Division. Supporting shipper: Filter Dynamics Co., Lee Division, Talmadge Road, Edison, NJ.

MC 30844 (Sub-5–32TA), filed October 31, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, Tulsa, OK 74121. Representative: Larry L. Strickler, P.O. Box 5000, Waterloo, IA 50704. *Paper and plastic bags* from the facilities of Equitable Bag Co., Inc. at Florence, KY; Orange, TX and Long Island City, NY to points in the U.S., restricted to the transportation of traffic originating at or destined to the facilities of Equitable Bag Co., Inc., Supporting shipper: Equitable Bag Co., Inc., 45–50 Van Dam Street, Long Island City, NY 11101.

MC 52460 (Sub-5–17TA), filed October 30, 1980. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. *Meat, Meat Products, Meat By-Products, and Packing-house Products,* at or near Liberal, KS., to points in the states of AL, AR, GA, IA, LA, MS, MO, NC, OK, SC, and TX. Supporting shipper: National Beef Packing Co.,—P.O. Box 1358—Liberal, KS 67901.

MC 52460 (Sub-5–18TA), filed October 30, 1980. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. *Pneumatic Tires and Accessories* from points in AR, LA, and TX, to points in OK. Supporting shipper: Burggraff Tires, Inc., 329 Main St., Quapaw, OK 74363.

MC 60066 (Sub-5–6TA), filed October 31, 1980. Applicant: BEE LINE MOTOR FREIGHT, 1804 Paul Street, Omaha, NE 68102. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Refined beet and cane sugar and articles used in the manufacture and packaging of refined beet and cane sugar* from Bayard, Gering, Mitchell and Scottsbluff, NE to Chicago, IL and its commercial zone; Hodgkins, Lansing, North Lake, Plainfield, Peoria and Streator, IL and Milwaukee, WI and its commercial zone. Supporting shipper: The Great Western Sugar Company, P.O. Box 5308, Denver, CO 80217.

MC 60271 (Sub-5–7TA), filed October 31, 1980. Applicant: HARPER TRUCK LINE, INC., P.O. Box 288, Monroe, LA 71201. Representative: Sherri L. Roberts (same as above). *Lumber, Building Materials, Wood, Pallets, Plywood and/or Particleboard,* between points and places in Union Parish, LA on the one hand, and, on the other, points and places in AR, MS, OK, TX. Supporting shipper: C. A. Reed Lumber Company, P.O. Box 267, Bernice, LA 71222.

MC 105566 (Sub-5–15TA), filed October 30, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite

400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. *Adhesives, and materials and supplies used in the manufacture and distribution of adhesives,* between the facilities of Gulf Oil Chemicals Company at High Point, NC; Hatfield, PA; Griffith, IN; Freeport, NY; Hutchinson, KS; Chatsworth, CA; Cleveland, OH; and Baltimore, MD, on the one hand, and, on the other, points and places in the U.S., except AK and HI. Supporting shipper: Gulf Oil Chemicals Company, P.O. Box 3706, Houston, TX 77001.

MC 111231 (Sub-5–15TA), filed October 30, 1980. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902. *Frozen foods,* from the facilities of Pet, Inc. at or near Frankfort, MI to points in AL, AR, CO, GA, IA, IL, IN, KS, KY, LA, MO, MS, NE, OH, OK, TN, and TX. Supporting shipper: Pet, Inc., Frozen Foods Division, 400 South Fourth Street, St. Louis, MO 63102.

MC 111401 (Sub-5–19TA), filed October 31, 1980. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant). *Methyl diolkil amine, in bulk, in tank vehicles,* from Memphis, TN to Brownsville, TX, in foreign commerce only. Supporting shipper: Humko Chemical, Division of Witco Chemical Corp., P.O. Box 125, Memphis, TN 38101.

MC 113651 (Sub-5–27TA), filed October 31, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., 10838 Old Mill Road, Suite 4, Omaha, NE 68154. Representative: James F. Crosby, James F. Crosby & Associates, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114. *Meats, and packinghouse products,* from the facilities of Madison Packing, Inc., Waterloo, WI to points in the U.S. in and east of ND, SD, NE, CO, OK, and TX. Supporting shipper: Madison Packing, Inc., 333 Portland Road, Waterloo, WI 53594.

MC 115730 (Sub-5–3TA), filed October 30, 1980. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50307. *Building materials,* from Chicago, IL, St. Louis, MO, and Kansas City, MO, and points in their commercial zones, to points in IA and NE. Supporting shipper: Lumbermans Wholesale Co., 621 S.W. 7th, Des Moines, IA 50309.

MC 117686 (Sub-5–5TA), filed October 31, 1980. Applicant: HIRSCHBACH MOTOR LINES, INC., 920 West 21st Street, P.O. Box 155, South Sioux City, NE 68776. Representative: George L. Hirschbach, 920 West 21st Street, P.O. Box 155, South Sioux City, NE 68776. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses as Described in Sections A and C of Appendix I to the Report in Descriptions on Motor Carrier Certificates, 61 MCC 209 and 766 (except commodites in bulk and hides)* from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS to points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KS, KY, LA, MI, MN, MO, MS, MT, NC, ND, NE, NM, NV, OH, OK, OR, SC, SD, TN, TX, UT, WA, WI and WY. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, NE 68731.

MC 118431 (Sub-5–8TA), filed October 31, 1980. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. Contract, irregular: *Foodstuffs, (except in bulk),* from Greenville, MI to points in the United States (except AK and HI). Restriction: Restricted to traffic handled under a continuing contract or contracts with Ore-Ida Foods, Inc. Supporting shipper: Ore-Ida Foods, Inc., 200 Parkcenter Boulevard, P.O. Box 10, Boise, ID 83707.

MC 119700 (Sub-5–9TA), filed October 30, 1980. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Iron and steel articles* from Harris County, TX to points in AR, KS, MO and OK. Supporting shipper: Armco, Inc., 703 Curtis St., Middletown, OH 45043.

MC 119789 (Sub-5–38TA), filed October 30, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS to points in the U.S. (except AK and HI). Supporting shipper: Iowa Beef Processors, Inc., Dakota City, NE, 68731.

MC 119988 (Sub-5–24TA), filed October 31, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. *General commodities* between points in San Diego and Los Angeles Counties, CA, Bergen County, NJ, Cook County, IL, and St. Francis County, AR, on the one hand, and, on the other, points in the U.S. Supporting shipper: Sanyo Electric, Inc., 1200 W. Artesia Blvd., Compton, CA 90220.

MC 123805 (Sub-5–1TA), filed October 30, 1980. Applicant: LOMAX TRUCKING SERVICE, INC., R.R. #1, Hannibal, MO 63401. Representative: Thomas P. Rose, Attorney at Law, P.O. Box 205, Jefferson City, MO 65102. *Coal, in bulk, in dump vehicles,* from Ralls County, MO to IA and IL. Supporting shipper: Wyoming Fuel Company, P.O. Box 15625, Lakewood, CO 80215.

MC 123807 (Sub-5–1TA), filed October 30, 1980. Applicant: RENNOLDS POTTERFIELD, 425 Park Street, Monroe City, MO 63456. Representative: Thomas P. Rose, Attorney at Law, P.O. Box 205, Jefferson City, MO 65102. *Coal, in bulk, in dump vehicles,* from Ralls County, MO to IA and IL. Supporting shipper: Wyoming Fuel Company, P.O. Box 15625, Lakewood, CO 80215.

MC 123808 (Sub-5–1TA), filed October 30, 1980. Applicant: GEORGE C. POTTERFIELD TRUCKING, INC., P.O. Box 296, Monroe City, MO 63456. Representative: Thomas P. Rose, Attorney at Law, P.O. Box 205, Jefferson City, MO 65102. *Coal, in bulk, in dump vehicles,* from Ralls County, MO to IA and IL. Supporting shipper: Wyoming Fuel Company, P.O. Box 15265, Lakewood, CO 80215.

MC 124174 (Sub-5–29TA), filed October 31, 1980. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. *Scrap, metal, and metal articles,* between all points in the USA for the account of Aaron Ferer and Sons Co. Supporting shipper(s): Aaron Ferer and Sons Co., 909 Abbot Drive, Omaha, NE 68130.

MC 129908 (Sub-5–35TA), filed October 30, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Oklahoma City, OK 73147. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *Foodstuffs or kindred products* between OR on the one hand, and on the other hand points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MS, MO, NC, OK, SC, TN and TX. Supporting shipper: Agripac, Box 5346, 325 Patterson, N.W., Salem, OR 97304.

MC 134319 (Sub-5–2TA), filed October 30, 1980. Applicant: BRAAFLADT TRANSPORT COMPANY, 501 North Broadway, P.O. Box 1065, Dimmitt, TX 79027. Representative: Richard Hubbert, Sims, Kidd, Hubbert & Wilson, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. *Propane, in bulk, in tank vehicles,* between points in TX and NM. Supporting shipper: Nelson Energy, Inc., P.O. Box 879, Plainview, TX 79072.

MC 134501 (Sub-5–11TA), filed October 30, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75601. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. (1) *New furniture,* from Bennettsville, SC to points in AL, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TX, VT, VA, WV, WI, and TN (except Shelby County); and (2) *fixtures,* from Bennettsville, SC to points in the U.S. (except AK and HI). Supporting shipper: Boro Wood Products, Inc., P.O. Box 636, Bennettsville, SC 29512.

MC 134501 (Sub-5–12TA), filed October 31, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75601. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. *Furniture,* from Ashesville, NC to points in the U.S. (except Shelby County, TN, and points in AK, HI, WA, OR, ID, MT, CA, NV, UT, WY, CO, AZ, NM, KS, OK, TX and AR). Supporting shipper: David Morgan, Ltd., P.O. Box 5616, Asheville, NC 28803.

MC 134501 (Sub-5–13TA), filed October 31, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75601. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. *New furniture,* from Borden, IN, to points in the U.S. (except AK and HI). Supporting shipper: Kimball Office Furniture, Inc., P.O. Box C, Borden, IN 47106.

MC 136786 (Sub-5–38TA), filed October 31, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Printing paper,* between Cook County, IL, on the one hand, and, on the other, Douglas County, NE. Supporting shipper: Rapid Printers & Lithographers, Inc., 9320 "J" Street, Omaha, NE 68127.

MC 138384 (Sub-5–1TA), filed October 30, 1980. Applicant: GOLDEN PRINGLE EXPRESS, LTD., 310 Patton Street, Moberly, MO 65270. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. Contract, irregular: *Malt beverages,* from Milwaukee, WI and NE to Moberly, MO 65270.

MC 139923 (Sub-5–4TA), filed October 31, 1980. Applicant: MILLER TRUCKING COMPANY, INC., P.O. Drawer D, 105 South 8th Avenue, Stroud, OK 74079. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Foodstuffs (except commodities in bulk),* from Rosemead, CA to points in IL. Supporting shipper: La Victoria Foods, Incorporated, 9133 East Garvey Boulevard, Rosemead, CA 91770.

MC 140635 (Sub-5–7TA), filed October 30, 1980. Applicant: ADAMS LINES, INC., P.O. Box 7343, Omaha, NE 68107. Representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls, SD 57101. *Paints, paint products and food products* from Chicago, IL and its commercial zone to Davenport, and Des Moines, IA and Omaha and Lincoln, NE, and points in their commerical zones. Supporting shippers: The Sherwin Williams Company, 11541 S. Champlain Avenue, Chicago, IL 60628; Standard Brands, Inc., 7001 S. Harlem Avenue, Chicago, IL; The Enterprise Co., 1191 S. Wheeling Road, Wheeling, IL 60090.

MC 140665 (Sub-5–43TA), filed October 30, 1980. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: H. J. Anderson, P.O. Box 4208, Springfield, MO 65804. *(A) Locomotive replacement parts and electrical equipment and parts, and (B) materials and supplies used in the manufacture of diesel electric locomotives and motorized wheel drives and propulsion equipment.* Commodities in (A) from Erie and Grove City, PA to points in AZ, CA, LA, MO, OK, TX, WA and WY; and commodities in (B) from points in AL, AR, CA, IL, KS, MO, SC, TX and WI to Erie and Grove City, PA. Supporting shipper: General Electric Company, 2901 E. Lake Rd., Erie, PA 16531.

MC 141597 (Sub-5–2TA), filed October 30, 1980. Applicant: RIVERSIDE TRUCK LINE, INC., 919–4th Avenue South, Denison, IA 51442. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Contract, irregular: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from the facilities of Dubuque Packing Co., at Denison, IA to points in FL, GA, IL, KS, KY, MO, TN and WI, under continuing contract(s) with Dubuque Packing Co. Supporting shipper(s): Dubuque Packing Co., Denison, IA 51442.

MC 144227 (Sub-5–2TA), filed October 31, 1980. Applicant: CARMIL, INC., P.O. Box 225, Hershey, NE 69143. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Animal feed and animal feed ingredients* (1) from Sioux City and Sergeant Bluff, IA, and points in their commercial zones, to Ogden, UT, Phoenix, Flagstaff, Prescott and Tucson, AZ, and points in their commercial zones, and (2) from Phoenix and Casa Grande, AZ to points in CO, NE, KS, TX, WY and Guymon, OK and points in its commercial zone. Supporting shippers: The Pillsbury Company, P.O. Box 2908, Shawnee Mission, KS 66201 and Wilbur-Ellis Company, P.O. Box 429, Greeley, CO 80632.

MC 144592 (Sub-5–2TA), filed October 30, 1980. Applicant: WAYDENS HEAVY HAULERS, INC., 1400 North 6th Avenue, Hiawatha, IA 52233. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Contract; Irregular. *(1) Machinery and machine parts, (2) electrical and electronic components, and (3) materials and supplies used in the production and distribution of the commodities named in (1) and (2) above,* between all points in the U.S., under continuing contract(s) with Thomas and Betts, Inc. Supporting shipper(s): Thomas and Betts, Inc., P.O. Box 1369, Iowa City, IA 52240.

MC 146051 (Sub-5–2TA), filed October 30, 1980. Applicant: WITTENBURG TRUCK LINE, INC., Box 99, Readlyn, IA 50668. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. (1) *snow plows and parts therefor and* (2) *materials and supplies used in the manufacture of snow plows,* between Waverly, IA, on the one hand, and, on the other, points in CO, CT, DE, DC, ID, IL, IN, KS, MA, MD, MI, MN, MO, MT, NE, NJ, NY, ND, OH, OK, OR, PA, SD, TN, TX, UT, VA, WA, WV, WI and WY. Supporting shipper: Henke Manufacturing Co., Waverly, IA 50677.

MC 147196 (Sub-5–16TA), filed October 30, 1980. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Donald A. Larousse, P.O. Box 50262, New Orleans, La. 70150. Contract: Irregular. *Iron and Steel Pipe, Casings, Fittings and Accessories* between Harrison County, TX, on the one hand, and, on the other, the 48 states under a continuing contract or contracts with En-Tube, Inc., Houston, TX. Supporting shipper: En-Tube, Inc., 11511 Katy Freeway, Houston, TX 77079.

MC 147289 (Sub-5–1TA), filed October 31, 1980. Applicant: GEM CITY

STORAGE & TRANSFER, INC., P.O. Box 786, Keokuk, IA 52632. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Auto parts and accessories,* from Circleville, OH, to Keokuk, IA; and *Empty Containers,* from Keokuk, IA, to Circleville, OH. Supporting shipper: Sheller Globe Corporation, 3200 Main Street, Keokuk, IA 52632.

MC 148060 (Sub-5–5TA), filed October 30, 1980. Applicant: STOVER LINES, INC., 5636 NW 17th, Topeka, KS 66618. Representative: Bruce C. Harrington, KS Credit Union Bldg., 1010 Tyler, Suite 11OL, Topeka, KS 66612. *Boots, shoes and accessories,* from the facilities of Volume Shoe Co. Distribution Center at Topeka, KS to NM; TX and OK. Supporting shipper: Volume Shoe Corporation, Director of Import/ Domestic Traffic, 3231 E. Sixth St., Topeka, KS 66607.

MC 148512 (Sub-5–2TA), filed October 31, 1980. Applicant: WESTERN TANK LINE, INC., 2222 North 11 Street, Omaha, NE 68110. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Sulphuric acid* from Sioux City, IA to points in ND, SD, MN, NE and IA. Supporting shipper: Van Waters & Rogers Division of Univar, 3002 F Street, Omaha, NE 68107.

MC 149553 (Sub-5–1TA), filed October 30, 1980. Applicant: VALLEY TRANSPORTATION SERVICE, INC., P.O. Box 1527, Mission, TX 78572. Representative: Mr. Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *Food or kindred products* between points in Lucas County, OH; Sandusky County, OH; Allegheny County, PA; Muscatine County, IA; Johnson County, IA; and Ottawa County, MI on the one hand, and, on the other, points in TX. Supporting shipper: Heinz USA, Division of H.J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

MC 150425 (Sub-5–9TA), filed October 31, 1980. Applicant: TRANS-CONTINENTAL EXPRESS, INC., P.O. Box D Clarksville, TX 75426. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Cleaning compounds, foodstuffs and toilet preparations,* from the facilities of Lever Brothers Co. at or near St. Louis, MO to points in TX, LA, MS, GA, TN, AR, NC, NY, NJ, MI, OH, and CA. Supporting shipper: Lever Brothers Co., 1400 North Pennsylvania, St. Louis, MO 63133.

MC 150440 (Sub-5–5TA), filed October 31, 1980. Applicant: UNIVERSAL EXPRESS, LTD., 536 S. 19th Street, West Des Moines, IA 50265. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Paper and fiberboard tubes and containers, including metal ends,* from New Berlin, WI, to Des Moines, IA. Supporting shipper: Midwest Paper Tube & Can Corp., 2800 S. 163rd Street, New Berlin, WI 52151.

MC 152417 (Sub-5–1TA), filed October 30, 1980. Applicant: WHITE BROS., INC., R.R. #1, Box 566, Oakwood Station, Hannibal, MO. 63401. Representative: Thomas P. Rose, Attorney at Law, P.O. Box 205, Jefferson City, MO 65102. *Coal, in bulk, in dump vehicles,* from Ralls County, MO to IA and IL. Supporting shipper: Wyoming Fuel Company, P.O. Box 15625, Lakewood, Co 80215.

MC 152418 (Sub-5–1TA), filed October 30, 1980. Applicant: FLOUR TRANSPORT, INC., 5218 Denison Street, Muskogee, OK 74401. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Contract, Irregular. *Flour, in bulk,* from Shawnee, OK to points in AR and TX. Supporting Shipper: Shawnee Milling Company, 201 S. Broadway, Shawnee, OK. 74801.

MC 152432 (Sub-5–1TA), filed October 31, 1980. Applicant: PEAKE, INC., 2022 Avenue A, Midtown Business Center, Kearney, NE 68847. Representative: E. Check, 666 Grand Avenue, Des Moines, IA 50309. Contract Irregular; *waste water, in bulk,* from Davenport, IA to Livingston, Al. Supporting shipper: Chemical Waste Management, Inc., 2121 Kingston Count S.D., Ste 112, Marietta, GA 30067.

MC 152433 (Sub-5–1TA), filed October 31, 1980. Applicant: RIVER CITY FURNACE, LTD., P.O. Box 1434, Mason City, IA. 50401. Representative: Attorney Joesph E. Ludden, P.O. Box 1567, La Crosse, WI. 54601. Contract, irregular; *General Commodities, except those of unusual value, and except high explosives, household goods, (when transported as a separate and distinct service in connection with so-called "household movings".)* between Mason City, IA. and points in the continuntal forty-eight (48) states. Supporting shipper: Schneider Metal Manufacturing Company, Mason City, IA. 50401.

MC 152434 (Sub-5–1TA), filed October 31, 1980. Applicant: HOOD RAILWAY SERVICES, INC., P.O. Box 7481, Tyler, TX 75711. Representative: William Sheridan, 1025 Metker, P.O. Drawer 5049, Irving, TX 75062. *Trailers (empty or loaded) having prior or subsequent movement by rail transportation on trailer on flat car service (TOFC).* Between railroad ramping facilities located in Dallas and Tyler, TX, on the one hand, and, on the other, points in Anderson, Cherokee, Gregg, Smith and Wood Counties, TX. Supporting shipper: Sunbelt Consolidators, Inc., P.O. Box 201044, Dallas, TX 75220.

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 6. SEND PROTESTS TO: INTERSTATE COMMERCE COMMISSION, REGION 6 MOTOR CARRIER BOARD, P.O. BOX 7413, SAN FRANCISCO, CA 94120.

MC 152379 (Sub-6–1TA), filed October 27, 1980. Applicant: AAVON MOVING & STORAGE, INC., 1900 Wyott Drive, Cheyenne, WY 82001. Representative: Mary H. Rohde (same address as applicant). *Contract* carrier: *irregular* routes: *Used household goods* between WY and NE for 270 days. Underlying ETA filed seeking 120 days authority. RESTRICTED: to transportation having a prior or subsequent movement in containers, beyond points authorized. Operations are restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating, and decontainerization of such traffic. Under continuing contract with Warren Air Force Base, Cheyenne, WY. Supporting shipper: Warren Air Force Base, Cheyenne, WY.

MC 115931 (Sub-6–2TA), filed October 27, 1980. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59806. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Lumber,* from points in MT to points in OR and WA, for 270 days. Supporting shipper: Richland Lumber Co., P.O. Box 189, Richland, WA 99352.

MC 152380 (Sub-6–1TA), filed October 27, 1980. Applicant: CECIL T. MCLAIN d.b.a. C.T.M. REFRIGERATED SERVICE, Route 10, Box 381, Shelton, WA 98584. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055. *Contract Carrier,* Irregular Routes: *Meat and Meat By-Products, as defined by the Commission, and Related Products,* from Seattle, Tacoma, Ellensburg and Toppenish, WA to points in CA, under a continuing contract or contracts with Superior Packing Company of Ellensburg, WA for 270 days. Supporting shipper: Superior Packing Company, P.O. Box 277, Ellensburg, WA 98926.

MC 152370 (Sub-6–1TA), filed October 27, 1980. Applicant: TIMOTHY R. FERGUSON, d.b.a. COLOROW TRUCKING, 932 Colorado Ave., Glenwood Springs, CO 81601. Representative: (same as applicant). *Beer* to points in Garfield County, CO from Fort Worth, TX for 270 days. Supporting shipper: Tim Orrison, Orrison Distributors, 302 West 8th St.

P.O. Box 128, Glenwood Springs, CO 81601.

MC 147385 (Sub-6–2TA filed October 27, 1980. Applicant: D & B TRUCKING, INC., 5315 E. Belmont, Fresno, CA 93727. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakerfield, CA 93306. *New furniture in packages* from Fresno, CA to AZ, CO, NV, OR, UT and WA, for 270 days. Supporting shipper: The Sherwood Corp., 1816 G St., Fresno, CA 93706.

MC 140315 (Sub-6–1TA), filed October 27, 1980. Applicant: DEES TRANSPORTATION, INC., P.O. Box 446, Worland, WY 82401. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. *Non-alcoholic beverages and machinery, equipment and supplies used in the manufacture and distribution thereof,* from Salt Lake City, UT to points in NE, CO, WY, ID, and SD, for 270 days. Supporting shipper: Shasta Beverages, Inc., 2370 S. 900 W., Salt Lake City, UT 84119.

MC 125433 (Sub-6–39TA), filed October 27, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson, (same address as applicant). *Mixed automotive parts, tools, machines and machine repair parts,* between points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Michigan Export, 1040 Hurst, Jackson, MI 49201.

MC 152369 (Sub-6–1TA), filed October 27, 1980. Applicant: GEE TRUCKING, 8831 Oroville Hwy. Box 21, Marysville, CA 95901. Representative: (same as applicant). *Contract Carrier,* Irregular Route: *Salt and salt products for human and Agricultural needs,* from Newark, CA. to NV, for 270 days. Supporting shipper: Leslie Salt Company, P.O. Box 364, Newark, CA 94560.

MC 152381 (Sub-6–1TA), filed October 27, 1980. Applicant: CHARLES B. GEIER, 1900 Grant, Helena, MT 59601. Representative: John H. Grant, 203 North Ewing, Helena, MT 59601. *Contract Carrier,* Irregular routes: *Building materials, lumber, roofing materials, and wood products,* between points in MT, WA, OR, CA, ID, UT, WY, SD, MN and ND, for the account of Missoula Forest Products, Inc., for 270 days. Supporting shipper: Missoula Forest Products, Inc., 1702 Rankin Street, Missoula, MT 59806.

MC 147832 (Sub-6–4TA), filed October 27, 1980. Applicant: JIM EDDLEMAN, d.b.a. J & J CATTLE COMPANY, 3395 Wright St., Wheat Ridge, CO 80033. Representative: John H. Lewis, The 1650 Grant St. Bldg., Denver, CO 80203. (1) *Inedible meat and meat by-products and articles distributed by meat packinghouse* (except hides and commodities in bulk) from Potter County, TX to points in CA, CO, OR, IL, NE and FL, and (2) *meats, meat products and meat by-Products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Ford County, KS to points in the U.S. (except AK and HI), for 270 days. An underlying ETA seek 120 days authority. Supporting shippers: Consolidated Pet Foods, Inc., Box 30488. Amarillo, TX 79105; Hyplains Dressed Beef, Inc., Dodge City, KS.

MC 108380 (Sub-6–1TA), filed October 27, 1980. Applicant: JOHNSTON'S FUEL LINERS, INC., Box 100, Newcastle, WY 82701. Representative: Truman A. Stockton, JR., The 1650 Grant St. Bldg., Denver, CO 80203. *Petroleum and petroleum products,* between points in CO, WY and NE, for 270 days. An underlying ETA seeks 120 days authority. Shippers: Century Petroleum Corp., 688 S. Monroe Way, Denver, CO 80206, Direct Sales Tire Co., 2929 Cy Ave., Casper, WY 82601.

MC 152393 (Sub-6–1TA), filed October 28, 1980. Applicant: SCOTT B. WARN, d.b.a. OVERNITE EXPRESS, P.O. Box 24, Danville, CA 94526. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518. *General commodities, except Classes A and B explosives, commodities of unusual value, livestock, green hides, household goods as described by the Commission, commodities in bulk, and those requiring special equipment,* between points in the U.S. excluding AK and HI, for 270 days. Supporting shipper: There are 19 supporting shippers. Their statements may be examined at the Regional office listed.

MC 152398 (Sub-6–1TA), filed October 28, 1980. Applicant: PAN ALASKA TRUCKING, INC., 7010 Old Seward Highway, Anchorage, AK 99502. Representative: Conner C. Thomas, 7010 Old Seward Highway, Anchorage, AK 99502. (1) *General Commodities,* except Class A and B explosives between all points in AK, except Southeastern AK, excluding Haines, Alaska for 270 days. Supporting shipper: Sea-Land Service, Inc., P.O. Box 1939, 1717 Tidewater Ave., Anchorage, AK 99510.

MC 98964 (Sub-6–2TA), filed October 27, 1980. Applicant: P.B.L FREIGHT SERVICE, 960 North 1200 West, Orem, UT 84057. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. *Common carrier,* regular routes; *general commodities* (except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between Tonopah, NV, and San Bernardino, Riverside, Orange, and Los Angeles Counties, CA, from Tonopah, NV over U.S. Hwy 6 to its junction with U.S. Hwy 395, then over U.S. Hwy 395 to its junction with CA Hwy 14, then over Hwy 14 to its intersection with Los Angeles County, CA, and return over the same route. Operations in Orange, San Bernardino, Riverside, and Los Angeles Counties, CA, are over irregular routes. For 270 days. Supporting shipper: Applicant has elected to file this application without shipper support in accordance with 49 CFR § 1062.2.

MC 95920 (Sub-6–5TA), filed October 27, 1980. Applicant: SANTRY TRUCKING CO., 10505 N.E. 2nd Ave., Portland, OR 97211. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier,* irregular routes: *Transformers and parts, materials, machinery and supplies used in the manufacture of transformers, plastic molding compound and copper wire,* between Waukesha, WI, and points in MN, IN, IL, MO, AR, IA, TX, OK, KA, NE, SD, ND, MN, WY, CO, NM, AZ, UT, ID, NV, CA, OR and WA; (2) between Portland, OR commercial zone and points in CA, ID & WA, for the account of RTE Corp., for 270 days. Supporting shipper: RTE Corp., 1900 E.N., Waukesha, WI 53186.

MC 95920 (Sub-6–6TA), filed October 27, 1980. Applicant: SANTRY TRUCKING CO., 10505 NE. 2nd Ave., Portland, OR 97211. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier,* irregular routes: *Malt beverages, (2) materials, equipment and supplies used in the manufacture and distribution of malt beverages (except commodities in bulk),* between San Antonio, TX, and points in CA under contract with Lone Star Brewing Co., for 270 days. Supporting shipper: Lone Star Brewing Co., 600 Lone Star Blvd., P.O. Box 2060, San Antonio, TX 78297.

MC 124160 (Sub-6–5TA), filed October 27, 1980. Applicant: SAVAGE BROTHERS, INCORPORATED, 585 South 500 East, American Fork, UT 84003. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. *Lime, in bulk,* from Millard County, UT (Bloom Siding, UT) to the Carlin Gold Mine at or near Carlin, NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Continental Lime

Co., 266 West 400 South, Suite 202, Salt Lake City, UT 84101.

MC 138875 (Sub-6–28TA), filed October 27, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same as applicant). *Nonexempt food and kindred products,* between Ulster County, NY on the one hand, and, on the other, points in CA. Restricted to traffic originating at and destined to the facilities of Heinz, USA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 151471 (Sub-6–3TA), filed October 28, 1980. Applicant: STEINBECKER BROS., INC., P.O. B 852, Greeley, CO. 80632. Representative: Charles J. Kimball, Kimball, Willaims & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street Denver, CO. 80203. *Paper and paper products* from Portland and West Linn, OR and Seattle and Tacoma, WA and points in their commercial zones, and the facilities of Crown Zellerbach Corp. at or near Wauna, OR and Port Angeles, WA to Denver, CO and points in its commercial zone for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Crown Zellerbach Corp., 1500 Southeast First, Portland, OR 97208. Applicant seeks to interline.

MC 147083 (Sub-6–1TA), filed October 27, 1980. Applicant: TANKS, INC., P.O. Drawer 1179, Gillette, WY 82716. Representative: Leon L. Brady (same as applicant). *Machinery, equipment, materials, and supplies, used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and petroleum and their by-products. Between points in WY and points in NE West of US Highway 83, for 270 days.* An underlying ETA seeks 120 days authority. Supporting shipper: Prairie Drilling Company, 5720 W. Yellowstone, Casper, WY 82601.

MC 147315 (Sub-6–7TA), filed October 27, 1980. Applicant: TRIWAYS, INC., 2455 E. 27th. St., Los Angeles, CA 90058. Representative: William Davidson, P.O. Box 58408, Los Angeles, CA 90058. *Contract Carrier.* Irregular routes: *Wearing apparel, on hangers, loose and or in mixed loads with wearing apparel in packages, or all other department store merchandise,* from Los Angeles, CA Commercial Zone to all points in Oregon, except Portland and all points in Washington except Seattle, for 270 days. An underlying ETA seks 120 days authority. Supporting shippers: Montgomery Ward, 3600 Rosemead Blvd. Rosemead, CA 91770 and Sears Roebuck & Co. 2650 E. Olympic Blvd., Los Angeles, CA 90051.

MC 145999 (Sub-6–4TA), filed October 27, 1980. Applicant: WESTERN DRYWALL TRANSPORT, INC., d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: Norman A. Sorensen (same as address applicant). *Ground Limestone,* from Lucerne Valley, CA to Clearfield, UT, for 270 days. Supporting shipper: Aftex Company, Inc. 507 Green Island Rd., Vallejo, CA 94590.

MC 123329 (Sub-6–6TA), filed October 27, 1980. Applicant: H.M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary Alberta, Canada T2P 2P9. Representative: D. S. Vincent, P.O. Box 3500, Calgary Alberta T2P 2P9. *Drilling Mud and Drilling mud additives,* From points in WA, NV ID, UT, WY, ND, SD, TX, to ports of entry on the US/Canada International Boundary Line, for 270 days. Supporting shipper: Milchem Canada Ltd., 102–309 2Ave. SW., Calgary Alberta T2P 0C5.

MC 141804 (Sub-6–87TA), filed October 27, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Plastic articles, sanitary and deodorizing products,* (1) From UT and VA to points in the U.S. (except AK and HI), and (2) From WI to UT, WY, NE, CO, SD, IA, ID, NV, CA, OR, WA and AZ, restricted to the facilities of Presto Products, Inc., for 270 days. Supporting shipper: Presto Products, Inc., 670 North Perkins Street, Appleton, WI 54913.

MC 141804 (Sub-6–88TA), filed October 27, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Absorbent cotton or rayon balls, bandages or dressings,* from Dayville, CT to points in AL, AR, CA, FL, GA, IL, IN, LA, MI, MS, MO, NE, NC, OH, OK, PA, SC, TN, TX, WA and WV, for 270 days. Supporting shipper: National Patent Development Corp. Acme Chaston Division, Lake, Road, Box 419, Dayville, CT 06241.

MC 143775 (Sub-6–30TA), filed October 27, 1980. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). *Roofing materials and related products,* from the facilities of or used by the Elk Corporation at Ennis, Waxahatchie and El Paso, TX, to points in AZ and CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Elk Corporation, 8625 King George Drive, Suite 102, Dallas, TX.

MC 151132 (Sub-6–4TA), filed October 27, 1980. Applicant: AMERICAN WESTERN TRANSPORT, INC., P.O. Box 20622, Salt Lake City, UT 84120. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, D.C. 20005. *Waterbeds and materials and supplies used in the manufacture and distribution of waterbeds,* between Salt Lake City, UT, on the one hand, and, on the other, points in and West of MN, MO, IA, AR and LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Morning Surf West, Salt Lake City, UT 84119.

MC 57880 (Sub-6–1TA), filed October 29, 1980. Applicant: ASHTON TRUCKING CO., 1245 North Hwy., 1245 North Hwy., Monte Vista, CO 81144. Representative: Leslie R. Kehl, Suite 1600, 1660 Lincoln St., Denver, CO 80264. *Fabricated metal products* (STCC 34) *Primary metal products* (STCC 33) between CO on the one hand, and on the other, AZ, NM, UT, and WY, for 270 days. Supporting shippers: Wheeling Corrugating Co., 2749 Hwy. 50 E, Grand Junction CO 81501.

MC 63562 (Sub-6–11TA), filed October 27, 1980. Applicant: BN TRANSPORT INC., P.O. Box 22694—Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. *Commodities dealt in by retail department stores* between points in Phoenix, AZ and its commercial zone on the one hand, and on the other, points in CO, NM, and UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Modern Merchandising, Inc., P.O. Box 900, Hopkins, MN 55343.

MC 146041 (Sub-6–2TA), filed October 27, 1980. Applicant: CAL–TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Eric Meierhoefer, Suite 423, 1511 K St. NW., Washington, DC. *Containers and container parts, and items used in the manufacture and distribution thereof,* from Kent, WA; Los Angeles, CA; and Phoenix, AZ; and their commercial zones, to Denver, CO, and West Memphis, AR, and their commercial zones for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: National Can Corporation, 1657 Rollins Rd., Burlingame, CA 94010.

MC 124679 (Sub-6–33TA), filed October 30, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same as applicant). *Foodstuffs* from points in

OR to points in IL, EN, IA, KS, MN, MO, ND, SD, TX, and WI. An underlying ETA seeks 120 days authority. Supporting shippers: Chef Franciso, Inc., P.O. Box 1187, Eugene, OR 97440.

MC 125952 (Sub-6–6TA), filed October 27, 1980. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango St. SW., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract;* irregular routes: *Industrial chemicals, cleaning compounds, fertilizers, paper bags, upholstery materials, feed, insecticides, weed killer, baler twine, pumps, compressed gasses and acids, parafin wax and petroleum oils in drums and packages except commodities in bulk,* between pints in WA, OR, ID, CA, on the one hand, and points in WA, OR, ID, MT, CA, UT, CO, AZ, NM, and TX, on the other hand, for the account of Van Waters & Rogers, for 270 days. Supporting shippers: Van Waters & Rogers, 3950 N.W. Yeon, Portland, OR 97210.

MC 43685 (Sub-6–4TA), filed October 29, 1980. Applicant: MERCER TRUCKING COMPANY, INC., P.O. Box 11585, Spokane, WA 99211. Representative: Marshall Hanning (same as above). (1) *Lumber, veneer, forest products, and building materials,* between points in Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Orielle, Spokane, Stevens, Walla Walla, and Whitman counties, WA; Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone counties, ID; and the international boundary with BC, on the one hand; And, on the other hand, points in AZ, IL, IN, IA, KS, MN, MO, NE, NM, OK, TX and WI, for 270 days. Supporting shippers: There are 8 shippers. Their statements of support may be examined at the Regional Office listed.

MC 142686 (Sub-6–20TA), filed October 29, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same as applicant). *Contract Carrier,* Irregular Routes; *Food Products,* Between points in the U.S., for 270 days. Supporting shipper: Lowrance Food Products, Lowrance Equipment Company, 3601 Security, Garland, TX 75042.

MC 1977 (Sub-6–7TA), filed October 29, 1980. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5601 Holly St., Commerce City, CO 80022. Representative: Leslie R. Kehl, 1660 Lincoln Street, No. 1600, Denver, CO 80264. *General commodities* (except household goods as defined by the Commission, classes A & B explosives), between points in Spokane County, WA, on the one hand, and, on the other, points in the states of AZ, CA, MT, NV, NM, TX, UT, and WY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Columbia Operation, GTE Products Corp., N. 3808 Sullivan, T.A. 2787, Spokane, WA 99220.

MC 126514 (Sub-6–6TA), filed October 29, 1980. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. La Salle St., Chicago, IL 60603. *General Commodities* (except household goods as defined by the Commission, and classes A and B explosives), between Bayport, TX and the facilities of Eastman Kodak Company at Rochester, NY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Eastman Kodak Company, 2400 Mt. Read Blvd., Rochester, NY 14580.

MC 126514 (Sub-6–7TA), filed October 29, 1980. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *Such commodities as are dealt in by Retail Department Stores including garments on hangers,* from all points in the U.S. to the facilities of Diamond's, Inc. in Tempe, AZ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Diamonds, Inc., 1616 S. Priest Dr., Tempe, AZ 85281.

MC 152410 (Sub-6–1TA), filed October 29 1980. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Ave., Kansas City, MO 64105. *Contract carrier,* transporting *general commodities* (except household goods as defined by the Commission, and Classes A and B explosives), between points in the U.S., under continuing contract(s) with Hercules, Incorporated, of Wilmington, DE, for 270 days.

MC 143812 (Sub-6–2TA), filed October 27, 1980. Applicant: VAN DIEST TRUCKING, INC., P.O. Box 418, Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Liquid foodstuffs,* in bulk, from points in Yakima County, WA, to points in Salt Lake County, UT, for 270 days. An underlying ETA seeks 120-days authority. Supporting shipper: Valley Juice Products, Inc., 1819 West J St., Yakima, WA 98902.

MC 145999 (Sub-6–5TA), filed October 30, 1980. Applicant: WESTERN DRYWALL TRANSPORT, INC., d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: Norman A. Sorensen (same as applicant). *Gypsum wallboard and materials and supplies used in the installation of gypsum wallboard,* from the plant site of Gold Bond Building Products at or near Phoenix, AZ to points in UT, for 270 days. Supporting shipper: Gold Bond Building Products, P.O. Box 1888 Long Beach, CA 90801.

MC 141804 (Sub-6–89TA), filed October 30, 1980. Applicant: WESTERN EXPRESS, Division of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant), (1) *Paper and paper articles, plastic and plastic articles* and (2) *material, equipment and supplies used in the manufacture and distribution of the commodities named part (1) above,* from Chicago and Shelbyville, IL to points in the U.S. (except AK, HI, AL, AR, FL, GA, KY, LA, MS, NC, SC and TN). Restricted to traffic originating at the facilities of Continental Diversified Industries, Bondware Division, for 270 days. Supporting shipper: Continental Diversified Industries, Bondware Division, 800 E. Northwest Highway, Palatine, IL 60067.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–35256 Filed 11–12–80; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, **Federal Register** at 45 FR 45529 under Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. §§ 11344 and 11349.* These rules provided among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal**

Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(C) of the special rules and shall include the certification required.

Persons wishing to oppose an application must folllow the rules under 49 CFR 1100.240(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.240(A)(h).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be constued as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: November 5, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams.

MC-F-14439, filed October 14, 1980. CENTRAL TRANSFER CO. (Central) (100 Kellogg Street, Jersey City, New Jersey 07306)—Control—MONAHAN TRANSPORTATION CO. (Monahan) (99 Colorado Avenue, Warwick, Rhode Island 01888). Representative: Ronald I. Shapps, 450 7th Avenue, New York, New York 10123. Central, seeks authority to acquire control of the interstate operating rights and properties of Monahan through the purchase of all of the issued and outstanding capital stock. Pat Allanese, who controls Central seeks to control the operating rights of Monahan through the merger. All of the 496 shares of common voting stock are owned by John J. Rigney, Sr. The interstate operating rights to be controlled are contained in MC-60203 which authorize the transportation, as a motor common carrier, of *general commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over regular and irregular routes between points in Maine, Rhode Island, and Connecticut. Central is authorized to operate as a motor common carrier pursuant to a permit issued in MC-1403, authorizing transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Middlesex County, NJ, on the one hand, and, on the other, Philadelphia, Chester and Easton PA, points in Richmond, Kings, Queens, Nassau, Suffolk, Bronx and Westchester Counties, NY: (2) between points in Passaic, Bergen, Essex, Hudson, Union and Somerset Counties, NJ, on the one hand, and, on the other, Philadelphia, Chester, and Easton, PA, and points in Suffolk County, NY: (3) between Philadelphia, Chester and Easton, PA, on the one hand, and, on the other, points in Orange, Rockland, Westchester and Nassau Counties, NY and New York, NY. It also holds regular route general commodity authority between Philadelphia and Princeton, NJ and certain specific commodity authority in the New York, New Jersey, Maryland area; (4) *general commodities* between Manheim and Philadelphia, PA, over regular routes, serving intermediate points including Lancaster, PA; (5) *general commodities,* over irregular routes, between New York, NY and points in Orange, Rockland, Westchester and Nassau Counties, NY, on the one hand, and, on the other, points in that part of New Jersey north of a line beginning at Trenton, NJ and extending in a southeasterly direction through Lakehurst and Toms River, NJ to the Atlantic Ocean. In addition, pursuant to temporary authority in MC-F-13434, Central is temporary operator of Emanuel's Express as a common carrier by motor vehicle, over irregular routes, to transport *general explosives* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment) between points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, and the District of Columbia, restricted to the transportation of shipments weighting 5,000 pounds or less from one consignor at one location to one consignee at another location during a single day.

Note.—*Impediment:* Central has failed to show that it has the financial ability to be able to consummate the proposed transaction and continue to provide service under its own authority and that of the carrier to be controlled. As of August 31, 1980, its current liabilities, exclusive of currently maturing long term debt, exceeded current assets by some $37,000. In addition its projected cash flow for a year based upon its income statements for the first 8 months of 1980, would amount to only $571,076 or $137,810 less than its long term debt due within one year. Under the proposed transaction it would pay out $20,000 at the consummation of the transaction and approximately $36,000 during the next year, thus increasing its debt burden during the next year by $56,000.

An application for temporary authority has been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35558 Filed 11-12-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL CONVENTION ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, that a meeting of the International Convention Advisory Commission will be held on Wednesday, November 19, 9 a.m., 722 Jackson Place, NW., Washington, D.C.

The Commission will consider work plan implementation, domestic procedures for implementation of the Convention, applications for

international trade in species protected by the Convention, and miscellaneous business pertaining to the third meeting of the Conference of the Parties in New Delhi.

For further information contact Dr. William Y. Brown, Executive Secretary, International Convention Advisory Commission, Washington, D.C. 20240, telephone 202/343–7407. Opportunity will be given for oral or written presentations provided that appointments are made with Dr. Brown by 5 p.m., November 17, 1980.

Dated: November 7, 1980.

Jane H. Yarn,

Chairman, International Convention Advisory Commission.

[FR Doc. 80–35276 Filed 11–12–80; 8:45 am]

BILLING CODE 4310–68–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–89]

Certain Apparatus for the Continuous Production of Copper Rod; Addition of Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Addition of Phelps Dodge Corporation as a respondent.

SUMMARY: On October 23, 1980, the Commission voted to add the Phelps Dodge Corporation as a respondent in the above-referenced investigation.

SUPPLEMENTARY INFORMATION: This investigation, under section 337 of the Tariff Act of 1930, was insituted by notice published in the **Federal Register** on August 13, 1980 (45 FR 53923). Southwire Company of Carollton, Ga. is the complainant in this investigation. Krupp G.m.b.H. of the Federal Republic of Germany and Krupp International, Inc. of Harrison, N.Y. were named as respondents in the August 13 notice of investigation. On October 23, 1980, the Commission voted to issue a temporary exclusion order, having found that there is reason to believe that section 337 is being violated.

FOR FURTHER INFORMATION CONTACT: Jeffrey Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0359.

Issued: November 7, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80–35375 Filed 11–12–80; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–89]

Certain Apparatus for the Continuous Production of Copper Rod; Determination, Order, and Opinion

AGENCY: U.S. International Trade Commission.

ACTION: Determination, Order, and Opinion regarding the issuance of a temporary exclusion order.

SUMMARY: On October 23, 1980, the Commission voted to issue a temporary exclusion order in the above-referenced investigation. The temporary exclusion order prohibits the importation into the U.S. of any rolling mill described by claims 7, 9, 11, or 12, of U.S. Letters Patent 4,129,170 and components of such rolling mills.

SUPPLEMENTARY INFORMATION: This investigation, under section 337 of the Tariff Act of 1930, was instituted by notice published in the **Federal Register** on August 13, 1980 (45 FR 53923). Southwire Company of Carollton, Ga. is the complainant in this investigation. Krupp G.M.B.H. of the Federal Republic of Germany and Krupp International, Inc. of Harrison, N.Y. were named as respondents in the August 13 notice of investigation. On October 23, 1980, the Commission voted to issue a temporary exclusion order, having found that there is reason to believe that section 337 is being violated.

A public version of the Commission's Determination and Order and the Opinion in support thereof is available in the Office of the Secretary, USITC, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jeffrey Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0359.

Issued: November 6, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80–35379 Filed 11–12–80; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–54A]

Certain Multicellular Plastic Film; Designation of Commission Investigative Attorney

Notice is hereby given that Harold Brandt is designated as Commission investigative attorney in the above-captioned investigation, effective this date. The Secretary is requested to publish this Notice in the **Federal Register.**

Dated: November 5, 1980.

Talbot S. Lindstrom,

Chief, Unfair Import Investigations Division.

[FR Doc. 80–35377 Filed 11–12–80; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–54A]

Certain Multicellular Plastic Film; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: November 4, 1980.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 80–35378 Filed 11–12–80; 8:45 am]

BILLING CODE 7020–02–M

[TA–131(b)–5, TA–503(a)–7 and 332–113]

Probable Economic Effects of Possible Tariff Reductions Under Section 124 of the Trade Act of 1974 and Designation of Certain Articles as Eligible Articles for Purposes of the Generalized System of Preferences

AGENCY: United States Internal Trade Commission.

ACTION: As a result of a request from the U.S. Trade Representative (USTR) received on October 29, 1980, the Commission has reduced the scope of Investigation Nos. TA–131(b)–5, TA–503(a)–7, and 332–113 by deleting from the scope of investigation imports of articles provided for in items 161.71 and 700.58 of the Tariff Schedules of the United States. The USTR request indicated that imports of articles provided for in these items were inadvertently included in their initial investigation request to the Commission of August 5, 1980.

SUPPLEMENTARY INFORMATION: The Commission's initial notice of Investigation Nos. TA–131(b)–5, TA–503(a)–7, and 332–113, containing information on investigation coverage, the public hearing, and related information, was published in the **Federal Register** of August 27, 1980 (45 FR 57221). On November 6, 1980, the Commission published a second **Federal Register** notice (45 FR 73827) indicating additional TSUS items to be included in the investigation pursuant to a USTR request of September 24, 1980.

Issued: November 6, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-35376 Filed 11-12-80; 8:45 am]

BILLING CODE 7020-02-M

Closing of New York City Field Office

AGENCY: U.S. International Trade Commission.

ACTION: Notice of closing of New York City field office.

SUMMARY: Notice is hereby given, pursuant to 5 U.S.C. 552(a), that the U.S. International Trade Commission is closing the Commission's New York City field office located in 6 World Trade Center, Suite 629, New York, N.Y. 10048, effective close of business Friday, November 7, 1980. All functions and personnel, with the exception of two employees of the Energy and Chemicals Division, are being transferred to the Commission's Washington, D.C., office located at 701 E Street NW., Washington, D.C. 20436. The two employees of the Energy and Chemical Division are in the process of being relocated within the World Trade Center.

Services previously provided by the Commission at its New York City field office will terminate effective close of business Friday, November 7, 1980, and will henceforth be provided at the Commission's Washington, D.C., office. The Commission will no longer post formal notice of the receipt of properly filed documents, of the institution of investigations, of public hearings, and other formal Commission actions in the New York City field office and is closing the reading room previously located in Room 629 of the World Trade Center.

Any persons desiring copies of formal Commission notices or seeking information from the Commission should contact the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0161. The Commission will continue to operate reading rooms in Washington, D.C., in the Office of the Secretary and in the Commission Library for interested members of the public.

In view of the changes in the Commission's organizational structure resulting from the closing of its New York City field office, the Commission hereby gives notice of its intention in due course to publish separately a revised Commission organizational statement pursuant to 5 U.S.C. 552(a)(1)(E).

EFFECTIVE DATE: November 7, 1980.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0143.

Issued: November 4, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-35380 Filed 11-12-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Attorney General Order No. 915-80]

Application of the Times Printing Company and the Chattanooga News-Free Press Company for Approval of a Joint Newspaper Operating Arrangement; Order

November 6, 1980.

This application for approval of a joint newspaper operating arrangement was the subject of detailed consideration in Attorney General Order No. 910-80. In that Order, I concluded that approval could be granted for those elements of the applicants' proposal which have not yet been put into operation. The Antitrust Division was directed to investigate the matter, and to submit a Report indicating which elements of the proposed joint operating arrangement have not yet been implemented. Other interested persons were given an opportunity to file memoranda addressed to this issue, both before and after the submission of the Antitrust Division's Report.

Having reviewed all relevant filings, I have determined that the Antitrust Division's findings, set out at length in its Supplemental Report of September 23, 1980, are correct. The following elements of the proposed joint operating agreement have already been implemented:

(1) Joint physical production of the *Chattanooga Times* and *Chattanooga News-Free Press;*

(2) Discontinuation of the Sunday *Chattanooga Times;* and

(3) Change in the edition time of the Saturday *Chattanooga News-Free Press* from morning to afternoon.

No other elements of the proposed agreement have been implemented.

Accordingly, for the reasons specified in Attorney General Order No. 910-80, the application of the Times Printing Company and the Chattanooga News-Free Press Company for approval of a joint newspaper operating arrangement is granted in all respects, with the exception of the three elements of the proposed arrangement specified above. This approval shall become effective on the tenth day after the filing of this order. 28 CFR 48.14(b).

Benjamin R. Civiletti,

Attorney General.

[FR Doc. 80-35330 Filed 11-12-80; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Dance Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Panel to the National Council on the Arts will be held December 4, 1980 from 8:30 a.m.-5:00 p.m. and December 5, 1980 from 8:30 a.m.-5:30 p.m., in room 1422, Columbia Plaza Office Complex, 2401 E St. N.W., Washington, D.C.

A portion of this meeting will be open to the public on December 4, 1980, from 8:30 a.m.-5:00 p.m. and December 5, 1980 from 8:30 a.m.-9:00 a.m. and 10:00 a.m.-5:30 p.m. to discuss policy and guidelines.

The remaining sessions of this meeting on December 5, 1980 from 9:00 a.m.-10:00 a.m.

are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

November 5, 1980.

[FR Doc. 80-35308 Filed 11-12-80; 8:45 am]

BILLING CODE 7537-01-M

Expansion Arts Panel (Summer Projects and Tour Events); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Panel (Summer Projects & Tour Events) to the National Council on the Arts will be held December 1–3, 1980, from 9:00 a.m.–5:30 p.m., in room 1340, Columbia Plaza Office Complex, 2401 E St. N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9) (b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

November 5, 1980.

[FR Doc. 80-35309 Filed 11-12-80; 8:45 am]

BILLING CODE 7537-01-M

Literature Panel (Literary Magazines and Small Presses); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Literature Panel (Literary Magazines and Small Presses) to the National Council on the Arts will be held December 5–6, 1980, from 9:00 a.m.–6:00 p.m. in room 1422 Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C.

A portion of this meeting will be open to the public on December 6, 1980 from 4:30 p.m.–6:00 p.m. to discuss policy.

The remaining sessions of this meeting on December 5, 1980 from 9:00 a.m.–6:00 p.m., and December 6, 1980 from 9:00 a.m.–4:30 p.m.,

are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

November 5, 1980.

[FR Doc. 80-35310 Filed 11-12-80; 8:45 am]

BILLING CODE 7537-01-M

Media Arts Panel (Production: Radio); Meeting

Pursuant to Section 10 (a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Media Arts Panel (Production: Radio) to the National Council on the Arts on December 1–2, 1980, from 9:00 a.m.–5:30 p.m., in room 1422 Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

November 5, 1980.

[FR Doc. 80-35311 Filed 11-12-80; 8:45 am]

BILLING CODE 7537-01-M

Office for Partnership Panel (State Programs); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Office for Partnership Panel (State Programs) to the National Council on the Arts, will be meeting on December 3–5, 1980, from 9:00 a.m.—5:30 p.m., in room 2000, Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C.

A portion of this meeting will be open to the public on December 3, 1980, from 9:00 a.m.—2:00 p.m., December 4, 1980, from 9:00 a.m.—10:00 a.m. and 4:45 p.m.—5:30 p.m., December 5, 1980, from 9:00 a.m.—5:30 p.m., for the discussion of full panel applications recommendations.

The remaining sessions of this meeting on December 3, 1980, from 2:00 p.m.—5:30 p.m., and December 4, 1980 from 10:00 a.m.—4:45 p.m.

are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

November 5, 1980.

[FR Doc. 80-35312 Filed 11-12-80; 8:45 am]

BILLING CODE 7537-01-M

Special Projects Panel (Folk Arts); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Special Projects Panel (Folk Arts) to the National Council on the Arts will be held on December 6, 1980 from 2:00 p.m.–4:00 p.m., December 7, 1980 from 8:30 a.m.–6:00 p.m., December 8, 1980 from 8:30 a.m.–6:00 p.m., and December 9, 1980 from 8:30 a.m.–6:00 p.m., in room 1422, Columbia Plaza Office Complex, 2401 E St. N.W., Washington, D.C.

A portion of this meeting will be open to the public on December 9, 1980, from 8:30 a.m.–11:00 a.m. to discuss policy.

The remaining sessions of this meeting on December 6, 1980 from 2:00 p.m. to 4:00, December 7, 1980 from 8:30 a.m.–6:00 p.m., December 8, 1980, from 8:30 a.m.–6:00 p.m., and December 9, 1980 from 11:00 a.m.–6:00 p.m.

are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanties Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

November 5, 1980.

[FR Doc. 80-35313 Filed 11-12-80; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel (Artists Spaces, Ongoing Workshops); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Artists Spaces, Ongoing Workshops) to the National Council on the Arts will be held on December 3–6, 1980 from 9:00 a.m.—5:30 p.m., and on December 8, 1980 from 9:00 a.m.—5:30 p.m., in room 1426, Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

November 5, 1980.

[FR Doc. 80-35314 Filed 11-12-80; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Ad Hoc Subcommittee for the Review of the Biological Investigations of Hydrothermal Vents, Advisory Committee for Ocean Science; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Ad Hoc Subcommittee for the Review of the Biological Investigations of Hydrothermal Vents, Advisory Committee for Ocean Sciences.

Date and time: December 1 and 2, 1980, 9:00 a.m. to 5:00 p.m.

Place: Room 628, National Science Foundation, 1800 G St., N.W., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Robert S. Carney, Division of Ocean Sciences, Room 611, National Science Foundation, Washington, D.C. 20550, telephone (202) 357–9600.

Purpose of Ad Hoc Subcommittee: To provide the Subcommittee for Ocean Sciences Research with additional expertise in the review and evaluation of proposals for oceanographic research related to Biological Investigations of Hydrothermal Vents Project.

Agenda: Detailed review and evaluation of proposals for support of the Biological Investigations of Hydrothermal Vents.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C., 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

November 7, 1980.

[FR Doc. 80-35284 Filed 11-12-80; 8:45 am]

BILLING CODE 7555-01-M

Availability of Advisory Committee Reports

The National Science Foundation has filed with the Library of Congress reports of two NSF Advisory Committees.

The reports were filed as required by the Federal Advisory Committee Act and are available for public inspection and use at the Library of Congress, Federal Documents Section, Washington, D.C. and at the Committee Management Office, NSF, Room 248, Washington, D.C. The titles of the reports are:

(1) Advisory Committee for Social and Economic Science:

- FY 1980 External Oversight Review of the Sociology Program and the Political Science Program.

(2) DOE/NSF Nuclear Science Advisory Committee:

- Recommendations for FY 1982 Facility Construction.

M. R. Winkler,

Committee Management Coordinator.

November 7, 1980.

[FR Doc. 80-35282 Filed 11-12-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Science and Technology To Aid the Handicapped of the Advisory Committee for Engineering and Applied Science; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Science and Technology to Aid the Handicapped of the Advisory Committee for Engineering and Applied Science.

Date/Time: December 11, 1980 9:00 A.M. to 5:00 P.M. December 12, 1980 9:00 A.M. to 5:00 P.M.

Place: Park Central Hotel, 705 18th St., N.W., Washington, D.C. (Room number will be posted in lobby).

Type of meeting: Closed—9:00 A.M. to 5:00 P.M. December 11; 9:00 A.M.–2:30 P.M. on December 12; Open—2:30 P.M.–5:00 P.M. December 12.

Contact person: Dr. Marvin E. Stephenson, Deputy Division Director, Program for Science and Technology to Aid the Handicapped, Room 1136, NSF, 1800 G Street, NW., Washington, D.C. 20550, (202) 357–7311.

Summary of minutes: May be obtained from the contact person, Dr. Stephenson, at the above address.

Purpose of subcommittee: To provide advice and recommendations concerning support for research and research-related projects.

Agenda: Thursday 12/11 all day; Friday 12/12 9:00–2:30; Review and Evaluation of unsolicited research proposals. (CLOSED)

Friday 12/12 2:30–5:00; Discussion of program objectives and directions to be undertaken in the coming year. (OPEN)

Reason for closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 9, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

November 7, 1980

[FR Doc. 80-35263 Filed 11-12-80; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 80-46]

Reports, Recommendations and Responses; Availability

Marine Accident Reports

Now available are two investigation reports released by the National Transportation Safety Board on November 5. In both instances these marine accidents were investigated jointly by the Safety Board and the United States Coast Guard. The Board's analyses and recommendations are made independently of the Coast Guard.

Collision of Liberian Tankship M/V PINA and the Towboat MR. PETE and its Tow Mile 99.3, Lower Mississippi River, December 19, 1979 (NTSB–MAR–80–17).—About 2058 c.s.t. last December 19 the tankship and the towboat collided at about mile 99.3 in the Mississippi River, at New Orleans, La. On impact, slop oil from the No. 1 port wing tank of the PINA spilled into the river, ignited, and set fire to the port side of the PINA. Burning oil spilled on the MR. PETE's lead barge and contaminated some cargo. The PINA was maneuvered to the west bank of the river, where it collided with the barge ACO 121B. Burning oil also spilled on this barge and contaminated some of its cargo. The total damage, including oilspill cleanup, was estimated at $3,265,000.

The Safety Board has determined that the probable cause of this accident was the attempt of the unlicensed operator of the M/V MR. PETE to execute an improper starboard-to-starboard meeting with the M/V PINA, which resulted in the MR. PETE's being navigated directly in the path of the approaching PINA. Contributing to the cause of this accident were the deficient visibility of the barge navigation lights and the failure of the operator of the MR. PETE and the pilot of the PINA to establish a passing agreement and to take timely action to slow or stop their vessels after repeated attempts to establish radio communications were unsuccessful.

As a result of investigation of this accident, the Safety Board on October 21 forwarded letters containing the following recommendations:

—to the *U.S. Coast Guard:*

Expand and intensify the vessel boarding program in New Orleans to enforce the requirements of 46 U.S.C. 405(b) and the requirements of the Pilot Rules for Inland Waters regarding navigation lights to be displayed on barges on the Mississippi River. (M–80–99)

—to *The American Waterways Operators, Inc.:*

Notify member companies of the need for each company to establish procedures whereby it can insure that only properly licensed personnel are employed to operate towboats on the inland waterways and western rivers of the United States. (M–80–100)

Notify member companies of the availability of manufactured portable barge navigation lights acceptable to the U.S. Coast Guard as meeting the requirements of the Rules of the Road and of the need to use only such portable lights on their barges. (M–80–101)

Explosion and Fire On Board the SS CHEVRON HAWAII with Damages to Barges and to the Deer Park Shell Oil Company Terminal, Houston Ship Channel, September 1, 1979 (NTSB–MAR–80–18).—While discharging cargo at 1412 c.d.t. at the company terminal, the American tankship SS CHEVRON HAWAII exploded, burned, and sank after it was struck by lightning. A hull fragment from the exploding vessel penetrated a petroleum product tank at the terminal and caused the tank to explode and the contents to burn. The vessel fire spread into a barge slip where four barges were discharging cargo; all four caught fire, three of which exploded and sank. One crewmember and 2 radar repairmen aboard the vessel were killed, and 13 persons were injured. Damage to the CHEVRON HAWAII was estimated at $50,000,000. Damages to the terminal, barges, and other vessels, and accident-related claims exceeded $27,000,000.

The Safety Board determined that the probable cause of the accident was the ignition by lightning of accumulated flammable cargo vapors on the deck of the CHEVRON HAWWAII and the propagation of the resulting fire into a cargo tank through an open or improperly secured tank opening cover plate or ullage opening. The explosion of the Shell Oil Company terminal petroleum tank on shore was caused by ignition of the contained ethyl alcohol when a heated projectile from the exploding vessel ruptured its roof and fell into the tank. The barge fires and explosions were caused when the waterborne cargo fire from the vessel spread into the barge slip and ignited the barge cargoes. Contributing to the accident was the failure to remove the barges from the slip with available tugs or towboats, and the failure to properly maintain the barges' cargo tank closures. Contributing to the loss of life was the lack of a safe gangway or brow between the vessel's crew accommodations and the cargo terminal or facility.

As a result of its investigation, the Safety Board on October 16 issued the following recommendations:

—to the *U.S. Coast Guard:*

Include in Coast Guard and terminal operator fire contingency plans emergency procedures which provide for the removal of barges from threatened berths and the safe evacuation of personnel from vessels when normal ship-to-shore transit routes are severed or hazardous. (M–80–90)

Require that waterway terminal operators provide a gangway or brow between vessel accommodations and the terminal facility which does not require crewmembers to cross vessel cargo tanks or decks. (M–80–91)

Correct design deficiencies which limit the capability of the 32-foot boats to use their firefighting equipment or keep their engines operating properly in water thickly polluted with petroleum product. (M–80–92)

—to the *Shell Oil Company/Shell Chemical Company, at Deer Park, Texas:*

Strengthen company procedures and practices concerning the indoctrination, training, and experience of personnel assigned to supervise or monitor tank vessel operations with emphasis on the importance of strictly observing safety directives during cargo transfer operations. (M–80–93)

Establish more effective operational control of tugs and towboats relative to standby procedures and the movement of endangered tank vessels in emergencies. (M–80–94)

Provide for safer stowage and rapid deployment of pollution control booms to be used about tank vessels at the crude oil dock and across the barge slip. (M–80–95)

Evaluate the advisability of keeping the booms deployed during cargo transfer operations. (M–80–96)

—to the *Chevron Shipping Company:*

Institute more stringent supervisory control and inspection procedures to insure that moisture control or tank washing deck

covers, flame screens, and cargo tank vent closures are properly secured and maintained on fleet sister-ship tank vessels, and that damaged or missing gaskets, flame screens and securing fittings related to the tank vapor control system are immediately replaced. (M–80–97)

Require that tanker terminal operators provide for a safe gangway or brow between tanker crew accommodation locations and the terminal for the use of crew and authorized visitors, clear of tank decks and cargo transfer areas. (M–80–98)

Each of the above marine safety recommendations is classified "Class II, Priority Action."

Responses to Safety Recommendations

Aviation

A–76–64, from the Federal Aviation Administration, October 30, 1980.—Letter is in response to the Safety Board's inquiry of July 30, 1980, concerning a recommendation issued April 1, 1976—one of six recommendations which stemmed from the Overseas National Airways DC–10 accident at John F. Kennedy International Airport on March 11, 1976. The accident resulted from a rejected takeoff after a number of large birds were ingested into the No. 3 engine. The recommendation asked FAA to amend 14 CFR 33.77 to increase the maximum number of birds in the various size categories required to be ingested into turbine engines with large inlets, the increased numbers and sizes to be consistent with the birds ingested during service experience of these engines. (See 41 FR 15922, April 15, 1976.)

In response, FAA reports that several attempts have been made by examining Safety Board, FAA, and industry engine records to determine the numbers and sizes of birds being ingested into turbine engines with large inlets. FAA has made three such examinations since these engines entered airline service early in 1970. The most recent study of available records was made by an ad hoc committee of the Aerospace Industries Association. All these efforts, FAA states, show available records do not provide the information necessary to enable FAA to make an intelligent revision of the sizes and numbers of birds required to be ingested for engine type certification. Furthermore, the service experience with these engines does not indicate any serious deficiency in existing bird ingestion requirements. FAA notes that U.S. operators have accumulated over 27,000,000 flight-hours with these engines, and operations by foreign airlines bring the total experience to over 40,000,000 flight-hours. In all that operating time, there has been but one accident similar to that experienced by Overseas National Airlines wherein three or more large birds were ingested in the engine.

FAA acknowledges the need for better data relating to the number and sizes of birds being ingested. Because normal reporting activity does not usually provide sufficient information of this kind, FAA has taken steps to establish a special project to obtain the needed data and will take appropriate action if amendment of existing standards is justified.

A–80–49, from the Federal Aviation Administration, October 22, 1980.—Letter is in response to Board inquiry of September 23 concerning FAA's September 9 response to a recommendation issued last June 11. (See 45 FR 63585, September 24, 1980.) The recommendation stemmed from Board investigation of an Aerospatiale Alouette III helicopter accident near Ogden, Utah, on December 14, 1978, and asked FAA to issue an Operations Alert Bulletin to remind operators of Aerospatiale helicopters of the requirement to set altimeters to read actual altitude above mean sea level for reference during all flight operations below 18,000 feet m.s.l., as specified in 14 CFR 91.81.

FAA's October 22 letter provides a copy of a change to Order 8430.17, Chapter 10, paragraph 1002, Air Carrier Operations Bulletin, A080–3, Altimeter Setting, Aerospatiale Alouette III Helicopters. The change to the order outlines action taken by FAA regarding recommendation A–80–49.

A–80–76 and –77, from the Federal Aviation Administration, October 30, 1980.—Response is to recommendations issued August 14 following investigation of an incident occurring last March 8 near Albany, N.Y., involving N720R, a Swearingen SA–226AT aircraft. Part of the aft cargo compartment door separated in flight at 16,000 feet, resulting in rapid decompression. (See 45 FR 55878, August 21, 1980.)

Recommendation A–80–76 asked FAA to issue a telert maintenance bulletin to alert operators of Swearingen Models SA226–AT and SA226–TC aircraft of the dangers of machining or filing any component of the latch or receptacle to ease the engagement, and recommendation A–80–77 called for issuance of an addition to the General Aviation Airworthiness Alerts, Advisory Circular 43–16, to alert operators of SA226 aircraft to the unsafe condition which can result from forcing the latching mechanism while the latches are not properly engaged.

FAA concurs with these recommendations and reports that FAA's Southwest Region has issued a telert maintenance bulletin advising all regions to notify operators who are operating Swearingen Models SA–226AT and SA226TC aircraft of the dangers of machining or filing any component of the latching mechanisms to ease engagement. Further, FAA has included in this bulletin instructions to advise operators of the unsafe conditions which can result from forcing the latching mechanism during operations, when the latches are misaligned or not properly adjusted. Also, a General Aviation Airworthiness Alert has been prepared for insertion in Advisory Circular 43–16 which will reflect the information contained in both recommendations. FAA provided copies of these documents.

Marine

M–80–18 through –21, from the U.S. Coast Guard, October 6, 1980.—Response is to recommendations issued following investigation of the collision of the M/V STUD and four-barge tow with the Southern Pacific Railroad bridge near Berwick Bay, La., April 1, 1978. (See 45 FR 26186, April 17, 1980.)

Coast Guard's response indicates concurrence with all four recommendations. Specific to recommendation M–80–18, which called on Coast Guard, in cooperation with the U.S. Army Corps of Engineers, to establish methods to measure and to make available continually updated information on river stage and curent velocity to vessels transiting the Berwick Bay bridges, Coast Guard reports that it has initiated action with the Corps of Engineers in Louisiana to evaluate various methods to measure river stage and current velocity and to make this information, continually updated, available to vessels in the area.

In response to recommendation M–80–19, which asked for improved navigational aids for vessels transiting the Berwick Bay bridges, Coast Guard reports that the Commander, Eighth Coast Guard District, has directed his engineering staff to consider redesigning the existing range in Berwick Bay. He is stressing increased sensitivity, upgraded light signals, and conspicuousness, if possible. Coast Guard says these improvements should aid push towboat operators from a point just west of Conrad's Point through the highway bridges and through the railroad bridge. Additionally, Coast Guard is investigating the possibility of using various range configurations mounted on the two highway bridges to assist the mariner to judge his orientation or "shape" with respect to the best track through the highway bridges. Coast

Guard notes that by placing the front marks on the upriver highway bridge and the after marks on the downriver highway bridge, it would appear possible to construct: (1) a precise track range and (2) accurate lateral ranges showing the bounds of the visual funnel into the highway bridge opening. In these ways it should be possible to give the mariner the information he needs to be in shape for the railroad bridge even before he transits beneath the first highway bridge. Coast Guard says another potential improvement is a range to aid mariners in passing close to the east bank near the Conrad Shipyard. Coast Guard will investigate these possibilities through range design analysis, and subjective testing which will be accomplished either in field or ship simulator experiments. Coast Guard expects to complete the redesign of present range in fiscal year 1980, the investigation of range for Conrads Point in fiscal year 1981, and the construction based on the above in fiscal year 1983.

With respect to recommendation M–80–20, which asked Coast Guard to reassess the criteria used to commence high water limitations in the Berwick Bay Vessel Traffic Service area and implement limitations based on the reassessment, Coast Guard says the criteria have been reassessed. The activation criteria for imposing the limitations on vessels require a sustained elevated river stage of 3 feet above mean sea level or more for 5 consecutive days, plus the prediction that the river stage will remain at 3 feet above mean level or more for an additional five consecutive days. The criterion of 3 feet above mean sea level or more has been lowered to 2.5 feet and is now in effect. Coast Guard says the rest of the criteria remains the same.

With regard to recommendation M–80–21, which asked Coast Guard to expedite the issuance of the notice of proposed rulemaking to codify the Berwick Bay Vessel Traffic Service operating procedures, Coast Guard reports that the proposal to codify the Berwick Bay VTS operating procedures will be published in the **Federal Register** later this year under Docket No. 73–186.

Railroad

R–80–25, from the National Railroad Passenger Corporation (Amtrak), October 22, 1980.—Letter is in further response to a recommendation issued June 3 as a result of investigation of the Amtrak derailment at Lawrence, Kans., October 2, 1979. The Safety Board on September 17 commented on Amtrak's initial response of June 20 (45 FR 52521, August 7, 1980). The recommendation asked Amtrak to redesign automatic train stop equipment to provide an audible and visual alarm which will indicate that the system is functioning during both preacknowledgement and postacknowledgment procedures.

Amtrak's October 22 letter reports the with the cooperation of the Atchison, Topeka and Santa Fe, Amtrak has developed a modification to the train stop system that will provide an audible and visual alarm which will indicate that the system is functioning during both preacknowledgment and postacknowledgment. The train stop system modification was applied to Amtrak SDP40 locomotive #515 on September 4, 1980, at Amtrak's Redondo Shop at Los Angeles. Both Amtrak and AT&SF personnel were involved in the modification and tests that followed, and all tests were successful. Attached to Amtrak's letter is a copy of the train stop modification details and wiring diagram developed for this project. Instructions to implement this modification will be released immediately, Amtrak reports.

R–80–37, from Amtrak, October 6, 1980.—Response is to a recommendation issued September 15 as a result of investigation of the accident which occurred at Linden, N.J., July 9, 1980, when Amtrak Train 225 was struck by a 15-foot piece of buffer rail. One passenger was killed, and 19 passengers were injured. (See 45 FR 63584, September 25, 1980.)

Amtrak reports that protective measures for moving all maintenance-of-way equipment were immediately established after the incident, except for the movement of continuous welded rail trains. Instructions for the movement of these trains were issued on March 31, 1980 (copies provided). Amtrak also reports that two employees have been dismissed for their failure to adhere to these instructions.

In addition, Amtrak notes, to date 508 supervisors of all levels were given classes on the proper protection and movement of maintenance-of-way equipment. These classes were conducted in Amtrak's safety training mobile classroom which was moved to various locations on the Northeast Corridor. A slide presentation of all maintenance-of-way equipment was given to the supervisors with the usual question and answer period. Amtrak also states that plans are being formulated for establishment of a permanent location for the education and training of maintenance-of-way supervision in all phases of operations and safety.

Note.—Single copies of Safety Board reports are available without charge, as long as limited supplies last. Copies of Board recommendation letters, responses and related correspondence are also provided free of charge. All requests for copies must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Safety Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

November 7, 1980.

[FR Doc. 80-35361 Filed 11-12-80; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on the Three Mile Island Nuclear Power Plant, Unit No. 1; Meeting

The ACRS Subcommittee on the Three Mile Island Nuclear Power Plant, Unit No. 1 (TMI–1) will hold a meeting on November 28–29, 1980, in Room 1046, 1717 H St., NW, Washington, DC to review the modification made to TMI–1 in preparation for a restart following the TMI–2 accident. Notice of this meeting was published October 24.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for the subject meeting shall be as follows:

Friday, November 28, 1980—11:00 a.m. until the conclusion of business.

Saturday, November 29, 1980—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, the Metropolitan Edison Company, their consultants, and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard Major (telephone 202/634–1414 between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: November 6, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-35360 Filed 11-12-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Facility Operating License No. DPR–23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment consists of changes to the Technical Specifications related to the setpoints, calibrations, and surveillance requirements associated with the degraded voltage protection system for Class 1E equipment.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated September 19, October 7, and October 17, 1980, (2) Amendment No. 52 to License No. DPR–23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md. this 22nd day of October, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 80-35358 Filed 11-12-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Company of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Admendment No. 64 to Facility Operating License No. DPR–26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of November 1, 1980.

The amendment consists of changes to the Technical Specifications to reflect additional systems required by the January 31, 1979 Fire Protection Safety Evaluation Report.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulation. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 23, 1980, (2) Amendment No. 64 to License No. DPR–26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 31st day of October, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 80-35356 Filed 11-12-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-73]

General Electric Co.; Consideration of Application for Renewal of Amended Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) is considering renewal of Amended Facility Operating License No. R–33, issued to General Electric Company (the licensee), for operation of the Nuclear Test Reactor located at the licensee's Vallecitos Nuclear Center near Pleasanton, California.

The renewal would extend the expiration date of Amended Facility Operating License No. R–33 to October 31, 1997, in accordance with the licensee's timely application for renewal dated June 13, 1979.

Prior to a decision to renew the license, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By December 15, 1980, the licensee may file a request for a hearing with respect to renewal of the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the basis for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the renewal action under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 324–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to James R. Miller: (petitioner's name and telephone number); (date petition was mailed); (General Electric Company Nuclear Test Reactor); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to General Electric Company, ATTN: Mr. R. W. Darmitzel, Irradiation Processing Production Section, Vallecitos Nuclear Center, P.O. Box 460, Pleasanton, CA 94566.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR § 2.714(a)(i)–(v) and § 2.714(d).

For further details with respect to this action, see the application for renewal dated June 13, 1979, as supplemented June 19, 1979, and as may be further supplemented by future submittals, which is available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. 20555.

Dated at Bethesda, Maryland this 5th day of November, 1980.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Standardization & Special Projects Branch, Division of Licensing.

[FR Doc. 80–35373 Filed 11–12–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. STN 50–596, 50–597]

New York State Electric & Gas Corp. and Long Island Lighting Co. (New Haven Station, Units 1 and 2); Order Dismissing Application and Terminating Proceeding

November 6, 1980.

Applicants New York State Electric & Gas Corporation and Long Island Lighting Company by motions served on October 16, 1980, have moved to withdraw their application for a license for a nuclear-fueled generation station at the New Haven or Stuyvesant sites and to terminate this proceeding.

The Applicants' request follows the action of the New York State Board on Electric Generation Siting and Environment dismissing the companion Case 80008 in which the Applicants sought a certificate of Environmental Compatibility and Public Need for the New Haven Units as required under New York Public Service Law Article VIII.

The Staff of the Nuclear Regulatory Commission has responded that it has no objection to the granting of these motions. No other responses have been received.

Accordingly, the motions of the Applicants are granted, the application herein is dismissed, and the proceeding is terminated.

It is so ordered.

The Atomic Safety and Licensing Board.

Seymour Wenner,

Chairman.

Oscar H. Paris.

Walter H. Jordan.*

Dated at Bethesda, Md., this 6th day of November 1980.

[FR Doc. 80–35359 Filed 11–12–80; 8:45 am]

BILLING CODE 7590–01–M

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*Dr. Jordan participated in the formulation of this order and verbally concurred in the result.

Topical Report; Issuance and Availability

The Nuclear Regulatory Commission has issued a topical report, NUREG/CR-1621, "A Characterization of Faults in the Appalachian Foldbelt." The report was prepared for the NRC by Florida State University.

NUREG/CR-1621 summarizes available data on geologic faults in the Appalachian foldbelt. These faults were found to fall into groups that can be defined on their temporal, genetic, or descriptive properties and the hazards they present. The report discusses the characteristics of the faults and fractures and identifies the groups that could pose potential geological or seismic hazards in the siting of nuclear power plants in the Appalachian foldbelt.

NUREG/CR-1621 is available for inspection or copying for a fee at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. Copies may be purchased for $8.00 directly from NRC by sending check or money order, payable to the Superintendent of Documents, to the Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. GPO Deposit Account holders may charge their order by calling (301) 492-9530. Copies are also available for purchase through the National Technical Information Service, Springfield, Va. 22161.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 4th day of November 1980.

For the Nuclear Regulatory Commission.

Ray G. Smith,

Acting Director, Office of Standards Development.

[FR Doc. 80-35357 Filed 11-12-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to authorize replacement of existing pressure switches that sense reactor pressure and water level with analog loops; installation of an ATWS recirculation pump trip; and modification of testing requirements for containment isolation valve tests to reflect changes brought about to permit post-accident hydrogen sampling capability.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated March 17, 1980, and August 28, 1980, as supplemented May 9, August 13, September 23, and October 14, 1980, (2) Amendment No. 58 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 3rd day of November 1980.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 80-35355 Filed 11-12-80; 8:45 am]

BILLING CODE 7590-01-M

NUCLEAR SAFETY OVERSIGHT COMMITTEE

Change of Meeting Place

November 10, 1980.

Notice is hereby given that the location of the November 17-18, 1980, meeting of the Nuclear Safety Oversight Committee, previously announced on October 31, 1980 (45 FR 72371) has been changed from Room 7008 of the New Executive Office Building to the CAB Hearing room 1003 D of the Universal Building-North, 1875 Connecticut Avenue, N.W. (at the corner of Connecticut Avenue and T Street), Washington, D.C. The meeting times remain the same: from 9:00 am to 12:30 pm and 2:00 pm to 5:00 pm on November 17, and from 9:00 am to 11:30 am and 2:30 pm to 5:00 pm on November 18, 1980.

For further information, contact Margo von Kaenel at 202-653-8468.

Margo W. von Kaenel,

Executive Assistant.

[FR Doc. 80-35524 Filed 11-12-80; 8:45 am]

BILLING CODE 6820-01-M

Nuclear Safety Information and Activities; Memorandum of Understanding Between the Nuclear Safety Oversight Committee and the Federal Emergency Management Agency with Respect to the Acquisition of Information and the Monitoring of Activities

1. The Nuclear Safety Oversight Committee (NSOC) was established pursuant to Executive Order 12202 (March 18, 1980) to advise "on the progress of Federal and State authorities and the nuclear power industry in improving the safety of nuclear power and in implementing the approved recommendations of the President's Commission on the Accident at Three Mile Island (Kemeny Commission)" set forth in the President's announcement and White House Fact Sheet of December 7, 1979 (copy attached to this memorandum). On September 26, 1980 the President issued Executive Order 12240, which extended the life of NSOC to September 30, 1981.

NSOC is responsible for the preparation and periodic submission of reports to the President, the Secretary of Energy, and the Secretary of Health and Human Services on the progress being made in each area. In addition, NSOC is specifically responsible to advise on the progress and activities of the Federal Emergency Management Agency (FEMA) in a variety of substantive and procedural areas identified in the Executive Order, Sec. 1-2. These include, but are not limited to, the following:

- The Federal program in safety research (Sec. 1-204);
- A coordinated program to improve worker and public health and safety (Sec. 1-205);
- A review of state and local off-site emergency planning and preparedness,

and the progress of state and local governments in establishing emergency response plans (Sec. 1–206); and

• Improving public information on nuclear safety and FEMA's progress in coordinating any Federal response to potential nuclear emergencies (Sec. 1–207).

NSOC's acquisition or inspection of technical, scientific, legal and policy related information in FEMA's possession, the monitoring of FEMA's functions and activities, the availability and responsiveness of FEMA personnel, and NSOC's access to FEMA operated, financed or approved facilities or programs are essential to the effective and timely preparation and submission of its reports (see Sec. 1–208, and 1–304). Additionally, the President has directed NSOC to "include in its reports the Committee's advice as to the adequacy of the information it has received from Federal . . . agencies . . . ; and, its assessment of the cooperation it has received from them." (Sec. 1–201).

2. The Federal Emergency Management Agency, pursuant to Reorganization Plan No. 3 of 1978, Executive Order 12148 of July 20, 1979 and other laws and regulations, is responsible for, and coordinates civil emergency planning, management, mitigation and assistance functions of the executive agencies of the United States, and it works with state and local governments and the private sector to stimulate vigorous participation in civil emergency preparedness, mitigation, response and recovery programs.

In the President's announcement and White House Fact Sheet of December 7, 1979, referred to in paragraph 1 above and attached to this memorandum, the FEMA was directed to, *inter alia*, address the need for improved advance preparation for emergencies and public education programs in the context of state emergency response plans. Specifically, FEMA was directed to: (1) take the lead in off-site emergency planning and response; (2) complete by June 1980 the review of state emergency plans in those states with operating reactors; (3) complete as soon as possible the review of state emergency plans in those states with plants scheduled for operation in the near future; (4) develop and issue an updated series of interagency assignments which would delineate respective agency capabilities and responsibilities and clearly define procedures for coordination and direction for both emergency planning and response; (5) assure that DOE resources and capabilities for responding to radiological emergencies are made available and augmented as needed to service civilian related radiological emergencies; and (6) assure the development of programs to address the recommendations for additional research and public education needs.

3. The Federal Emergency Management Agency, in recognition of NSOC's responsibility and essential need for information as described in paragraph 1, above, agrees to cooperate fully to assure that NSOC has complete and full access to all information, facilities, and personnel NSOC determines is required to fulfill its responsibility in an effective and timely manner. In order to effectuate this agreement in an orderly fashion, the NSOC and FEMA also agree to the following principles and arrangements:

a. *Informal and Formal Arrangements*

The NSOC, its staff and its properly designated consultants may regularly contact FEMA personnel at all levels to develop and implement informal or formal arrangements for complete and full access and/or acquisition to all information, facilities and personnel in the general and specific areas identified in paragraph 1, above. To the extent possible, the use of informal arrangements to implement this provision is preferred;

b. *Designated Information Coordinator*

FEMA shall designate a person to serve as information coordinator who will be directly responsible for providing, or for causing others to provide, the information requested by NSOC personnel. Contacts described in a. above shall be made only after the FEMA Information Coordinator has been informed that such a contact will be made. Any formal arrangements for providing FEMA information to NSOC shall be coordinated through the Designated Information Coordinator;

c. *"Legal" Information Defined*

The term "legal," as used in paragraph 1 of this memorandum includes, but is not limited to, (1) all briefs or memoranda filed by FEMA and the United States, in any Federal or state judicial proceeding, in a controversy involving nuclear safety, emergency planning or preparedness, or a subject matter which, in FEMA's view, relates to the responsibilities of NSOC; (2) opinions or memoranda issued by any Federal or state judicial tribunal in a controversy in which FEMA is a party and which involves the subject matter identified in subparagraph c (1), above; and (3) proposed legislation affecting FEMA's responsibility. FEMA agrees to arrange for the regular transmission of these materials to NSOC;

d. *Operation not Materially Affected*

The implementation of this memorandum shall not materially impede or disrupt the operation, routine or regularized conduct of FEMA procedures and programs;

e. *Authority not Affected*

Nothing in this memorandum, or in its implementation, or in any subsequent formal or informal arrangement is intended to restrict, modify or limit the authority of FEMA or the responsibility of the NSOC under Executive Order 12202, Executive Order 12240 and other applicable laws;

f. *Classified Documents, Devices of Facilities*

Nothing in this memorandum, or in its implementation, is intended to alter, modify or change applicable requirements concerning the personal security clearance of individuals or the informational or physical security of classified documents, devices or facilities;

g. *Responsible Agency Official and the Process of Amendment*

The General Counsel of the FEMA and the General Counsel of the NSOC will periodically review the effectiveness of this memorandum of understanding, particularly as it relates to NSOC's fulfillment of its responsibilities under Executive Order 12202 and Executive Order 12240 and develop formal and informal arrangements to correct any impediments, deal with problem areas or resolve disputes. The responsibilities agreed to in this memorandum may be amended by the exchange of letters between the General Counsel of NSOC and the General Counsel of FEMA.

4. This memorandum of understanding shall take effect upon its signing by authorized representatives of the respective agencies.

For the Nuclear Safety Oversight Committee.

Dated: November 7, 1980.

Bruce Babbitt,

Chairman, Nuclear Safety Oversight Committee.

For the Federal Emergency Management Agency.

Dated: October 28, 1980.

John W. Macy, Jr.,

Director, Federal Emergency Management Agency.

[FR Doc. 80–35319 Filed 11–12–80; 8:45 am]

BILLING CODE 6820–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 21779; 70-6361]

Appalachian Power Co. et al; Proposal of Holding Company To Issue and Sell Short-Term Notes to Banks and To Make Cash Capital Contributions to Subsidiaries

November 6, 1980.

In the matter of Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia 24009; Columbus and Southern Ohio Electric Company, 215 North Front Street, Columbus, Ohio 43215; Indiana & Michigan Electric Company, 2101 Spy Run Avenue, Fort Wayne, Indiana 46801; Kentucky Power Company, 1701 Central Avenue, Ashland, Kentucky 41101; Kingsport Power Company, 40 Franklin Road, Roanoke, Virginia 24009; Michigan Power Company, Post Office Box 367, Three Rivers, Michigan 49093; Ohio Power Company, 301 Cleveland Avenue, SW., Canton, Ohio 44701; Wheeling Electric Company, 51 Sixteenth St., Wheeling, West Virginia 26003; American Electric Power Company, Inc., 2 Broadway, New York, New York 10004.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), a registered holding company, and Appalachian Power Company ("Appalachian"), Columbus and Southern Ohio Electric Company ("CSOE"), Indiana & Michigan Electric Company ("I&M"), Kentucky Power Company ("KPCO"), Kingsport Power Company ("Kingsport"), Michigan Power Company ("Michigan"), Ohio Power Company ("Ohio Power") and Wheeling Electric Company ("Wheeling"), AEP's subsidiary public utility companies, have filed with this Commission a post-effective amendment to their application-declaration previously filed and amended in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(b) and 12 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By prior order in this proceeding (HCAR No. 21352, December 21, 1979), AEP was authorized to issue and sell, from time to time, prior to January 1, 1981, short-term notes and commercial paper, to banks, and to a dealer in commercial paper respectively, in an amount of up to $165,000,000, such notes maturing no later than June 30, 1981. AEP was also authorized to make cash capital contributions prior to January 1, 1981 to certain of its subsidiaries. By supplemental order in this proceeding (HCAR No. 21442, February 20, 1980), AEP was authorized to issue and sell such short-term notes to 11 banks with lines of credit in an aggregate amount of $229,000,000 subject to the previously ordered limit on outstanding notes. By further supplemental order in this proceeding (HCAR No. 21488, March 25, 1980), AEP was authorized to make cash capital contributions to Michigan from time to time prior to January 1, 1981 in an aggregate amount of $10,000,000. Also by further supplemental order in this proceeding (HCAR No. 21596, May 29, 1980), AEP was authorized to issue and sell short-term notes to 14 banks with lines of credit in an aggregate amount of $274,000,000, subject to the previously ordered limit on outstanding notes.

By post-effective amendment AEP proposes to issue and sell, from time to time prior to January 1, 1982, short-term notes to 14 banks with lines of credit in an aggregate amount of $239,000,000, maturing no later than June 30, 1982. AEP also requests authority to make cash capital contributions from time to time subsequent to December 31, 1980 and prior to January 1, 1982, to Appalachian in the amount of $60 million, to CSOE in the amount of $40 million, to I&M in the amount of $90 million, to KPCO in the amount of $20 million and to Ohio Power in the amount of $60 million. The currently estimated construction program of Appalachian for 1981 is $215 million, for CSOE is $143 million, for I&M is $320 million, for KPCO is $47 million and for Ohio Power is $225 million.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $500. It is stated that the proposed cash capital contributions to be made during 1981 by AEP to Appalachian are subject to authorization by the State Corporation Commission of Virginia and the Public Service Commission of West Virginia. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 8, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-35247 Filed 11-12-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11431; 811-443]

Coca-Cola International Corp.; Filing of Application of the Investment Company Act of 1940 for an Order of the Commission Declaring That Applicant Has Ceased to be an Investment Company.

November 6, 1980.

Notice is hereby given that Coca-Cola International Corporation ("Applicant") registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified, management investment company, filed an application on October 15, 1980, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as that term is defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the respresentations contained therein, which are summarized below.

Applicant was incorporated under the laws of the State of Delaware on November 18, 1922. It registered under the Act on May 19, 1941, and was exempted from the provisions of

Sections 8(b) and 30(d) of the Act by an order of the Commission dated August 12, 1941 (Investment Company Act Release No. 188). Applicant has never filed a registration statement pursuant to the Securities Act of 1933, and thus has never made a public offering of its securities. As of March 31, 1980, Applicant's assets, other than approximately $1,247,802 in cash and cash equivalents, consisted of 17,981,376 shares of the common stock of The Coca-Cola Company ("Coca-Cola"), a Delaware Corporation. As of August 7, 1980, Applicant had outstanding 92,991 shares of its common stock with an aggregate net asset value, exclusive of the value of its shares of common stock of Coca-Cola ($657,260,388), of $348,294.40, or 3.74546 per share. Such shares were held by 560 stockholders of record.

Applicant states that its Board of Directors on March 5, 1980, adopted a Plan of Complete Liquidation (the "Plan"), and that, in accordance with the requirements of Delaware law, Applicant's stockholders approved the Plan at a special meeting of stockholders held on July 31, 1980. Pursuant to the Plan, Applicant transferred $22,825.90 to the trustees of a liquidating trust (the "Trustees"), who will use the assets to satisfy any contingent or unascertained obligations of Applicant which may become payable in the future. The application states that expenses in connection with its liquidation, aggregating approximately $260,000, were paid by Applicant. Applicant, in early August, 1980, distributed to its stockholders 17,854,272 shares of Coca-Cola and $325,468.50 in cash. The distribution to stockholders was effected by a transfer to Trust Company Bank, which is acting as Exchange Agent under the Plan on behalf of the stockholders (the "Exchange Agent"). The application states that upon surrender of his certificate, or certificates, representing shares of common stock in Applicant to the Exchange Agent, each stockholder will receive his pro rata portion of the assets transferred to the Exchange Agent. In addition, Applicant states that the Trustees will terminate the liquidating trust to the Exchange Agent, for distribution pro rata to Applicant's stockholders.

Applicant asserts that it currently has no assets, that to the best of its knowledge its outstanding debts and liabilities do not exceed the amount transferred to the Trustees under the liquidating trust, and that it is not currently a party to any litigation or administrative proceedings. The application also states that Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding up of its affairs. Finally, Applicant states that it filed a Certificate of Dissolution with the Secretary of State of Delaware on August 6, 1980, thereby effecting Applicant's formal dissolution.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later that November 30, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–35248 Filed 11–12–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 6255; 18–67]

Filing of an Application of the Securities Act of 1933 for an Order Exempting From the Provisions of Section 5 of the Act Interests or Participations Issued in Connection With O'Melveny & Myers Retirement Plan and Trust Agreement for Partners

November 6, 1980.

Notice is hereby given that the law firm of O'Melveny & Myers (the "Firm" of "Applicant"), 611 West Sixth Street, Los Angeles, CA 90017, a California partnership, has by letter dated December 6, 1979, applied for an exemption from the registration requirements of the Securities Act of 1933 (the "Act") for any participations or interests issued in connection with its Retirement Plan and Trust Agreement for Partners (the "Plan") for qualifying partners of the Applicant. All interested persons are referred to the application, which is on file with the Commission, for the facts and representations contained therein, which are summarized below.

I. Introduction

The Plan covers all of Applicant's qualifing partners, of whom there were 66 active and 8 retired as of August 2, 1979. The Plan provides that a partner is eligible to participate as of the date he or she becomes a member of the Partnership. Participation is voluntary and each partner becomes a Plan "participant" on the December 31st following his or her satisfaction of the eligibility requirements.

The Plan is of a type commonly referred to as a "Keogh" plan, which covers persons (in this case certain partners) who are "employees" within the meaning of Section 401(c)(1) of the Internal Revenue Code of 1954, as amended ("Code"). Therefore, even though the Plan is qualified under Section 401 of the Code, the exemption provided by Section 3(a)(2) is inapplicable to the interests in the Plan, absent an order of the Commission.

In relevant part, Section 3(a)(2) provides that the Commission may exempt from the provisions of Section 5 of the Act any interest or participation issued in connection with a pension or profit-sharing plan which covers employees, some or all of whom are employees within the meaning of Section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly

intended by the policy and provisions of the Act.

II. Description and Administration of the Plan

The Plan became effective on January 1, 1963, and was amended effective January 1, 1976 and further amended on December 31, 1977, August 14, 1978 and August 1, 1979. Applicant further states that the Internal Revenue Service ("IRS") has issued a ruling to the effect that the Plan is a qualified one under Section 401(a) of the Internal Revenue Code of 1954 ("Code"). The Plan is an employee pension benefit plan subject to the full fiduciary, reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974 ("ERISA").

Participation in the Plan is voluntary. To become a participant a Partner may contribute, or cause the Partnership to contribute on his or her behalf to the Plan, up to a certain percentage of his or her behalf to the Plan, up to a certain percentage of his or her Partner's Earnings each year. Subject to certain limitations under the Plan, participants may further contribute up to, an amount equal to 10 percent of his or her aggregate earnings during his or her participation in the Plan, less the amount of the deductible contribution described in the preceding sentence.

The plan is administered by a committee (the "Committee") appointed by the Management Committee of the Partnership. The Committee has overall responsibility and authority in connection with the Plan, including the right to determine all questions relating to eligibility to participate, to determine, compute and certify to the Trustee under the Plan the amount and kind of benefits payable to participants, to authorize all disbursements by the Trustee from the Trust and to make rules for the regulation of the Plan.

The trust agreement contains provisions for separate investment funds. Fund A is an equity fund, Fund B is a fixed income fund, Fund C is a cash equivalent fund, Fund D is a managed equity fund, and Fund E consists of individually managed accounts. The Trustee is solely responsible for investment of amounts contributed to the Plan and held in Fund A and in Fund B. The Committee is responsible for the investment of amounts held in Fund C and in Fund D, except to the extent, pursuant to the Plan, the Committee delegates the management of such Fund assets to a separate Investment Manager. The investment of amounts in Fund E accounts is directed by individual participants. Each participant designates whether and to what extent his or her contributions are to be credited to Fund A, Fund B, Fund C, Fund D or Fund E.

Applicant contends that were the Firm a corporation, rather than a partnership, interests or participations issued in connection with the Plan would be exempt from registration under Section 3(a)(2) of the Act, because no person who would be an "employee" within the meaning of Section 401(c)(1) of the Code would participate in the Plan. Applicant argues that the mere fact that it conducts its business as a partnership rather than as a corporation should not result in a requirement that interests in the Plan be registered under the Act.

Applicant also states that it is engaged in furnishing legal services which involve financially sophisticated and complex matters, exercises extensive administrative control over the Plan, and believes that it is able to represent adequately its own interests and those of its partners without the protection of the registration requirements of the Act. Applicant believes that the rigorous disclosure requirements of ERISA and the fiduciary standards and duties imposed thereunder are adequate to provide full protection to the participants.

Finally, Applicant argues that the characteristics of the Plan are essentially typical of those maintained by many single corporate employers and that the legislative history of the relevant language in Section 3(a)(2) of the Act does not suggest any intent on the part of Congress that interests issued in connection with single-employer Keogh plans necessarily should be registered under the Act. Applicant argues that its Plan is distinguishable from multi-employer plans or uniform prototype plans designed to be marketed by a sponsoring financial institution or promoter to numerous unrelated self-employed persons and that these latter plans are the type of plans Congress intended to exclude from the Section 3(a)(2) exemption.

For all of the foregoing reasons, Applicant believes that the Commission should issue an order finding that an exemption from the provisions of Section 5 of the Act for interests or participations issued in connection with the Plan is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 2, 1980 at 5:30 p.m., submit to the Commission a request for a hearing on the matter, accompanied by a statement of the nature of his or her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he or she may request to be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the matter will be issued as of course following December 2, 1980 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-35249 Filed 11-12-80, 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11434; 812-2280]

Putnam Convertible Fund, Inc., et al; Filing of Application for an Order Amending Certain Orders of Exemption

November 6, 1980.

In the Matter of Putnam Convertible Fund, Inc., Putnam International Equities Fund, Inc., The George Putnam Fund of Boston, The Putnam Growth Fund, Putnam High Yield Trust, The Putnam Income Fund, Inc., Putnam Investors Fund, Inc., Putnam Option Income Trust, Putnam Tax Exempt Income Fund, Putnam Vista Fund, Inc., Putnam Voyager Fund, Inc., Putnam Fund Distributors, Inc., 265 Franklin Street, Boston, MA 02110, and Chemical Fund, Inc., Surveyor Fund, Inc., 61 Broadway, New York, NY 10006.

Notice is hereby given that Putnam Convertible Fund, Inc., Putnam International Equities Fund, Inc., The George Putnam Fund of Boston, The Putnam Growth Fund, Putnam High Yield Trust ("High Yield"), The Putnam Income Fund, Inc., Putnam Investors Fund, Inc., Putnam Option Income Trust, Putnam Tax Exempt Income Fund ("Tax Exempt"), Putnam Vista Fund, Inc., Putnam Voyager Fund, Inc. (collectively,

"Putnam Funds"), Chemical Fund, Inc. ("Chemical"), and Surveyor Fund, Inc. ("Surveyor"), diversified, open-end, management investment companies registered under the Investment Company Act of 1940 ("Act"), and Putnam Fund Distributors, Inc. ("Distributor") (collectively, "Applicants"), filed an application on April 11, 1980, with an amendment thereto on August 1, 1980, for an order, pursuant to Section 6(c) of the Act, amending the following orders of exemption from Section 22(d) of the Act and Rule 22d–1 thereunder: *Putnam Convertible Fund, Inc., et al.*, Investment Company Act Rel. No. 9794 (June 2, 1977); *Putnam Convertible Fund, Inc., et al.*, Investment Company Act Rel. No. 9918 (Sept. 7, 1977); *Putnam Convertible Fund, Inc., et al.*, Investment Company Act Rel. No. 10535 (Dec. 22, 1978). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Distributor serves as principal underwriter for the Putnam Funds, Chemical and Surveyor, and that it is a wholly-owned subsidiary of Marsh & McLennan Management Company, a holding company whose other subsidiaries include The Putnam Management Company, Inc., which serves as investment manager for the Putnam Funds, and Eberstadt Asset Management, Inc., whose subsidiary, Eberstadt Fund Management, Inc., serves as investment manager of Chemical and Surveyor. According to the application, Marsh & McLennan Management Company is a wholly-owned subsidiary of Marsh & McLennan Companies, Inc., a publicly-owned company.

Applicants state that Eberstadt Fund Management, Inc., became a subsidiary of Marsh & McLennan Companies, Inc., in April, 1979, following the transfer of the investment management business of F. Eberstadt & Co., Inc., and that Distributor subsequently became principal underwriter for Chemical and Surveyor.

Investment Company Act Release No. 9794 permits sales at net asset value of the securities of the Putnam Funds (other than High Yield) to tax-qualified employee benefit plans for employees of Distributor and its affiliates. For a summary of the reasons asserted for the issuance of that order, see Investment Company Act Release No. 9759. Applicants request an amendment of the order contained in Release No. 9794 to permit such sales of the securities of High Yield, Chemical, Surveyor and any new open-end management investment company ("New Fund") having Putnam Management Company, Inc., or Eberstadt Fund Management, Inc. (or their successors or corporate affiliates) as its investment manager or having Distributor (or its successors or corporate affiliates) as its principal underwriter.

Investment Company Act Release No. 9918 permits sales of the securities of the Putnam Funds (other than Tax Exempt and High Yield) at net asset value plus a sales charge of 4.5% of the offering price (without variance regardless of the quantity purchased) to members of qualified groups (as defined in application 812–4082). For a summary of the reasons asserted for the issuance of the order contained in Release No. 9918, and of the definition of qualified groups, see Investment Company Act Release No. 9878. Applicants request an amendment of that order to permit such sales of the securities of High Yield, Tax Exempt, Chemical, Surveyor and any new Fund.

Investment Company Act Release No. 10535 permits sales of the securities of the Putnam Funds at net asset value to employees of Marsh & McLennan Asset Management Company and of its subsidiaries which provide investment management and related services who are participants in a non-tax qualified employee benefit plan described in application 812–4367. For a summary of the reasons asserted for the issuance of the order contained in Release No. 10535 and a description of the employee benefit plan, see Investment Company Act Release No. 10491. Applicants request an amendment of that order to permit such sales of the securities of Chemical, Surveyor and any new Fund.

Section 22(d) of the Act provides, in part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a princial underwriter, or the issuer except at a current public offering price described in the prospectus. Rule 22d–1 provides an exemption from Section 22(d) to the extent necessary to permit the sale of redeemable securities of a registered investment company at prices which reflect reductions in or eliminations of the sales load under certain stated circumstances.

Section 6(c) of the Act provides that the Commission, by rules and regulations upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that amendment of the existing exemptions from Section 22(d) of the Act and Rule 22d–1 thereunder, as requested in the application, is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the Act, and that Applicants are entitled to such amendments for reasons identical to those set forth in the applications on which such exemptions originally were based. Applicants assert that they are entitled to the amendment of such Section 22(d) exemptions to include sales of New Funds because such amendments would preclude the need for future applications of this nature seeking only to extend prior orders to cover securities of investment companies that have been organized by or have engaged, a common investment manager or principal underwriter since the date of such prior orders and would thus save the Commission and its staff and the Applicants and such investment companies unnecessary and duplicative effort and expense.

Notice is further given that any interested person may, not later than December 1, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application

herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion.

Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-35250 Filed 11-12-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17277; File No. SR-MSRB-80-11]

Municipal Securities Rulemaking Board; Self-Regulatory Organizations; Proposed Rule Changes

Pursuant to Section 19(b)(1), of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 29, 1980 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission the proposed rule changes as follows:

Statement of the Terms of Substance of the Proposed Rule Changes

The Municipal Securities Rulemaking Board (the "Board") is filing herewith an amendment to rule G-15 relating to customer confirmations (hereafter referred to as the "proposed rule changes"). The text of the proposed rule changes is as follows: [1]

Rule G-15. Customer Confirmations

(a)(i) through (vii) No change.

(viii) yield and dollar price, as follows:

(A) No change.

(B) for transactions effected on the basis of dollar price, the dollar price at which transaction was effected, and the lowest of the resulting yield to premium call, yield to par option, or yield to maturity shall be shown[.]; *provided, however, that yield information for transactions in callable securities effected at a dollar price in excess of par, other than transactions in securities which have been called or prerefunded, is not required to be shown until October 1, 1981.*

(C) No change.

(a)(ix) through (xiii) No change.

(b) through (g) No change.

[(h) The requirements of this rule shall become effective on December 8, 1977.]

[1] *Italics* indicate new language; [brackets] indicate deletions.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule changes are as follows:

Purpose of Proposed Rule Changes

On March 28, 1980, the Commission approved certain amendments to the provisions of rule G-15 relating to customer confirmations (Securities Exchange Act Release No. 16707; File No. SR-MSRB-79-6). The amendments modified rule G-15 to require that a confirmation of a transaction effected on the basis of dollar price include not only the dollar price at which the transaction was effected, but also the lowest of the resulting yield to premium call, yield to par option, or yield to maturity. In addition, the amendments require municipal securities dealers, when confirming transactions involving callable securities, to include on the confirmation a statement indicating that the yield shown may be affected by the exercise of a call provision, and that information concerning call provisions will be provided upon request.[2] In response to the request of the Board, the Commission delayed the effective date of the amendments for six months from the date of commission approval, or until September 24, 1980. The Board provided for a delayed effective date in order to permit municipal securities dealers sufficient time to make necessary changes to their customer confirmation forms and to their data processing systems.

On May 27, 1980, the Commission approved certain amendments to rules G-12 and G-15, which modified these rules to require that, in circumstances where a transaction is effected on a yield price which is calculated to a premium call or par option feature, the call or option date and price be stated on the confirmation (Securities Exchange Act Release No. 16844; File No. SR-MSRB-80-1). These amendments were also scheduled to become effective on September 24, 1980.

On August 4, 1980, the Board filed with the Commission a request that the effective date of the amendments be extended to December 1, 1980 (File No. SR-MSRB-80-7). In that filing the Board noted that subsequent to the approval of the amendments the Board had been contacted by several municipal securities dealers who had apparently encountered unforeseen difficulties in modifying their computer processing systems. These dealers indicated that the six-month delayed effective date would not provide sufficient time to make the necessary modifications and requested the Board to consider extensions of the effective date for periods ranging from two months to eighteen months. Those dealers who requested extensions of six months or more indicated that they intended to make substantial, system-wide changes in their computer systems in order to comply with the information retrieval aspects of the amendments.

The Board considered these requests and concluded that an extension of the effective date to December 1, 1980 would provide enough additional time for municipal securities dealers to complete those technical computer reprogramming tasks associated with the mathematical computations required by the amendments. With respect to the more extensive computer systems changes planned by some dealers, the Board concluded, based upon the information provided to the Board at that time, that these dealers could devise interim measures which would permit them to comply with all of the new requirements while their systems changes were in process. The Commission approved the extension of the effective date to December 1, 1980 (Securities Exchange Act Release No. 17150).

The Board is filing the proposed rule changes as a result of its consideration of additional information provided by municipal securities dealers subsequent to the Board's previous filing. These dealers have indicated that while in individual instances they could manually research the call features of a particular security, given the volume of transactions which they effect on a dollar basis, it would not be feasible for them to retrieve call information for all of these transactions without the use of data processing systems. These dealers have further informed the Board that their computerized security description and related files do not presently distinguish among callable securities having the same issuer, coupon rate, and maturity date but different call features. The Board has been advised that they are currently in the process of implementing procedures which would permit their computer systems to identify call features but that it will take several more months to complete this task.

The Board has considered these comments and believes that it is necessary and appropriate to defer the effective date of that provision of the amendments which will require

[2] Reference should be made to the text of the amendments contained in File No. SR-MSRB-79-6 for the precise changes effected by the amendments; a discussion of the purpose of the amendments is also contained in that filing.

municipal securities brokers and municipal securities dealers to identify certain yield information on transactions in callable bonds as a normal part of processing customer confirmations. Accordingly, the proposed rule changes would delay until October 1, 1981, the effective date of the provisions of the amendments insofar as they would require the disclosure of yield to premium call or to par option on customer confirmations. The proposed rule changes, however, retain the December 1, 1980 effective date for the requirement to show yield to maturity in circumstances where such yield is the lowest, or the only appropriate, yield. Since yield to maturity would not necessarily be the lowest yield in the case of a callable bond purchased or sold at a dollar price in excess of par, the proposed rule changes provide that yield to maturity need not be shown for such a transaction. The requirement to show yield to maturity would, however, apply to transactions in callable securities which have been "called" or "prerefunded" because, in effect, a maturity date has been established with respect to such securities.

The Board does not believe that any further extension of the effective date of the other amendments to rule G–15 (or of the related amendment to rule G–12) is warranted. As noted above, the Board is providing for extension of the effective date of the requirement to disclose the yield to premium call or yield to par option for all transactions effected on a dollar basis because of difficulties relating to the need to identify the applicable call features. The Board does not believe that comparable problems exist with respect to the remaining amendments. The amendment to rule G–15 requiring customer confirmations to contain a legend indicating, in part, that the specifics of a call feature will be provided to a customer upon request, would, of course, require identification of call features under certain circumstances. The Board believes, however, that a problem of identification would arise only if the customer requests information about a holding of securities to which several different call features might apply. The Board believes that the need for reference to the actual certificates in the case of such requests during the period when call information is not yet retrievable by computer will not be unduly burdensome. The Board notes further that rule G–15 currently provides a significant peirod of time (a minimum of five business days) for a dealer to respond to a request for this information.

Basis Under the Act for Proposed Rule Changes

The Board has adopted the proposed rule changes pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended (the "Act"), which directs the Board to propose and adopt rules

* * * designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

Comments Received from Members, Participants or Others on Proposed Rule Changes

Subsequent to the Board's filing requesting extension to December 1, 1980 of the effective date of the amendments, several municipal securities dealers have, both orally and in writing, requested a further extension of the effective date. Certain of these dealers also provided comments to the Commission. *See*, for example, the comment letters of E. F. Hutton & Company, Inc.; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Smith Barney, Harris Upham & Co. Incorporated; and the Public Securities Association. As indicated above, these commentators stressed the problem of identifying the applicable call feature as a necessary part of confirmation processing and indicated that significant changes in their data processing systems, requiring additional time, would be needed to make such information readily available.

Burden on Competition

The proposed rule changes, to the extent that they provide additional time to all municipal securities brokers and municipal securities dealers to implement one provision of the amendments, would lessen any burden on competition. The Board recognizes, however, that retaining the December 1, 1980 effective date for the remaining provisions of the amendments may have a different impact on different municipal securities brokers and municipal securities dealers. The Board believes that, to the extent that the retention of the December 1, 1980 date has such an impact, it is necessary and appropriate in view of the important purposes served by the amendments. *See* File No. SR–MSRB–79–6 and File No. SR–MSRB–80–1.

On or before December 18, 1980, or within such longer period (i) as the Commission may designate up to February 11, 1981 if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 4, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

November 7, 1980.

[FR Doc. 80–35374 Filed 11–12–80; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 139—Airborne Equipment Standards for Microwave Landing Systems (MLS); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 139 on Airborne Equipment Standards for Microwave Landing System (MLS) to be held on December 3–5, 1980 in Conference Rooms 5A–B, DOT/Federal Aviation Administration Building, 800 Independence Avenue, S.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Ninth Meeting Held on October 8–10, 1980; (3) Review of Sections 1 and 2 of the Draft Minimum Operational Performance Standards for Airborne MLS Equipment; (4) Review and Comparison of SC–139 and European Organization for Civil Aviation Electronics (EUROCAE) Standards for Airborne MLS Equipment; (5) Review of Sections 3 and 4 of the Draft Minimum Operational Performance Standards for Airborne MLS Equipment; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–4084. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on November 3, 1980.

Karl F. Bierach,

Designated Officer.

[FR Doc. 35076 Filed 11–12–80; 8:45 am]

BILLING CODE 4910–13–M

Invitation for Comment Regarding Systemwide Implementation Strategies for Microwave Landing Systems

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) invites all interested parties to comment on alternative strategies for the implementation of Microwave Landing Systems which are proposed for installation in the National Airspace System. These comments will be considered in selection of an implementation strategy to guide future FAA actions.

To acquaint the public with several alternative implementation strategies and with the relative economic merits of the existing Instrument Landing System (ILS) and new Microwave Landing System (MLS), two analyses are being made available. These are the "Microwave Landing System Transition Plan—Draft" and the report, "An Analysis of the Requirements for and the Benefits and Costs of the National Microwave Landing System."

To facilitate comments, four public meetings will be held.

Comments/Publications

The Federal Aviation Administration invites comments and suggestions on the alternative MLS implementation strategies. To facilitate such comment, public meetings will be held as follows:

Monday, January 5, 1981
Location: The Hacienda Hotel, 525 N. Sepulveda Boulevard, El Segundo, California 90245,
Time: 2:00 p.m. to 6:00 p.m.

Wednesday, January 7, 1981
Location: Stouffers Denver Inn, 3203 Quebec Street, Denver, Colorado 80207,
Time: 2:00 p.m. to 6:00 p.m.

Friday, January 9, 1981
Location: Sheraton O'Hare Hotel, 6810 North Mannheim Road, Rosemont, Illinois 60018,
Time: 2:00 p.m. to 6:00 p.m.

Tuesday, January 13, 1981
Location: Department of Transportation, Room 2230, 400 Seventh Street, S.W., Washington, D.C. 20590,
Time: 2:00 p.m. to 6:00 p.m.

Those wishing to speak at a public hearing should submit written notification to: Mr. Marvin Olson, APO–320, Chairman, MLS Transition Plan Working Group, Federal Aviation Administration, Room 939, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The notifier's name should be indicated, as well as the location at which participation is desired. To aid any necessary further communication, the notification should also indicate address, telephone number and, if appropriate, organizational affiliation.

Requests for copies of the MLS Transition Plan and the benefit/cost study should be sent to the above address.

Written comments received on or before February 10, 1981, will be considered when selecting an MLS implementation strategy. Comments should be sent to the above address with the notation: Attention: MLS Transition Plan Comments.

SUPPLEMENTARY INFORMATION: In March 1977 the Federal Aviation Administration (FAA) initiated a process for system acquisition management which established the management framework and procedures to be used in the agency's acquisition of major systems. The process provides for executive involvement at critical points and specifies the documentation required to support management action. A key decision to be made by the FAA Administrator is the transition from development to implementation. For designated systems which involve a large number of facilities and services or which require substantial capital investment over several budget years, a transition plan is developed. The transition plan provides an integrated package to support the decision process.

The Microwave Landing System Transition Plan Draft is the first transition plan developed under the System Acquisition Management process. It consists of an Executive Summary and four chapters: Background; Analysis of System Transition Strategies; Related Program Considerations; and Recommendations. (Recommendations will be developed after public input.) The draft plan is being made available to acquaint the public with alternative strategies for transition to the new MLS and to facilitate public input to the Department of Transportation-Federal Aviation Administration regarding such a transition. A second study, "An Analysis of the Requirements for and the Benefits and Costs of the National Microwave Landing System" is being made available to indicate the relative economic merits of ILS and MLS to satisfy the identical national requirement for precision guidance service.

It should be noted that the transition plan is *not* an implementation plan. After an implementation decision is made, a detailed plan will be developed using the approved implementation strategy and providing specific location identifications, schedules and program accomplishment methodology.

MLS Transition Plan—Background: There is a basic requirement to provide precision approach guidance to permit approach and landing operations under reduced visibility conditions at airports with appropriate levels of aircraft activity. This requirement derives principally from the need to provide reliable and economically viable air transportation services during all weather conditions.

The operational requirements for a precision approach and landing system had their beginning in the United States and have been further defined by the International Civil Aviation Organization (ICAO). The ICAO operational requirements, which have been endorsed by the United States, specify those operational and technical characteristics required of a new system. Four essential features of such a system are: (1) a common system for civil/military use; (2) a frequency band that will be free of frequency congestion problems; (3) a system that provides a high quality guidance signal that is relatively free from local terrain and structure effects; and (4) an ability to

provide multiple approach paths for various classes of aircraft.

Two precision approach and landing systems, (1) the existing Instrument Landing System (ILS), and (2) the new proposed Microwave Landing System (MLS), have been operationally and economically analyzed. The analyses show that the MLS is operationally superior to ILS because it overcomes most of the technical limitations of ILS. The dollar value estimated to result from the removal of these limitations is shown in the economic evaluation of the MLS versus ILS equipment options which is contained in the report: "An Analysis of the Requirements for and the Benefits and Costs of the National Microwave Landing System" (Report No. FAA–EM–80–7). This report concludes that, based upon those economic factors that could be quantified, substantial increases in dollar benefits accrue to the aviation system users by their choice to install MLS equipment in place of ILS. Not all aviation user groups were estimated in this study to benefit equally from the implementation of MLS. The commercial airlines and commuter air carriers were estimated to derive a significant economic advantage, but a small disbenefit (costs exceed benefits) was estimated to accrue to the comprehensive class of general aviation users. Some segments of this class of users were estimated, however, to derive substantial benefits from the use of MLS.

MLS has been found to be both technically and econmically superior to ILS. Therefore, MLS has been designated to satisfy the precision approach and landing requirement of the United States and the International Civil Aviation Organization to the year 2000 and beyond.

To provide operational continuity, as well as lessen the cost impact, ILS will operate for an indefinite period until MLS is operationally cost effective. No ILS will be decommissioned at designated international airports until 1995 under an agreement with the International Civil Aviation Organization.

To operationally test MLS in the United States, a Service, Test and Evaluation Program is being conducted to extend the scope of the MLS evaluation work to a limited number of operational airports. This evaluation program will provide the FAA and aviation users the opportunity to obtain "real world" MLS operational experience.

MLS Transition Plan—Analysis of System Transition Strategies: Most of the existing ILS ground facilities will be collocated with a new MLS for a substantial period. As of June 30, 1980, there are 621 full, commissioned ILS's at 430 airports and an additional 150 ILS's in the procurement pipeline. This will require a substantial investment of additional maintenance manpower for these dual ILS/MLS facilities. Dual ILS/MLS avionics will also be required in many aircraft during the transition period. Based upon forecasts of activity, it is estimated that there will be a need for at least 1,250 precision approach systems by 2000. Thus, the transition to MLS will require a significant planning effort by both the aviation community and FAA to assure that the need for expanded levels of service will be met efficiently.

To accomplish the transition to MLS, ten strategies have been evaluated to determine the best technique (operationally and economically). Nine of the strategies are made up of various combinations of the following options:

1. *Baseline MLS Deployment*—MLS's are installed in order of runway annual instrument approaches at runways (whether or not they are ILS-equipped) that meet the MLS establishment criteria for Category I, II, or III [1] MLS.

2. *New-Qualifier Airports*—One Category I (only) MLS is installed at each non-ILS airport that either meets the Category I MLS establishment criteria or has sustained scheduled air-carrier turbojet service. Installation priority is in order of runway annual instrument approaches.

3. *Noise-Sensitive Runways*—An MLS is installed at each runway identified as being noise sensitive. Installation priority is in the order or runway annual instrument approaches. Category I, II, or III MLS's are installed in accordance with MLS establishment criteria.

4. *Network Airports*—An MLS is installed at each airport in a network served by particular fleets, where a fleet consists of aircraft of a single type, e.g., three-engine wide body jets operated by a specific user, e.g., United Air Lines.

5. *New-Qualifier Runways at Equipped Airports*—A Category I, II, III MLS is installed in accordance with MLS establishment criteria and in order of runway annual instrument approaches, at newly qualified (non-ILS) runways at airports that already have at least one precision landing system (ILS or MLS).

6. *Upgrading to Category II/III*—A Category II or Category III MLS is installed in accordance with MLS establishment criteria and in the order of runway annual instrument approaches at airports that qualify for upgrading from Category I to Category II or III or from Category II to Category III.

7. *ILS Tube-Type Replacement*—MLS is installed at locations where tube-type ILS is scheduled for replacement because of obsolescence in accordance with MLS establishment criteria and in order of runway annual instrument approaches.

These seven (7) options were combined to form nine strategies which are assessed and ranked in terms of their attributes. The strategies and analysis of the results are:

Strategy 1

New Qualifier Airports and Baseline Deployment.[1]

—$20 million annual F&E [2] funding limit.[3]

—Install one Category I MLS at each non-ILS airport that meets Category I MLS establishment criteria. Installation priority is in order of runway annual instrument approaches.

—Once each non-ILS airport that meets the criteria has an MLS, install MLS's at airports that meet the establishment criteria for Category I, II or III MLS, whether or not they are ILS equipped. Installation priority is in order of runway annual instrument approaches, i.e., baseline deployment.

Analysis

Since the first option in this strategy is to install MLS ground systems at new-qualifier airports, most of the early ground systems will be installed at general aviation or small air carrier airports. This will encourage early general aviation MLS avionics equipage and very little initial air carrier equipage. The early ILS decommissioning rate will be slow because the initial option of the strategy excludes collocated ILS and MLS ground systems.

Strategy 2

New Qualifier Airports, New-Qualifier Runways at Equipped Airports, and Baseline Deployment.

—$20 million annual F&E funding limit.

—Install one Category I MLS at each non-ILS airport that meets Category I

[1] Reference is made to Categorys I, II or III of landing minima in the context associated with ILS notwithstanding the fact that introduction of MLS may permit redefinition of minima.

[1] Installation of MLS's in order of annual instrument approach ranking.

[2] The F&E funding is the Facilities and Equipment (F&E) appropriation used by the FAA to finance capital programs, e.g., MLS.

[3] $20 million and $50 million annual MLS programs are hypothesized for analytical purposes and do not represent a commitment or plan of funding.

MLS establishment criteria. Installation priority is in order of runway annual instrument approaches.

—Once each non-ILS airport that meets the criteria has an MLS, install a Category I, II or III MLS in accordance with MLS establishment criteria; and, in order of runway annual instrument approaches, install MLS's at newly qualified (non-ILS) runways at airports that already have at least one precision landing system (ILS or MLS).

—Once the first two options have been fulfilled, install MLS's in order of runway annual instrument approaches at airports (whether or not they are ILS-equipped) that meet the establishment criteria for Category I, II, or III MLS, i.e., baseline deployment.

Analysis

The early implications of this strategy are very similar to Strategy 1 since the first option is the same, to install MLS ground systems at new-qualifier airports. This will encourage early general aviation MLS avionics equipage and very little air carrier equipage. The ILS decommissioning rate will be slow because the first two options exclude collocated ILS and MLS ground systems on the same runway.

Strategy 3

Upgrading to Category II/III, New-Qualifier Airports and Baseline Deployment.

—$20 million annual F&E funding limit.

—Install a Category II or Category III MLS, in accordance with MLS establishment criteria and in order of runway annual instrument approaches, at airports that qualify for upgrading from Category I to Category II and from Category II to Category III.

—One each airport that qualified has been ugraded, install one Category I MLS at each non-ILS airport that meets the Category I MLS establishment criteria. Installation is in order of runway annual instrument approaches.

—Once the first two options have been fulfilled intall MLS's in order of runway annual instrument approaches at runways (whether or not they are ILS equipped) that meet the MLS establishment criteria for Category I, II, or III MLS, i.e., baseline deployment.

Analysis

Since the first option of this strategy is to upgrade qualified Category I and II runways with MLS ground systems, the initial ground systems will be installed at large air carrier airport. This will encourage early air carrier aircraft MLS avionics equipage but will provide very little initial incentive for general aviation aircraft to equip. After the initial option has been satisfied, however, MLS ground systems will be installed at new-qualifier airports which will encourage general aviation MLS avionics equipage. ILS decommissioning will occur at a relatively fast pace since the first MLS ground systems installed will be collocated with ILS systems.

Strategy 4

Funding Split Among Network Airports, New-Qualifier Airports, and Baseline Deployment.

—$20 million annual F&E funding limit. One-third of the annual funds is allocated to each of the three following options:

—Install MLS's at each airport in a network served by particular fleets. A fleet consists of aircraft of a single type, e.g., three-engine wide-body jets, operated by a specific user, e.g. a specific commercial airline.

—Install one MLS at each non-ILS establishment criteria or has sustained scheduled air-carrier turbojet service. Installation priority is in order of runway annual instrument approaches at runways (whether or not they are ILS equipped) that meet the MLS establishement criteria for Category I, II, or III MLS.

Analysis

This strategy provides for establishment of MLS ground systems at locations throughout the transistion period which will encourage both air carrier and general aviation MLS avionics equipage. There will be a moderate amount of early ILS decommissioning because many of the first MLS ground systems installed will be collocated with ILS systems.

Strategy 5

Upgrading to Category II/III, New-Qualifier Airports, and Baseline Deployment.

—50) million annual F&E funding limit.

This strategy is the same as Strategy 3 discussed previously except that the annual F&E funding limit has been increased from $20 million to $50 million.

Analysis

The higher F&E funding limit provides for a faster pace of MLS ground system installation and thus provides a greater incentive for MLS avionics equipage. The faster pace of MLS ground system installation and MLS avionics equipage will accelerate the ILS decommissioning rate.

Strategy 6

New-Qualifier Airports, New-Qualifier Runways at Equipped Airports, and Baseline Deployment.

—$50 million annual F&E funding limit.

This strategy is the same as Strategy 2 discussed previously except that the annual F&E funding limit has been increased from $20 million to $50 million.

Analysis

This enables ground systems to be installed at a faster rate and thus provides a greater incentive for air carriers and general aviation aircraft to equip with MLS avionics equipment. This in turn will enable the ILS ground systems to be decommissioned at a faster rate.

Strategy 7

Upgrading to Category II/III, New-Qualifier Airports, New-Qualifier Runways, and Baseline Deployment.

—$20 million annual F&E funding limit.

This strategy is the same as Strategy 3 discussed earlier except that the option to install MLS ground systems on new-qualifier runways has been introduced as the third option.

Analysis

This will slow the ILS decommissioning rate because of the introduction of another option that precludes MLS establishment on runways which already have an ILS.

Strategy 8

New-Qualifier Airports, Noise-Sensitive Runways, New-Qualifier Runways, and Baseline Deployment.

—$20 million annual F&E funding limit.

This strategy is the same as Strategy 2 except that the option to install MLS ground systems on noise-sensitive runways has been added. In this option MLS ground systems are installed at each runway identified as being noise sensitive. Installation priority is in the order of runway annual instrument approaches. Category I, II, or III MLS's are installed in accordance with MLS establishment criteria.

Analysis

The early implications of this strategy are very similar to Strategy 1 since the first option is the same, to install MLS ground systems at new-qualifier airports. This will encourage early general aviation MLS avionics equipage and very little initial air carrier

equipage. The ILS decommissioning rate will be slow because the first two options exclude collocated ILS and MLS ground systems on the same runway.

Strategy 9

New-Qualifier Airports, New-Qualifier Runways, Installation at Problem ILS Tube-Type Locations, Upgrading to Category II/III and Baseline Deployment.

—$20 million annual F&E funding limit.

This strategy has three phases:

Phase I

—Install one Category I MLS at each non-ILS airprt that meets the Category I MLS establishment criteria. Installation priority is in order of runway annual instrument approaches.
—Install a Category I, II or III MLS in accordance with MLS establishment criteria and in order of runway annual instrument approaches, at newly qualified (non-ILS) runways at airports that already have at least one precision landing system (ILS or MLS).
—Install MLS's on runways with problem ILS tube-type equipment in order of annual instrument approaches ranking.
—Install MLS's in order of runway annual instrument approaches at airports (whether or not they are ILS equipped) that meet the establishment criteria for Category I, II or III MLS, i.e., baseline deployment.

Phase II

The first three options are the same as the initial phase. The *fourth option* of this phase is to install a Category II or Category III MLS, in accordance with MLS establishment criteria and in order of runway annual instrument approaches, at airports that qualify for upgrading to Category II or Category III. The fourth option of the initial phase (baseline deployment) becomes the *fifth option.*

Phase III

The options in this phase are the same as in phase II except the option to install MLS's on runways with problem tube-type ILS's has been removed, since this option would have been accomplished by the end of phase II.

Analysis

Since the first option in this strategy is to install MLS ground systems at new-qualifier airports, most of the early ground systems will be installed at general aviation or small air carrier airports. This will encourage early general aviation MLS avionics equipage and very little initial air carrier equipage. Precision landing aids will be provided initially at airports where none currently exist. The early ILS decommissioning rate will be slow because the first two options exclude collocated ILS and MLS ground systems on the same runway. There will be fewer new-qualifier airports after the initial phase of implementation; therefore, during the last two implementation phases, there will be substantial MLS ground installation at air carrier airports. This will encourage MLS air carrier avionics equipage and speed up the ILS decommissioning rate.

A tenth strategy, the Aviation User Strategy, was proposed by the Radio Technical Commission for Aeronautics (RTCA).

This strategy was developed by RTCA Special Committee 125. The committee consisted of a wide spectrum of prospective users and manufacturers of MLS and government representatives. The committee was established in June 1974 for the purpose of providing user recommendations for a national implementation policy for MLS, assuming MLS will be the primary system in service by the year 2000.

The strategy is divided into three periods: short-term, middle-term, and long-term. The rules of the three periods are discussed below:

Short-Term Period—Develop a list of hub airports with wide-body aircraft service, rank ordered on the basis of total itinerant operations. Around each of these hub airports, develop a network of airports within approximately 500 miles of the hub. Beginning with the highest ranking hub airport network, implement MLS ground installations at the network airports in the following order:

—The hub airport around which the network is developed.
—Network airports served by commuter and/or regional air carriers.
—Small community airports that do not have precision approach guidance instrumentation and have 400 or more annual instrument approaches.
—Airports with trunk service.

When 50 percent of the airports in the network are MLS equipped, begin implementing the next ranking hub airport network.

During the short-term, implementation should be limited to one MLS installation per airport.

Middle-Term Period—The Committee recognized that it will be very difficult, if not impossible, for the implementing authority to determine exactly when the objectives of the short-term strategy have been met and a change in strategy should be initiated. It was, therefore, concluded that when implementation authorities believe the short-term strategy has served its purposes, i.e., when the users have been convinced of the benefits of MLS, a middle-term strategy would be accomplished by utilizing the following as guidance:

—Install MLS systems at network airports that did not receive systems in short-term strategy due to the 50 percent cutoff criteria. Equipage will be in order of annual instrument approaches ranking.
—Install MLS systems at locations with 400 or more annual instrument approaches rank-ordered by annual instrument approaches.
—Install MLS systems at ILS sites.

Long-Term Period—When implementing authorities are convinced that the objectives of the middle-term strategy have been fully met, i.e., when distribution of ground systems has become so widespread that there is little likelihood of having an isolated MLS if installation is accomplished in order of annual instrument approaches ranking, the long-term strategy should be put into effect. One way of measuring the relative benefits of MLS on different runways would be to measure the usage of these runways by equipped aircraft (the more runway usage, the more benefits). Runway annual instrument approaches appear to be an acceptable measurement of potential runway usage of equipped aircraft. The long-term implementation strategy would, therefore, be to install MLS at runway ends with 400 or more annual instrument approaches in rank-order of their annual instrument approaches or any other acceptable measurement of runway usage by equipped aircraft.

Analysis

This strategy provides for installing MLS's in networks around hub airports with the initial installations at hub airports and airports in the hub areas served by commuter and/or regional air carriers. MLS installations at small community airports would be completed at locations with as few as 400 annual instrument approaches (AIA's). Because of this qualifying level of annual instrument approaches, 20 percent of the MLS locations would not be cost beneficial. FAA analysis indicates the MLS ground systems at locations with fewer than approximately 1,600 general aviation annual instrument approaches or 100 trunk air carrier annual instrument approaches would not be cost beneficial. This is the case because the establishment and operational costs would exceed the safety, flight disruption, curved approach and noise

abatement benefits which would be obtained by the system users. However, other elements of this strategy are considered desirable, particularly the installation of MLS's in networks that feed hub airports.

The analysis shown in the Transition Plan is for the purpose of evaluating ten alternative strategies proposed for the selected system alternative, the MLS. This analysis reveals that based on the study methodology employed in this plan, there is no statistically significant difference in the dollar amounts estimated for the individual strategies; a ten percent difference separates the highest from the lowest estimates. Therefore, the plan concludes that there is no clear-cut economic rationale for choosing between the MLS implementation strategies.

The choice between strategies must depend upon operational considerations or on the special opportunities for improved precision guidance service created by the installation of MLS equipment. Areas of ILS limitations, which provide the more likely opportunities for improvement with MLS, are identified in this plan and in the benefit/cost study referenced earlier.

This draft MLS transition plan and companion benefit/cost study will be used as a means of acquainting the public with the potential economic advantages from using MLS and with several alternative MLS transition strategies. The intention is to solicit comments and recommendations from the public regarding the timing and implementation of MLS.

It should be pointed out that the benefit/cost study which accompanies the MLS Transition Plan assesses the investment opportunities provided by MLS equipment compared to the option of continuing to install and maintain ILS equipment. All benefits and costs for MLS shown in the benefit/cost study are in addition (incremental) to those estimated for the ILS. On the other hand, MLS benefits and costs shown in the Transition Plan are aggregate values associated with each MLS implementation strategy itself. They are not incrementally related to ILS levels and should be used only to compare the relative economic effectiveness of alternative MLS implementation strategies.

Therefore, the dollar amounts shown in the Transition Plan and benefit/cost study are not comparable. Benefits, (positive or negative) cannot be matched one against the other. The reader interested in comparing the investment in MLS to the option of continuing to invest in ILS, should consult the benefit/cost study.

Issued at Washington, D.C., November 5, 1980.

Bill Wilkins,

Associate Administrator for Policy and International Aviation.

[FR Doc. 80-35238 Filed 11-12-80; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Public Service Archeology Grant Program Academic Year 1981-82

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA is providing notice of the availability of FHWA educational grants for graduate level study in Public Service Archeology at the University of South Carolina (USC) for the 1981–82 academic year.

The FHWA's National Highway Institute (NHI) is responsible for developing and administering this training program for FHWA employees and State and local highway agency employees or students or employees of other organizations who agree to work for such agencies after completion of study. The student may choose a 14-week, 28-week, or 2-year program.

The FHWA has issued Notice N 4910.18, dated September 30, 1980, describing the program and furnishing the pertinent information. Copies of this notice are available at the NHI for public inspection and will be furnished on request.

FOR FURTHER INFORMATION CONTACT: Mr. Larry E. Jones, National Highway Institute, 202–426–3100, or Ms. Virginia I. Cherwek, Office of the Chief Counsel, 202–426–0786, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

(23 U.S.C. §§ 307, 315, 321; 49 CFR 1.48(b))

(Catalog of Federal Domestic Assistance Program Number 20.215, Highway Training and Education)

Issued on: November 4, 1980.

George M. Shrieves,

Director, National Highway Institute, Federal Highway Administration.

[FR Doc. 80-35195 Filed 11-12-80; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Petitions To Commence Defect Investigations; Denials

This notice sets forth the reasons for the denials of petitions to commence a proceeding to determine whether to issue an order pursuant to section 152(b) of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1412(b).

On May 7, 1980, Sharon Morrison, an attorney in Missoula, Montana, petitioned NHTSA to commence a defect proceeding with respect to engine compartment fires in 1977 and 1978 Subaru vehicles, representing the estate of a decedent, who died when his vehicle caught fire while the engine was idling. Subaru reported to NHTSA that only 4 other complaints of fire had been received covering the 173,000 1977 and 1978 Subaru vehicles in the United States. Each was attributable to a different cause. The petitioner had cited a warning placard on the driver's door cautioning against allowing the exhaust post system to overheat. Subaru conducted a series of tests to duplicate a continuous high speed idle which may have existed on decedent's vehicle, but no problems occurred and at no time did any engine or other parts ignite. There was no pattern to suggest a specific condition resulting in engine compartment fires. Since there was no reasonable possibility that a defect order would be issued, the agency denied the petition on September 26, 1980.

Another attorney, Paul G. Fargo of Wilmette, Illinois, asked the agency on May 30, 1980, on behalf of a client to determine whether front wheel bearing failures on Dodge Omni vehicles constituted a safety-related defect, the vehicle in question having had repairs made several times in less than a year. The manufacturer, Chrysler Corporation, cognizant of a general problem, has announced a warranty extention with provision for reimbursement, and will notify owners in writing, but since it knows of no accidents or lawsuits, does not plan a formal remedial campaign on the basis that the problem is not safety-related. NHTSA has received 12 complaints of front wheel bearing problems on Horizon/Omni vehicles but no reports of accidents or control problems. Because of the vehicles front wheel design, wheel retention is not dependent solely on the wheel bearings. Since the data examined did not indicate that the front wheel bearings on these vehicles presented a safety risk, the petition was denied on September 26, 1980.

(Secs. 124, 152, Pub. L. 93–492, 88 Stat. 1470 [15 U.S.C. 1410a, 1412]; delegation of authority at 49 CFR 1.50 and 501.8)

Issued on November 5, 1980.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 80-35372 Filed 11-12-80; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Technical Pipeline Safety Standards Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 1), notice is hereby given of a meeting of the Technical Pipeline Safety Standards Committee on December 9–10, 1980, at 9 a.m. in Room 4234, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

The purpose of the meeting is to discuss the following:

Part I—Docket PS–64, Notice 1, Qualification of Metallic Components (45 FR 13783; March 3, 1980).

Part II—Informal discussion of the following:

(A) Docket PS–66, Notice 1, ANPRM on "Placing Longitudinal Weld Seams in Upper Half of Pipe" (45 FR 20142; March 27, 1980).

(B) Proposed Safety Regulatory Projects on:

(1) Excess flow valves in gas distribution lines/services.

(2) Reporting LNG facility events.

Attendance is open to the public, but limited to the space available. With approval of the chairman of the Committee, members of the public may present oral statements on any items scheduled for discussion. Due to the limited time available, each person who wants to make an oral statement is requested to notify Toni Reed, Room 8101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202–426–2392, of the topics to be addressed and the time requested to address each topic. The chairman may deny any request to present an oral statement and may limit the time of any oral presentation. Members of the public may present written statements to the Committee before or after any session of the meeting.

The opportunity for public participation at the meeting is intended to provide information for the Committee to consider in formulating its recommendations to the Materials Transportation Bureau, and not as an extension of the respective times allowed for public participation in the above proceedings.

Dated: November 5, 1980.

Melvin A. Judah,

Acting Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 80-35349 Filed 11-12-80; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Customs Service

[TMK-2-RRUEE]

"American Machine & Tool Co., Inc."; Application for Recordation of Trade Name

Application has been filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "AMERICAN MACHINE & TOOL CO., INC.," a corporation organized under the laws of the State of Pennsylvania, located at Fourth Avenue and Spring Street, Royersford, Pennsylvania 19468.

The application states that the trade name is used in connection with power tools, manufactured in the United States. The application states further that no foreign firm is authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person, in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C., 20229, in time to be received not later than December 15, 1980.

Notice of the action taken on the application for recordation of the trade name will be published in the **Federal Register.**

Dated: November 6, 1980.

Donald W. Lewis,

Director, Office of Regulations and Rulings.

[FR Doc. 80-35234 Filed 11-12-80; 8:45 am]

BILLING CODE 4810-22-M

VETERANS ADMINISTRATION

Medical Care Reimbursement Rates for Fiscal Year 1981

In accordance with 38 U.S.C. 616 and OMB Circular A–11, § 13.5(a), revised reimbursement rates have been established by the Veterans Administration for inpatient and outpatient medical care furnished to beneficiaries of other Federal Agencies during Fiscal Year 1981. These rates will be charged for such medical care provided at health care facilities under the direct jurisdiction of the Administrator on and after October 1, 1980.

Hospital care per inpatient day:	
General medical and surgical	$200
Psychiatric	123
Nursing home care	79
Outpatient visit	47
Hemodialysis:	
Hospital component	141
Physician component	37

The hospital component for hemodialysis will be charged in addition to the inpatient per diem rate except when billing Medicare for maintenance dialysis, in which case the hospital component will be charged in addition to the outpatient visit rate.

When medical services for beneficiaries of other Federal Agencies are obtained by the Veterans Administration from private sources, the charges to the other Federal Agencies will be the actual amounts paid by the Veterans Administration for such medical services.

Dated: November 4, 1980.

By direction of the Administrator:

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 80-35280 Filed 11-12-80; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedures and Hearing Rules, Station Committee on Educational Allowances that on December 9, 1980, at 1:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal Building—U.S. Courthouse, Room A–220, 110 Ninth Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Draughon's Junior College, 6204 Baum Drive, Knoxville, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place. This supersedes the notice previously published which scheduled the hearing on November 21, 1980.

Dated: November 5, 1980.

R. S. Bielak,

Director, VA Regional Office.

[FR Doc. 80-35315 Filed 11-12-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 221
Thursday, November 13, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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Parole Commission	16, 17

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:15 a.m., Tuesday, November 18, 1980.

PLACE: 2033 K Street NW., Washington, D.C., Fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matter.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–2075–80 Filed 11–10–80; 4:10 pm]

BILLING CODE 6351–01–M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, November 18, 1980.

PLACE: 2033 K Street NW., Washington, D.C., Fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Minimum financial rules.
Speculative position limits.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–2076–80 Filed 11–10–80; 4:10 pm]

BILLING CODE 6351–01–M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, November 21, 1980.

PLACE: 2033 K Street, NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–2077–80 Filed 11–10–80; 4:10 pm]

BILLING CODE 6351–01–M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Wednesday, November 12, 1980.

PLACE: Commission Conference Room, 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. Technical Changes to EEOC Order 365.
2. Proposed Section 603 of Volume II of the Compliance Manual: "Identifying and Processing Charges which Raise Issues Not Covered by a Commission Decision Precedent."
3. Report on Commission Operations by the Executive Director.

Closed to the Public:

Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Acting Executive Officer, Executive Secretariat, at (202) 634–6748.

This Notice Issued November 5, 1980.

[S–2065–80 Filed 11–10–80; 8:45 am]

BILLING CODE 6570–06–M

5

FEDERAL COMMUNICATIONS COMMISSION.

The following items have been deleted from the list of agenda items scheduled for consideration at the November 6, 1980, Open Meeting, at the request of Common Carrier Bureau, and previously listed in the Commission's Public Notice of October 30, 1980 (# 01042).

Agenda, Item Number, and Subject

Common Carrier—*Title:* In re Bell System Procurement Practices, Docket 80–53; In re Bell Operating Company Procurement of Telecommunications Equipment, RM No. 3381. *Summary:* The Commission will consider a Bell proposal submitted in response to its Final Decision in Docket 19129 regarding the procurement practices of the Bell Operating Companies. In addition, the Commission will consider a petition from ITT requesting it to order the Bell Companies to acquire one-third of their telecommunications equipment from General Trade suppliers.

Common Carrier—6—*Title:* License Contract Agreements and Other Intrasystem Arrangements of the Major Telephone Systems. *Summary:* The Commission will consider whether to initiate an inquiry and proposed rulemaking regarding license contracts and other intrasystem arrangements of the major telephone systems.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone (202) 254–7674.

Issued: November 5, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S–2061–80 Filed 11–7–80; 4:18 pm]

BILLING CODE 6712–01–M

6

FEDERAL COMMUNICATIONS COMMISSION.

The following item has been deleted at the request of the Private Radio Bureau from the list of agenda items scheduled for consideration at the November 6, 1980, Special Open Meeting, and previously listed in the Commission's Public Notice of October 30, 1980 (#01040).

Agenda, Item Number, and Subject

Private Radio—2—*Title:* Report and Order to amend Part 90 of the Commission's Rules to facilitate authorization of wide-area mobile radio communication systems on frequencies allocated for trunked systems. *Summary:* The Commission will consider whether to amend its rules generally to permit wide-area mobile radio communication systems to operate on frequencies designated for use by trunked land mobile communications systems.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: November 5, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-2062-80 Filed 11-7-80; 4:18 pm]

BILLING CODE 6712-01-M

7

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will consider this additional item on the subject listed below at the Open Meeting scheduled for Thursday, November 6, 1980, following the Special Open Meeting, in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Television—1—Application filed by Midcontinent Broadcasting Co., for authority to construct a new 1000 watt television translator station at Rapid City, South Dakota. Petitions to deny the applications filed by Duhamel Broadcasting Enterprises and by Dakota Broadcasting Co., Inc.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Federal Communications Commission.

November 5, 1980.

William J. Tricarico,

Secretary.

[S-2063-80 Filed 11-7-80; 4:19 pm]

BILLING CODE 6712-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, November 17, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed consolidation of Pacific National Bank of Washington, Seattle, Washington, and Northshore First National Bank, Bothell, Washington.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the liquidation of First State Bank of Northern California, San Leandro, California.

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the liquidation of First State Bank of Northern California, San Leandro, California.

Francis, Doval, Munoz, Acevedo, Otero & Trias, Hato Rey, Puerto Rico, in connection with the liquidation of Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44, 538-SR—Sharpstown State Bank, Houston, Texas.

Case No. 44,543-SR—Surety Bank and Trust Company, Wakefield, Massachusetts.

Memorandum and Resolution re: Statement Regarding Eligibility to Make Application to Become an Insured Bank Under Section 5 of the Federal Deposit Insurance Act.

Memorandum and resolution proposing final amendments to Part 336 of the Corporation's rules and regulations, entitled "Employee Responsibilities and Conduct."

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: November 10, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-2070-80 Filed 11-10-80; 3:32 pm]

BILLING CODE 6714-01-M

9

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, November 17, 1980, the Federal Deposit Insurance Corporation's Board of directors will meet in closed session, by vote of the Board of directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Bank of Mammoth, a proposed new bank, to be located at 473399 Highway 203, Mammoth Lakes, California, for Federal deposit insurance.

Panhandle State Bank, a proposed new bank, to be located at the southeast corner of Third and Oak Streets, Sandpoint, Idaho, for Federal deposit insurance.

Reading Savings Bank, Reading, Massachusetts, an operating noninsured mutual savings bank, for Federal deposit insurance.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,533-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Case No. 44,551-L—American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.

Memorandum and Resolution re: Franklin National Bank, New York, New York.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr.

Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: November 10, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–2071–80 Filed 11–10–80; 3:32 pm]

BILLING CODE 6714–01–M

10

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, November 18, 1980 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance. Personnel. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, November 20, 1980 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:
Draft AO 1980–123: Armistead I. Selden
Draft AO 1980–125: John M. Cogswell
Draft AO 1980–131: Larry D. Sharp, National Unity Campaign for John Anderson and National Unity Campaign 441a(d) Committee
1980 election and related matters
Certifications
Appropriations and budget
Pending legislation
Classification actions
Routine administrative matters

* * * * *

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S–2069–80 Filed 11–10–80; 3:25 pm]

BILLING CODE 6715–01–M

11

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: At the conclusion of the open meeting to be held at 9:30 a.m., November 10, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

MATTERS TO BE CONSIDERED: Request For FSLIC Approval to Retain Employees Pursuant to Section 407 (p)(2) of the National Housing Act.

[S–2066–80 Filed 11–10–80; 10:42 am]

BILLING CODE 6720–01–M

12

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, 217, 73849, November 6, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:30 a.m., November 10, 1980.

PLACE: 1700 G Street NW., Washington, D.C., Board Room.

STATUS: Open meeting.

CONTRACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

CHANGES IN THE MEETING: The following items have been added to the open meeting:

Holding Company Acquisition—Jim Walter Corporation, Tampa, Florida; First Brentwood Corporation, Los Angeles, Cal. and Brentwood Savings and Loan Association Los Angeles, California; To Purchase 15 Branch Offices from Mutual Savings and Loan Association Pasadena, California.
Merger Application—Northwestern Federal Savings and Loan Association Washington, D.C. into Capital City Federal Savings and Loan Association Washington, D.C.
Investment in Consumer Loans, Commercial Paper, and Corporate Debt Securities.
Maturity of Time Deposits.
Real Estate Lending Regulations.
Technical Amendments Relating to Supervisory Action.

[S–2067–80 Filed 11–10–80; 10:42 am]

BILLING CODE 6720–01–M

13

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, 217, November 6, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: November 10, 1980.

PLACE: 1700 G Street NW., Washington, D.C., board room.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

CHANGES IN THE MEETING: The meeting for November 10, 1980 was scheduled for 9:30 a.m. has been changed to 10:30 a.m.

No. 418, November 7, 1980.

[S–2064–80 Filed 11–7–80; 5:06 pm]

BILLING CODE 6720–01–M

14

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 74141, November 7, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., November 12, 1980.

CHANGES IN THE MEETING: The date of the meeting will be changed from November 12, 1980 to November 13, 1980 at 9 a.m.

Addition of the following item to the closed session: 1. Antitrust Litigation (S.D.N.Y. No. MDL 395 M21–26).

[S–2074–80 Filed 11–10–80; 3:56 pm]

BILLING CODE 6730–01–M

15

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10:00 a.m., Monday, November 17, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposal by the Federal Reserve Bank of San Francisco to increase the construction budget for its new building.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 462–3204.

Dated: November 7, 1980.

Theodore E. Allison,

Secretary of the Board.

[S–2068–80 Filed 11–10–80; 11:04 am]

BILLING CODE 6210–01–M

16

[1P0401]

UNITED STATES PAROLE COMMISSION.

TIME AND PLACE: 12 noon to 3 p.m., Sunday, November 16, 1980.

PLACE: Fifth floor; 330 Primrose Road; Burlingame, CA 94010.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Clarification of rulings on executing warrants on parole violator terms.
2. Search and Seizure.
3. Ancient Prior Record—Definition and effect.
4. Administrative Reviews—Method of handling.
5. Refusal of inmates to accept parole conditions and/or sign parole release agreements.

6. Proposed revisions of 28 CFR § 2.23—Examiner recommendations.

7. Proposed revisions of 28 CFR § 2.24—Allowing for a rehearing prior to a final decision to assess adverse information.

CONTACT PERSON FOR MORE INFORMATION: Barbara Meierhoefer, Acting Director of Research, U.S. Parole Commission, (202) 724–3095.

[S–4410–01 Filed 11–10–80; 3:44 pm]

BILLING CODE 4410–01–M

17

[1PO401]

UNITED STATES PAROLE COMMISSION.

TIME AND DATE: 11 a.m.–12 noon, Sunday, November 16, 1980.

PLACE: 330 Primrose Road; Burlingame, CA 94010.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Witness protection program—policy, planning and relationship to cases.

CONTACT PERSON FOR MORE INFORMATION: Barbara Meierhoefer, Acting Director of Research, U.S. Parole Commission (202) 724–3095.

[S–2072–80 Filed 11–10–80; 3:43 pm]

BILLING CODE 4410–01–M

federal register

Thursday
November 13, 1980

Part II

Department of the Interior

Office of the Secretary

Privacy Act of 1974; Annual Publication of Systems of Records

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Annual Publication of Privacy Act of 1974; Systems of Records

Federal agencies are required by the Privacy Act of 1974 to give annual notice of records they maintain. On April 11, 1977, a complete compilation of notices was published for this Department (42 FR 18968). Completely updated annual supplements were subsequently published on October 23, 1978, (43 FR 49480) and December 13, 1979, (44 FR 72240). This notice includes a complete publication of those notices published between November 16, 1979, and October 15, 1980.

This document fulfills the annual notice requirements of the Privacy Act of 1974. For additional information contact the Privacy Act Officer, Office of Administrative Services, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240.

Dated: October 31, 1980.

William L. Kendig,

Deputy Assistant Secretary of the Interior.

New Records Systems (November 16, 1979 to October 15, 1980):

1. Real Estate Comparable Sales Data Storage System—Interior, Water and Power Resources Service—43. Published on March 11, 1980, (45 FR 15684).

2. Employee Counseling Services Program Records—Interior, Office of the Secretary—100. Published on September 10, 1980, (45 FR 59642).

Revised Records Systems (November 16, 1979 to October 15, 1980):

1. Integrated Records Management System—Interior, Bureau of Indian Affairs—25. Published on July 3, 1980, (45 FR 45381).

2. Emergency Defense Mobilization Files—Interior, Office of the Secretary—15. Published on August 21, 1980, (45 FR 55832).

3. Security Clearance Files and Other Reference Files—Interior, Office of the Secretary—45. Published on August 21, 1980, (45 FR 55833).

4. Secretarial Subject Files—Interior, Office of the Secretary—46. Published on August 21, 1980, (45 FR 55834).

5. Parking Assignment Records—Interior, Office of the Secretary—47. Published on August 21, 1980, (45 FR 55834).

6. Vehicle Operator's Identification Card Applications—Interior, Office of the Secretary—50. Published on August 21, 1980, (45 FR 55835).

7. Property Management Accountability—Interior, Office of the Secretary—51. Published on August 21, 1980, (45 FR 55835).

8. Travel Management Records—Interior, Office of the Secretary—52. Published on August 21, 1980, (45 FR 55836).

9. Classified Documents—Interior, Office of the Secretary—53. Published on August 21, 1980, (45 FR 55836).

10. Privacy Act Files—Interior, Office of the Secretary—57. Published on August 21, 1980, (45 FR 55837).

11. Safety Management Information System—Interior, Office of the Secretary—60. Published on August 21, 1980, (45 FR 55837).

12. Freedom of Information Appeal Files—Interior, Office of the Secretary—69. Published on August 21, 1980, (45 FR 55838).

13. Applicant Files—Interior, Office of the Secretary—70. Published on August 21, 1980, (45 FR 55838).

14. Unfair Labor Practice Charges/Complaints—Interior, Office of the Secretary—77. Published on August 21, 1980, (45 FR 55839).

15. Negotiated Grievance Procedure Files—Interior, Office of the Secretary—78. Published on August 21, 1980, (45 FR 55840).

Deleted Records Systems (November 16, 1979 to October 15, 1980):

1. Employee Identification Card Files—Interior, Office of the Secretary—48. Published on August 21, 1980, (45 FR 55831).

2. Safety Career Opportunity Plan for Employees—Interior, Office of the Secretary—61. Published on August 21, 1980, (45 FR 55831).

3. Government of American Samoa Administrative Management and Fiscal Records—Interior, Office of the Secretary—96. Published on August 21, 1980, (45 FR 55831).

System Notices for new and revised records systems, as noted above, are published in their entirety below.

Interior/LWP-43

SYSTEM NAME:

Real Estate Comparable Sales Data Storage—Interior, WPRS-43

SYSTEM LOCATION:

This system of records is located only in the Regional Headquarters of the Mid-Pacific Region, 2800 Cottage Way, Sacramento, California 95825. See United States Directory of Federal Regional Structure, May 8, 1979.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who use or lease property adjacent to or within the vicinity of property owned or leased by the Water and Power Resources Services (WPRS).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain data on the physical and nonphysical characteristics of properties having transferred ownership within the vicinity of Federal reclamation projects. Ownership transfers are defined herein as a transfer by deed, agreements to sell or purchase, leases, and contracts. In addition to the property characteristics, the records contain the terms, names, addresses, and telephone numbers of the parties involved, plus other official recorded data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) Reclamation Act of 1902, as amended and acts supplemental thereto, 43 U.S.C. 371, et seq., (2) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4651, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) To make available to the Department of the Interior, data concerning real estate which has transferred ownership within the vicinity of a reclamation project.

(2) For use as comparable data involving real estate appraisals in connection with acquisition programs, land disposals or leases of land owned by the United States, or appraisals of excess land in compliance with the acreage limitation.

(3) To make available to independent appraisers, which are under contract with the Water and Power Resources Service or the Department of Justice, comparable data for use in connection with an appraisal assignment.

(4) Transfer to the United States Department of Justice in the event of litigation involving the records or the subject matter of the records.

(5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, or license whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with enforcing or implementing the statute, regulation, rule, order or license violated or potentially violated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintain in manual, magnetic disk, magnetic tape, and printout form.

RETRIEVABILITY:

Records are indexed by Service assigned document control number and

data field codes which identify property characteristics.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Data stored on magnetic media is retained as permanent record. Manual records are disposed of when superseded.

SYSTEM MANAGER(S) AND ADDRESS:

The System Manager for this system of records is as follows: Regional Real Estate Officer, United States Department of the Interior, Water and Power Resources Service, 2800 Cottage Way, Sacramento, California 95825.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to Regional Director, Water and Power Resources Service, Mid-Pacific Regional, 2800 Cottage Way, Sacramento, California 25825. A written, signed request, stating that the requestor seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Same as Notification above. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

Same as Notification above. See 43 CFR 2.63.

RECORD SOURCE CATEGORIES:

Individuals on whom records are maintained, County Recorder, Title Companies, and Appraisers.

INTERIOR/06—100

SYSTEM NAME:

Employee Counseling Services Program Records—Interior, Office of the Secretary—100

SYSTEM LOCATION:

This system of records is located:

(1) Office of Personnel, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

(2) Contractor(s), providing counseling services.

(3) Bureau Headquarters Personnel Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of the Interior employees and their families who seek, are referred, and/or receive assistance through the Employee Counseling Services Program (ECSP).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include documentation of visits to employee counselors (Federal, State, local government, or private) and the problem assessment, recommended plan of action to correct the major issue, referral to community or private resource for assistance with personal problems, referral to community or private resource for rehabilitation or treatment, results of referral, and other notes or records of discussions held with the employee made by the ECSP counselor. Additionally, records in this system may include documentation of treatment by a therapist or at a Federal, State, local government, or private institution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 7901, 21 U.S.C. 1101 and 1108, 42 U.S.C. 4541 and 4561, 44 U.S.C. 3101, OMB Circular A–72.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by the Employee Counseling Services Program Counselor to document the nature of an individual's work performance problem and progress made to correct the problem. The primary uses of these records are: (1) For the ECSP counselor to document the nature of an individual's work performance problem and progress made to correct the problem, and, (2) Record an individual's participation in, and the results of, community or private referrals for solution of personal problems, rehabilitation, or treatment programs.

These records and information may be used:

(1) To disclose information to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Department in connection with the individual.

(2) To disclose information to qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report or otherwise disclose patient identities in any manner (when such records are provided to qualified researchers employed by DOI, all patient identifying information will be removed).

(3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records.

(4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

(5) Disclosure to a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

(6) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant of other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Note.—Disclosure of information pertaining to an individual with a history of alcohol or drug abuse must be limited in compliance with the restrictions of the confidentiality of Alcohol and Drug Abuse Patient Records Regulations, 42 CFR Part 2. Disclosure of records pertaining to the physical and mental fitness of employees are, as a matter of Department policy, afforded the same degree of confidentiality.

POLICIES AND PRACTICES FOR STORAGE, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the name of the individual on whom they are maintained.

SAFEGUARDS:

These records are maintained in locked file cabinets with access strictly limited to employees directly involved in the Department's Employee Counseling Service Program alcohol and drug abuse prevention function as that term is defined in 42 CFR Part 2.

RETENTION AND DISPOSAL:

Records are maintained for three to five years after the employee or family member's last contact with the ECSP prevention function or until the employee's separation or transfer, whichever come first. Records are destroyed by shredding or burning.

SYSTEM MANAGER(S) ADDRESS:

Department: Program Administrator, Employee Counseling Services Program, Office of Personnel, Department of the Interior, 18th & C Streets, NW., Washington, D.C. 20240.

Bureaus: Bureau Headquarters Personnel Officers or other officials designated by the bureau head or Assistant Secretary—Policy, Budget and Administration as appropriate, after consultation with the Program Administrator. Addresses for such officials are listed in the appendix to the publication containing these system notices.

NOTIFICATION PROCEDURE:

Department employees wishing to inquire whether this system of records contains information about them should contact the Department of the Interior Employee Counseling Services Program Coordinator who arranged for counseling or referral. Individuals must furnish their name and date of birth for their records to be located and identified.

RECORD ACCESS PROCEDURES:

Same as notification above. Any individual must also follow the Department Privacy Act Regulations regarding verification of identity and access to records (See 43 CFR 2.62).

CONTESTING RECORDS PROCEDURES:

Department employees wishing to request amendment to these records should contact the Department Employee Counseling Services Program Coordinator who arrange for counseling or referral. An individual must follow the Department's Privacy Act Regulations regarding verification of identity and amendment of records (See 43 CFR 2.70).

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom it applies, the supervisor of the individual if the individual was referred by a supervisor, the Employee Counseling Services Program staff who records the counseling session, and therapists or institutions used as referrals or providing treatment.

INTERIOR/BIA-25

SYSTEM NAME:

Integrated Records Management System—Interior, BIA–25

SYSTEM LOCATION:

(1) Division of Systems Operation, Bureau of Indian Affairs, 500 Gold Ave., SW., Albuquerque, New Mexico 87103;

(2) Central, Area, Agency and Field Offices, Schools of the BIA (see appendix for addresses) or contractors providing time-share services to the BIA:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indian and Indian Tribal Groups that are owners of real property held in trust by the Government, individuals or groups that are potential or actual lessees of that property, individuals who have been assigned interests of any in Indian Tribes, Pueblos or corporations, and individual Indians who have money accounts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Land description, current ownership, dower and life estate interest, information on all types of leases or other land uses including grazing, farming, minerals mining, timber and business, etc. Information on individuals including name, address, aliases, sex, date of birth, tribal membership and blood quantums, etc. General ledgers showing deposits and withdrawals from Indian accounts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 151, 25 U.S.C. 392, 25 U.S.C. 415, and 25 U.S.C. 163.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are:
(a) To control individual Indians money accounts and disclose to them the status of those accounts.

(b) Identification of individual Indians and Indian and Indian Tribal groups with interest in lands held in trust.

(c) Control of leases on Indian trust lands and real property, and collection and distribution of lease income.

(d) Bill individual owners or lessees for irrigation.

(e) Determination of eligibility of individuals to participate in or enjoy benefits from an interest in a tribal group.

(f) Lists of approved enrollees used to distribute funds or income, or as a base to gather consensus or ownership data for planning purposes. Disclosures outside the Department of the Interior may be made.

(1) To the Tribe, band, Pueblo or corporation of which the individual to whom a record pertains is a member or a stockholder.

(2) To a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

(3) To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency's decision on the matter.

(4) To the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records.

(5) Transfer, in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

POLICIES AND PRACTICES FROM STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual: letter files, computer readable media, input forms and computer printouts. Computer: mag tape and disk files.

RETRIEVABILITY:

(a) Indexed by name, identification numbers, family numbers, lease numbers, tract numbers, etc.

(b) Retrieved by manual search or computer inquiry.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Permanent records are retrieved. Closed or inactive records are transferred to GSA storage. Prior information on mag tape erased as updated information is added to the system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Administrative Services Center, 500 Gold Ave, SW., Albuquerque, NM 87103.

NOTIFICATION PROCEDURE:

System Manager or with respect to records maintained in the office for which he is responsible, an Agency Superintendent or an Area or Field Office Director. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed the same as for Notification. The request must be in writing and be signed by the requester, and must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Enrollees or claimants. Birth, marriage and death certificates, and family and tribal histories. Owners and lessees. Titles, deeds, probates, all types of land and water rights and usages documents. Individual Indians, depositors in the accounts and claimants against the accounts.

INTERIOR/OS-15

SYSTEM NAME:

Emergency Defense Mobilization Files—Interior, Office of the Secretary—15.

SYSTEM LOCATION:

(1) Office of the Assistant Secretary—Energy and Minerals. (2) Office of the Assistant Secretary—Land and Water Resources. Address for all locations: U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the National Defense Executive Reserve and other individuals assigned responsibilities in the event of a national defense emergency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical and related records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to administer the NDER program. Disclosures outside the Department of the Interior may be made (1) to officials of participating departments and agencies relevant to reservists assigned to their units; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form.

RETRIEVABILITY:

Indexed by individual name.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records held for two years after individual's resignation or death.

SYSTEM MANAGER(S) AND ADDRESS:

(1) For records maintained in the Office of the Secretary, the Assistant Secretary—Policy, Budget and Administration. (2) For records maintained in the Office of the Assistant Secretary—Energy and Minerals, the Assistant Secretary—Energy and Minerals. (3) For records maintained in the Office of the Assistant Secretary—Land and Water Resources, the Assistant Secretary—Land and Water Resources.

NOTIFICATION PROCEDURE:

A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required. The request shall be addressed to the appropriate System Manager. See 43 CFR 2.60 for submission requirements.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the appropriate System Manager and shall meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the appropriate System Manager and shall meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individuals.

INTERIOR/OS-45

SYSTEM NAME:

Security Clearance Files and Other Reference Files—Interior, Office of the Secretary—45.

SYSTEM LOCATION:

Office of the Secretary, Office of Administrative Services (PMO), Division of Enforcement and Security Management, U.S. Department of the Interior, 18th and C Steets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Office of the Secretary personnel, Heads of Bureaus, and their respective Bureau Security Officers whose duties have been designated critical sensitive or non-critical sensitive.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains copies of SF–85 or SF–86 and/or SF–171 supplied by individual concerned as well as copies of letters of transmittal between Interior and the Office of Personnel Management concerning the individual's background investigation. Further, contains copy of certification of clearance status and briefing and/or debriefing certificate signed by individual as appropriate. Card file reflects summary, case number and disposition of the case number and disposition of the case file following review.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for the identification of (a) Office of the Secretary personnel and Heads of Bureaus and their respective Security Officers who have been granted a security clearance; (b) persons in a pending clearance status awaiting the results and adjudication of Office of Personnel Management investigations; and (c) persons whose clearance has been terminated in the last five years due to an administrative down-grading, transfer to other agencies, employment retirement, or death. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing

or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Stored in a locked room in manipulation-proof 3-way combination lock steel safes. Access granted only to cleared personnel on official business.

RETENTION AND DISPOSAL:

Records are maintained in active status until the individual is debriefed; held for five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Enforcement and Security Management, Office of Administrative Services (PMO), Office of the Secretary, Department of the Interior, 18th and C Streets, N.W., Washingfton, D.C. 20240.

NOTIFICATION PROCEDURE:

Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Same as the above. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained as well as data furnished by other Federal agencies on the person concerned.

INTERIOR/OS-46

SYSTEM NAME:

Secretarial Subject Files—Interior, Office of the Secretary—46.

SYSTEM LOCATION:

Office of the Secretary, Office of Administrative Services (PMO), Secretary's Mail and Files Section, Room 6013, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those who have had correspondence with the Office of the Secretary.

CATEGORIES OF RECORDS IN THE SYSTEM:

Index cards containing the name, dates, and subject codes for retrieval of subject files, subject files of correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101, Reorganization Plan 3 of 1950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records are to support the operational, program and policy decisions of the Secretary of the Interior, Solicitor, Assistant Secretaries, Deputy Assistant Secretaries, and their immediate staff, disclosures outside the department are (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, and (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3" x 5" index cards correspondence filed in folder.

RETRIEVABILITY:

Indexed by subject.

SAFEGUARDS:

Stored in locked office.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of Office Services (PMO) Office of Administrative Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

A written and signed request stating that the requestor seeks information concerning records pertaining to him/her.

RECORD ACCESS PROCEDURES:

Submit requests to the System Manager. The request must be in writing, signed by the requestor, and meet the requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Correspondence or documents signed at the Secretarial level.

INTERIOR/OS-47

SYSTEM NAME:

Parking Assignment Record—Interior, Office of the Secretary—47.

SYSTEM LOCATION:

Office of Administrative Services (PMO), Division of General Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual requesting a parking permit or joining a carpool.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain the individual's name, social security number, telephone number at work, service computation date, vehicle make and model, state of registration, license tag number, residence address, location of employment, parking space location and number, number of carpool riders, and the applicant's parking payment record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 471, et seq., FMC 74-1 FPMR Temporary Regulation D-43.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) internal control over the assignment of parking permits (b) assistance to individuals in locating carpools. Disclosures outside the department are (1) to a Federal agency that has jurisdiction over parking space, (2) to the U.S. Department of Justice when related to litigation or anticipated

litigation, and (3) of information indicating a violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer printout.

RETRIEVABILITY:

Indexed by name of individual, social security number, zip code of individual's residence, organization location and license tag number.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records.

RETENTION AND DISPOSAL:

Records maintained on a current basis.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of General Services, Office of Administrative Services (PMO), U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

A written and signed request stating that the requestor seeks information concerning records pertaining to him/her. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Submit requests to the System Manager. The request must be in writing, signed by the requestor, and meet the content requiremen0ts of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Data furnished by the individual.

INTERIOR/OS-50

SYSTEM NAME:

Motor Vehicle Operator's Identification Card Applications—Interior, Office of the Secretary—50.

SYSTEM LOCATION:

Office of the Secretary—(1) Division of General Services, Office of Administrative Services, U.S. Department of the Interior, Washington, D.C. 20240. (2) Division of Personnel Services, U.S. Department of the Interior, Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees in the Office of the Secretary and other Departmental offices who have been issued government driver identification cards.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain the individual's name, title, sex, date of birth, place of birth, physical characteristics, social security number, past driving record, traffic citations, accidents for past three years, medical history, state driver license number, and road test results when applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 491(j); 5 U.S.C. 1302, 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is internal control over the issuance of government driver identification cards. Disclosures outside the Department are, (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, and (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on form DI.–131–Rev. and Standard Form 47.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Stored in locked office.

RETENTION AND DISPOSAL:

Subject to general records schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of Office Services, Office of Administrative Services, Division of Personnel Services, Office of Secretarial Operations, Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

A written and signed request stating that the requester seeks information concerning records pertaining to him/her. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Submit requests to the System Manager. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Federal employees applying for a government driver identification card.

RETENTION AND DISPOSAL:

Destroyed when obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of Office Services, Office of Administrative Services, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

A written and signed request stating that the requester seeks information concerning records pertaining to him/her. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Submit requests to the System Manager. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Responsible Officer who is assigned the property by code.

INTERIOR/OS-51

SYSTEM NAME:

Property Management Accountability—Interior, Office of the Secretary—51.

SYSTEM LOCATION:

Division of General Services, Office of Administrative Services (PMO), Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals designated as Responsible Officers who are charged with the care, utilization, recordkeeping, etc., for property assigned to them.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in the system contains computer identification codes for each Responsible Officer and descriptive data about each piece of property (excluding supplies) assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 483(b)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is the internal control of property assigned to offices. Disclosures outside the Department are (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (3) to respond to General Accounting Office audits and Congressional inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on computer media.

RETRIEVABILITY:

System is indexed by code assigned to each Responsible Officer or by various property system codes.

SAFEGUARDS:

Maintained with safeguards meeting the "Computer Security Guidelines for Implementing the Privacy Act of 1974."

INTERIOR/OS-52

SYSTEM NAME:

Travel Management Records—Interior, Office of the Secretary—52.

SYSTEM LOCATION:

Branch of Travel, Office of Administrative Services (PMO), Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal Employees or individuals who travel on behalf of the Department on official business.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records system contains passports, visas, printouts of airline ticket payment reports, Government transportation requests; and travel tickets.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are making reservations, generating tickets, and transferring travel tickets to fiscal services for payment. Disclosures outside the Department are (1) to the airlines for travel and reservation purposes, (2) the transfer of passports and visa to other Federal agencies, (3) to the U.S. Department of Justice when related to litigation or anticipated litigation, and (4) of information indicating a violation or potential violation of a potential violation of a statute regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printouts and tickets maintained in folders. Government transportation requests are maintained in log books. Each passport and visa maintained in separate book.

RETRIEVABILITY:

Printouts filed by bureau. Government transportation requests filed by number and name. Passports and visas filed by name.

SAFEGUARDS:

Passports, visas, and Government transportation log books stored in a locked room in manipulation proof three way combination lock steel safes. Printouts stored in a locked office. Access granted only to designated personnel.

RETENTION AND DISPOSAL

General Records Schedule No. 9, Item No. 4.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of Travel, Office of Administrative Services, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

A written and signed request stating that the requester seeks information concerning records pertaining to him/her. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Submit requests to the System Manager. The request must be in writing, signed by the requestor, and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Federal employees and individuals who travel on behalf of the Department.

INTERIOR/OS-53

SYSTEM NAME:

Classified Documents—Interior, Office of the Secretary—53.

SYSTEM LOCATION:

Branch of Office Services, Office of Administrative Services (PMO), Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of U.S. Department of the Interior authorized to receive classified documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the individuals name, security clearance, employment address, and telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 10450 and 10865.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is the internal transmittal of classified documents to individuals. Disclosure outside the Department are (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, and (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in standard file folders.

RETRIEVABILITY:

Indexed by bureau and name.

SAFEGUARDS:

Stored in a locked room in manipulation-proof 3-way combination lock steel safe.

RETENTION AND DISPOSAL:

Records are maintained in active status subject to general record schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of Office Services, Office of Administrative Services (PMO) Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, NW, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

A written and signed request stating that the requester seeks information concerning records pertaining to him/her. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Submit requests to the System Manager. The request must be in writing, signed by the requestor, and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

List of employees who have a security clearance and have needs for specified classified data.

INTERIOR/OS-57

SYSTEM NAME:

Privacy Act Files—Interior, Office of the Secretary—57.

SYSTEM LOCATION:

(1) Office of Administrative Services, Division of Directives and Reports Management, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Offices of Privacy Act Officers of each bureau of the Department. (See Appendix for addresses of bureau headquarters offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Individuals who have submitted requests for notification, access or amendment of records under the Privacy Act. (2) Individuals who have filed Privacy Act appeals with Assistant Secretary—Policy, Budget, and Administration under the department's regulations. (3) Offices of Systems Managers and other officials authorized to receive requests for notification and access and petitions for amendments. (See system notices for addresses.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests, appeals, decisions and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for action on requests and appeals of Privacy Act matters. Disclosures outside the Department of the Interior may be made (1) to other Federal agencies having a subject matter interest in a request or an appeal or a decision thereon; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records on access are destroyed two years after date of reply. Final decisions on agreements or refusals to amend records are destroyed four years after final decision, or three years after final adjudication by courts.

SYSTEM MANAGER(S) AND ADDRESS:

(1) For records in the Office of Administrative Services: Privacy Act Officer, Office of Administrative Services, Division of Directives and Reports Management, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (2) For other records: Bureau Privacy Act Officers. (See Appendix for addresses of bureau headquarters offices.)

NOTIFICATION PROCEDURE:

The System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access should be addressed to any office or offices to which the requester has submitted a request for access or an appeal. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the appropriate System Manager and must meef the content requirements of 43 CFR 2.71.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

INTERIOR/OS-60

SYSTEM NAME:

Safety Management Information System—Office of the Secretary—60.

SYSTEM LOCATION:

(1) Division of Safety Management, Office of Administrative Services, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) All field offices and bureau headquarters retain copies of source document. (See Appendix for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, contractors, concessioners and public visitors to Interior facilities who have been involved in an accident resulting in personal injury, and/or property damage.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, social security number (employees only), occupation, date and location of accident; data elements about the accident for analytical purposes; and descriptive narrative concerning the reason for the loss producing event.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 5 U.S.C. 7901, (2) 28 U.S.C. 2671–2680, (3) 31 U.S.C. 240–243, (4) Executive Order 12196 (1980), (5) 29 CFR 1960.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING THE CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) provide summary data of injury, illness and property loss information to bureaus in a number of formats for analytical purposes in establishing program to reduce or eliminate loss producing problem areas, (b) provide listings of individual cases to bureaus to insure that accidents occuring are reported through the Safety Management Information System, and (c) adjudicating tort and employee claims. Disclosures outside the Department of the Interior may be made, (1) to a Federal, State or local government agency that has partial or complete jurisdiction over the claim or related claims; (2) to provide to the Department of Labor quarterly summary listings of fatalities and disabling injuries and illnesses in compliance with 29 CFR 1960.6; (3) to the U.S. Department of Justice when related to litigation or anticipated litigation; (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; and (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tape, with copies of source document maintained at bureau safety management headquarters, regional, and field offices where accident is reported.

RETRIEVABILITY:

System is indexed by bureau assigned document control number.

SAFEGUARDS:

Maintained with safeguards meeting the Computer Security Guidelines for Implementing the Privacy Act of 1974.

RETENTION AND DISPOSAL:

Data stored on magnetic tape is retained as a permanent record. Source documents are to be retained at the field level for five years following end of the calendar year to which the record relates.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Safety Management, Office of Administrative Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

System manager or the field office in which the source document pertaining to the individual would be filed. The source document contained in the field office need not be maintained more than five calendar years past the date of the record as indicated in records disposal. A written and signed request stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager or the field safety office in which the source document for the individual would be filed. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Supervisor of employee involved in accident. Investigation conducted by supervisor of employee and may include safety professionals and other management officials of the involved bureau or office.

INTERIOR/OS–69

SYSTEM NAME:

Freedom of Information Appeal Files—Interior, Office of the Secretary—69.

SYSTEM LOCATION:

(1) Office of Administrative Services, Division of Directives and Reports Management, of U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, (2) Office of Public Affairs, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Individuals who have filed appeals under Department of the Interior Freedom of Information appeal procedures. (2) Individuals whose Freedom of Information requests to bureaus and offices have required longer than 10 days to process. (3) Individuals whose Freedom of Information requests to bureaus and offices have been denied in whole or part.

CATEGORIES OF RECORDS IN THE SYSTEM:

Appeals, recommendations of Solicitor, Director of Public Affairs, Program Assistant Secretaries and other officials, decisions of Assistant Secretary—Policy, Budget, and Administration, extension of time and initial decisions issued by bureaus and offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to support review and decisionmaking for Freedom of Information appeals, (b) for preparation of annual report to the Congress. Disclosures outside the Department of the Interior may be made (1) to other Federal agencies having a subject matter interest in an appeal or bureau or office decision; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

Indexed by individual name.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records are destroyed four years after final determination by agency, or three years after final adjudication by courts.

SYSTEM MANAGER(S) AND ADDRESS:

Freedom of Information Appeals Officer, Office of Administrative Services, Division of Directives and Reports Management, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Bureaus and offices of the Department, appellants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Privacy Act does not entitle an individual to have access to information compiled in reasonable anticipation of a civil action or proceeding.

INTERIOR/OS-70

SYSTEM NAME:

Applicant Files—Interior, Office of the Secretary—70.

SYSTEM LOCATION:

(1) Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (3) Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203. (4) Office of Water Research and Technology, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applicants, recommendations, interview notes and other documents utilized to determine eligibility, suitability and qualifications for Federal civilian employment maintained subject to applicable Office of Personnel Management requirements, including Office of Personnel Management Rule VI and Chapter 302 of the Federal Personnel Manual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3101, 43 U.S.C. 1457, Reorganization Plan 3 of 1950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is for the hiring of applicants. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Current applications retained.

SYSTEM MANAGER(S) AND ADDRESS:

For the Office of the Secretary: Staff Assistant, Office of the Assistant Secretary—Policy, Budget, and Administration, U.S. Department of the Interior, Washington, D.C. 20240. (3) For the Office of Hearings and Appeals: Directors, Office of Hearings and Appeals, Office of the U.S. Department of the Interior, Washington, D.C. 20240. (2) For the Office of the Solicitor: Administative Officer, Office of the Solicitor, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203. (4) For the Office of Water Research and Technology, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the appropriate systems manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORDS ACCESS PROCEDURES:

A request for access may be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(5), the Department of the Interior has adopted a regulation, 43 CFR 2.79(c), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) to the extent that it consists of investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/OS-77

SYSTEM NAME:

Unfair Labor Practice Charges/ Complaints—Interior, Office of the Secretary—77.

SYSTEM LOCATION:

a. For Departmental Head: Office of the Secretary, Personnel Management, Division of Labor Management Relations, 19th & C Streets, N.W., Washington, D.C. 20240. b. For Employees of BIA: Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Ave., N.W. Washington, D.C. 20245. c. For Employees of EBM: Bureau of Mines, Division of Personnel, Branch of Compensation and Labor Relations, Washington, D.C. 20240. d. For Employees of EGS: Geological Survey, 215 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092. e. For Employees of FNP: National Park Service, Division of Personnel, Branch of

Labor Management Relations, 19th and C Streets, N.W., Washington, D.C. 20240. f. For Employees of FFWS: U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 19th and C Streets, N.W., Washington, D.C. 20240. g. For Employees of WPRS; Water & Power Resources Service, Division of Personnel, 19th & C Streets, N.W., Washington, D.C. 20240. h. For Employees of LLM: Bureau of Land Management, Division of Personnel (530), 19th and C Streets, N.W., Washington, D.C. 20240. i. For Employees of HCRS: Heritage Conservation & Recreation Service, Division of Personnel, 440 G St., N.W., Washington, D.C. 20243. j. For Employees of OS and other Departmental Offices: Office of the Secretary, Division of Personnel Services, Branch of Programs, Standards and Issuances, 19th and C Streets, N.W., Washington, D.C. 20240. k. For Employees of OSM: Office of Surface Mining, Division of Personnel, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Interior employees filing unfair labor practice charges/complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

Formal charge and complaint; name, address, and other personal information about complainant, transcript of hearing (if held), and information about other personnel in complainant's work unit, as relevant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11491, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to administer charges or complaints of unfair labor practices. Disclosures outside the Department of the Interior may be made (1) to the Department of Labor and to the Federal Labor Relations Council for settlement of the complaint or appeal; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Name and docket or case number.

SAFEGUARDS:

Records are locked in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

For records at Location (a): Chief, Division of Labor Management Relations, Office of the Secretary, Personnel Management, Division of Labor Management Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (b): Labor Relations Officer, Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Ave., N.W., Washington, D.C. 20245. For records at Location (c): Labor Relations Officer, Bureau of Mines, Division of Personnel, Branch of Compensation and Labor Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (d): Personnel Officer, Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092. For records at Location (e): Labor Relations Officer, National Park Service, Division of Personnel, Branch of Labor Management Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (f): Personnel Officer, U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (g): Labor Relations Officer, Water and Power Resources Service, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (h): Labor Relations Officer, Bureau of Land Management, Division of Personnel (530), 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (i): Labor Relations Officer, Heritage Conservation and Recreation Service, 440 G Street, N.W., Washington, D.C. 20243. For records at Location (j): Chief, Branch of Programs, Standards and Issuances, Office of the Secretary, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (k): Labor Relations Officer, Office of Surface Mining, Division of Personnel, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the appropriate System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Subject complainant, colleagues and supervisors of complainant and management officials.

INTERIOR/OS-78

SYSTEM NAME:

Negotiated Grievance Procedure Files—Interior, Office of the Secretary—78.

SYSTEM LOCATION:

a. For Departmental Head: Office of the Secretary, Personnel Management, Division of Labor Management Relations, 19th & C Streets, N.W., Washington, D.C. 20240. b. For Employees of BIA: Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Ave., N.W., Washington, D.C. 20245. c. For Employees of EBM: Bureau of Mines, Division of Personnel, Branch of Compensation and Labor Relations, Washington, D.C. 20240. d. For Employees of EGS: Geological Survey, 215 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092. e. For Employees of FNP: National Park Service, Division of Personnel, Branch of Labor Management Relations, 19th and C Streets, N.W., Washington, D.C. 20240. f. For Employees of FWS: U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 19th and C Streets, N.W., Washington, D.C. 20240. g. For Employees of WPRS: Water & Power Resources Service, Division of Personnel, 19th and C Streets, N.W., Washington, D.C. 20240. h. For Employees of LLM: Bureau of Land

Management, Division of Personnel (530), 19th and C Streets, N.W., Washington, D.C. 20240. i. For Employees of HCRS: Heritage Conservation & Recreation Service, Division of Personnel, 440 G St., N.W., Washington, D.C. 20243. j. For Employees of OS and other Departmental Offices: Office of the Secretary, Division of Personnel Services, Branch of Programs, Standards and Issuances, 19th and C Streets, N.W., Washington, D.C. 20240. k. For employees of OSM: Office of Surface Mining, Division of Personnel, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Interior employees filing grievances/complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

Formal charge and complaint; name, address, and other personal information about complainant, transcript of hearing (if held), and information about other personnel in complainant's work unit, as relevant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11491, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to administer employee grievances. Disclosures outside the Department of the Interior may be made (1) to the Federal Labor Relations Council, or to the Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Name and Docket or Case number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

For records at Location (a): Chief, Division of Labor Management Relations, Office of the Secretary, Personnel Management, Division of Labor Management Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (b): Labor Relations Officer, Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Ave., N.W., Washington, D.C. 20245. For records at Location (c): Labor Relations Officer, Bureau of Mines, Division of Personnel, Branch of Compensation and Labor Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (d): Personnel Officer, Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092. For records at Location (e): Labor Relations Officer, National Park Service, Division of Personnel, Branch of Labor Management Relations, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (f) Personnel Officer, U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (g): Labor Relations Officer, Water & Power Resources Service, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (h): Labor Relations Officer, Bureau of Land Management, Division of Personnel (530) 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (i): Labor Relations Officer, Heritage Conservation & Recreation Service, 440 G St., N.W., Washington, D.C. 20243. For records at Location (j): Chief, Branch of Programs, Standards and Issuances, Office of the Secretary, 19th and C Streets, N.W., Washington, D.C. 20240. For records at Location (k): Labor Relations Officer, Office of Surface Mining, Division of Personnel, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the appropriate System Manager. A written signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.63.

RECORD SOURCE CATEGORIES:

Subject complainant, colleagues and supervisors of complainant and management officials.

[FR Doc. 80-35012 Filed 11-12-80; 8:45 am]
BILLING CODE 4310-10-M

federal register

Thursday
November 13, 1980

Part III

Department of Transportation

Federal Aviation Administration

General Operating and Flight Rules: Proposed Issuance of Notices to Airmen for Communicating Emergency Flight Rules; Draft National Air Traffic Control Contingency Plan for Potential Strikes and Other Job Actions by Air Traffic Controllers

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 21022; Notice No. 80-19]

General Operating and Flight Rules; Proposed Issuance of Notices to Airmen for Communicating Emergency Flight Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an amendment to up-date and clarify the general flight rules by expressly stating that FAA Notices to Airmen (NOTAMs) are an authorized means by which emergency flight rules are communicated to pilots and operators. Such a use of regulatory NOTAMs is contemplated under the FAA's "Draft National Controller Strike Contingency Plan" published elsewhere in today's **Federal Register**. NOTAMs have been used for many years to communicate information critical to immediate flight safety and to regulate certain aspects of flight operations as rapidly as changing conditions require. However, the existing regulatory provisions expressly authorizing the use of this effective means of immediate communication are limited to specific situations.

When the Administrator determines that emergency conditions exist that are not adequately covered by the existing rules and regulations, the FAA has the ability to announce immediately appropriate flight rules, including flight restrictions and prohibitions, that prescribe the terms and conditions under which flight operations may be conducted within the designated area during the emergency. The proposed rule would clarify the use of NOTAMs for those purposes and provide express authority for their use during a declared emergency.

DATES: Comments must be received on or before: December 29, 1980.

ADDRESSES: Send comments on the proposal in duplicate to:
Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21022, 800 Independence Avenue, SW., Washington, DC 20591;
OR deliver comments in duplicate to:
FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC.

Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: B. Keith Potts, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3731.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 21222." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Background

New situations occur, including emergencies, that are not always adequately addressed by existing rules. Whenever necessary, those rules are amended or new rules are adopted to meet changing circumstances. However, not all circumstances warrant a general, "permanent" rule, particularly if it would cover elusively defined or very infrequent situations, or if it would require too much generalization in the rule to be effective under the specific conditions that can actually develop. This proposed amendment would clarify the basis for prompt, direct, and responsive action that can be tailored for any type of emergency condition.

Some contingency planning for emergencies must precede the need to react to ensure preparedness with a variety of well-developed, potential actions that, in whole or in part, can be taken under the circumstances that arise. For example, in today's **Federal Register**, the FAA is publishing its "Draft National Controller Strike Contingency Plan." Under that plan, NOTAMs would be used for specific regulatory purposes responding to existing or developing conditions. Widespread or local emergencies, accidents, natural disasters, sabotage, equipment failures, and other similar events can trigger the need for timely reaction locally, regionally, or nationally. Even in those cases not covered by extensive contingency planning, the proposed rule would recognize the FAA's need and ability to communicate immediately the necessary emergency information and flight rules that provide the requisite levels of safe and efficient use of the navigable airspace by aircraft without undue burdens to airspace users.

For many years the FAA has fulfilled its need to communicate immediately to pilots and operators information critical to flight safety or of regulatory significance by issuing Notices to Airmen (NOTAMs) through the National Flight Data Center. Those telegraphic messages receive nationwide, all-circuit dissemination within the FAA communications system to its facilities and personnel and are thereby available to persons using the National Airspace System. Under § 91.5 of the Federal Aviation Regulations, pilots are required, before beginning a flight, to familiarize themselves with all available information concerning that flight. An important element of that preflight action is the available Notices to Airmen. In addition to preflight briefings, NOTAM information may be obtained through two-way radio communications with air traffic control and flight service stations.

In that regard, the NOTAM is an invaluable means of providing pilots and operators the current, specific information. It also provides the means of communicating matters of regulatory significance which prescribe the conduct of flight operations when prior rulemaking through notice and public procedure in the **Federal Register** is not only impracticable but unresponsive to fast developing and changing conditions not adequately covered by existing rules. When necessary, it provides the pilot with actual knowledge of the changes in the rules and regulations affecting that operation.

Several existing regulations expressly authorize the use of NOTAMs as the means of communicating information under their provisions. Those regulations deal with specific situations in which NOTAMs are used whenever necessary. However, there is no express regulatory authorization for the more general use of NOTAM for other emergency situations even though the Federal Aviation Act of 1958, as amended, authorizes and directs the Administrator to respond to all matters affecting flight safety and contemplates exercise of that authority to effect timely and necessary results. The emergency conditions to which response is needed vary so greatly and dictate varying types of responses. Thus, it is not possible to anticipate them and provide specific regulatory provisions to cover each before the need arises. An express regulatory basis for timely and appropriate action in response to emergency situations is needed to clarify FAA's responsibility and authority to augment or supplant the existing flight rules. This proposed amendment fulfills that need by providing in the rules notice to pilots and operators that whenever found necessary, the Administrator, or the Director, Air Traffic Service, issues appropriate information and rules by means of a NOTAM.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart B of Part 91 of the Federal Aviation Regulations (14 CFR Part 91) by adding a new § 91.100 to read as follows:

§ 91.100 Emergency flight rules.

(a) This section prescribes a process for issuing emergency air traffic rules and designates that Service head authorized to act for the Administrator under this section.

(b) Whenever the Administrator determines that an emergency condition exists, or will exist, in which normal flight operations under this subchapter cannot be conducted consistent with the required levels of safe and efficient use of the navigable airspace, the Administrator, or the Director, Air Traffic Service, issues Notices to Airmen (NOTAMs). Those Notices to Airmen prescribe appropriate rules and regulations to govern flight operations (including flight restrictions) and designate the airspace areas within which the rules and regulations apply.

(c) When a Notice to Airmen (NOTAM) has been issued under this section, no person may operate an aircraft, or other device governed by the Notice to Airmen, within the designated airspace area except in accordance with the authorizations, terms, and conditions prescribed in the Notice to Airmen.

(Secs. 307, 313(a), 601, 602, 603, 902, 1110, and 1202, Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348, 1354(a), 1421, 1442, 1443, 1472, 1510, and 1522); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.45.)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves agency procedure for communicating regulatory decisions when an emergency is found to exist, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Washington, DC, on November 7, 1980.

R. J. Van Vuren,

Director, Air Traffic Service.

[FR Doc. 80-35305 Filed 11-12-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Draft National Air Traffic Control Contingency Plan for Potential Strikes and Other Job Action By Air Traffic Controllers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of contingency plan; request for comments.

SUMMARY: Recent statements published by the Professional Air Traffic Controllers Organization (PATCO), the air traffic controller union, indicates that a nationwide strike and other job action is being contemplated and is a very distinct possibility in 1981. While the FAA will continue to do everything it can to preclude those actions, satisfaction of some of the PATCO demands would require the enactment of new legislation, by the Congress and the president. Consequently, in light of the recognized effect a strike or job acitn would have on the national air transportation and air traffic control systems, it is essential that the FAA has and is prepared to implement a thorough contingency plan to respond to the conditions that can quickly develop. The plan will help to minimize the adverse effects on the national and international air transportation system if a local, regional, or national strike or other job action by the air traffic controllers occurs.

The draft National Controller Strike Contingency Plan is intended to ensure the FAA's ability to provide a safe and orderly operation of Air traffic control system with the available, qualified manpower. It will be implemented if a national strike occurs or if any job action is expected to become sufficiently widespread to reduce the system's ability to sustain operations above those that can be achieved by implementing the contingency plan. The basic objective of the plan is to maximize the number of aircraft that can be accommodated with the reduced work force. That can be achieved, in part, by reducing the number of controller actions in handling air traffic consistent with ensuring flight safety. The plan uses rigid flight schedules, routes, and altitudes and the reduction or elimination of some services not directly affecting the flight safety provided under the air traffic contol system. Since the plan involves both terminal and enroute capacities for civil and military operations, the plan requires the use of priorities among aircraft movements, including operations under visual flight rules (VFR) as well as instrument flight rules (IFR). A decision to implement the contingency plan would be announced at least 12 hours before becoming effective on midnight Eastern time. Specific implementing actions would be issued at least four hours in advance and disseminated to the public as widely as possible. Appropriate regulatory actions will be taken to implement actions under the plan having regulatory significance.

DATES: Comments on the draft plan must be received on or before: December 15, 1980.

ADDRESSES: Send comments on the draft plan in duplicate to: Federal Aviation Administration, Air Traffic Service, ATC Automation Division (AAT-500), 800 Independence Avenue SW., Washington,DC 20591;

Or deliver comments in duplicate to: FAA Air Traffic Service, Room 429A, 800 Independence Avenue SW., Washington, DC.

Comments may be examined in the Room 429A weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Robert H. Throne, ATC Automation Division (AAT-500), Air Traffic Service, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591; telephone (202) 426-8548.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit their written data, views, or arguments on the draft contingency plan as they may desire. Comments that provide the factual basis supporting the matters presented in the comments are particularly helpful in developing reasoned decisions on the issues. Communications should identify the submission as being in response to this notice. All communications received before the specified closing date for comments will be considered before taking action on the proposal. The proposals contained in this notice may be changed in the light of comments received. ALL comments submitted will be available for examination in the ATC Automation Division office both before and after the closing date for comments.

Synopsis of the FAA's National Controller Strike Contingency Plan

I. Purpose

Job actions by the air traffic control system's controller work force have occurred in the past. Those actions have varied from local facility actions by controllers to nationwide actions, and from so-called "by the book" operational slowdowns to full walkouts.

All such actions are extremely costly to system users, to those who depend on aviation, and to the public as a whole. The cost of such actions far exceed mere dollar figures. They cover an almost unlimited scope, including wasted fuel, disrupted supplies to business, consumers, and hospitals, inconvenience to individuals dependent upon air transportation for business, family emergencies, and vacations and can impact on military efficiency and preparedness. These actions can, if carried out on a widespread basis and for prolonged periods, cause business down-turns and failures and subsequent job losses to thousands. The costs of such controller actions are not always recoverable when the controllers return to work, but can represent permanent losses to the country.

Recent publications by the Professional Air Traffic Controllers Organization (PATCO), the air traffic controller union, indicates that a nationwide job action is being contemplated and is a very distinct possibility in 1981. While the Federal Aviation Administration (FAA) will do everything it can to preclude such an action, the demands of the controllers, for wages in excess of the Federal wage scale, exceed the FAA's authority to negotiate or approve. Indeed, demands like those require combined Congressional and Presidential action in the form of the passage of new, special legislation. Consequently, it is incumbent upon the FAA to develop and to be prepared to implement a contingency plan to minimize the impact on the nation if a national job action by the air traffic controllers occurs.

The FAA draft National Controllers Strike Contingency Plan consists of three phases:

Phase 1 contains those preparatory administrative actions by the FAA's regional offices and facilities that must be completed before activation of the plan and implementing activities. Accordingly, Phase 1 does not directly affect the public and is not included in this notice.

Phase 2 commences when the Administrator determines that the contingency plan should be activated and sets the time for its implementation. It includes those activities which must be accomplished during the period between the decision to activate the plan and its actual implementation.

Phase 3 consists of those activities taken by each affected FAA element while the contingency plan is in effect, including any actions necessary for transition to reinstatement of full air traffic control capability and termination contingency plan operations.

II. Objectives

The FAA National Controller Strike Contingency Plan is intended to provide a safe and orderly operation of the air traffic control system with the remaining available manpower resources in the event of a national job action by air traffic controllers. The plan is not intended for use in response to sporadic or limited job actions by controllers. It will be implemented only if job actions are, or are expected to become, widespread enough to reduce the system's capabilities and capacities to levels below those which can be sustained by implementation of the plan.

The plan is geared to provide service for critical activities, to provide service to the extent possible for needs which cannot be reasonably met through alternative means, and to provide service to as many other aviation needs as can be accommodated. It will be carried out with a work force made up only of supervisors, other qualified (nonbargaining unit) employees, and controllers who do not participate in the strike or other job action.

III. Concept

The basic concept of the contingency plan is to maximize the number of aircraft which can be accommodated with a severely limited work force by reducing the number of controller actions required to ensure safe flight for each aircraft from takeoff to landing. This concept is achievable through the use of limited aircraft operations, rigid schedules, routes, and altitudes and the reduction or elimination of some services not affecting the safety of the ATC system users.

The ATC facility staffing throughout the country is normally predicted upon accommodating, to the extent possible, the users' requests for departure times, routes, altitudes, and additional services. That approach best meets the nation's air transportation needs by permitting cost effective and competitive business operations, efficient military activity, and flying geared to public and individual convenience. The accommodation of random user wishes does, however, result in traffic volume peaks and valleys, particularly at ATC center facilities, which vary widely and somewhat unpredictably. During peaks, many more controller activities per aircraft are needed to ensure air safety, efficiency, and convenience, thus, requiring more air traffic controllers. During periods of low traffic volume, the system capacity is not fully utilized. The contingency plan will eliminate peaks and valleys and result in a reasonably constant traffic flow consistent with available capability.

A full nationwide controller strike would reduce the qualified air traffic control work force by about 85%. The remaining work force would consist of operationally qualified supervisors and nonbargaining unit employees. It is not possible to sustain a normal level of air traffic control services with only 15% of the normal work force even with the elimination of traffic volume peaks and valleys. The service which would be available would, therefore, be provided on a predetermined priority basis intended to meet the nation's needs as best as possible.

The order of priority in general terms is as follows:

a. Air traffic movement required for national defense.

b. Medical emergency flights.

c. Long-range flights for which no reasonable alternative means of transportation exist.

d. Shorter-range flights capable of serving the most people or national needs.

Any remaining unused capacity or additional capacity resulting from less than full participation of controllers in the job action will be used, to the extent possible, to accommodate those aircraft movements not included in those four priorities.

IV. System Operation

A. IFR Flight Approval

1. *Day and Evening Shifts.* There are four basic categories of IFR flight approval under the controller strike contingency plan. They are (1) priority flights; (2) preapproved, scheduled flights; (3) approved, scheduled flights within the first hour of a shift; and (4) approved flight within the second hour of a shift. The last two priority levels are designed to use any increased capacity which will be available if some controllers report for duty.

a. *Priority 1: Priority Flights.* Priority flight approval will apply to flights that are military necessity, medical emergency flights, Presidential flights, flights transporting critical FAA employees, etc. Flight plans for these flights will be filed in a normal manner; however, they will contain a predetermined indicator of the flight's priority status. Clearance requests and issuances will occur in the normal manner. Flights falling within this category will be accommodated before flights in the lower categories.

b. *Priority 2: Preapproved Flights.* A daily national flight schedule reflecting facility capacity assuming only supervisory staffing, will be published as soon as they are completed. That schedule, based on long-range (500 miles or more), nonstop flight service between city pairs being served as of February 11–12, 1980, and short-range flight service added to bring facility workload up to capacity, will cover between 16 and 18 hours of the 24-hor day. The same schedule will be applicable each day the contingency plan is in effect.

The national flight schedule is being developed to assure traffic balance at all operating positions at FAA air traffic control facilities. That balance increases significantly the number of aircraft which can be accommodated by the available 15% (base level) of the work force. Scheduled flights may be canceled on a daily basis or on a permanent basis by the user. Flights cannot be added to the schedule or adjusted to different departure times. Unused capacity created by cancellations of scheduled flight will become additional second hour approval capacity.

Flight plans will be stored at air route traffic control centers (ARTCCS) for all priority 2 flights and flight plan filing will not be required. IFR clearances will be requested and issued in a normal manner. Priority 2 flights will be designated as long range or short range. In unusual situations (such as severe weather, poor runway conditions, unexpected lack of supervisory personnel available for duty, or either minor or major equipment outages which reduce facility capacity below the planned levels), flights will be canceled to reduce service to existing capacity. Short-range flights will be canceled in lieu of long-range flights to achieve that result whenever possible.

c. *Priority 3: First Hour Approval Flights.* This priority level is established to make use of a limited amount of additional capacity which can be quickly identified after the start of the day and evening shifts. The flights which may be approved during the first hour of the day and evening shifts will be identified in the same manner as those on the priority 2 national schedule. Unlike the priority 2 flights, however, flight approval will not be given until some time during the first hour of the shift during which the flight is to be conducted.

Approval for the first hour flights will be called to the user as soon as possible after the work force reports on duty. No IFR flight plan will be filed by the user; however, the user is requested to provide the type equipment to be used on the flight when the approval call is received. IFR clearances will be requested and issued in a normal manner. The first hour approvals will be made by the flow control position in the

air route traffic control center (ARTCC) in which the departure airport is located. Adjustments to first hour flights may be permitted after the contingency plan has been in effect for several days.

d. *Priority 4: Second Hour Approval Flights.* This priority level is established to make as much use as possible of the controllers who report for duty on the day and evening shifts. Flight plans will be accepted from all users; however, when the demand exceeds capabilities of the on-duty work force, flight plans will be approved on a first-come, first-served basis consistent with available facility capability. Flight plans for the day shift must be filed between 0000 and 0800 local time and flight plans for the evening shift must be filed between 0800 and 1600 local time. IFR clearance will be requested and issued in a normal manner; however, operators should be prepared to state their assigned flight approval number, if requested.

2. *Mid Shift.* The mid-shift capacity will be greatly reduced due to minimum staffing at each facility. Priorities 1 and 2 remain in effect; however, there will be very few priority 2 flights scheduled. No priority 3 or 4 flights will be approved. The existing capacity of the mid-shift will be devoted to aircraft relocation for maintenance and to accommodate required military flights which were deferred during the day and evening shifts. Flight plan approval for relocation flights will be from the Central Flow Control Facility for long-range flights and from the ARTCC flow control position for short-range flights.

B. System Restrictions

1. Routes, altitudes, and departure times for each IFR flight will be determined before the flight is approved. The primary consideration will be the maintenance of an even level of workload at each ATC operational position. Even if an airport tower might permit more operations, that capacity may not be fully utilized because of restrictions in the ARTCC.

2. Long-range flights (500 miles or more) will operate between FL 260 and FL 370. Deviations will be considered only in the case of severe weather, aircraft capabilities, or to accommodate Priority 1 flights.

3. Short-range flights will operate at and below FL 230.

*4. VFR flight in terminal control areas (TCAs) will be restricted to departures only.

*5. VFR traffic, except for departures, will be prohibited or restricted at some major airports.

6. Some control towers may be temporarily closed.

7. Some portions of airspace will be delegated to military control facilities in order to reduce the impact to the national defense needs.

*These restrictions may be lifted at some point as experience/additional staffing permits.

C. Operational Methodology

1. Long-range flights will be assigned predetermined routes and altitudes. One route and two altitudes have been established for flight from one city to another. Aircraft departing on the same route will be separated by a minimum of 4 minutes at departure. Once the aircraft have reached assigned altitudes, a minimum of 20 miles in-trail separation will be established between aircraft on the same route at the same altitude. That separation may be decreased to the normal five-mile separation in the case of severe weather; however, it must be reestablished within 50 miles after leaving those conditions. That separation will permit the use of the DME separation in lieu of radar separation in the event of equipment impairment.

2. Short-range flights will be assigned routes and altitudes which are most consistent with the traffic flows and ARTCC sectorization established to support long-range flights. Short-range flights will not be cleared to operate above FL 230.

3. The traffic balance established by preapproved routes, altitudes, and takeoff times will be disrupted unless takeoff times are adhered to. While some deviation can, of course, be tolerated, extensive deviations cannot. The departure airport tower personnel cannot assess the impact at the arrival airport. Therefore, except in the case of air traffic control delays in getting to takeoff position, flights not airborne within 10 minutes of their approved takeoff time will be considered canceled for the day. In the case of unusual weather or airport conditions, the Central Flow Control Facility may extend the cancellation time for a specific airport until the condition is no longer considered a factor.

4. The entire plan concept is based on not holding airborne operations. Therefore, whenever two or more aircraft must hold simultaneously, the ARTCC flow control position must be notified. That information must be immediately coordinated with the Central Flow Control Facility so that appropriate action can be taken. If extensive holding is anticipated, the same coordination is required.

V. Plan Implementation

A. The decision to activate the contingency plan will be made at least 24 hours before the plan goes into effect. Users will be notified via direct calls or the news media at least 12 hours in advance of the implementation. Appropriate NOTAMs will be issued at least 4 hours before implementation. The implementation information will be as widely disseminated to the public as possible.

B. Flight schedules and other necessary information will be provided to all users on the schedules at least 48 hours before the implementation.

(c) The plan will be implemented at midnight Eastern time. Flights, other than international arrivals and necessary military operations requesting IFR clearances, will be disapproved the evening before the plan is placed into effect unless the flight can be completed before 11 p.m. local time at the arrival airport.

D. No first or second hour (priority 3 and 4) flights will be approved the first day the plan is in effect. That action will permit an assessment of the workload involved in priority 1 and 2 flights before approval of lower priority flights.

E. Aircraft relocation flight plans may be filed the evening prior to the plan's implementation.

VI. Plan Termination

A. Termination of the contingency plan operation will be announced at least 48 hours in advance. The plan will be terminated as soon as the level of operation that can be accommodated by the available work force exceeds that achieved under the plan.

B. There is a possibility of a limited or phased termination of the plan at specific ARTCCs not significantly impacted by the strike. Should that occur, those facilities excluded from the plan would still be required to adhere to the plan with respect to flights entering ARTCCs still operating under the plan. No locations will be excluded from the plan during the first 3 days after the plan's implementation.

Availability of National, Daily Flight Schedules And Certain Appendixes To the Contingency Plan

As indicated in the previous discussion, part of FAA's draft Air Traffic Control (ATC) Contingency Plan involves a national, daily schedule for flights between over 100 airports matched in "city pairs" for air transportation service. The schedule is based on the identified base level of available ATC work force at the terminal and, particularly, the enroute

facilities (supervisory staffing of ATC positions); the long range (500 miles or more) nonstop flight service between city pairs being served as of February 11–12, 1980; and short range (less than 500 miles) flight operations necessary to fill the remaining ATC facilities capacities.

Increases in the number of operations between city pairs, or new city pairs added, since February 12, 1980, will not be accomodated under the schedule in the contingency plan. In determining the level of service that the system can accommodate under the exigencies of controller action, the FAA is exercising its authority to provide for the safe and efficient use of the nagivable airspace under § 307 of the Federal Aviation Act of 1958. The allocation of which of the various operators will be authorized to provide service between city pairs under the schedule is a more complex and difficult matter. It could be handled on a first-come, first-served basis which would be cumbersome, chaotic, and not necessarily equitable or some other mechanism must be employed to achieve the necessary results. Any comments and suggestions on this important matter are specifically invited, including use of the operator schedules as they existed on February 12, 1980, or any other reasonable basis. It should be noted that if necessary § 1005 of the Federal Aviation Act of 1958, as amended, authorizes the Administrator to take the necessary emergency actions to provide the levels of safety in air commerce and efficient use of the navigable airspace.

The development of the schedule to date reflects the designation of daily takeoff and landing times for authorized long-range flights between specific city pairs. It also contains the daily takeoff and landing times which are available for short range flights. By January 15, 1981, the specific short-range city pairs will be designated in the schedule. The "first-hour approval flights" will also be identified by that date. The completed schedule, including, if possible, the identification of operators and flight number for each scheduled flight, will be available by February 9, 1981.

Because of the complexities and interrelationships among the terminal and enroute ATC facilities, the schedule is essential to maximizing use of existing capacity and ensuring traffic balance at all ATC operating positions at those facilities without interjecting undue dalays or derogating flight safety. The availability of additional, qualified ATC personnel above the base level can be reflected in increased capacity in the system and more flight operations under the plan.

In addition, the contingency plan includes numerous appendixes, some of which involve national security matters (which cannot be made public) or matters of limited public interest. Due to the large number of pages in the schedules and appendixes and the limited number of persons who would be interested in the detailed schedules in their incomplete form or in most of the appendixes, the expense of publishing them in the **Federal Register** would not be cost-effective. However, any person interested may request a copy of the national, daily schedules for one or more specific airports or certain, unrestricted, appendixes by contacting the person identified above under the caption For Further Information Contact.

Regulatory Actions

If it becomes necessary to implement the contingency plan, appropriate regulatory actions will be taken to complement the operational and administrative aspects of the plan. A notice of proposed rulemaking proposing adoption of a general flight rule is being published elsewhere in today's **Federal Register**. If adopted, that rule will expressly recognize the use of regulatory Notices to Airmen to communicate information critical to immediate flight safety or regulatory significance. That rule will clarify the rules to provide a means for prompt action as conditions dictate under the contingency plan, as well as other situations when the Administrator determines that emergency conditions require augmenting or supplanting the existing rules and regulations to ensure the safe and efficient use of the navigable airspace by aircraft.

The Draft National Controller Strike Contingency Plan

Accordingly, the Federal Aviation Administration proposes to adopt and implement, if necessary, the following contingency plan.

Issued in Washington, DC, on November 7, 1980.

R. J. Van Vuren,
Director, Air Traffic Service.

Department of Transportation, Federal Aviation Administration

Draft National Controller Strike Contingency Plan

Phase I

* * * * *

Definitions

Acceptance Rates. Hourly arrival/departure capacities of airport traffic control towers and TRACONS/RAPCONS based upon available staffing and airport constraints.

Aircraft Relocation. Flights between long-range airports during the hours of 1:00 a.m. to 7:00 a.m. local time for the purpose of aircraft maintenance.

Approval Number. A number assigned to a flight plan indicating approval by the center flow controller for second hour flights.

EXAMPLE: N123 flight plan assigned SH25 in remarks indicates November 123 is the twenty-fifth flight approved during the second hour of the shift.

Assistant Controllers. Employees designated to perform assistant controller duties.

Capacity. Maximum number of aircraft that can safely be handled by a facility in a given time period.

City Pairs. Two airports that have scheduled nonstop service between them.

Contingency Charts. Locally prepared charts depicting the contingency routes.

Air Traffic Operations Status NOTAM Code. A code developed in Headquarters to reduce NOTAM dissemination workload. The primary use of this code will be to encode/decode air traffic services that may not be available and/or facility closures during Phase III of this plan.

Contingency Routes. An airway structure throughout the country using one-way airways when possible and, in most cases, built-in altitude separation at airway crossing points.

Controllers. For the purpose of this plan, team supervisors and other operationally current employees.

Departure Time. Takeoff time.

Facility Status Report. A reporting system established to enable Central Flow Control to keep abreast of the capability of the air traffic system.

First-Hour Approval Flights. Round trip, short-range flights that are scheduled prior to implementation of this plan and approved on a daily basis during the first hour of each shift.

Long-Range Airports. An airport that has a control tower operated by the FAA and had nonstop air carrier and air taxi service identified in the January 15, 1980, Official Airline Guide that met the long-range criteria.

Long-Range Flights. Long-range flights between two long-range airports. These flights are divided into two categories:

LR–I are flights where the distance is 500 nautical miles or more and transits three or more ARTCC areas.

LR–II are flights where the distance is 500 nautical miles or more and transits no more than two ARTCC areas.

Long-Range Flight Schedule. Flights between long-range airports that are

scheduled prior to implementation of this plan and are preapproved to operate daily for the duration of the contingency plan.

Long-Range International Flight Schedule. Long-range flights between long-range airports and airports outside the conterminous United States that are scheduled prior to implementation of this plan and are preapproved to operate daily for the duration of the contingency plan.

Non-Long-Range Airports. All airports not identified as long-range airports.

Phase I. Prepare for implementing Phases II and III.

Phase II. Transition from present-day traffic to the contingency traffic level.

Phase III. Operational mode.

Prescheduled Flights. Flights between long and/or short-range airports that are scheduled prior to implementation of this plan and are preapproved to operate daily for the duration of the contingency plan.

Round Trip. Two-way nonstop service between city pairs.

Second-Hour Approval Flights. Short-range flights which are requested on a daily basis after implementation of the plan and are normally approved during the second hour of the day and evening shifts, traffic permitting.

Shifts. Midnight to 8:00 a.m.; 8:00 a.m. to 4:00 p.m.; 4:00 p.m. to midnight.

Short-Range Airport. An airport that has air carrier/air taxi service that does not meet the long-range criteria.

Short-Range Flights (S–R Flights). Nonstop flights between long and/or short-range airports where the straight line distance is less than 500 nautical miles and transgresses no more than two centers' areas.

Slot Times. Predetermined landing/takeoff times based on airport acceptance rates that are used while scheduling flights at long/short-range airports.

Terminal Facility. Airport Traffic Control Tower, RAPCON, TRACON, and CIFRR.

Trip Code Number. A number which identifies in numerical order the departures and arrivals between paired airports.

Tower En Route Flights. Flights between and ramaining within two approach controls' airspace where letters of agreement define procedures for their handling.

International Flights. A flight entering, exiting, or overflying the conterminous United States.

* * * * *

(The remainder of Phase I deals with the development of the contingency plan and thus is not included for purposes of this notice.)

Phase II

Chapter 7. Phase II—Headquarters

31. *AOA–1 Responsibilities.*

a. The decision to commence Phase III is the responsibility of the Administrator. Once the decision is made, Phase II is automatically implemented.

b. Notify the Associate Administrators; Offices of Aviation Medicine, Chief Counsel, Civil Rights, and Public Affairs; Regional Directors; and appropriate military authorities of the date/time Phase III will be implemented.

32. *Associate Administrator Responsibilities.* When notified by the Administrator, advise staffs and service directors to commence Phase II and the date/time Phase III will be implemented.

33. *Service Directors' Responsibilities.* When notified by the Administrator or Associate Administrator, advise staffs and divisions to commence Phase II and the date/time Phase III will be implemented.

34. *Air Traffic Division and Staff Chiefs' Responsibilities.*

a. Within 1 hour of notification by AAT–1, advise division and staff personnel to commence Phase II and the time to commence Phase III.

b. Establish appropriate work schedules and notify subordinates.

c. Assess Phase III personnel requirements and advise AAT–10 of surplus people or additional personnel required not later than 20 hours prior to commencing Phase III.

d. Forward names of staff specialists with data systems specialist (DSS) experience within the past 6 months to AAT–500 not later than 20 hours prior to commencing Phase III.

e. Forward completed NOTAMs/GENOTs to AAT–400 18 hours prior to commencing Phase III.

35. *AAT–10 Responsibilities.*

a. Assess regional manpower requirements.

b. Assess Headquarters manpower requirements and available personnel.

c. Assign and take action to relocate Headquarters surplus personnel to meet Phase III requirements.

d. Coordinate with AFO–1 for personnel relocation assistance using FAA aircraft.

e. Complete actions in items a through d above not later than 12 hours prior to commencement of Phase III.

Note.—AAT–20 and AAT–500 will manage their own personnel resources and will not identify surpluses but will require AAT–10 assistance for personnel relocation.

f. Notify affected divisions of flight arrangements for personnel transportation as soon as possible.

g. Notify regions of additional resources being flown to facilities and request transportation and accommodations for those personnel no later than 6 hours prior to the commencement of Phase III.

36. *AAT–400 Responsibilities.*

a. Collect, coordinate, and disseminate all Headquarters Air Traffic Service NOTAMs/GENOTs.

b. Transmit implementation NOTAMs/GENOTs and other messages as required. (See Appendix 36 for NOTAM/GENOT and special messages.)

c. Ensure that Central Flow Control:

(1) Has additional personnel assigned and assigns duties and shifts as appropriate.

(2) Has a current contingency route chart available.

d. Direct ARO to discontinue service.

e. Coordinate with the appropriate military authority to ensure military representation will be available in the Central Flow Control Facility 4 hours before Phase III commences.

f. Notify the users of the date and time of Phase III commencement by:

(1) NOTAM.

(2) ATCSSC advisory.

(3) Telephone calls to users not subscribing to ARINC.

g. Ensure all actions in paragraph 36 are completed not later than 8 hours prior to commencement of Phase III.

37. *Central Flow Control Responsibilities.* When notified by CARF, notify the facilities of any preapproved military Priority 1A and 1B flights (see Appendix 41) that will be operating in their areas during Phase III. ALL OTHERS THEY HAD PREVIOUSLY APPROVED ARE CANCELED.

38. *CARF Responsibilities.*

a. Coordinate previously approved military operations scheduled for the first week of Phase III with the originator, establish their priorities, and:

(1) Cancel preapproved missions that are not Priority 1A or 1B.

(2) Forward Priority 1A and 1B flights to Central Flow Control at least 4 hours prior to the commencement of Phase III. (See Appendix 41.)

b. Do not approve any other flights unless approved by Central Flow Control.

39. *AAT–500 Responsibilities.*

a. Primary office for providing assistance and personnel support for ATC automated facilities.

b. Direct AAT–550 to commence Phase II activity.

c. *Automation Staffing Assistance.* Regions will forward facility data systems staffing assistance requests, if

any, to Headquarters 15 hours before Phase III commencement.

(1) Identify Headquarters personnel provide data systems support at ARTCCs and terminals using the following resources:

(a) AAT–520.

(b) AAT–530.

(c) AAT–550.

(d) List provided by AAT–10 of other specialists with recent data systems experience (within past 6 months).

(2) Request assistance from AAT–10 for relocation transportation not later than 13 hours before the commencement of Phase III.

40. *AFO–1 Responsibilities.*

a. Establish a command center staffed for 24 hours of operation until Phase III is terminated.

b. Direct operational elements to provide movement data reports on FAA aircraft locations nationwide.

c. Support FAA personnel and equipment relocations as requested by ATT–10 with AFO flight crews and aircraft. Provide AAT–10 all flight schedules.

d. Issue termination notice on flight checks except for support of accidents/incidents until plan termination.

e. Complete actions a through d not later than 8 hours prior to commencement of Phase III.

41. *AEE–1 Responsibilities.* Forward noise abatement/curfew NOTAM/GENOT to AAT–400 for transmission not later than 12 hours prior to commencement of Phase III.

42. *ACS–1 Responsibilities.*

a. Establish a command center staffed for 24 hours of operation until Phase III is terminated.

b. Coordinate with region and Headquarters key elements and provide support where required.

43. *APA–1 Responsibilities.* Release preprepared press releases and coordinate with regions and Headquarters elements as required not later than 16 hours prior to commencement of Phase III.

Chapter 8. Phase II–Regions

46. *Regional Directors' Responsibilities.* When notified by the Administrator, advise staffs and divisions to commence Phase II and the date/time Phase III is to commence.

47. *Divisions' and Staffs' Responsibilities.* When notified by the Regional Director, advise division and staff personnel and all facilities to commence Phase II and the date/time Phase III is to commence.

48. *Air Traffic Division Responsibilities.*

a. *Personnel Resource Management.*

(1) Tabulate region and facility resources and requirements by job titles.

(2) Assign and initiate action to relocate surplus personnel to meet Phase III requirements.

(3) Forward personnel staffing shortages to AAT–10, including job titles and qualifications, at least 15 hours prior to commencement of Phase III. (Shortages are those required to operate the plan.)

(4) Give the highest priority to ARTCC flow controllers and terminal positions identified in Appendices 7 through 12. (ASO–500: See Appendix 10 for additional requirements.)

Note 1.—Evaluation Branches shall be held in reserve until Phase III completion to support accident/incident requirements. (See Appendix 38.)

Note 2.—Regional automation personnel shall be held in reserve until Phase III completion to support field automation functional requirements. (See b below.)

(5) Advise facilities as soon as possible which shortages will or will not be filled.

b. *ATC Automation Support.* Each regional automation branch/staff shall evaluate each automated facility's ability to provide and maintain automated ATC operational support. Assign surplus qualified personnel from field sites or qualified regional office personnel to facilities with automation personnel shortages. Each region shall notify Headquarters, AAT–500, of remaining data systems staffing needs within its region not later than 15 hours prior to the commencement of Phase III.

c. *User Notification.* Ensure that all appropriate NOTAMs are issued at least 6 hours prior to Phase III commencement.

d. *Security.* See Appendix 40.

e. *Terminal Facility Hours of Operations.* After completion of terminal staffing assessment, coordinate with facility chiefs to determine facility hours of operation if lack of staffing requires shorter hours.

f. *Status Report.* Provide AAT–1 with a brief overview of regional and facility status and readiness at least 2 hours prior to Phase III commissioning.

49. *Flight Standards Responsibilities.* Support FAA personnel and equipment relocations as requested by AFO–1 with flight crews and aircraft.

50. *Public Affairs Responsibilities.* Release preprepared press releases and provide public affairs support to field facilities.

Note.—Field facilities have been directed to refer all public affairs inquiries to regional public affairs office.

Chapter 9. Phase II—ARTCC

55. *Facility Chief Responsibilities.* Cease any activity that would degrade the facility's ability to support Phase III operational requirements. Initiate action to recall all supervisors and staff members on leave or official business.

a. *Initial Facility Status Report.* Assess the center's capability to support the long- and short-range traffic. This assessment shall include:

(1) Staffing. Advise the region if the available nonbargaining unit employee contingency staffing is more or less than the minimum required to fill the planned assistant chief, controller, assistant controller, flow controller, and automation support positions. Include the number of people and positional data, i.e., short two data systems specialists, one extra controller (team supervisor), etc. (See Appendices 10, 11, and 12.) Assign nonbargaining unit employees to the work schedules developed in Phase I and issue schedules.

(2) Operational Equipment.

(3) Automation Capabilities.

Note.—Upon completion of this assessment, forward the initial facility status report to the regional Air Traffic Division not later than 18 hours prior to commencement of Phase III.

b. *Military Coordination.*

(1) Verify that the contingency letters of agreement with the military can be implemented during Phase III and established an effective time.

(2) Coordinate the release of airspace with the military and ensure that they are aware that the airspace will not be released until Phase III commences.

(3) Apprise the region and request the issuance of appropriate NOTAMs at least 8 hours prior to the commencement of Phase III.

c. *Prepared Materials.* Ensure that all materials prepared during Phase I are available for distribution to appropriate positions within 15 minutes AFTER PHASE III commences. It is important that these prepared materials are safeguarded until AFTER the commencement of Phase III. The materials include:

(1) SOP briefing packages.

(2) Contingency route structure charts.

(3) Flight data crib sheets.

(4) Contingency flight schedules.

(5) Restoration priority listings.

(6) First hour flight plans.

(7) Phase III work schedules.

(8) Appropriate NOTAMs/GENOTs.

(9) Contingency letters of agreement.

(10) Telephone listings and contingency labels/dial code charts.

(11) Facility flight plan handling procedures.

(12) Contingency bulk store printouts.
(13) ATC service level NOTAM code.
(14) City pair route and altitude listings.

d. *Chart Changes.* Charts that are current at the time of Phase II commencement shall be used until notified by GENOT action. Ensure that charts are marked to plainly depict airspace delegated to military organizations as well as any other changes. These charts include methods of coordination.

e. *Operational Equipment and Communications.*

(1) Coordinate with Airway Facilities and implement the restoration priorities developed in Phase I.

(2) Check the equipment and communications that will be used in Phase III and ensure operational readiness.

f. *Security.* (See Appendix 40.)

g. *Public Affairs.* Refer all media inquiries to regional Public Affairs.

56. *Assistant Chief Responsibilities.*

a. Direct supervisors to approve all departure clearances commencing 7 hours prior to Phase III commencement. Approval will be based on the flight's ability to be completed 1 hour prior to Phase III commencement.

Note.—In the case of flights which cannot be approved, direct the tower to advise the aircraft that an IFR clearance cannot be issued due to the pending contingency plan implementation.

b. At least 1 hour prior to commencing Phase III, direct the data systems officer:

(1) To shut off normal bulk store.

(2) At what time the normal computer operation can be interrupted to bring up the contingency disk.

(3) When to turn on the contingency bulk.

c. Direct a transition to contingency plan sector configuration starting 30 minutes before Phase III is to commence.

57. *Flow Controller Responsibilities.*

a. Begin a periodic review of all arrivals 2 hours prior to Phase III commencement to ensure that all arrivals will be on the ground before Phase III starts.

b. Coordinate action to divert aircraft which will not arrive before Phase III commencement to airports which can be reached before that time. This action need not be taken if the sector manning will be adequate to safely accommodate the late arrival.

58. *DSO Responsibilities.*

a. Audit local patches and contingency bulk store to ensure the integrity of any automated system that will be used in Phase III.

b. Ensure that the redundant set of contingency system disks are secured as a precautionary measure.

c. Ensure that, in addition to operational responsibilities, and as directed by the assistant chief, the following are accomplished:

(1) Shut off the normal bulk store.

(2) Terminate normal system operations by shutting down the computer.

(3) Bring up the contingency disk prior to commencing contingency scheduled operations.

(4) Turn on contingency bulk.

(5) Ensure that contingency sectorization is set up properly.

(6) Ensure that contingency system is certified.

Chapter 10. Phase II—Terminal

60. *Facility Chief Responsibilities.* Cease any activity that would degrade the facility's ability to support Phase III operational requirements. Initiate action to recall all supervisors and staff members on leave or official business.

a. *Initial Facility Status Report.* Assess the terminal's capability to support the long- and short-range traffic. This assessment shall include:

(1) Staffing. Advise the region if the available nonbargaining unit employee contingency staffing is more or less than the minimum required to fill the planned supervisory, controller, assistant controller, or automation support positions. Include the number of people and positional data, i.e., short two data systems specialists, one extra controller (team supervisor), etc. (See Appendices 7, 8, 9, and 12.) Assign nonbargaining unit employees to the work schedules developed in Phase I and issue schedules.

(2) Operational Equipment.

(3) Automation Capabilities.

Upon completion of this assessment, forward the initial facility status report to the regional Air Traffic Division not later than 18 hours prior to commencement of Phase III. If appropriate, recommend changes to facility hours of operation.

b. *Prepared Materials.* Ensure that all materials prepared during Phase I are available for distribution to appropriate positions within 15 minutes after Phase III commences. It is important that these packages and charts are safeguarded until after commencement of Phase III. The materials may include:

(1) SOP briefing packages.
(2) Contingency gate hold procedures.
(3) Phase III work schedules.
(4) Restoration priority listings.
(5) Contingency letters of agreement.
(6) ATC service level NOTAM code.
(7) Special parking charts.
(8) Contingency taxi pattern charts.
(9) Contingency departure/arrival transition charts.
(10) Special frequency/telephone listings.
(11) Appropriate NOTAMs/GENOTs.

c. *Chart Changes.* Charts that are current at the time of Phase II commencement shall be used until notified by GENOT action. Ensure that charts are marked to plainly depict airspace delegated to military organizations as well as any other changes. These charts include methods of coordination.

d. *Operational Equipment and Communications.*

(1) Coordinate with Airway Facilities and implement the restoration priorities developed in Phase I.

(2) Check equipment and communications that will be used in Phase III and ensure operational readiness.

e. *Security.* (See Appendix 40.)

f. *Public Affairs.* Refer all media inquiries to regional Public Affairs.

61. *Terminal Supervisor Responsibilities.*

a. Terminate the approval or issuance of tower en route control IFR clearances commencing 3 hours before Phase III will become effective.

b. At automated facilities NOT interfaced with the center, ensure the flight plan is dropped from the computer for any flight the center has diverted or advised an IFR clearance cannot be issued.

c. At least 1 hour prior to Phase III, direct the data systems officer:

(1) Shut off bulk store flight plan inputs if the facility is not interfaced with the center or uses a local bulk flight plan tape for tower en route or local operations.

(2) At what time the normal computer operation can be interrupted to bring up the contingency operational system.

c. Direct a transition to contingency plan position configuration starting 30 minutes before Phase III is to commence.

62. *DSO Responsibilities.*

a. Audit local patches and contingency operational program to ensure the integrity of the automated system that will be used in Phase III.

b. Ensure the redundant copies of the contingency operational program are secured as a precautionary measure.

c. Ensure that, in addition to operational resonsibilities, and as directed by the assistant chief, the following are accomplished:

(1) Shut off bulk flight plan input, if applicable.

(2) Terminate normal system operations by shutting down the computer.

(3) Bring up the contingency operational program prior to commencing contingency scheduled operations.

(4) Ensure that contingency configuration is set up properly.

(5) Ensure that contingency system is certified.

Chapter 11. Phase II—Flight Service Station

70. *Facility Chief Responsibilities.* Cease any acitivity that would degrade your facility's ability to support Phases II and III operational requirements.

a. Review watch schedules and modify as necessary to support Phase III.

b. Recall personnel on annual leave or official business if necessary.

c. Brief all employees.

d. Ensure that all materials prepared during Phase I are available for distribution to appropriate positions within 15 minutes after Phase III commences. It is important these prepared materials are safeguarded until after the commencement of Phase III. The materials may include:

(1) Specialist briefing packages.

(2) Contingency route structure charts.

(3) Restoration priority listings.

(4) Phase III work schedules.

(5) Special NOTAMs pertinent to Phase III.

(6) Telephone listings/contingency dial codes.

(7) Facility flight plan handling procedures.

(8) ATC service level NOTAM code.

e. Chart Changes. Use charts current at the time of Phase II commencement notified by GENOT action.

f. Ensure that contingency plan NOTAMs are reviewed by all specialists.

g. Ensure that contingency plan NOTAMs are located where all pilots filing flight plans have ready access to them and that they are separated from other NOTAMs.

Chapter 12. Phase III—Headquarters

80. *AAT–1 Responsibilities.*

a. Keep appropriate offices/organizations aware of the system status.

b. Recommend changes to policy or request additional support as deemed necessary.

c. Conduct a system status ATSCON at 1400 daily.

d. Direct AAT–400 to send NOTAMs/GENOTs advising users of appropriate changes to facility status or national procedures.

81. *AAT–10 Responsibilities.* Personnel resource management: Continue to provide personnel assistance as outlined in Phase II.

82. *AAT–20 Responsibilities.* Provide accident/incident investigation support and guidance to regional offices. (See Appendix 38.)

83. *AAT–400 Responsibilities.*

a. Analyze regional and Central Flow Control Facility recommendations of changes to facility status or to national procedures included in the contingency plan.

b. Coordinate with the Central Flow Control Facility or regions to determine any potential impact on the total system.

c. Recommend a course of action to AAT–1.

d. Inform regions of AAT–1 decision and coordinate an effective time.

e. Transmit appropriate NOTAMs/GENOTs when directed by AAT–1.

f. Provide AAT–1 with a daily briefing of system performance/problems.

84. *Central Flow Control Responsibilities.*

a. Notify AAT–1 of any significant system problems as soon as possible.

b. *Daily Evaluation.* Evaluate the impact of national schedule flights on the system on a shift-by-shift basis, and record the following specific problems on facility log:

(1) Facilities affected.

(2) Time of occurrence.

(3) Immediate corrective action taken.

(4) Follow-up action necessary to prevent recurrence.

c. *System Status.*

(1) One hour after the start of each shift in each time zone, conference the appropriate ARTCCs for a long-range system status report.

Note.—The terminal facilities serving long-range airports have been instructed to be prepared to forward airport status reports to their respective ARTCC 30 minutes after the start of each shift. The ARTCCs have been instructed to wait for Central flow Control's call unless there are constraints to long-range traffic. In that case, they will notify Central Flow Control immediately. The center flow controller has the option to request that Central Flow Control use conference capabilities to reduce communication/coordination time (i.e., New York Center, CIFRR, JFK, LGA, EWR, PHL).

(2) Monitor the system to determine if there are any constraints such as equipment, weather, or personnel shortages or if there are any special aircraft movements that will reduce or are reducing the contingency's long-range airport's planned capacity. If the long-range airport's capacity will be or is being reduced, estimate the duration of time you believe the constraints will exist and take the following action(s) if necessary.

(a) confirm facilities have canceled necessary short-range traffic to relieve the impacted area before taking other actions.

(b) Selectively reroute some or all over-traffic around a center's area if the constraint is in the en route environment and the rerouting will not adversely impact another route or center's area.

(c) Assist the facilities to honor requests from the airlines for an alternate airport for flights that are AIRBORNE en route to an impacted airport which cannot accommodate the arrival within a reasonable delay time (i.e., MKE as an alternate for ORD). Do not approve alternate airport requests for flights which are not yet airborne. Instead, cancel the flights.

Note.—Once the aircraft is at his alternate airport, every effort should be made to get the aircraft back into the system.

(d) Cancel flights to the impacted airport to accommodate the revised capacity. If selective reroutes are not feasible in the en route environment, cancel long-range departures that will transit the impacted center's area and proposed departures and arrivals within the impacted center's area. (See Cancellation Method, paragraph e.) When the weather is forecast to SIGNIFICANTLY impact routes, some flights proposed to transit these routes should be canceled to reduce the demand to a level that can be safely handled unless the approval of reroutes to avoid weather impacted areas will not impact another route or center area.

Note.—If any flight must be rerouted, existing contingency routes should be used where possible. In every case, reroutes must be coordinated with all centers whose airspace is affected prior to approval.

d. *Flight Schedules.*

(1) Each airport's capacity has been predetermined. No additional arrivals or departures shall be scheduled. Schedule times shall not be changed, but flights may have to be canceled due to higher priority traffic and system constraints. This does not preclude the use of airports as alternate airports or for emergency diversions.

(2) The schedule has been developed with a "no airborne delay" philosophy; however, departure delays UP TO 10 MINUTES should be accommodated. Cancellations by field facilities may be necessary to flights that cannot meet these criteria.

Note.—Some of the contingency scheduled departure times are less than 4 minutes apart. Additionally, aircraft may depart slightly late for various airport-related reasons. Whatever the case, the facilities will ensure that a departure following a preceding departure on

the same route will have a minimum of 4 minutes separation.

(3) Delete flights identified by the user as permanent contingency plan flight cancellations from the master flight schedule; tabulate and forward via teletype to center flow controllers on a daily basis during the mid-watch.

e. *Flight Cancellation Method.*

(1) When the system's capacity is reduced below the planned capacaity, cancel traffic in excess of the revised capacity that cannot be accommodated by rerouting.

(2) To avoid an adverse impact to the user, every attempt should be made not to cancel flights that are within 30 minutes of departure time. Give ground delays to these flights if the system can accommodate them.

(3) Proper planning is essential when constraints are imposed to avoid an adverse impact both to our facilities and users. Determine a revised capacity for the impacted area or airport and estimate the duration of time the constraints will exist.

(4) When the revised capacity has been determined, add the number of flights, if any, that will be accommodated at alternate airports or through rerouting to determine the total system capacity. Keep in mind that flights already airborne will have to be absorbed in the system and may have to hold; determine the number of flights that will need to be canceled to return the system to a no airborne delay posture.

(5) Cancellation priorities:

(a) First confirm cancellation of short-range flights.

(b) Then cancel a portion of the flights from airports providing most service to the impacted airport.

(c) Then cancel flights from remaining airports as necessary.

(6) Arrival constraints: There may be circumstances when the constraints imposed on the system only affect the arrivals to an airport, i.e., airport below minimum for arrival but not departure, slippery runways affecting an aircraft's turn-off capacity, etc. When conditions such as these exist, it may be sufficient to only reduce arrivals at an impacted airport. To accomplish this, cancel proposed departures to the impacted airport.

(7) Arrival/departure constraints: When circumstances such as one runway operation or personnel shortage will affect the entire operation, cancel both the proposed flights to the impacted airport and the departures from an impacted airport.

Note.—Once a flight is canceled, it shall remain canceled until the next day even though canceling conditions change.

f. *Flight Cancellation Notification Procedures.* Notify appropriate operator and advise center flow controller to remove flight plan from computer.

g. *Air Traffic Service Priorities.*

(1) Do not approve flight operations requested by CARF except for Priority 1 aircraft. (See Appendix 41.)

(2) Ensure that all military priority 1 flights are coordinated with the military representative on duty in the Central Flow Control Facility.

(3) Notify the ARTCC serving the departure airport as soon as a priority 1 flight is approved.

h. *Long-Range Traffic.* Route, altitudes, and speeds listed in Appendix 3 will be used.

Note.—Short-range flights will be handled "in-house" between facilities. Facilities have been instructed to cancel the short-range traffic as soon as constraints warrant.

i. *Aircraft Relocation (1:00 a.m. to 7:00 a.m. local).*

(1) All relocation flight plans will be filed with the Central Flow Control Facility. The flight plan will only include the flight identification, aircraft type, point of departure, arrival point, ETE, and remarks if required.

(2) Relocation flight plans will not be accepted after 2:00 p.m. Eastern time the day before the proposed departure.

Note.—Nonroutine relocations due to equipment failure may be accepted at later times and will be accommodated if possible.

(3) Schedule the relocation flights in accordance with the below restrictions:

(a) Flights should commence and be completed between 0100 and 0700 local times.

(b) Flights should be approved in a manner which does not cause the capacity of any facility to be exceeded.

(c) A minimum of 20 minutes shall be provided between departure times for flights between identical city pairs.

(d) Long-range routes (and altitudes if possible) shall be used unless there is no long-range route established between the city pairs.

(4) Approvals of aircraft relocation flights shall be forwarded to the requester and the departure center flow controller by 9:00 p.m. Eastern time.

(a) The requester shall be given the flight identification and approved departure time.

(b) The departure center flow controller shall be given:

1. Flight identification.

2. Type aircraft.

3. Assigned departure time.

4. Assigned route including departure point and destination.

5. Remarks (if filed).

j. *CARF Responsibilities.*

(1) Coordinate with Central Flow Control prior to approving military operations and include as a minimum:

(a) Priority filed for mission/flight.

(b) Number of aircraft.

(c) Duration of time (start and end).

(d) Area(s) affected.

(2) Not approve any other flights unless approved by Central Flow Control.

(3) Coordinate with facilities and military as required.

k. *ARO Responsibilities.* ARO shall not approve any airport reservations. 85. *AAT–500 Responsibilities.* Continue to provide personnel or other required assistance to regions/facilities in order to maintain the automated air traffic system.

86. *AFO–1 Responsibilities.* Flight operations: Support the requirements of AAT–10 in the movement of personnel via FAA aircraft.

87. *ACS Responsibilities.* Continue to support regions as required.

Chapter 13. Phase III—Regions

110. *Air Traffic Division Responsibilities.*

a. *Personnel Resource Management.* Continue to provide personnel assistance as outlined in Phase II.

b. *Accident/Incident Procedures.* See Appendix 38.

c. *ATC Automation Support.* Continue to provide automation support as outlined in Phase II.

d. *Security.* See Appendix 40.

e. *Facility Operations Analysis.* Analyze regional facility operations and recommend changes in the contingency plan procedures/requirements to AAT–400 if appropriate.

f. *Nonimpacted Center(s).*

(1) Analyze facility input and determine if the procedures for a nonimpacted center(s) as described in Appendix 42 can be implemented.

(2) Notify AAT–400 of any center(s) you believe can operate with these procedures.

(3) If Headquarters approved nonimpacted center(s) operation, notify appropriate facility(s).

Chapter 14. Phase III—ARTCC Operations

110. *Facility Chief Responsibilities.*

a. *Facility Status/Recommendations.* Keep the regional Air Traffic Division apprised of facility status and problems. Make recommendations on changes to facility status or contingency plan operations if appropriate.

b. *Accident/Incident.* See Appendix 38.

c. *Security.* Ensure that the security measures and personnel security restrictions are adhered to. (See Appendix 40.)

111. *Assistant Chief Position Responsibilities.* The following position responsibilities are additional to those normally required.

a. *Preapproved Flight Evaluation.* Evaluate the impact of preapproved flights on the system, on a shift-by-shift basis, and record the following on facility log:

(1) Specific problems:

(a) Facilities/sectors affected.

(b) Time of occurrence.

(c) Immediate corrective action taken.

(d) Follow-up action necessary to prevent recurrence.

(2) Light traffic periods include:

(a) Facility/sector(s).

(b) Times.

(c) Type/amount of traffc that might be added.

(3) These problems should be reviewed daily and actions taken as necessary.

b. *Status Reporting.*

(1) Assess the center's capability to support the long-range scheduled traffic and include:

(a) Personnel resources (nonbargaining unit employees).

(b) Equipment status.

(c) Weather.

(d) An estimate of what can be anticipated during the next 8-hour shift.

(2) Thirty minutes after the start of each shift, call the long-range airports and obtain their status.

Note.—Where Central Flow Control has conference capabilities, the center may, at its option, request that Central Flow Control conference terminal facilities so these reports can be given simultaneously to reduce communications/coordination time (i.e., ZNY ARTCC, CIFRR, JFK, LGA, EWR, PHL).

(3) One hour after each shift commences, be prepared to forward ARTCC/terminal status reports to Central Flow Control.

c. *Manual Flight Data Processing.* In the event of FDP failure, direct all available personnel to assist controllers in manual flight data processing and flight data coordination. Ensure that the prepared "crib" sheets are used during the manual flight data processing.

112. *Flow Controller Position Responsibilities.* The following position responsibilities are additional to those normally required.

a. Immediately notify Central Flow Control of any constraints that will reduce or are reducing long-range planned capacity. Give the nature of the constraints and estimated duration of the problem. In addition, advise Central Flow Control whenever two or more aircraft are holding in your center's airspace or one of your terminal's airspace.

b. *Contingency Traffic Management.*

(1) Air Traffic Priorities. See Appendix 41.

(2) Contingency Separation.

(a) Departure: At least 4 minutes separation between departures from the same airport cleared on the same route.

(b) En Route: At least 20 miles in-trail separation between aircraft at the same cruising altitude along the same route except:

1. Between Priority 1 and other traffic: Can be reduced to standard separation minima if required to accommodate Priority 1 operations.

2. Aircraft deviations due to weather: If aircraft deviate around weather and reduce the 20 miles in-trail separation, the 20 miles in-trail separation shall be reestablished within 50 miles after the aircraft complete their deviation.

Note.—Twenty miles in-trail separation must be maintained to provide for transition to nonradar procedures in the event of radar failure.

(3) Military Operations. (See Appendix 2.)

(4) Long-Range Traffic.

(a) Routes, altitudes, and speed are listed in Appendix 3.

(b) Procedures.

1. Advise Central Flow Control whenever long-range traffic is or will be adversely affected by higher priority operations.

2. Coordinate with Central Flow Control and use flow control procedures as required for oceanic traffic.

3. Advise Central Flow Control of any reduction in long-range facility acceptance rates/capacity.

4. If you receive any permanent cancellations to the long-range flight schedule, refer the caller to Central Flow Control.

5. Ensure that contingency routes, altitudes, and speeds are used to the maximum extent possible. This does not preclude step climbs to final altitude (i.e., assigned FL 290 until the aircraft is able to climb to FL 370).

6. IFR Departure Releases.

a. Ensure that departures are not released more than 5 minutes prior to scheduled departure time.

b. Ensure that departures are not released more than 10 minutes after their scheduled/assigned departure time unless the reason for the late departure is determined by the terminal to be an ATC delay that occurred between the time the pilot called for taxi clearance to the time he reached the end of the runway.

(5) Short-Range Traffic.

(a) Short-range flights shall meet the following criteria:

1. Restricted to FL 230 and below.

2. Transit no more than two centers' airspace.

3. Not be scheduled or approved to operate between midnight and 8:00 a.m. local time.

4. IFR Departure Releases.

a. Ensure that departures are not released more than 5 minutes PRIOR to scheduled departure time.

b. Ensure that departures are not released more than 10 minutes after their scheduled/assigned departure time unless the reason for the late departure is determined by the terminal to be an ATC delay that occurred between the time the pilot called for taxi clearance to the time he reached the end of the runway.

(b) Short-Range cancellation method:

1. Cancellation objective is to ensure no airborne delay.

2. Monitor the system to determine if there are any constraints such as equipment, weather, or personnel shortages or if there are any special aircraft movements that will reduce or are reducing the contingency range airport planned capacity. If the center/airport capacity will be or is being reduced, estimate the duration of time you believe the constraints will exist and cancel flights.

3. Cancel flights in the following order:

a. Second hour approval flights.

b. First hour approval flights.

c. Prescheduled short-range flights.

4. To avoid an adverse impact to the user, every attempt should be made not to cancel flights that are within 30 minutes of departure time. Give ground delays to these flights if the system can accommodate revised capacities. When the weather is forecast to SIGNIFICANTLY impact routes, some flights proposed to transit these routes should be canceled to reduce the demand to a level that can be safely handled unless the approval of reroutes to avoid weather impacted areas will not impact another route or center area. Keep in mind that flights already airborne will have to be absorbed in the system and may have to hold or divert.

5. Advise the adjacent center flow controller to initiate the cancellation activity when the flight originates in an adjacent center.

(c) Arrival Constraints. There may be circumstances when the constraints imposed on the system only affect the arrivals to an airport, i.e., airport below minimum for arrival but not departure, slippery runways affecting an aircraft's turn-off capability, etc. When conditions such as these exist, it may be sufficient

to only reduce arrivals at an impacted airport. To accomplish this, cancel proposed departures to the impacted airport.

(d) Arrival/Departure Constraints. When circumstances such as a one-runway operation or personnel shortage will affect the entire operation, cancel both proposed flights to the impacted airport and the departures from an impacted airport.

(e) Notify users, advise adjacent facilities, and cancel flight plans in computer, when appropriate.

Note.—Once a flight is canceled, it shall remain canceled until the next day.

(6) First Hour Short-Range Approvals. Do not approve first hour flights prior to the second full day of contingency flight operations. Use this time period to assess long and short-range scheduled traffic operations. Identify light over-traffic periods and identify over-traffic causing system overloads, if any.

(7) First Hour Short-Range Traffic. Using first hour flight worksheet (completed during Phase I):

(a) Determine if adequate staffing exists within your center and appropriate terminals within your airspace area to enable approving first hour short-range traffic.

Note.—This should be one additional controller per affected area of specialization.

(b) Coordinate with adjacent ARTCCs to determine if they and their terminals can approve first hour short-range traffic.

(c) Complete (a) and (b) within the first half hour of the shift and approve first hour flights accordingly.

(d) Notify the first hour users of the approvals before the end of the first hour of the shift.

(8) Second Hour Short-Range Approvals. Do not approve second hour flights prior to the second full day of contingency flight operations. Use this time period to assess long- and short-range scheduled traffic operations. Identify slow over-traffic periods and identify over-traffic causing system overloads, if any.

(9) Second Hour Short-Range Traffic. Prior to approving:

(a) Determine center staffing within each area of specialization and associated terminals and determine if second hour flights can be permitted.

(b) If flights can be permitted, coordinate with adjacent centers to determine if their resources will permit second hour intercenter flights.

(10) Second Hour Flight Approval Guidelines.

(a) After receiving staffing information and flight plan requests, the center flow controller shall determine which flights will be approved.

(b) Flights shall only be approved if they can depart and arrive within the last 6 hours of the shift. Consider time zone differences between concerned facilities.

(c) Assign a route, altitude, and departure time. For tower en route flights, assign only a departure time (tower will assign route and altitude).

Note.—Coordinate with adjacent center if required.

(d) For those flights that have been approved, an approval number (SH1, SH2, etc.) shall be assigned to each flight for insertion into remarks in field 11. If the flight is to be made via tower en route, add "TWR ENRT" to the flight plan remarks section. Forward flight plan approvals to the primary A/flight data position.

(e) Log flight identification, filing FSS, departure airport, and approval number on the second hour log (Appendix 34).

(11) Tower En Route Traffic. Approve en route flights only if adequate staffing exists in the towers and the flights meet the following criteria:

(a) Shall operate only between those towers where tower en route service is covered in a letter of agreement.

(b) First or second hour tower en route traffic shall not be approved if doing so would adversely impact the handling of long- or short-range prescheduled flights.

Note.—Second hour approval flights shall be coordinated with the affected towers before approval.

(12) Initiate cancellation of short-range flights departing from airports within your area when requested to do so by an adjacent center flow controller.

(13) In the case of tower en route flights, approvals or cancellations, provide the departure tower with the flight identification, departure time, and destination. First and second hour approvals must be given to the tower as a group rather than one at a time.

c. *Aircraft Relocation.* Review the flight plans approved for relocation purposes to determine if they will have any significant impact on your operation. Notify Central Flow Control of any flights that your ARTCC cannot handle.

Note.—Aircraft relocations are defined as flights during the hours of 1:00 a.m. to 7:00 a.m. local time for the purpose of aircraft maintenance.

Note.—Central Flow Control will schedule relocation flights using a minimum of 20 minutes in-trail separation between city pairs and forward the approved flight plans to the departure center by 8:00 p.m. Eastern time on the day before the proposed departure.

113. *ARTCC Flight Data Monitor.* The following responsibilities are additional to those normally required.

a. *Primary A/Flight Data Position.*

(1) Forward to the flow controller any flight plans received via landlines from FSSs covering operations defined in Handbook 7110.65B, paragraphs 24a through h. Date/time stamp, upon receipt, and ensure that they have been entered into the computer.

(2) Forward to the flow controller for second hour approval, flight plans that were received as information text messages from the FSS. Do not accept any flight plans from other sources. Date, time stamp, or annotate each flight plan when received.

(3) Enter ARTCC flow controller approved flight plans into the computer or forward to the departure tower if tower en route control and there is no FDEP interface. Include second hour approval number/designator in remarks.

(4) Relay flow controller second hour flight plan approvals, via landline, to the FSS which originated the flight plan message.

(5) Do not accept composite flight plans for other than those operations defined in Handbook 7110.65B, paragraphs 24a through h.

114. *Center Controller Position Responsibilities.* The following position responsibilities are in addition to those normally required for positions of operation.

a. *Contingency Traffic Management.* Air Traffic Priorities. Provide air traffic control service based on the priorities in Appendix 41.

b. *Departure Separation at Airports Without Terminal IFR Departure Service.* Use at least 4 minutes separation between departures from the same airport flight planned along the same route.

c. *In-Trail Spacing.*

(1) Use at least 20 miles in-trail separation between aircraft at the same cruising altitude along the same route. Establish separation as soon as possible after aircraft reaches cruising altitude. (See (2) and (3) for exceptions.)

Note.—Twenty miles in-trail separation must be maintained to provide for a transition to nonradar procedures in the event of a radar failure.

(2) Weather Deviations. If aircraft deviate around weather and rduce the 20 miles in-trail separation, the 20 miles in-trail separation shall be reestablished within 50 miles after the aircraft complete their deviations.

(3) Between Priority 1 and other traffic. Can be reduced to standard separation minima if required to accommodate Priority 1 operations.

d. *Military Operations.* (See Appendix 2.)

e. *Use of Routes, Altitudes, and Speeds.* Ensure that contingency plan routes, altitudes, and speeds are used except when weather conditions are causing deviations or deviations are necessary due to Priority 1 flights. (This does not preclude step climbs to final altitude, i.e., assigned FL 290 until the aircraft is able to climb to FL 370.)

Note.—International flights will transition to/from normal and contingency plan routes when they enter/exit the conterminous United States.

f. *Departure Releases at Airports Without Terminal IFR Departure Service.*

(1) Do not release departures more than 5 minutes PRIOR to scheduled/assigned departure time.

(2) Do not release departures more than 10 minutes AFTER scheduled/assigned departure time unless the reason for the late departure can be attributed to an ATC delay at the departure airport. Cancel flights not meeting these criteria.

g. *Flight Cancellation Phaseology.*

(AIRCRAFT IDENT) your flight plan is canceled because ("reason").

Examples: N12345, your flight plan is canceled because of traffic congestion at your destination airport.

N12345, your flight plan is canceled because you were unable to make your takeoff time as scheduled.

h. *Flight Plan Handling.* Do not accept any flight plans except in the case of an in-flight emergency.

i. *System Constraints.* Inform the flow controller whenever:

(1) You are or are about to hold aircraft.

(2) Priority 1 traffic will impact other traffic.

(3) You recognize potential conditions that may cause delays.

(4) No flight plan is in the computer for a flight which the pilot says has been approved. (Secure the flight priority or flight plan approval number from the pilot for the flow controller's use.)

115. *DSO Responsibilities.*

a. The DSO is responsible to ensure that the following guidelines are adhered to:

(1) The primary use of automation resources is to maintain and support the operational systems.

Phase III—Artcc

(2) The ATC computers shall be run in an operational mode as much as possible.

(3) The ATC computers are not shut down (placed in a nonoperational status) unless there is a compelling reason to do so.

(4) Any actions that can cause program interruptions, such as reconfiguration of equipment components, should be avoided unless deemed absolutely necessary.

(5) Normal bulk store is not used.

(6) Contingency bulk store is used.

(7) AAT-550 is notified by phone of all program outages/problems within 1 hour after they occur.

(8) All data reduction and other type printout activities are postponed.

Note.—For accident/incident or high PTR problems, send the tapes to AAT-550 for data reduction.

Chapter 15. Phase III—Terminal Operations

130. *Terminal Facility Chief Responsibilities.* The following responsibilities are additional to those normally required.

a. *Facility Status/Recommendations.* Keep the regional Air Traffic Division apprised of facility status and problems. Make recommendations on changes to facility status or contingency plan operations if appropriate.

b. *Facility Closures/Reduced Hours of Operation.* Coordinate with the region if staffing is reduced to where you believe the facility should reduce its hours of operation or be closed.

c. *Accident/Incident.* See Appendix 38.

d. *Security.* Ensure that security measures and personnel security restrictions are adhered to. (See Appendix 40.)

131. *Terminal Supervisor Responsibilities.* The following responsibilities are additional to those normally required.

a. *Status Reporting to ARTCC.*

(1) Thirty minutes after the start of each shift, be prepared to forward a status report to the ARTCC. Assess your capability to support the contingency plan and include:

(a) Hours of operation.

(b) Personnel resources (nonbargaining unit employees)/adjusted hourly capacity rates.

(c) Equipment status.

(d) Airport status, i.e., runways, taxiways.

(e) Weather.

(f) Any other factors that could affect or is affecting scheduled traffic.

(g) An estimate of what can be anticipated during the current 8-hour shift.

(2) At locations where the tower and approach control are separate facilities, the tower shall forward its status report to the facility providing approach control services for relay to the center.

(3) If there are any constraints that will reduce or are reducing the scheduled planned capacity, take the following action:

(a) Estimate how long the constraints will exist.

(b) Determine the adjusted hourly capacity rates (Appendix 7).

(c) Forward this information immediately to your ARTCC flow controller.

b. *Facility Closures/Reduced Hours of Operation.* Coordinate facility closures and reduced hours of operation as directed by the facility chief with your ARTCC flow controller and servicing FSS.

c. *Contingency Traffic Management.*

(1) *Additional Flight Operations.* Assess your ability to support additional flight operations. Forward this information to your ARTCC flow controller upon request.

(2) *Air Traffic Priorities.* See Appendix 41.

(3) *Constraints.* Advise your ARTCC flow controller:

(a) Whenever your scheduled traffic is or will be adversely affected.

(b) Any time your facility is holding.

(4) *IFR Departure Releases (Tower En Route)*

(a) Ensure that departures are not released more than 5 minutes prior to scheduled departure time.

(b) Ensure that departures are not released more than 10 minutes after their scheduled departure time unless the reason for the late departure is an ATC delay that occurred between the time the pilot called for taxi clearance and the time he reached the end of the runway.

(5) *TCA Operations.*

(a) When the contingency plan is implemented, VFR operations in TCA will not be permitted except VFR departures.

(b) VFR departures shall not be given priority over IFR operations.

(c) Facilities that have TCAs shall place the following on the ATIS: "Unable to approve clearances for aircraft operating VFR through or into the (name) TCA until further advised."

(6) *Taxi Priority for Scheduled Aircraft.* Ensure that priority is given to taxiing scheduled aircraft in accordance with the procedures developed in Phase I.

(7) *TRSA Operations.* Stage III service may not be provided or may be discontinued at the controller's discretion. However, VFR aircraft should be provided Stage III service when the aircraft is expected to operate within close proximity to an IFR aircraft. Place the following on the ATIS: "Stage III service may not be available or may be terminated at the controller's discretion due to IFR traffic workload."

(8) *Military Operations.* See Appendix 2.

(9) *Flight Plan Cancellations.* When notified by a user of a contingency plan schedule flight permanent cancellation, refer the caller to Central Flow Control.

(10) *Automation Operations.* Air traffic control computers shall be run in an operational mode as much as possible while this plan is in effect. Do not shut down the computer unless there is a compelling reason to do so.

132. *Terminal Controller Position Responsibilities.* The following responsibilities are additional to those normally required.

a. *Contingency Traffic Management.* Air Traffic Priorities. Provide air traffic control service based on the priorities in Appendix 41.

(1) *Contingency Separation.* Provide at least 4 minutes separation between departures from the same airport flight planned along the same departure route, except Prority 1 aircraft can be released with standard separation.

(2) *IFR Departure Clearances.* Issue full route clearances in all cases. Cleared as filed shall not be used while the contingency plan is in effect.

Note.—SID names may be used if appropriate.

(3) *IFR Departure Releases.*

(a) Ensure that departures are not cleared for takeoff more than 5 minutes prior to scheduled departure time.

(b) Ensure that departures are not cleared for takeoff more than 10 minutes after their scheduled/assigned departure time unless the reason for the late departure is ATC delay that occurred between the time the pilot called for taxi clearance and the time he reached the end of the runway.

(4) *Flight Cancellation Phraseology.*

(AIRCRAFT IDENT), your flight plan is canceled because ("reason").

Examples: N12345, your flight plan is canceled because of traffic congestion at your destination airport.

N12345, your flight plan is canceled because you were unable to make your departure time as scheduled.

(5) *IFR Clearance Requests—No Flight Plan Available.* When a flight requests clearance and there is no flight plan available:

(a) If an air carrier, advise the center controller.

(b) If other than an air carrier, request the aircraft to provide a flight priority code or a flight approval number. Advise the center controller including the pilot's response to the request.

(6) *TCA Operations.*

(a) Disapprove requests for VFR operations through or into the TCA using the following phraseology:

1 Through TCA. "Unable to approve clearance THROUGH TCA. See NOTAM (number).

2 Landing at Airport in TCA. "Unable to approve clearance into TCA. See NOTAM (number)."

(b) Approve VFR departues from the TCA if and when workload permits. If a departure cannot be approved when requested, use the following phraseology: "Unable to approve departure from TCA at the present time; expect departure clearance (time)."

(c) When departures are approved, issue clearances in the order requested.

(7) *TRSA Operations.* Stage III service has been made optional at the controller's discretion dependent upon workload by national NOTAM; however, provide State III service when the aircraft will operate within close proximity to an IFR aircraft if possible.

PHRASEOLOGY: "Unable to provide State III service."

(8) *VFR Operations—Non-TCA Airports.*

(a) Give IFR traffic priority over VFR traffic and delay VFR traffic as necessary.

(b) Discontinue local aircraft operations, as required.

(9) *Flight Plan Handling.* Refer all requests to process flight plans to your servicing flight service station.

(10) *Gate Hold.* Ensure that pilots of departing aircraft receive their IFR clearances before they start taxiing.

(11) *Tower En Route.* Do not approve tower en route operations unless they have been approved by the center flow controller.

Note.—A list of approved tower en route flights will be provided by the center flow control position at the end of the first hour of the shift. The list will be updated at the end of the second hour of the shift. The list will include flight call sign, departure time, and destination for each approved flight.

(12) *Holding.* Notify your supervisor when holding is imminent.

(13) *Taxi Priority.* Give priority to taxiing scheduled traffic in accordance with the procedures developed in Phase I.

133. *DSO (or Chief's Designee) Responsibilities.* The DSO is responsible to ensure that the following instructions are adhered to by personnel performing the operational data systems duties.

a. The primary use of automation resources is to keep the automation system operational.

b. The ATC computers shall be run in an operational mode as much as possible.

c. The ATC computers are not shut down (placed in a nonoperational status) unless maintenance MUST be performed. If it is necessary to shut down, adjust hours of computer operation to cover busiest contingency traffic periods if possible.

d. Any actions that can cause program interruptions, such as reconfiguration of equipment components, should be avoided unless deemed absolutely necessary.

e. Problem reporting: Notify AAT-550 by phone of all program outages/problems within 1 hour after they occur.

f. No data reduction and other type printout activities shall be performed. For accident/incident or high PTR problems, send the charts/tapes to AAT-550 for data reduction, if requested.

Chapter 16. Phase III—Flight Service Station

140. *Facility Chief Responsibilities.*

a. *Flight Plan Handling.*

(1) Accept and process in a normal manner flight plans on the following:

(a) FAA aircraft.

(b) Operations covered in Handbook 7110.65B, paragraphs 24a through h. In addition, call the departure center primary "A" flight data position on these flights via landline and forward the call sign, proposed departure point, proposed departure time, and destination.

(2) DO NOT accept composite flight plans for other than those operations defined in Handbook 7110.65B, paragraphs 24a through h.

(3) DO NOT accept second hour approval flight plans unless they are filed:

(a) Between 0000 and 0800 local time for flights departing between 1000 and 1600 local time.

(b) Between 0800 and 1600 local time for flights departing between 1800 and 2400 local time.

(4) Inform the person filing the flight plan that acceptance does not constitute approval, and if an approval is not received by 10:00 a.m. or 6:00 p.m. as appropriate, the flight plan is automatically disapproved. Also:

(a) Record the caller's name/telephone number to enable forwarding of center flow controller approvals, if and when received.

(b) Teletype to appropriate centers as information text messages and include the time the flight plan was filed.

(c) Relay center flow controller flight plan approvals to points of contact/telephone numbers that were recorded.

Note.—Second hour approval aircraft will not fly the first day the plan is in effect.

(5) DO NOT accept IFR flight plans on "fast file" systems. Include instructions

on fast file tape to call another number with IFR flight plans.

(6) Ensure that all priority 1 flight plans are transmitted to the center upon receipt. Ensure that all second hour flight plans are transmitted to the center no later than 30 minutes after the close of the filing period, i.e., 0830 or 1630.

b. *Military Operations.* See Appendix 2.

Appendices to Phases II and III

2. Airports Expected to Generate Priority Military Operations.[1]
3. Assigned Long-Range Routes, Altitudes, and Speeds.[4]
5. Coded Route Between Long-Range City Pairs.[2]
7. Acceptance Rate at ATCTs.[3]
8. Terminal Staffing and Acceptance Rates.[3]
9. Terminal EPDSs Used for Staffing.[3]
10. Center Staffing.[3]
11. Flow Control Staffing and Schedule.[3]
12. Data Systems Personnel Shift Coverage.[3]
34. Second Hour Flight Log.[3]
36. NOTAM/GENOT and Specal Messages.[4]
38. Incident/Accident Handling Procedures.[4]
40. Security.[1]
41. Air Traffic Priorities[2]
42. Procedures for Nonimpacted Center(s).[3]

Appendix 41

Air Traffic Service Priorities

Priority 1 (a) (Code Word) *CRITICAL*—Critical Movement of military aircraft for national defense, Presidential, Vice Presidential, FAA aircraft, NEACP, FLYNET, GARDEN PLOT, SAMP, SAR, EMERGENCY AIR EVAC, EMERGENCY.

Handling Method—Cleared via the routes, altitudes, speeds and at the time requested, without regard to scheduled traffic.

Priority 1 (b) (Code Word) URGENT—Priority movement of military aircraft in the NATIONAL INTEREST.

Handling Method—The flight must be handled; however, adjustments may be made to the requested flight plan.

Note.—The maximum adjustments possible are being coordinated with the military and will be provided in an update to the plan.

Priority 1 (c)—AIR EVAC, MEDEVAC, other medically required flights.

Handling Method—The flight must be handled; however, adjustments may be made to the requested flight plan. Departures can be delayed up to 30 minutes and route and altitude adjustments can be made unless the pilot advises the proposed change will adversely affect the medical aspect of the flight.

Priority 2—National flight schedule air carrier and air taxi flights. (1) Long-Range I operations. (2) Long-Range II operations. (3) Short-Range operations.

Handling Method—Cleared via contingency plan routes, altitudes, speeds to depart not earlier than 5 minutes prior to and not later than 10 minutes after scheduled departure time.

Note.—Late departures will be permitted if lateness is attributed to an ATC delay between the time he requests clearance to taxi and the aircraft arrival at the runway.

Priority 3—Prescheduled first hour approval flights.

Handling method—Cleared via contingency plan routes, altitudes, speeds to depart not earlier than 5 minutes prior to and not later than 10 minutes after scheduled departure time.

Note.—Late departures will be permitted if lateness is attributed to an ATC delay between the time he requests clearance to taxi and the aircraft arrival at the runway.

Priority 4—Second hour approval flights (all other military and civil flight operations).

Handling Method—Cleared via routes, altitudes, and speeds based on available personnel resources. Aircraft shall not depart earlier than 5 minutes prior to and not later than 10 minutes after the approved departure time.

Note.—Late departures will be permitted if lateness is attributed to an ATC delay between the time he requests clearance to taxi and the aircraft arrival at the runway.

Appendix 5

Coded routes between city pairs.

The contingency routes are coded by number. Associated direction designators for each airway are assigned elsewhere in this plan. Altitudes are assigned by distance and direction to coded routes generally as follows:

Airway direction		Altitude assignments
370	E	Over 800 miles.
350	W	Over 800 miles.
330	N	Over 800 miles.
310	S	Over 800 miles.
290	E	Between 500 and 800 miles.
280	W	Between 500 and 800 miles.
270	N	Between 500 and 800 miles.
260	S	Between 500 and 800 miles.

From—	To—	Coded route	Route
		New York ARTCC	
ABE	ORD	4-18	J60 J89 ORD.
EWR	ATL	36-34	J37 ATL.
EWR	BNA	36-34A-14	J37 GVE J147 BKW J42 BNA.
EWR	DEN	2-12	RBV J80 MCI J24 SLN J102 J17 DEN.
EWR	DFW	36-34A-14	J37 GVE J147 BKW J42 DFW.
EWR	FLL	32	J37 CYN J79 ILM CLB AR1 BSY FLL.
EWR	IAH	36-34A-14-40A.	J37 GVE J147 BKW J42 J180 IAH.
EWR	IND	2	RBV J80 IND.
EWR	LAS	2-22A	RBV J80 MCI J24 SLN J102 ALS J64 FMN J110 BLD LAS.
EWR	LAX	2-18-18A-10.	RBV J80 IND J24 STL J19 LVS J8 INW J96 PRC J10 TNP J4 LAX.
EWR	MCI	2	RBV J80 MCI.
EWR	MCO	36-3	J37 GVE J75 J45 JAX J53 MCO.
EWR	MEM	35-34A-14	J37 GVE J147 BKW J42 BNA.
EWR	MIA	32	J37 CYN J79 ILM CLB AR1 BSY MIA.
EWR	MSP	6	J95 BUF J547 ECK J38 GRB J106 MSP.
EWR	MSY	36-34	J37 MSY.
EWR	ORD	6-6B	J95 BUF J547 ORD.
EWR	PBI	32	J37 CYN J79 ILM CLB AR1 COBIN PBI.
EWR	SDF	2-J39	RBV J80 J39 SDF.
EWR	SFO	4	RBV J60 ILC J198 MVA J84 OAK SFO.
EWR	SRQ	36	J37 GVE J75 PIE SRQ.
EWR	STL	2-18	RBV J80 IND J24 STL.
EWR	TPA	36	J37 GVE J75 TPA.
ISP	ORD	Direct-JFK-6-6B.	J95 BUF J547 ORD.
JFK	ATL	36-34	J37 ATL.
JFK	CAE	36	J37 GVE J75 CAE.
JFK	CHS	36-3B	J37 GVE J75 CAE J47 CHS.
JFK	DEN	2-12	RBV J80 MCI J24 SLN J102 J17 DEN.
JFK	DFW	36-34A-14	J37 GVE J147 BKW J42 DFW.
JFK	FLL	32	J37 CYN J79 ILM CLB AR1 BSY FLL.
JFK	FMY	36-5	J37 GVE J75 PIE SRQ J58 FMY.
JFK	IAH	36-34A-14-40A.	J37 GVE J147 BKW J42 J180 IAH.
JFK	IND	2	Direct RBV J80 IND.
JFK	JAX	36-3	J37 GVE J75 J45 JAX.
JFK	LAS	2-22A	Direct RBV J80 MCI J24 SLN J102 ALS J64 FMN J110 BLD LAS.
JFK	LAX	2-18-18A-10.	Direct RBV J80 IND J24 STL J19 LVS J8 INW J96 PRC J10 TNP J4 LAX.
JFK	MCO	36-3	J37 GVE J75 J45 JAX J53 MCO.
JFK	MIA	32	J37 CYN J79 ILM CLB AR1 BSY MIA.
JFK	MSP	6	J95 BUF J547 ECK J38 GRB J106 MSP.
JFK	MSY	36-34	J37 MSY.
JFK	ORD	6-6B	J95 BUF J547 ORD.
JFK	PBI	32	J37 CYN J79 ILM CLB AR1 COBIN PBI.
JFK	PHX	2-18	Direct RDV J80 IND J24 STL J19 LVS J18 PHX.
JFK	SAN	2-18	Direct RDV J80 IND J24 STL J19 LVS J18 SAN.
JFK	SEA	6	J95 BUF J547 ECK J38 GRB J106 MSP J70 ABR J90 SEA.
JFK	SFO	4	Direct RBV J60 ILC J198 MVA J84 OAK SFO.
JFK	SLC	6-24-44	J95 BUF J547 ECK J38 GRB J106 MSP J70 ABR J32 SLC 360°R SLC.
JFK	SRQ	36	J37 GVE J75 PIE SRQ.
JFK	STL	2-18	Direct RBV J80 IND J24 STL.
JFK	TPA	36	J37 GVE J75 PIE TPA.
LGA	ATL	36-34	J37 ATL.
LGA	BHM	36-34-20	J37 ATL J52 BHM.

[1] Not available for security reasons.
[4] Not complete at this time. Copies may be obtained at a later date.
[2] Included in published material.
[3] Copies may be obtained in Room 429, 800 Independence Avenue, S.W., Washington, D.C.

From—	To—	Coded route	Route
LGA	BNA	36-34A-14	J37 GVE J147 BKW J42 BNA.
LGA	CAE	36	J37 GVE J75 CAE.
LGA	CVG	2-50B	Direct RBV J80 J39 CVG.
LGA	DAB	36-3-JAX-J45.	J37 GVE J75 J45 DAB.
LGA	DFW	36-34A-14	J37 GVE J147 BKW J42 DFW.
LGA	FLL	32	J37 CYN J79 ILM CLB AR1 BSY FLL.
LGA	IAH	36-34A-14-40A.	J37 GVE J147 BKW J42 J180 IAH.
LGA	IND	2	Direct RBV J80 IND.
LGA	JAX	36-3	J37 GVE J75 J45 JAX.
LGA	MCI	2	Direct RBV J80 MCI.
LGA	MCO	36-3	J37 GVE J75 J45 JAX J53 MCO.
LGA	MEM	36-34A-14	J37 GVE J147 BKW J42 MEM.
LGA	MIA	32	J37 CYN J79 ILM CLB AR1 BSY MIA.
LGA	MKE	6-6B-39A	J95 BUF J547 J34 MKE.
LGA	MSP	6	J95 BUF J547 ECK J38 GRB J106 MSY.
LGA	MSY	36-34	J37 MSY.
LGA	OKC	36-34A-14-20.	J37 GVE J147 BKW J42 J14 OKC.
LGA	ORD	6-6B	J95 BUF J547 ORD.
LGA	PBI	32	J37 CYN J79 ILM CLB AR1 COBIN PBI.
LGA	SDF	2-50B	Direct RBV J80 J39 SDF.
LGA	STL	2-18	Direct RBV J80 IND J24 STL.
LGA	TPA	36	J37 GVE J75 TPA.
MDT	ORD	J152-2A-4-16.	J152 J61 PSB J60 J89 ORD.
PHL	ATL	Direct-ENO-36-34.	Direct ENO J37 ATL.
PHL	BNA	Direct-ENO-36-34A-14.	Direct ENO J37 GVE V147 BKW J14 BNA.
PHL	DEN	2A-2-12	J110 J80 MCI J24 SLN J102 J17 DEN.
PHL	DFW	14	Direct EWT J42 DFW.
PHL	FLL	Direct-SIE-32.	Direct SIE J79 ILM CLB AR1 BSY FLL.
PHL	IAH	14-40A	Direct EWT J42 J180 IAH.
PHL	IND	2A-2	J110 J80 IND.
PHL	JAX	Direct-ENO-36-3.	Direct ENO J37 GVE J75 J45 JAX.
PHL	LAX	2A-2-10	J110 J80 MCI J24 SLN J102 ALS J64 LAX.
PHL	MCI	2A-2	J110 J80 MCI.
PHL	MCO	Direct-ENO-36-3.	Direct ENO J37 GVE J75 J45 JAX J53 MCO.
PHL	MIA	Direct-SIE-32.	Direct SIE J79 ILM CLB AR1 BSY MIA.
PHL	MKE	2A-4-39A	J110 J61 PSB J60 CLE J34 MKE.
PHL	MSP	2A-4-39A-33.	J110 J61 PSB J60 CLE J34 BAE J70 MSP.
PHL	MSY	Direct-ENO-36-34.	Direct ENO J37 MSY.
PHL	ORD	2A-4-16	J110 J61 PSB J60 J89 ORD.
PHL	PBI	Direct-SIE-32.	Direct SIE J79 ILM CLB AR1 CORBIN PBI.
PHL	PHX	2A-2-18	J110 J80 IND J24 STL J19 LVS J18 PHX.
PHL	SDF	2A-2-50B	J110 J80 J39 SDF.
PHL	SFO	2A-4	J110 J61 J60 ILC J198 MVA J84 OAK SFO.
PHL	STL	2A-2-18	J110 J80 IND J24 STL.
PHL	TPA	Direct-ENO-36.	Direct ENO J37 GVE J75 PIE TPA.
DEN	ALO	11-9	J114 ONL J94 ALO.
DEN	ATL	48-3	J20 LBL J98 OKC J78 TUL J46 J41 MEM J66 RME ATL.
DEN	BAL	15-13	J80 MCI J24 STL J134 ILM J24 CRW J8 BAL.
DEN	BNA	15-38	J80 MCI J24 STL J134 J73 BNA.
DEN	BOS	11-9-7A-1A-7.	J114 ONL J94 OBK J584 CRL J554 JHW J82 ALB J16 BOS.
DEN	CAK	15-1-7A	J80 GLD J192 PWE J64 BDF J18 JOT J146 J34 CLE CAK.
DEN	CID	11-9-ALO Direct.	J114 ONL J94 ALO CID.
DEN	CLE	15-1-7A	J80 GLD J191 PWE J64 BDF J18 JOT J146 J34 CLE.
DEN	DFW	48	J20 LBL J98 OKC J21 DFW.
DEN	DTW	11-9-7A	J114 ONL J94 OBK J584 CRL DTW.
DEN	EWR	15-1	J80 GLD J192 PWE J64 BDF J18 JOT J146 EWR.
DEN	FAT	22-22A-8	J128 J110 FAT.
DEN	FWA	15-1-9	J80 GLD J192 PWE J64 BDF J18 JOT J146 J89 J30 FWA.
DEN	GEG	12-12A	J116 EKR J173 SLC J15 BOI J517 GEG.
DEN	GRR	11-9-7B-MKG-Direct.	J114 ONL J94 FOD J132 MCW J16 MKG GRR.
DEN	IAD	15-13	J80 MCI J24 STL J134 ILM J24 CRW J8 CSN IAD.
DEN	IAH	48-42	J20 LBL J98 OKC J21 DFW J87 IAH.
DEN	JFK	15-1	J80 GLD J192 PWE J64 BDF J18 JOT J146 JFK.
DEN	LIT	48-3-J101	J20 LBL J98 OKC J78 TUL J46 J101 LIT.
DEN	MBS	11-9-7B	J114 ONL J94 FOD J132 MCW J16 MBS.
DEN	MEM	48-3	J20 LBL J98 OKC J78 TUL J46 J41 MEM.
DEN	MIA	48-19-38-36-5.	J20 LBL J98 OKC J21 DFW J4 MGM J20 TLH J43 PIE SRQ J58 BSY MIA.
DEN	MKE	11-9-7B	J114 ONL J94 FOD J132 MCW J16 MKE.
DEN	MLI	15-1-LMN-Direct.	J80 GLD J192 PWE J64 MLI.
DEN	MSY	48-19-40	J20 LBL J98 OKC J21 DFW J4 JAN J35 MSY.
DEN	OAK	4	J60 ILC J198 MVA J84 OAK.
DEN	ORD	11-9	J114 ONL J94 OBK ORD.
DEN	PDX	12	J116 EKR J173 SLC J15 PDX.
DEN	PHL	15-1-MIP-Direct.	J80 GLD J192 PWE J64 BDF J18 JOT J146 MIP PHL.
DEN	PIA	15-1-BDF-Direct.	J80 GLD J192 PWE J64 BDF PIA.
DEN	PIT	15-39B	J80 MCI J24 STL J134 ILM J24 J91 AIR PIT.
DEN	RNO	4-57	J60 ILC J198 MVA J92 RNO.
DEN	SAT	48-42A	J20 LBL J98 OKC J21 DFW J25 SAT.
DEN	SBN	15-1	J80 GLD J192 PWE J64 BDF J18 JOT J146 SBN.
DEN	SDF	15-38-J8	J80 MCI J24 STL J134 J73 J8 SDF.
DEN	SEA	12-45	J116 EKR J173 SLC J15 PDX J1 SEA.
DEN	SFO	4	J60 ILC J198 MVA J84 OAK SFO.
DEN	SJC	4-LIN-Direct.	J60 ILC J198 MVA J84 LIN SJC.
DEN	SMF	4-LIN-Direct.	J60 ILC J198 MVA J84 LIN SMF.
DEN	TOL	15-1	J80 GLD J192 PWE J64 BDF J18 JOT J146 TOL.
DEN	TPA	48-19-38	J20 LBL J98 OKC J21 DFW J4 MGM J20 TLH J43 PIE TPA.
COS	DFW	1-48	J146 J20 LBL J98 OKC J21 DFW.
COS	ORD	12-11-9	J17 DEN J114 ONL J94 OBK ORD.

Denver ARTCC LR-II

DEN	BOI	12	J116 EKR J173 SLC J15 BOI.
DEN	BUR	22-2	J128 TBC J64 LAX BUR.
DEN	ELP	54-54A	J17 PUB J104 ONM J57 TCS J13 J86 ELP.
DEN	LAX	22-2	J128 TBC J64 LAX.
DEN	LAS	22-22A	J128 J110 BLD LAS.
DEN	MSP	11	J114 MSP.
DEN	ONT	22-2	J128 TBC J64 ONT.
DEN	PHX	54-18	J17 PUB J104 LVS J18 PHX.
DEN	SAN	54-18	J17 PUB J104 LVS J18 SAN.
DEN	STL	15	J80 MCI J24 STL.
DEN	TUS	54-10	J104 SSO TUS.

Albuquerque ARTCC

ABQ	ATL	3	ABQ J78 TUL J46 J41 MEM J66 RMS-ATL.
ABQ	ORD	51-11-7A	ABQ J13 DEN J114 FSD J16 MCW J90 OBK-ORD.
ABQ	SAT	54A-5	ABQ J57 TCS J13 J86 ELP J2 FST J138-SAT.
ABQ	SFO	18-8-45	ABQ J18 SJN J108 INW J86 BLD J110 OAK-SFO.
ELP	SFO	51-8-45	J86 J13 TCS J108 INW J86 BLD J110 SNS J110 OAK-SFO.
TUS	HOU	5	J2 FST J138 HUB-HOU.
TUS	JFK	5-13	J2 ELP J50 ABI J4 DFW J66 LIT J6 CRW J8 RBV J150 JFK.
TUS	ORD	47-5A-3-51-11-7A.	J11 PHX J19 ZUN J78 ABQ J13 DEN J114 FSD J16 MCW J90 OBK-ORD.
TUS	SFO	47-57-8-45.	J11 PRC J92 BLD J110 SNS J110 OAK-SFO.
PHX	ATL	5A-3	J19 ZUN J78 TUL J46 J41 MEM J66 RMG-ATL.
PHX	CLE	5A-3-3A-35-1-7A.	J19 ZUN J78 TUL J98 SGF J105 BDF J18 JOT J146 J34-CLE.
PHX	DSM	5A-3-51-1-LMN-Direct.	J19 ZUN J78 ABQ J13, J146 GLD J192 PWE J64 LMN-DSM.
PHX	DTW	5A-3-51-11-7A.	J19 ZUN J78 ABQ J13 DEN J114 FSD J16 MCW J90 OBK J584 CRL-DTW.
PHX	HOU	44-5	J11 J2 FST J138 HUB-HOU.
PHX	IAD	5A-3-13	J19 ZUN J78 TUL J46 J41 J6 CRW J8 CSN-IAD.
PHX	IAH	44-5-17	J11 J2 FST J138 SAT J2 IAH.
PHX	IND	5A-3-3A-15-33.	J19 ZUN J78 TUL J98 SGF J8 STL J134 J89 IND.
PHX	JFK	5A-3-13	J19 ZUN J78 TUL J46 J41 J6 CRW J8 RBV J150 JFK.
PHX	MKE	5A-3-51-11-7A-7B.	J19 ZUN J78 ABQ J13 DEN J114 FSD J16 MKE.
PHX	MSP	5A-3-51-11.	J19 ZUN J78 ABQ J13 DEN J114 MSP.
PHX	OAK	47-57-8-45.	J92 BLD J110 OAK.
PHX	ORD	5A-3-51-11-7A.	J19 ZUN J78 ABQ J13 DEN J114 FSD J16 MCW J90 OBK-ORD.
PHX	PDX	47-12	J11 SLC J15 PDX.
PHX	PHL	5A-3-13	J19 ZUN J78 TUL J46 J41 J6 CRW J8 RBV-PHL.
PHX	PIT	5A-3-3A-15-39B.	J19 ZUN J78 TUL J98 SGF J8 STL J134 FLM J24 J91 AIR-PIT.
PHX	RNO	47-57	J92-RNO.
PHX	SAT	44-5	J11 J2 FST J138 SAT.
PHX	SFO	47-57-8-45.	J92 BLD J110 OAK SFO.
PHX	SJC	47-57-8-45.	J92 BLD J110 SNS-SJC.
PHX	SMF	47-57-4-LIN-Direct.	J92 J84 LIN SMF.

Albuquerque LR-II

ABQ	DFW	3-48	J78 OKC J21 DFW.
ABQ	LAX	18-10	J18 J4 J64 LAX.
ABQ	MCI	3-37-15	J78 OKC J21 J80 MCI.
ABQ	STL	3-3A	J78 TUL J98 SGF J8 STL.
ELP	DEN	51	J13 DEN.
ELP	LAX	10	J4 J64 LAX.
ELP	SAN	10-18	J4 J18 SAN.
PHX	DEN	5A-3-51	J19 ZUN J78 ABQ J13 DEN.
PHX	DFW	44-5-13	J11 J2 ELP J50 TQA J4 DFW.
PHX	MCI	5A-3-37-15.	J19 ZUN J78 OKC J21 J80 MCI.
PHX	OKC	5A-3	J19 ZUN J78 OKC.
PHX	STL	5A-3-3A	J19 ZUN J78 TUL J98 SGF J8 STL.

From—	To—	Coded route	Route
PHX	DEN	CIE SSO J166 TCS 51.	CIE SSO J166 TCS J13 DEN.
PHX	DFW	5-13	CIE J2 ELP J50 TQA J4 DFW.
PHX	STL	5-13-35-3A.	CIE J2 ELP J50 TQA J4 DFW J105 SGF J8 STL.
Chicago Center			
ALO	DEN	Direct DSM-4.	Direct DSM J25 J60.
CID	DEN	Direct DSM-4.	Direct DSM J25 J60.
CMI	BAL	Direct LEU-38-15-13.	Direct LEU J73 J134 FLM J24 CRW J8 CSN Direct.
DSM	PHX	42-18	J25 BUM J19 LVS J18.
DSM	LAX	4-22-2	J60 DEN J128 TBC J64.
FWA	ATL	9-50-34	J149 J85 SPA J37.
FWA	DEN	16A-4	J64 WHETT J30 JOT J60.
GRR	DEN	39A-30-22	J34 BAE J16 FSD J114.
MKE	ATL	38-3	J89 OBK J73 BNA J73 J66 RMG Direct.
MKE	BOS	7B-7	J16 ECK J547 BUF J16 BOS.
MKE	DCA	38-9-FRR-Direct.	J89 J30 FRR Direct.
MKE	DEN	30-32	J16 FSD J114.
MKE	DFW	30-42	J16 MCW J25.
MKE	LAX	30-22-2-10.	J16 FSD J114 DEN J128 TBC J64.
MKE	LGA	7A-1	J584 CRL J34 J146 JFK LGA.
MKE	MIA	38-36-5	J89 OBK J73 TLH J43 PIE Direct SRQ J58 BSY Direct.
MKE	PHX	30-22-54-18.	J16 FSD J114 DEN J17 PUD J104 LVS J18.
MKE	SFO	30-22-4	J16 FSD J114 DEN J60 ILC J198 MVA J84 OAK SFO.
MKE	TPA	38	J89 OBK J73 TLH J43 PIE-TPA.
MLI	DEN	4	Direct IOW J60 DEN.
MLI	DFW	4-42	Direct IOW J60 J25 DFW.
ORD	ABE	1-ETG-Direct.	J89 J146 ETG Direct ABE.
ORD	ABQ	40-18	J71 J24 STL J19 LVS J18 ABQ.
ORD	ALB	7A-1A	J584 CRL J554 JHW J82 ALB.
ORD	ATL	38-3	J73 J66 RMG Direct ATL.
ORD	BAL	9-EMI-Direct.	J89 J30 FRR J6 EMI Direct BAL.
ORD	BDL	7A-1A-ALB-Direct.	J584 CRL J554 JHW J82 ALB Direct BDL.
ORD	BHM	38-20	J73-J52 BHM.
ORD	BIL	33-6-MLS-Direct.	J89 BAE J70 ABR J90 MLS Direct BIL.
ORD	BOI	33-6-24-12.	J89 BAE J70 ABR J32 J15 BOI.
ORD	BOS	7A-1A-7	J584 CRL J554 JHW J82 ALB J16 BOS.
ORD	CLT	9-50	J89 J30 J85 SPA Direct CLT.
ORD	COS	4-54	JOT J60 DFW J17 COS.
ORD	DCA	9-FRR-Direct.	J89 J30 FRR Direct DCA.
ORD	DEN	4	JOT J60 DEN.
ORD	DFW	40-18-42	J71 J24 STL J19 BWM J25 DFW.
ORD	EWR	1	J89 J146 EWR.
ORD	FAT	4-MVA-Direct.	JOT J60 ILC J198 MVA Direct FAT.
ORD	FLL	38-36-5	J73 TLH J43 PIE SRQ J58 BSY Direct FLL.
ORD	FMY	38-36-5	J73 TLH J43 PIE SRQ J58 FMY.
ORD	GSO	9-50-17B	J89 J30 J85 SPA J14 GSO.
ORD	IAD	9-FRR-Direct.	J89 J30 FRR Direct IAD.
ORD	IAH	40-40A	J71 MEM J42 J180 IAH.
ORD	ISP	1-JFK-Direct.	J89 J146 JFK Direct ISP.
ORD	JAX	38-3	J73 J66 RMG Direct ATL J45 JAX.
ORD	JFK	1	J89 J146 JFK.
ORD	LAS	4-22-22A	JOT J60 DFN J128 J110 BLD LAS.
ORD	LAX	4-22-2-10	JOT J60 DEN J128 TBC J64 LAX.
ORD	LGA	1	J89 J146 LGA.
ORD	MCO	38-55	J73 TLH J43 PIE J103 MCO.
ORD	MDT	1-ETG-Direct.	J89 J146 ETG Direct MDT.
ORD	MIA	38-36-5	J73 TLH J43 PIE SRQ J58 BSY MIA.
ORD	MRY	4-LIN-Direct SNS Direct.	JOT J60 ILC J198 MVA J84 LIN SNS MRY.
ORD	MSY	40	J71 MEM J35 MSY.
ORD	OAK	4-LIN-Direct.	JOT J60 ILC J198 MVA J84 LIN OAK.
ORD	OKC	40-18-42-20.	J71 J24 STL J19 BUM J25 J14 OKC.
ORD	ONT	4-22-2	JOT J60 DEN J128 TBC J64 ONT.
ORD	ORF	38-15-RIC Direct ORF.	J73 J134 PLM J24 RIC ORF.
ORD	PBI	38-36-SRQ PHK Direct.	J73 TLH J43 PIE SRQ PHK PBI.
ORD	PDX	33-6-46	J89 BAE J70 ABR J90 SBA J189 PDX.
ORD	PHF	38-15-RIC-Direct.	J73 J134 FLM J24 RIC PHF.
ORD	PHL	1-MIP Direct.	J89 J146 MIP PHL.
ORD	PHX	40-18	J71 J24 STL J19 LVS J18 PHX.
ORD	PSP	40-18-18A-TNP-Direct.	J71 J24 STL J19 LVS J8 INW J96 PRC J10 TNP PSP.
ORD	PVD	7A-1A-7-BOS-Direct.	J584 CRL J554 JHW J82 ALB J16 BOS PVD.
ORD	RDU	38-15-36-DRAIK-Direct.	J73 J134 FLM J24 J75 DRAIK RDU.
ORD	RIC	38-15	J73 J134 FLM J24 RIC.
ORD	RNO	4-57	JOT J60 ILC J198 MVA J84 J92 RNO.
ORD	ROA	38-15-CRW-Direct.	J73 J134 FLM J24 CRW ROA.
ORD	SAN	40-18	J71 J24 STL J19 LVS J18 SAN.
ORD	SAT	40-18-42-42A.	J71 J24 STL J19 BUM J25 SAT.
ORD	SEA	33-6	J89 BAE J70 ABR J90 SEA.
ORD	SFO	4	JOT J60 ILC J198 MVA J84 OAK SFO.
ORD	SJC	4-LIN-Direct.	JOT J60 ILC J198 MVA J84 LIN SJC.
ORD	SLC	4-12	JOT J60 DEN J116 EKR J173 SLC.
ORD	SMF	4-LIN-Direct.	JOT J60 ILC J198 MVA J84 LIN SMF.
ORD	SRQ	38-36	J73 TLH J43 PIE SRQ.
ORD	SYR	7A-1A-J29	J584 CRL J554 JHW J29 SYR.
ORD	TPA	38	J73 TLH J43 TPA.
ORD	TUL	40-18-42	J71 J24 STL J19 BUM J25 TUL.
ORD	TUS	40-18-54-SSO-J104.	J71 J24 STL J19 LVS J104 TUS.
ORD	ACA	International.	
ORD	AMS		
ORD	ANC		
ORD	BRU		
ORD	FRA		
ORD	HNL		
ORD	LHR		
ORD	MEX		
ORD	NAS		
ORD	SJU		
ORD	YMX		
ORD	YVR		
ORD	YWG		
ORD	YYC		
PIA	ATL	38-3	Direct DNV J73 J66 RMG ATL.
PIA	DEN	Direct IOW-4.	Direct IOW J60 DEN.
SBN	DEN	Direct GSH-4.	JOT J60 DEN.
Chicago Center L-II			
ORD	ICT	40-18	J71 STL J19 ICT.
Kansas City ARTCC			
STL	BAL	15-13	J134 FLM J24 CRW J8 CSN BAL.
STL	BOS	15-53-7	J134 FLM J24 CRW J78 PSB J49 ALB J16 BOS.
STL	BUF	43-35-7B-7.	J45 J105 BAE J16 ECK HL547 BUF.
STL	CLT	15-50-SPA-Direct.	J134 FLM J24 CRW J85 SPA CLT.
STL	DCA	15-13	J134 FLM J24 CRW J8 CSN DCA.
STL	EWR	15-13	J134 FLM J24 CRW J8 RBV EWR.
STL	FLL	58-38-5	J45 BNA J73 TLH J43 PIE SRQ J58 BSY FLL.
STL	HOU	58-40-40A	J45 J71 MEM J42 J180 HOU.
STL	IAH	58-40-40A	J45 J71 MEM J42 J180 IAH.
STL	JFK	15-13	J134 FLM J24 CRW J8 RBV JFK.
STL	LAS	43-2-22A	J45 J80 MCI J24 SLN J102 ALS J64 FMN J110 BLD LAS.
STL	LAX	18-18A-10	J19 LVS J8 INW J96 PRC J10 TNP J4 J64 LAX.
STL	LGA	15-13	J134 FLM J24 CRW J8 RBV JFK.
STL	MCO	58-38-55	J45 BNA J73 TLH J43 PIE J103 ORL MCO.
STL	MIA	58-38-5	J45 BNA J73 TLH J43 PIE SRQ J58 BSY MIA.
STL	MSY	58-40	J45 J71 MEM J35 MSY.
STL	PDX	43-2-12	J45 J80 MCI J24 SLN J102 J17 DEN J116 EKR J173 SLC J15 PDX.
STL	PHL	15-13	J134 FLM J24 CRW J8 EWT PHL.
STL	PIT	15-39B	J134 FLM J24 J91 AIR PIT.
STL	RNO	43-2-22A-57.	J45 J80 MCI J24 SLN J102 ALS J64 FMN J110 BLD J92 RNO.
STL	SAN	18	J19 LVS J18 SAN.
STL	SAT	18-42-42A	J19 BUM J25 SAT.
STL	SEA	43-2-12-45.	J45 J80 MCI J24 SLN J102 J17 DEN J116 EKR J173 SLC J15 PDX J1 SEA.
STL	SFO	43-2-22A-8-45.	J45 J80 MCI J24 SLN J102 ALS J64 FMN J110 OAK SFO.
STL	SLC	43-2-12	J45 J80 MCI J24 SLN J102 J17 DEN J116 EKR J173 SLC.
STL	SYR	15-39-7-J29.	J134 FLM J24 J83 CLE J545 XU J547 BUF J29 SYR.
STL	TPA	58-38	J45 BNA J73 TLH J43 PIE TPA.
MCI	ATL	15-58-38-3.	J24 STL J45 BNA J73 J66 RMG ATL.
MCI	BAL	15-13	J24 STL J134 FLM J24 CRW J8 CSN Direct BAL.
MCI	BOS	15-53-7	J24 STL J134 FLM J24 CRW J78 PSB J49 ALB J16 BOS.
MCI	CLE	15-39	J24 STL J134 FLM J24 J83 CLE.
MCI	DTW	15-35-9-7A-CRL-Direct.	J24 J105 J94 OBK J584 CRL DTW.
MCI	EWR	15-13	J24 STL J134 FLM J24 CRW J8 RBV EWR.
MCI	IAD	15-13	J24 STL J134 FLM J24 CRW J8 CSN IAD.
MCI	IAH	42	J25 DFW J87 IAH.
MCI	LAS	2-22A	J24 SLN J102 ALS J64 FMN J110 BLD LAS.
MCI	LAX	J26-18-18A-10.	J26 ICT J19 LVS J8 INW J96 PRC J10 TNP J4 J64 LAX.
MCI	LGA	15-13	J24 STL J134 FLM J24 CRW J8 RBV LGA.
MCI	MIA	15-58-38-5.	J24 STL J45 BNA J73 TLH J45 PIE SRQ J58 BSY MIA.
MCI	MSY	15-58-40	J24 STL J45 J71 MEM J35 MSY.

From—	To—	Coded route	Route
MCI	PDX	2-12	J24 SLN J102 J17 DEN J116 EKR J173 SLC J15 PDX.
MCI	PHL	15-13	J24 STL J134 FLM J24 CRW J8 EWT PHL.
MCI	PIT	15-39B	J24 STL J134 FLM J24 J91 AIR PIT.
MCI	SAN	J26-18	J26 ICT J19 LVS J18 SAN.
MCI	SEA	2-12-45	J24 SLN J102 J17 DEN J116 EKR J173 SLC J15 PDX J1 SEA.
MCI	SFO	2-22A-8-45.	J24 SLN J102 ALS J64 FMN J110 OAK SFO.
MCI	SLC	2-12	J24 SLN J102 J17 DEN J116 EKR J173 SLC.
ICT	ATL	Direct-TUL-3.	Direct TUL J46 J41 MEM J66 RMG ATL.
Kansas City ARTCC LR-II.			
ICT	ORD	37-1	J21 PWE J64 BDF J18 JOT ORD.
MCI	ABQ	42-18	BUM J19 LVS J18 ABQ.
MCI	CMH	15-39	J24 STL J134 J83 CMH.
MCI	PHX	42-18	BUM J19 LVS J18 PHX.
STL	ABQ	18	J19 LVS J18 ABQ.
STL	DEN	43-4	J45 J60 DEN.
STL	PHX	18	J19 LVS J18 PHX.
STL	TUS	18-54-10	J19 LVS J104 SSO TUS.
Houston ARTCC			
AUS	ATL	17-19-19A-33.	Direct LAH J2 LCH J22 J4 MGM J40 J89 ATL.
AUS	IAD	Direct-IAH-17.	Direct IAH J2 LCH J22 GVE IAD.
HOU	LAS	10-47-57	J86 JCT J15 INK J4 J11 PRC J92 BLD LAS.
HOU	MIA	5	J37 PEKON J86 SRQ J58 BSY MIA.
HOU	PHX	10-47	J86 JCT J15 INK J4 J11 PHX.
HOU	STL	35-3A	J33 DFW J105 SFG J8 STL.
HOU	TUS	10-SSO-J104.	J86 JCT J15 INK J4 SSO J104 TUS.
IAH	ATL	17-19-19A-33.	J2 LCH J22 MEI J20 MGM J40 J89 ATL.
IAH	BAL	17	J2 LCH J22 GVE BAL.
IAH	BOS	17-39-13-53-7.	J2 LCH J22 TYS J91 J6 J78 PSB J49 ALB J16.
IAH	CLE	17-39	J2 LCH J22 TYS J91 J83
IAH	CLT	17-17B	J2 LCH J22 CHA J118 SPA Direct.
IAH	CVG	17-59	J2 LCH J22 TYS J43 FLM Direct.
IAH	DEN	35-12	J33 DFW J58 AMA J17 DEN.
IAH	DTW	35-9-7A	J33 DFW J105 J94 OBK J584 CRL DTW.
IAH	EWR	17-31-PLUME-Direct.	J2 LCH J22 GVE J150 J55 SIE J121 PLUME EWR.
IAH	FLL	5	IAH HUB J37 PEKON J86 SRQ J58 BSY FLL.
IAH	IAD	17	J2 LCH GVE IAD
IAH	JFK	17-31-PLUME-Direct.	J2 LCH J22 GVE J150 J55 SIE J121 PLUME EWR.
IAH	LAS	10-47-57	J86 JCT J15 INK J4 J11 PRC J92 BLD LAS.
IAH	LAX	10	J86 JCT J15 INK J4 J64 LAX
IAH	LGA	17-31-PLUME-Direct.	J2 LCH J22 GVE J150 J55 SIE J121 PLUME LGA.
IAH	MCI	35-SFG.J41.	J35 DFW J105 SGF J41 MCI.
IAH	MCO	5-SRQ-TPA-55.	IAH HUB J37 PEKON J86 SRQ PIE J103 MCO.
IAH	MIA	5	HUB J37 PEKON J86 SRQ J58 BSY MIA.
IAH	ORD	35-1	J33 DFW J105 SGF J18 JOT Direct ORD.
IAH	PHL	17-31-SIE-Direct.	J2 LCH J22 GVE J150 MARBY J55 SIE Direct PHL.
IAH	PHX	10-47	J86 JCT J15 INK J4 J11 PHX.
IAH	PIT	17-39B	J2 LCH J22 TYS J91 AIR Direct PIT.
IAH	SAN	10-18	J86 JCT J15 INK J4 J18 SAN.
IAH	SDF	17-33	J2 LCH J22 CHA J22 J89 SDF.
IAH	SEA	35-12	J33 DFW J58 AMA J17 DEN J116 EKR J173 SLC J15 PDX J1 SEA.
IAH	SFO	10-51-8-45.	J86 JCT J15 INK J4 EWM J86 J13 TCS J108 INW J86 BLD J110 OAK SFO.
IAH	STL	35-3A	J33 DFW J105 SGF J98 STL.
IAH	TPA	5-SRQ-Direct.	HUB J37 PEKON J86 SRQ TPA.
MSY	BAL	43-17	J35 MCB J22 GVE J37 MARBY BAL.
MSY	BOS	43-17-39-13-53-7.	J35 MCB J22 TYS J91 J6 CRW J78 PSB J49 ALB J16 BOS.
MSY	DEN	8-12	J58 AMA J17 DEN.
MSY	DTW	43-17-39-39A.	J35 MCB J22 TYS J91 J83 CLE J34 DTW.
MSY	EWR	17-31-PLUME-Direct.	J35 MCB J22 GVE J150 J55 SIE J121 PLUME EWR.
MSY	FLL	17A-5	J55 J86 SRQ J58 BSY FLL.
MSY	IAD	43-17	J35 MCA J22 GVE IAD.
MSY	JFK	17-31-PLUME-Direct.	J35 MCB J22 GVE J150 J55 SIE J121 PLUME JFK.
MSY	LAS	10-47-57	J37 J86 JCT J15 INK J4 J11 PRC J92 BLD LAS.
MSY	LAX	10	J37 J86 JCT J15 INK J4 J64 LAX.
MSY	LGA	43-17-31-PLUME-Direct.	J35 MCB J22 GVE J150 J55 SIE J121 PLUME LGA.
MSY	MCI	43-2	J35 STL J45 J80 MCI.
MSY	MIA	17A-5	J55 J86 SRQ J58 BSY MIA.
MSY	ORD	43-35-1	J35 STL J45 J105 BDF J18 JOT ORD.
MSY	PHL	43-17-31-SIE-Direct.	MSY J35 MCB J22 GVE J150 MARBY J55 SIE PHL.
MSY	PIT	43-17-39B	J35 MSB J22 TYS J91 BELAIR Direct PIT.
MSY	SFO	34-10-51-8-45.	J37 J86 JCT J15 INK J4 EWM J86 J13 TCS J108 INW J86 BLD J110 OAK SFO.
MSY	STL	43	J35 STL
SAT	ABQ	37-10-51	J23 J86 JCT J15 INK J4 EWM J86 J13 ABQ.
SAT	ATL	17-19-19A-33.	J2 LCH J22 MEI J4 MGM J40 J89 ATL.
SAT	DEN	37-12	J23 J58 AMA J17 DEN.
SAT	LAX	37-10	J23 J86 JCT J15 INK J4 J64 LAX.
SAT	ORD	37-13-35-1.	J23 J4 DFW J105 BDF J18 JOT ORD.
SAT	PHX	37-10-47	J23 J86 JCT J15 INK J4 J11 PHX.
SAT	SFO	37-10-51-8-45.	J23 J86 JCT J15 INK J4 EWM J86 J13 TCS J108 INW J86 BLD J110 OAK SFO.
SAT	STL	37-13-35-3A.	J23 J4 DFW J105 SFG J98
Houston ARTCC LR-II			
IAH	JAX	17-19	J2 LCH J22 MEI J4 MGM J20 TLH J2 JAX.
Seattle Center			
EUG	LAX	Direct LMT-46.	LMT J189 AVE J1 LAX.
GEG	DEN	46A-48	J517 J20 DEN.
GEG	LAX	6-46	J90 SEA J189 AVE J1 LAX.
GEG	MSP	46A-7	J517 J16 DPR J32 ABR J70 MSP.
GEG	ORD	46A-7-58-7A.	J517 J16 MCW J90 OBK ORD.
PDX	BUR	46	J189 AVE J1 BUR.
PDX	DEN	7-48	J16 PDT J20 DEN.
PDX	DFW	7-48	J16 PDT J20 LBL J98 OKC J21 DFW.
PDX	LAS	46-9-52	J189 J80 OAL J92 LAS.
PDX	LAX	46	J189 AVE J1 LAX.
PDX	MCI	7-48-15	J16 PDT J20 DEN J80 MCI.
PDX	ORD	7-58-7A	J16 MCW J90 OBK ORD.
PDX	PHX	46-3-5-5A	J189 AVE J1 LAX J78 TRM J169 BLH J50 GBN J18 PHX.
PDX	STL	7-48-15	J16 PDT J20 DEN J80 MCI J24 STL.
SEA	ATL	48-3	J20 LBL J98 OKC J78 TUL J46 J41 MEM J66 RMG ATL.
SEA	DEN	48	J20 DEN.
SEA	DFW	48	J20 LBL J98 OKC J21 DFW.
SEA	IAD	48-15-13	J20 DEN J80 MCI J24 STL J134 FLM J24 CRW J8 CSN IAD.
SEA	IAH	48-42	J20 LBL J98 OKC J21 DFW J87 IAH.
SEA	JFK	48-7-58-7A-1.	J20 PDT J16 MCW J90 OBK J584 CRL J34 J146 JFK.
SEA	LAS	46-9-52	J189 J80 OAL J92 LAS.
SEA	LAX	46	J189 AVE J1 LAX.
SEA	MCI	48-15	J20 DEN J80 MCI.
SEA	MEM	48-3	J20 LBL J98 OKC J78 TUL J46 J41 MEM.
SEA	MSP	48-7	J20 PDT J16 DPR J32 ABR J70 MSP.
SEA	ORD	48-7-58-7A.	J20 PDT J16 MCW J90 OBK ORD.
SEA	SAN	46	J189 AVE J1 SAN.
SEA	STL	48-15	J20 DEN J80 MCI J24 STL
Seattle ARTCC LR-II			
GEG	SFO	46-4	J90 SEA J189 LIN J84 OAK.
PDX	SLC	7-48-44	J16 PDT J20 SLC 360° r SLC.
SEA	BIL	48-7	J20 PDT J16 BIL.
SEA	OAK	46-4	J189 LIN J84 OAK.
SEA	SFO	46-4	J189 LIN J84 OAK SFO.
SEA	SJC	46-LIN Direct.	J189 LIN SJC.
SEA	SLC	48-44	J20 SLC 360°R SLC.
SEA	SMF	46	J189 J7 SMF.
Salt Lake Center			
BIL	ORD	7-58-7A	J16-MCW J90 OBK ORD.
BOI	LAX	46A-46	J7 LIN J189 AVE J1 LAX.
BOI	ORD	49-7-58-7A.	J7 HIE J16 MCW J90 OBK ORD.
SLC	ATL	21-48-3-J154.	RKS J20 LBL J98 OKC J78 TUL J46 J41 MEM J66 RMG ATL.
SLC	DFW	21-48-J154.	RKS J20 LBL J98 OKC J21 DFW.
SLC	JFK	21-48-9-7A-1.	J154 RKS J20 J148 ONL J94 OBK J94 OBK J584 CRL J34 J146 JFK.
SLC	MCI	21-48-15	J154 RKS J20 DEN J80 MCI.
SLC	MSP	21-51A-7	J154 RKS J202 CPR J158 ABR J70 MSP.
SLC	ORD	21-48-9	J154 RKS J20 J148 ONL J94 OBK ORD.
SLC	STL	21-48-15	J154 RKS J20 DEN J80 MCI J24 STL.
Salt Lake Center LR-II			
BIL	MSP	7	J16 DPR J32 ABR J70 MSP.
BIL	SEA	51-6	J13 J90 SEA.
BOI	DEN	49-48	J7 J20 DEN.
SLC	BUR	44-2	J11 J64 LAX BUR.
SLC	LAX	44-2	J11 J64 LAX.
SLC	OAK	12-24-4	J15 J158 MVA J84 OAK.
SLC	ONT	44-2	J11 J64 LAX.
SLC	SAN	44-18	J11 PHX J18 SAN.
SLC	SEA	12-46	J15 PDX J1 SEA.
SLC	SFO	12-24-4	J15 J158 MVA J84 OAK SFO.
SLC	SJC	12-24-4-LIN Direct.	J15 J158 MVA J84 LIN SJC.
SLC	SMF	12-24-4-LIN Direct.	J15 J158 MVA J84 LIN SMF.
SLC	PDX	12	J15 PDX.
Jacksonville ARTCC			
CAE	JFK	55B-55c-31-PLUME-Direct.	J51 ORF J121 PLUME JFK.

From—	To—	Coded route	Route
CAE	LGA	55B-55c-31-PLUME-Direct.	J51 ORF J121 PLUME LGA.
CHS	JFK	55-31-PLUME-Direct.	J121 PLUME JFK.
DAB	LGA	55-31-PLUME-Direct.	J103 STARY J121 PLUME LGA.
JAX	DFW	26-8	J2 CEW J50 AEX J58 DFW.
JAX	JFK	55-31-PLUME-Direct.	J103 STARY J121 PLUME JFK.
JAX	LGA	55-31-PLUME-Direct.	J103 STARY J121 PLUME LGA.
JAX	ORD	26-33	J2 J89 ORD.
JAX	PHL	55-31-SIE-Direct.	J103 STARY J121 SIE PHL.

Jacksonville ARTCC LR-II

JAX	DCA	55A-55B	J121 STARY J103 J57 CAE J52 RIC Direct DCA.
JAX	IAH	26-40A	J2 CEW J50 J180 IAH.
CAE	MIA	36-3	J75 J45 JAX J53 BSY MIA.

Fort Worth ARTCC

DFW	ATL	19-19A-33	J4 MGM J40 J89 ATL.
DFW	BAL	13	J66 LIT J6 CRW J8 BAL.
DFW	BDL	13-53-ALB-Direct.	J66 LIT J6 CRW J78 PSB J49 ALB Direct BDL.
DFW	BHM	19-17	J4 MEI J22 BHM.
DFW	BOS	13-53-7	J66 LIT J6 CRW J78 PSB J49 ALB J16 BOS.
DFW	CLE	35-1	J105 BDF J18 JOT J146 J34 CLE.
DFW	CLT	19-17-17B	J4 J22 CHA J118 SPA CLT.
DFW	CMH	35-3A-15-39.	J105 SGF J8 STL J134 FLM J24 J83 CMH.
DFW	COS	12	J58 AMA J17 COS.
DFW	CVG	35-3A-15	J105 SGF J8 STL J134 FLM CVG.
DFW	DAY	35-3A-15-59.	J105 SGF J8 STL J134 FLM J43 DAY.
DFW	DEN	12	J58 AMA J17 DEN.
DFW	DTW	35-9-7A	J105 J84 OBK J584 CRL DTW.
DFW	EWR	13	J66 LIT J6 CRW J8 RBV EWR.
DFW	FLL	42-5	J87 IAH-HUB J37 PEKON J86 SRQ J58 BSY FLL.
DFW	GSO	19-17-17B	J4 MEI J22 CHA J118 SPA J14 GSO.
DFW	IAD	13	J66 LIT J6 CRW J8 CSN IAD.
DFW	IND	35-3A-15-33.	J105 J8 STL J134 J89 IND.
DFW	JAX	19	J4 MGM J20 TLH J2 JAX.
DFW	JFK	13	J66 LIT J6 CRW J8 RBV JFK.
DFW	LAS	14-8	J4 ABI J65 TCS J108 INW J86 BLD LAS.
DFW	LAX	14-10	J4 J64 LAX.
DFW	LGA	13	J66 LIT J6 CRW J8 RBV LGA.
DFW	MCO	42-5-SRQ-TPA-55.	J87 IAH HUB J37 PEKON J86 SRQ-TPA J103 MCO.
DFW	MIA	42-5	J87 IAH HUB J37 PEKON J86 SRQ J58 BSY-MIA.
DFW	MKE	35	J105 BAE-MKE.
DFW	MLI	35-BDF-Direct.	J105 BDF Direct MLI.
DFW	MSP	12-37	J58 J23 OKC J21 MSP.
DFW	ONT	14-10	J4 J64 ONT.
DFW	ORD	35-1	J105 BDF J18 JOT ORD.
DFW	PDX	12	J58 AMA J17 DEN J116 EKR J173 SLC J15 PDX.
DFW	PHL	13	J66 LIT J6 CRW J8 EWT PHL.
DFW	PIT	13-39B	J66 LIT J6 J91 AIR PIT.
DFW	PSP	14-10-J74	J4 J74 PSP.
DFW	RDU	19-19A-55A-55B.	J4 MGM J40 J51 RDU.
DFW	RNO	8-57	J4 ABI J65 TCS J108 INW J86 BLD J92 RNO.
DFW	SAN	14-10-18	J4 J18 SAN.
DFW	SDF	13-33	J66 LIT J6 J89 SDF.
DFW	SEA	12-45	J58 AMA J17 DEN J116 EKR J173 SLC J15 PDX J1 SEA.
DFW	SFO	14-8-45	J4 ABI J65 TCS J108 INW J86 BLD J110 OAK SFO.
DFW	SJC	14-8-45	J4 ABI J65 TCS J108 INW J86 BLD J110 SNS SJC.
DFW	SLC	12	J58 AMA J17 DEN J116 EKR J173 SLC.
DFW	TPA	42-5-SRQ-Direct.	J87 IAH HUB J37 PEKON J86 SRQ TPA.
OKC	ATL	3	J78 TUL J46 J41 MEM J66 RMG ATL.
OKC	LAX	20-18A-10	J20 J8 INW J96 PRC J10 TNP J4 J64 LAX.
OKC	LGA	3-13	J78 TUL J46 J41 MEM J6 CRW J8 RBV LGA.
OKC	ORD	3-3A-35-1	J78 TUL J98 SGF J105 BDF J18 JOT ORD.
OKC	TPA	48-42-5-SRQ-Direct.	J21 DFW J87 IAH-HUB J37 PEKON J86 SRQ TPA.
TUL	ATL	3	J46 J41 MEM J66 RMG ATL.
TUL	IAD	3-13	J78 TUL J46 J41 J6 CRW J8 CSN IAD.
TUL	LAX	Direct-OKC-20-18A-10.	OKC J20 J8 INW J96 PRC J10 J64 LAX.
TUL	ORD	3A-35-1	J98 SGF J105 BDF J18 JOT ORD.

Fort Worth ARTCC LR-II

DFW	ABQ	12-20-18	J58 J8 LVS J18 ABQ.
DFW	BNA	13	J66 LIT J6 J45 LIT.
DFW	PHX	8-18	J4 TQA J65 TCS J108 SJN J18 PHX.
DFW	TUS	14-10	J4 SSO TUS.
OKC	PHX	20-18	J8 LVS J18 PHX.

Minneapolis Center

MSP	ATL	38-3	J36 BAE J89 OBK J73 J66 RMG ATL.
MSP	BOS	7	J106 GRB J38 ECK HL547 BUF J16 BOS.
MSP	BUF	7	J106 GRB J38 ECK HL547 BUF.
MSP	CLE	7-50	J106 GRB J38 ECK HL547 XU J545 CLE.
MSP	DCA	7-50-7A	J106 GRB J38 ECK HL547 XU J545 CLE J518 EMI DCA.
MSP	DFW	42	J25 DFW.
MSP	EWR	7-50-1	J106 GRB J38 ECK HL547 XU HL545 J146 EWR.
MSP	GEG	6	J70 ABR J90 GEG.
MSP	JFK	7-50-1	J106 GRB J38 ECK HL547 XU HL545 J146 JFK.
MSP	LAS	22-22A	J114 DEN J128 J110 BLD LAS.
MSP	LAX	22-2	J114 DEN J128 TBC J64 LAX.
MSP	LGA	7-50-1	J106 GRB J38 ECK HL547 XU HL545 J146 JFK.
MSP	MEM	42-58-40	J25 DSM J45 J71 MEM.
MSP	MIA	38-36-5	J36 BAE J89 OBK J73 TLN J43 PIE SRQ J58 BSY MIA.
MSP	PHL	7-50-1-MIP-Direct.	J106 GRB J38 ECK HL547 XU HL545 J146 MIP PHL.
MSP	PHX	22-2-44	J114 DEN J128 TBC J64 J11 PHX.
MSP	PIT	7-50-7A	J106 GRB J38 ECK HL547 XU J545 CLE J578 PIT.
MSP	RNO	6-24-4-57	J70 ABR J32 MLD J158 MVA J84 J92 RNO.
MSP	SEA	6	J70 ABR J90 SEA.
MSP	SFO	6-24-4	J70 ABR J32 MLD J158 MVA J84 OAK SFO.
MSP	SLC	6-24-44	J70 ARB J32 SLC 360°R SLC.
MSP	TPA	38	J36 BAE J89 OBK J73 TLH J43 PIE TPA.
MSP	YEG		
OMA	LAX	4-22-2	J60 DEN J128 TBC J64 LAX.
OMA	SLC	4-12	J60 DEN J116 EKR J173 SLC.
OMA	SFO	4	J60 ILC J198 MVA J84 OAK SFO.

Minneapolis Centre LR-II

MSP	BIL	6-MLS-Direct.	J70 ABR J90 MLS BIL.
MSP	DEN	22	J114 DEN.

Cleveland ARTCC

BUF	ATL	6-50-34	J547 XU J545 CLE J85 SPA J37 ATL.
BUF	MCO	6-50-3	J547 XU J545 CLE J85 AMC J45 JAX J53 MCO.
BUF	MEM	6B-50-50B-14.	J547 XU J545 CLE J29 ROD J39 BNA J42 MEM.
BUF	MIA	6-50-3	J547 XU J545 CLE J85 AMG J45 JAX J53 BSY MIA.
BUF	MSP	6	J547 ECK J38 GRB J106 MSP.
BUF	PBI	6-50-3	J545 XU J545 CLE J85 AMG J45 JAX J53 270°/ PBI PBI.
BUF	STL	6-50-50B-18.	J545 XU J545 CLE J29 ROD J39 J80 IND.
BUF	TPA	6-50-36	J545 XU J545 CLE J85 TAY J75 PIE TPA.
CAK	DEN	Direct-CLE-4.	CLE J60 DEN.
CAK	TPA	50-36	J85 TAY J75 PIE TPA.
CLE	BOS	39-1A-7	J545 J554 JHW J82 ALB J16 BOS.
CLE	DEN	4	J60 DEN.
CLE	DFW	50B-18-42	J29 ROD J39 J80 IND J24 STL J19 BUM J25.
CLE	FLL	50-3	J85 AMG J45 JAX J53 BSY FLL.
CLE	IAH	50B-14	CRL J34 CLE J29 ROD J39 BNA J42 J180 IAH.
CLE	LAS	4-22-22A	J60 DEN J128 J110 BLD LAX.
CLE	LAX	4-22-2	J60 DEN J128 TBC J64 LAX.
CLE	MCI	50B-2	J29 ROD J39 J80 MCI.
CLE	MCO	50-3	J85 AMG J45 JAX J53 ORL MCO.
CLE	MEM	50B-14	J29 ROD J39 BNA J42 MEM.
CLE	MIA	50-3	J85 AMG J45 JAX J53 BSY MIA.
CLE	MSP	39A-33	J34 BAE J70 MSP.
CLE	PBI	50-3	J85 AMG J45 JAX J53 270°/PBI PBI.
CLE	PHX	50B-18	J29 ROD J39 J80 IND J24 STL J19 LVS J18 PHX.
CLE	SAN	50B-18	J29 ROD J39 J80 IND J24 STL J19 LVS J18 SAN.
CLE	SFO	4	J60 ILC J198 MVA J84 OAK SFO.
CLE	TPA	50-36	J85 TAY J75 PIE TPA.
DTW	ATL	7A-50-34	CRL J34 CLE J85 SPA J37 ATL.
DTW	BOS	Direct-CRL-1A-7.	CRL J554 JHW J82 ALB J16 BOS.
DTW	DEN	J43-4	J43 J60 DEN.
DTW	DFW	J43-4-42	J43 J60 J25 DFW.
DTW	FLL	7A-50-3	CRL J34 CLE J85 AMG J45 JAX J53 BSY FLL.
DTW	IAH	7A-50B-14-40A.	CRL J34 CLE J29 ROD J39 BNA J42 J180 IAH.
DTW	LAS	J43-4-22-22A.	J43 J60 DEN J128 J110 BLD LAS.
DTW	LAX	J43-4-22-2	J43 J60 DEN J128 TBC J64 LAX.
DTW	MCI	7A-50B-2	CRL J34 CLE J29 ROD J39 J60 MCI.
DTW	MCO	7A-50-3	CRL J34 CLE J85 AMG J45 JAX J53 ORL MCO.
DTW	MEM	7A-50B-14	CRL J34 CLE J29 ROD J39 BNA J42 MEM.
DTW	MIA	7A-50-3	CRL J34 CLE J85 AMG J45 JAX J53 BSY MIA.
DTW	MSY	7A-50B-14-40.	CRL J34 CLE J29 ROD J39 BNA J42 MEM J35 MSY.
DTW	PBI	7A-50-3	CRL J34 CLE J85 AMG J45 JAX J53 270°/PBI PBI.
DTW	PHX	Direct-CRL-J43-4-40-16.	CRL J43 J60 J71 J24 STL J19 LVS J18 PHX.
DTW	SFO	J43-4	J43 J60 ILC J198 MVA J84 OAK SFO.
DTW	SRQ	7A-50-36	CRL J34 CLE J85 TAY J75 PIE SRQ.

From—	To—	Coded route	Route
DTW	TPA	7A-50-36	CRL J34 CLE J85 TAY J75 PIE TPA.
MBS	DEN	6-22	J38 GRB J106 MSP J114 DEN.
PIT	BHM	50A-50-34-20.	J145 CRW J85 SPA J37 ATL J52 BHM.
PIT	DEN	Direct-EWC-Direct-CLE-4.	EWC-CLE J60 DEN.
PIT	DFW	50A-2-18-42.	J145 J80 IND J24 STL J19 BUM J25 DFW.
PIT	FLL	50A-50-3	J145 CRW J85 AMG J45 JAX J53 BSY FLL.
PIT	FMY	50A-50-36-5.	J145 CRW J85 TAY J75 PIE-SRQ J58 FMY.
PIT	IAH	50A-50-14-40A.	J145 CRW J85 J42 J180 IAH.
PIT	LAS	50A-2-22A	J145 J80 MCI J24 SLN J102 ALS J64 FMN J110 BLD-LAS.
PIT	LAX	50A-2	J145 J80 MCI J24 SLN J102 ALS J64 LAX.
PIT	MCI	50A-2	J145 J80 MCI.
PIT	MCO	50A-50-3	J145 CRW J85 AMG J45 JAX J53 ORL-MCO.
PIT	MEM	50A-50-14	J145 CRW J85 J42 MEM.
PIT	MIA	50A-50-3	J145 CRW J85 AMG J45 JAX J53 BSY-MIA.
PIT	MSP	39A-33	J51 CLE J34 BAE J70 MSP.
PIT	MSY	50A-50-34	J145 CRW J85 SPA J37 MSY.
PIT	PBI	50A-50-3	J145 CRW J85 AMG J45 JAX J53 PBI/270 PBI.
PIT	PHX	50A-2-18	J145 J80 IND J24 STL J19 LVS J18 PHX.
PIT	SFO	Direct-EWC-Direct-CLE-4.	EWC-CLE J60 ILS J198 MVA J84 OAK-SFO.
PIT	SRQ	50A-50-36	J145 CRW J85 TAY J75 PIE-SRQ.
PIT	STL	50A-18	J145 J80 IND J24 STL.
PIT	TPA	50A-50-36	J145 CRW J85 TAY J75 TPA.
ROC	ATL	6-50-34	BUF J547 XU J545 CLE J85 SPA J37 ATL.
ROC	FLL	6-50-3	BUF J547 XU J545 CLE J85 AMG J45 JAX J53 BSY-FLL.
ROC	MCO	6-50-3	BUF J547 XU J545 CLE J85 AMG J45 JAX J53 ORL MCO.
ROC	MEM	6B-50-50B-14.	BUF J547 XU J545 CLE J29 ROD J39 BNA J42 MEM.
ROC	MIA	6-50-3	BUF J547 XU J545 CLE J85 AMG J45 JAX J53 BSY-MIA.
ROC	TPA	6-50-36	BUF J547 XU J545 CLE J85 TAY J75 TPA.
TOL	DEN	4	J60 DEN.
Washington ARTCC			
DCA	BNA	14	J42 BNA.
DCA	HSV	14-Direct-HSV.	J42 BNA HSV.
DCA	MCO	36-3	J37 GVE J75 J45 JAX J53 ORL MCO.
DCA	MEM	14	J42 MEM.
DCA	MIA	Direct RIC ORF 32.	RIC ORF J79 ILM CLB AR1 BSY MIA.
DCA	MKE	16-33	CSN J149 FWA J64 J89 BAE MKE.
DCA	MSP	16-33	CSN J149 FWA J64 J89 BAE J70 MSP.
DCA	ORD	16	CSN J149 FWA J64 J89 ORD.
DCA	PBI	Direct RIC ORF 32.	RIC ORF J79 ILM CLB AR1 PBI/090° PBI.
DCA	STL	18	CSN J149 J80 IND J24 IND.
DCA	TPA	36	J37 GVE J75 PIE TPA.
IAD	AUS	14-42A	CSN J42 DFW J25 AUS.
IAD	DEN	18-2-12	CSN J149 J80 MCI J24 SLN J102 J17 DEN.
IAD	DFW	14	CSN J42 DFW.
IAD	IAH	14-40A	CSN J42 J180 IAH.
IAD	LAX	18-18A-10	CSN J149 J80 IND J24 STL J19 LVS J8 INW J96 PRC J10 TNP J4 J64 LAX.
IAD	MCI	18-2	CSN J149 J80 MCI.
IAD	MIA	Direct RIC ORF 32.	RIC ORF J79 ILM CLB AR1 BSY MIA.
IAD	MSY	36-34	J37 MSY.
IAD	ORD	16	CSN J149 FWA J64 J89 ORD.
IAD	PHX	18	CSN J149 J80 IND J24 STL J19 LVS J18 PHX.
IAD	SAN	18	CSN J149 J80 IND J24 STL J19 LVS J18 SAN.
IAD	SEA	18-2-43-6	CSN J149 J80 J45 ABR J90 SEA.
IAD	SFO	16-16A-4	CSN J149 J64 J89 J60 ILC J198 MVA J84 OAK SFO.
IAD	TUL	18-42	CSN J149 J80 IND J24 STL J19 BUM J25 TUL.
BAL	CMI	14-18 IND Direct.	J42 CSN J149 J80 IND CMI.
BAL	DEN	14-18-2-12.	J42 CSN J149 J80 MCI J24 SLN J102 J17 DEN.
BAL	DFW	14	J42 DFW.
BAL	FLL	Direct RIC ORF 32.	RIC ORF J79 ILM CLB AR1 FLL/090° FLL.
BAL	IAH	14-40A	J42 J180 IAH.
BAL	MCI	14-18-2	J42 CSN J149 J80 MCI.
BAL	MCO	36-3	J37 GVE J75 J45 JAX J53 ORL MCO.
BAL	MEM	14	J42 MEM.
BAL	MIA	Direct RIC ORF 32.	RIC ORF J79 ILM CLB AR1 BSY MIA.
BAL	MSY	36-34	J37 MSY.
BAL	ORD	14-16	J42 CSN J149 FWA J64 J89 ORD.
BAL	STL	14-18	J42 CSN J149 J80 IND J24 STL.
BAL	TPA	36	J37 GVE J75 PIE TPA.
ORF	MEM	Direct RIC GVE 34A-14.	RIC GVE J147 BKW J42 MEM.
ORF	ORD	Direct RIC CSN-16.	RIC CSN J149 FWA J64 J89 ORD.
RIC	MEM	Direct GVE-34A-15.	GVE J147 BKW J42 MEM.
RIC	ORD	Direct CSN-16.	CSN J149 FWA J64 J89 ORD.
RDU	BOS	55C-31	J51 ORF J121 PVD J55 BOS.
RDU	DFW	Direct GSO 34-20-14.	GSO GSO/270° J37 ATL J52 BHM J14 J42 DFW.
RDU	MEM	Direct GSO 34-20-43.	GSO GSO/270° J37 ATL J52 BHM J14 J35 MEM.
RDU	MIA	Direct ILM 32.	ILM CLB AR1 BSY MIA.
RDU	ORD	55B RIC-CSN-16.	J52 RIC CSN J149 FWA J64 J89 ORD.
RDU	TPA	Direct-GSO-36.	GSO J75 PIE TPA.
ROA	ORD	Direct EKN-16.	EKN J149 FWA J64 J89 ORD.
PHF	ORD	Direct RIC-CSN 16.	RIC CSN J149 FWA J64 J89 ORD.
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BAL	ATL	36-34	J37 ATL.
DCA	JAX	36-3	GVE J75 J45 JAX.
RIC	MEM	Direct GVE-34A-14.	GVE J147 BKW J42 MEM.
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FLL	ATL	33	J85 LAL J89 ATL.
FLL	BAL	31 ORF RIC 55B.	Direct ZBB AR7 HAH J79 ORF RIC J40 MARBY BAL.
FLL	BDL	31-HTO-Direct.	Direct ZBB AR7 HAH J79 ORF J121 HTO BDL.
FLL	BNA	33-14	J85 LAL J89 J42 BNA.
FLL	BOS	31	Direct ZBB AR7 HAH J79 ORF J121 PVD J55 BOS.
FLL	BUF	55A-39-7	J79 DAB J103 SAV J51 CAE J47 SPA J83 CLE J545 XU J547 BUF.
FLL	CLE	55A-39	J79 DAB J103 SAV J51 CAE J47 SPA J83 CLE.
FLL	CMH	55A-39	J79 DAB J103 SAV J51 CAE J47 SPA J83 CMH.
FLL	DFW	10-8	J86 NEPTUNE J58 DFW.
FLL	DTW	55A-39-39A.	J79 DAB J103 SAV J51 CAE J47 SPA J83 CLE J34 CRL DTW.
FLL	EWR	31 PLUME Direct.	Direct ZBB AR7 HAH J79 ORF J121 PLUME EWR.
FLL	HSV	33-41-BHM Direct.	J85 LAL J89 J20 TLH J41 BHM.
FLL	IAH	10	J86 IAH.
FLL	JFK	31 PLUME Direct.	Direct ZBB AR7 HAH J79 ORF J121 PLUME JFK.
FLL	LAX	10	J86 JCT J15 INK J4 J64 LAX.
FLL	LGA	31 PLUME Direct.	Direct ZBB AR7 HAH J79 ORF J121 PLUME LGA.
FLL	MSY	10-8	J86 NEPTUNE J58 MSY.
FLL	ORD	33	J85 LAL J89 OBK ORD.
FLL	PHL	31 SIE Direct.	Direct ZBB AR7 HAH J79 ORF J121 SIE PHL.
FLL	PIT	55A-39B	J79 DAB J103 SAV J51 CAE J47 SPA J83 J91 AIR PIT.
FLL	ROC	55A-39-7 BUF Direct.	J79 DAB J103 SAV J51 CAE J47 SPA J83 CLE J545 XU J547 BUF ROC.
FLL	STL	33-41-43	J85 LAL J89 J20 TLH J41 VUZ J151 FAM J35 STL.
FMY	JFK	Direct-LAL 55-31 PLUME Direct.	Direct LAL J75 J103 STARY J121 PLUME JFK.
FMY	ORD	Direct LAL 33.	Direct LAL J89 OBK ORD.
FMY	PIT	Direct LAL 55-55A-39B.	Direct LAL J75 J103 SAV J51 CAE J47 SPA J83 J01 AIR PIT.
MCO	BAL	55-55A-55B.	J103 SAV J57 CAE J52 RIC J40 MARBY BAL.
MCO	BDL	55-31-HTO Direct.	J103 STARY J121 HTO BDL.
MCO	BOS	55-31	J103 STARY J121 PVD J55 BOS.
MCO	BUF	55-55A-39-7.	J103 SAV J51 CAE J47 SPA J83 CLE J545 XU J547 BUF.
MCO	CLE	55-55A-39	J103 SAV J51 CAE J47 SPA J83 CLE.
MCO	CMH	55-55A-39	J103 SAV J51 CAE J47 SPA J83 CMH.
MCO	CVG	28-33-39-59.	J103 J89 ATL J91 TYS J43 FLM CVG.
MCO	DCA	55-55A-55B.	J103 SAV J57 CAE J52 RIC J40 MARBY DCA.
MCO	DFW	28-36-8	J103 PIE SRQ J86 NEPTUNE J58 DFW.
MCO	DTW	55-55A-39-39A.	J103 SAV J51 CAE J47 SPA J83 CLE J34 CRL DTW.
MCO	EWR	55-31 PLUME Direct.	J103 STARY J121 PLUME EWR.
MCO	IAH	55-36-10	J103 PIE SRQ J86 IAH.
MCO	IND	28-33	J103 J89 IND.
MCO	JFK	55-31 PLUME Direct.	J103 STARY J121 PLUME JFK.
MCO	LGA	55-31 PLUME Direct.	J103 STARY J121 PLUME LGA.
MCO	MEM	28-33-41-20-43.	J103 J89 J20 TLH J41 BHM J14 J35 MEM.
MCO	MSY	28-36-10-8.	J103 PIE SRQ J86 NEPTUNE J58 MSY.
MCO	ORD	28-33	J103 J89 OBK ORD.
MCO	PHL	55-31 SIE Direct.	J103 STARY J121 SIE PHL.
MCO	PIT	55-55A-39B.	J103 SAV J51 CAE J47 SPA J83 J91 AIR PIT.
MCO	ROC	55-55A-39-7.	J103 SAV J51 CAE J47 SPA J83 CLE J545 XU J547 BUF ROC.
MCO	SDF	28-33	J103 J89 SDF.
MCO	STL	28-33-41-43.	J103 J89 J20 TLH J41 VUZ J151 FAM J35 STL.
MIA	ATL	33	J85 LAL J89 ATL.
MIA	BAL	31 ORF-RIC 55B.	Direct ZBB AR7 HAH J79 ORF RIC J40 MARBY BAL.
MIA	BDL	31 HTO Direct.	Direct ZBB AR7 HAH J79 ORF J121 HTO BDL.
MIA	BOS	31	Direct ZBB AR7 HAH J79 ORF J121 PVD J55 BOS.

From—	To—	Coded route	Route
MIA	BUF	55A-39-7	J79 DAB J103 SAV J51 CAE J47 SPA J83 CLE J545 XU J547 BUF.
MIA	CLE	55A-39	J79 OMN J103 SAV J51 CAE J47 SPA J83 CLE.
MIA	CLT	55A-17B	J79 OMN J103 SAV J51 CAE J47 SPA CLT.
MIA	CMH	55A-39	J79 OMN J103 SAV J51 CAE J47 SPA J83 CMH.
MIA	CVG	33-39-59	J85 LAL J89 ATL J91 TYS J43 FLM CVG.
MIA	DCA	31 ORF Direct RIC 55B.	Direct ZBB AR7 HAH J79 ORF RIC J40 MARBY DCA.
MIA	DEN	10-8-12	J86 NEPTUNE J58 AMA J17 DEN.
MIA	DFW	10-8	J86 NEPTUNE J58 DFW.
MIA	DTW	55A-39-39A.	J79 OMN J103 SAV J51 CAE J47 SPA J83 CLE J34 CRL DTW.
MIA	EWR	31 PLUME Direct.	Direct ZBB AR7 HAH J79 ORF J121 PLUME EWR.
MIA	GSO	55A-17B	J79 OMN J103 SAV J51 CAE J47 SPA J14 GSO.
MIA	HOU	10	J86 HOU.
MIA	IAD	31 ORF Direct RIC 55B.	Direct ZBB AR7 HAH J79 ORF RIC J40 MARBY IAD.
MIA	IAH	10	J86 IAH.
MIA	IND	33	J85 LAL J89 IND.
MIA	JFK	31 PLUME Direct.	Direct ZBB AR7 HAH J79 ORF J121 PLUME JFK.
MIA	LAX	10	J86 JCT J15 INK J4 J64 LAX.
MIA	LGA	31 PLUME Direct.	Direct ZBB AR7 HAH J79 ORF J121 PLUME LGA.
MIA	MCI	33-41-43-2.	J85 LAL J89 J20 TLH J41 BHM J151 FAM J35 STL J45 J80 MCI.
MIA	MEM	33-41-20-43.	J85 LAL J89 J20 TLH J41 BHM J14 J35 MEM.
MIA	MKE	33	J85 LAL J89 BAE.
MIA	MSP	33-41-43-37.	J85 LAL J89 J20 TLH J41 BHM J151 FAM J35 STL J45 J21 MSP.
MIA	MSY	10-8	J86 NEPTUNE J98 MSY.
MIA	ORD	33	J85 LAL J89 OBK ORD.
MIA	PHL	31 SIE Direct.	Direct ZBB AR7 HAH J79 ORF J121 SIE PHL.
MIA	PIT	55A-39B	J79 OMN J103 SAV J51 CAE J47 SPA J83 J91 AIR PIT.
MIA	PVD	31	Direct ZBB AR7 HAH J79 ORF J121 PVD.
MIA	RDU	55A-55B	J79 OMN J103 SAV J51 CAE J52 RDU.
MIA	ROC	55A-39-7-BUF Direct.	J79 OMN J103 SAV J51 CAE J47 SPA J83 CLE J545 XU J547 BUF ROC.
MIA	SFO	10-8-45	J86 NEPTUNE J58 DFW J4 TQA J65 TCS J108 INW J86 BLD J110 OAK SFO.
MIA	STL	33-41-43	J85 LAL J89 J20 TLH J41 BHM J15 FAM J35 STL.
PBI	BOS	31	PBI 090°R AR7 HAH J19 ORF J121 PVD J55 BOS.
PBI	BUF	55A-39-7	J79 OMN J103 SAV J51 CAE J47 SPA J83 CLE J545 XU J547 BUF.
PBI	CLE	55A-39	J79 OMN J103 SAV J51 CAE J47 SPA J83 CLE.
PBI	DCA	31 ORF Direct RIC 55B.	PBI 090°R AR7 HAH J79 ORF RIC J40 MARBY DCA.
PBI	DTW	55A-39-39A.	J79 OMN J103 SAV J51 CAE J47 SPA J83 CLE J34 CRL DTW.
PBI	EWR	31 PLUME Direct.	PBI 090°R AR7 HAH J79 ORF J121 PLUME EWR.
PBI	JFK	31 PLUME Direct.	PBI 090°R AR7 HAH J79 ORF J121 PLUME JFK.
PBI	LGA	31 PLUME Direct.	PBI 090°R AR7 HAH J79 ORF J121 PLUME LGA.
PBI	ORD	33	PBI 270°R J85 LAL J89 OBK ORD.
PBI	PHL	31 SIE Direct.	PBI 090°R AR7 HAH J79 ORF J121 SIE PHL.
PBI	PIT	55A-39B	J79 OMN J103 SAV JAV J51 CAE SPA J83 J91 AIR PIT.
SRQ	DTW	Direct LAL 55-55A-39-39A.	Direct LAL J75 J103 SAV J51 CAE J47 SPA J83 CLE J34 CRL DTW.
SRQ	EWR	Direct LAL 55-31-PLUME Direct.	Direct LAL J75 J103 STARY J121 PLUME EWR.
SRQ	JFK	Direct LAL 55-31-PLUME Direct.	Direct LAL J75 J103 STARY J121 PLUME JFK.
SRQ	ORD	55-33	Direct LAL J89 OBK ORD.
SRQ	PIT	Direct LAL 55-55A-39B.	Direct LAL J75 J103 SAV J51 CAE J47 SPA J83 J91 AIR PIT.
TPA	BAL	55-55A-55B.	J103 SAV J57 CAE J52 RIC J40 MARBY BAL.
TPA	BDL	55-31-HTO Direct.	J103 STARY J121 HTO BDL.
TPA	BNA	55-33-14	J103 J89 J42 BNA
TPA	BOS	55-31	J103 STARY J121 PVD J55 BOS.
TPA	BUF	55-55A-39-7.	J103 SAV J51 CAE J47 SPA J83 CLE J545 XU J547 BUF.
TPA	CAK	55-55A-39-CMH Direct.	J103 SAV J51 CAE J47 SPA J83 CMH CAK.
TPA	CLE	55-55A-39	J103 SAV J51 CAE J47 SPA J83 CLE.
TPA	CMH	55-55A-39	J103 SAV J51 CAE J47 SPA J83 CMH.
TPA	CVG	55-33-39-59.	J103 J89 ATL J91 TYS J43 FLM CVG.
TPA	DCA	55-55A-55B.	J103 SAV J51 CAE J52 RIC J40 MARBY DCA.
TPA	DEN	36-8-12	Direct SRQ J86 NEPTUNE J58 AMA J17 DEN.
TPA	DFW	36-8	Direct SRQ J86 NEPTUNE J58 DFW.
TPA	DTW	55-55A-39-39A.	J103 SAV J51 CAE J47 SPA J83 CLE J34 CRL DTW.
TPA	EWR	55-31 PLUME Direct.	J103 STARY J121 PLUME EWR.
TPA	IAH	10	Direct SRQ J86 IAH.
TPA	IND	55-33	J103 J89 IND.
TPA	JFK	55-31 PLUME Direct.	J103 STARY J121 PLUME JFK.
TPA	LGA	55-31 PLUME Direct.	J103 STARY J121 PLUME LGA.
TPA	MEM	55-33-41-20-43.	J103 J89 J20 TLH J41 BHM J14 J35 MEM.
TPA	MKE	55-33	J103 J89 BAE.
TPA	MSP	55-41-43-37.	J103 J89 J20 TLH J41 BHM J151 FAM J35 STL J45 J21 MSP
TPA	OKC	28-41-20	J103 J89 J20 TLH J41 BHM J14 OKC.
TPA	ORD	55-33	J103 J89 OBK ORD.
TPA	PHL	55-31-SIE Direct.	J103 STARY J121 SIE PHL.
TPA	PIT	55-55A-39B.	J103 SAV J51 CAE J47 SPA J83 J91 AIR PIT.
TPA	RDU	55-55A-55B.	J103 SAV J51 CAE J52 RDU.
TPA	ROC	55-55A-39-7 BUF Direct.	J103 SAV J51 CAE J47 SPA J83 CLE J545 XU J547 BUF.
TPA	SDF	55-33	J103 J89 SDF.
TPA	STL	55-33-41-43.	J103 J89 J20 TLH J41 BHM J151 FAM J35 STL.

Miami Center LR-II

From—	To—	Coded route	Route
MIA	CAE	55A	J79 OMN J103 SAV J51 CAE.

Atlanta ARTCC

From—	To—	Coded route	Route
ATL	ABQ	20-18	J52 BHM J14 OKC J20 J8 LVS J18 ABQ.
ATL	AUS	34-10	J37 PEKON J86 AUS.
ATL	BDL	39-17-31	J91 TYS J22 GVE J37 J55 SIE J121 HTO BDL.
ATL	BOS	39-17-31	J91 TYS J22 GVE J37 J55 SIE J121 PVD J55 BOS.
ATL	BUF	39-7	J91 J83 CLE J545 XU J547 BUF.
ATL	DEN	20-12	J52 BHM J14 OKC J20 J8 J17 DEN.
ATL	DFW	20-14	J52 BHM J14 J42 DFW.
ATL	DTW	39-39A-CRL-Direct.	J91 J83 CLE J34 CRL DTW.
ATL	EWR	39-17-31 PLUME Direct.	J91 TYS J22 GVE J37 J55 SIE J121 PLUME EWR.
ATL	FLL	3	J45 JAX J53 FLL/270° FLL.
ATL	IAH	34-10	J37 PEKON J86 IAH.
ATL	ICT	20-41-43-18.	J52 BHM J151 FAM J35 STL J19 ICT.
ATL	JFK	39-17-31 PLUME-Direct.	J91 TYS J22 GVE J37 J55 SIE J121 PLUME JFK.
ATL	LAS	20-18A-8	J52 BHM J14 OKC J20 J8 INW J86 BLD LAS.
ATL	LAX	20-18A-10	J52 BHM J14 OKC J20 J8 INW J96 PRC J10 TNP J4 J64 LAX.
ATL	LGA	39-17-31-PLUME-Direct.	J91 TYS J22 GVE J37 J55 SIE J121 PLUME LGA.
ATL	MCI	20-41-43-2.	J52 BHM J151 FAM J35 STL J45 J80 MCI.
ATL	MIA	3	J45 JAX J53 BSY MIA.
ATL	MKE	33	J89 BAE MKE.
ATL	MSP	20-41-43-37.	J52 BHM J151 FAM J35 STL J45 J21 MSP.
ATL	OKC	20	J52 BHM J14 OKC.
ATL	ORD	33	J89 ORD.
ATL	PHL	39-13	J91 J6 CRW J8 EWT PHL.
ATL	PHX	20-18	J52 BHM J14 OKC J20 J8 LVS J18 PHX.
ATL	PIA	20-41-43-35.	J52 BHM J151 FAM J35 STL J45 J105 PIA.
ATL	PVD	39-17-31	J91 TYS J22 GVE J37 J55 SIE J121 PVD.
ATL	ROC	39-7 BUF Direct.	J91 J83 CLE J545 XU J547 BUF ROC.
ATL	SAT	34-10-42A	J37 PEKON J86 AUS J42 SAT.
ATL	SEA	20-41-43-6.	J52 BHM J151 FAM J35 STL J45 ABR J90 SEA.
ATL	SFO	20-18A-8-45.	J52 BHM J14 OKC J20 J8 INW J86 BLD LAS J110 OAK SFO.
ATL	SLC	20-12	J52 BHM J14 OKC J20 J8 J17 DEN J116 EKR J173 SLC.
ATL	SYR	39-13-53-J63.	J91 J6 CRW J78 PSB J49 HNK J63 SYR.
ATL	TUL	20 STICK-TUL.	J52 BHM J14 STICK TUL.
BHM	DFW	20-14	J14 J42 DFW.
BHM	LAX	20-18A-10	J14 OKC J20 J8 INW J96 PRC J10 TNP J4 J64 LAX.
BHM	LGA	17-31 PLUME Direct.	J22 GVE J37 J55 SIE J121 PLUME LGA.
BHM	ORD	17-33	J22 J89 ORD.
BHM	PIT	17-39B	J22 J91 AIR PIT.
CLT	BDL	Direct GSO 17B-55B-17-31 HTO Direct.	Direct GSO J14 RIC J40 J55 SIE J121 HTO BDL.
CLT	DFW	Direct SPA 50-20-14.	Direct SPA J85 AGS J52 BHM J14 J42 DFW.
CLT	IAH	Direct SPA 34-10.	Direct SPA J37 PEKON J86 IAH.
CLT	MIA	36-3	J75 J45 JAX J53 BSY MIA.
CLT	ORD	Direct SPA 55A-16.	Direct SPA J83 J149 FWA J64 J89 ORD.
CLT	STL	Direct SPA Direct TYS J46 BNA 14-41-43.	Direct SPA TYS J46 BNA J42 J151 FAM J35 STL.
GSO	BOS	17B-55B-17-31.	J14 RIC J40 J55 SIE J121 PVD J55 BOS.
GSO	DFW	34-20-14	J37 ATL J52 BHM J14 J42 DFW.
GSO	MIA	36-3	J75 J45 JAX J53 BSY MIA.
GSO	ORD	Direct SPA 55A-16.	Direct SPA J83 J149 FWA J64 J89 ORD.

Atlanta ARTCC LR-II

From—	To—	Coded route	Route
ATL	BAL	39-39B-13	J91 J6 CRW J8 CSN BAL.

Indianapolis ARTCC

From—	To—	Coded route	Route
CMH	BOS	39-7	J83 CLE J545 XU J547 BUF J16 BOS.

From—	To—	Coded route	Route
CMH	DFW	18-42	J80 IND J24 STL J19 BUM J25 DFW.
CMH	FLL	9-50-3	J30 J85 AMG J45 JAX J53 BSY FLL.
CMH	MCO	9-50-3	J30 J85 AMG J45 JAX J53 ORL MCO.
CMH	MIA	9-50-3	J30 J85 AMG J45 JAX J53 BSY MIA.
CMH	TPA	9-50-36	J30 J85 TAY J75 PIE TPA.
CVG	DFW	Direct-LOU-50B-14.	Direct LOU J39 BNA J42 DFW.
CVG	IAH	Direct LOU-50B-14-40A.	Direct LOU J39 BNA J42 J180 IAH.
CVG	LGA	15-13	Direct FLM J24 CRW J8 RBV LGA.
CVG	MCO	15-50-3	Direct FLM J24 CRW J85 AMG J45 JAX J53 ORL MCO.
CVG	MIA	15-50-3	Direct FLM J24 CRW J85 AMG J45 JAX J53 BSY MIA.
CVG	TPA	Direct LOU 50B-38.	Direct LOU J39 BNA J73 TLH J43 PIE TPA.
DAY	DFW	18-42	J39 J80 IND J24 STL J19 BUM J25 DFW.
IND	DFW	18-42	J24 STL J19 BUM J25 DFW.
IND	EWR	J24-CVG-15-13.	J24 CRW J8 RBV EWR.
IND	JFK	J24-CVG-15-13.	J24 CRW J8 RBV JFK.
IND	LAX	2	J80 MCI J24 SLN J102 ALS J64 LAX.
IND	LGA	J24-CVG-15-13.	J24 CRW J8 RBV LGA.
IND	MCO	18-38-55	J24 J73 TLH J43 PIE J103 ORL MCO.
IND	MIA	18-38-3	J24 J73 J66 RMG ATL J45 JAX J53 BSY MIA.
IND	PHL	J24-CVG-15-13.	J24 CRW J8 EWT PHL.
IND	PHX	18	J24 STL J19 LVS J16 PHS.
IND	TPA	18-38	J24 J73 TLH J43 PIE TPA.
SDF	DEN	2-12	J89 J80 NCI J24 SLN J102 J17 DEN.
SDF	DFW	50B-14-20	J39 BNA J42 DFW.
SDF	EWR	Direct FLM-15-13.	Direct FLM J24 CRW J8 RBV EWR.
SDF	IAH	50B-14-40A.	J39 BNA J42 J180 IAH.
SDF	LGA	Direct FLM-15-13.	Direct FLM J24 CRW J8 RBV LGA.
SDF	MCO	50B-38-55	J39 BNA J73 TLH J43 PIE J103 ORL MCO.
SDF	TPA	50B-38	J39 BNA J73 TLH J43 PIE TPA.
CMH	MCI	2	J80 MCI.

Memphis ARTCC

BNA	DCA	13	Direct BWG J6 CRW J8 CSN DCA.
BNA	DEN	14-20-12	J42 J14 OKC J20 J8 J17 DEN.
BNA	EWR	13	Direct BWG J6 CRW J8 RBV EWR.
BNA	FLL	38-36-5	J73 TLH J43 PIE SRQ J58 BSY FLL.
BNA	LAX	14-20-18A-10.	J42 J14 OKC J20 J8 PRC J10 J64 LAX.
BNA	LGA	13	Direct BWG J6 CRW J8 RBV LGA.
BNA	PHL	13	Direct BWG J6 CRW J8 EWT PHL.
BNA	TPA	38	J73 TLH J43 PIE TPA.
HSV	DCA	Direct-CHA-17.	Direct CHA J22 GVE DCA.
HSV	LAX	J118-MEM-14-20-18A-10.	J118 MEM J42 J14 OKC J20 J8 PRC J10 J64 LAX.
LIT	DEN	20-12	J14 OKC J20 J8 J17 DEN.
MEM	BAL	43-13	J35 J6 CRW J8 CSN BAL.
MEM	BOS	43-13-57-7.	J35 J6 CRW J78 PSB J49 ALB J16 BOS.
MEM	BUF	43-13-39-7.	J35 J6 J83 CLE J545 XU J547 BUF.
MEM	CLE	43-13-39	J35 J6 J83 CLE.
MEM	DCA	43-13	J35 J6 CRW J8 CSN DCA.
MEM	DEN	14-20-12	J42 J14 OKC J20 J8 J17 DEN.
MEM	DTW	43-13-39-39A.	J35 J6 J83 CLE J83 CLE J34 DTW.
MEM	EWR	48-13	J35 J6 CRW J8 RBV EWR.
MEM	LAS	14-20-18A-8.	J42 J14 OKC J20 J8 INW J86 BLD LAS.
MEM	LAX	14-20-18A-10.	J42 J14 OKC J20 J8 PRC J10 J64 LAX.
MEM	LGA	43-13	J35 J6 CRW J8 RBV LGA.
MEM	MCO	3	J66 RMG ATL J45 JAX J53 ORL MCO.
MEM	MIA	3-38-36-5	J66 J73 TLH J43 PIE SRQ J58 BSY MIA.
MEM	MSP	43-37	J35 STL J45 J21 MSP.
MEM	ORF	3-3B-55B-55C.	J66 RMG ATL J52 RDU J51 ORF.
MEM	PIT	43-13-39B	J35 J6 J91 AIR PIT.
MEM	RDU	3-3B-55B	J66 RMG ATL J52 RDU.
MEM	RIC	3-3B-55B	J66 RMG ATL J52 RIC.
MEM	SAN	14-20-18	J42 J14 OKC J20 J8 LVS J18 SAN.
MEM	SEA	43-6	J35 STL J45 ABR J90 SEA.
MEM	SFO	14-20-18A-8-45.	J42 J14 OKC J20 J8 INW J86 BLD J110 OAK SFO.
MEM	TPA	3-38	J66 J73 TLH J43 PIE TPA.

Memphis ARTCC LR-II

BNA	DFW	14	J42 DFW.
MEM	RIC	13-15	J71 J6 CRW J24 RIC.

Boston Center

ALB	ORD	Direct-SYR-6B.	Direct SYR J547 OBK ORD.
BDL	ATL	36-34	J48 JFK J37 ATL.
BDL	DFW	Direct CTR-J68-HNK 56-50-14.	Direct CTR J68 HNK J49 PSB J78 CRW J85 J42 DFW.
BDL	FLL	36-32	J48 JFK J37 CYN J79 ILM CLB AR1 O90°/FLL FLL.
BDL	MCO	36-3	J48 JFK J37 GVE J75 J45 JAX J53 MCO.
BDL	MIA	36-32	J48 JFK J37 CYN J79 ILM CLB AR1 BSY MIA.
BDL	ORD	Direct ALB-Direct SYR-6B.	Direct ALB SYR J547 OBK ORD.
BDL	TPA	36	J48 JFK J37 GVE J75 PIE TPA.
BOS	ATL	36-34	J48 JFK J37 ATL.
BOS	CLE	6B-50	J97 J547 XU J545 CLE.
BOS	CMH	Direct CTR-J68-HNK-56-2.	Direct CTR J68 HNK J49 PSB J78 J80 AIR CMH.
BOS	DEN	6B-6-22	J97 J547 ECK J38 GRB J106 MSP J114 DEN.
BOS	DFW	Direct-CTR-J68-HNK-56-50-14.	Direct CTR J68 HNK J49 PSB J78 CRW J85 J42 DFW.
BOS	DTW	6B-ECK-Direct.	J97 J547 ECK DTW.
BOS	FLL	36-32	J48 JFK J37 CYN J79 ILM CLB AR1 FLL/090° FLL
BOS	GSO	36	J48 JFK J37 GVE J75 GSO.
BOS	IAH	Direct-CTR-J68-56-50-14-40A.	Direct CTR J68 HNK J49 PSB J78 CRW J85 J42 J180 IAH.
BOS	LAX	6B-6-22-2-10.	J79 J547 ECK J38 GRB J106 MSP J114 DEN J128 TBC J64 LAX.
BOS	MCI	Direct-CTR-J68-56-2.	Direct CTR J68 HNK J49 PSB J78 J80 MCI.
BOS	MCO	36-3	J48 JFK J37 GVE J75 J45 JAX J53 ORL MCO.
BOS	MEM	Direct CTR-J68-56-50-14.	Direct CTR J68 HNK J49 PSB J78 CRW J85 J42 MEM.
BOS	MIA	36-32	J48 JFK J37 CYN J79 ILM CLB AR1 BSY MIA.
BOS	MKE	6B-39A	J97 J547 J34 BAE MKE.
BOS	MSP	6B-6	J97 J547 ECK J38 GRB J106 MSP.
BOS	MSY	Direct-CTR-J68-56-50-34.	Direct CTR J68 HNK J49 PSB J78 CRW J85 SPA J37 MSY.
BOS	ORD	6B	J97 J547 OBK ORD.
BOS	PBI	36-32	J48 JFK J37 CYN J79 ILM CLB AR1 PBI/090° PBI.
BOS	RDU	36-32-ORF-55C-RDU.	J48 JFK J37 CYN J79 ORF J51 RDU.
BOS	SFO	6B-6-24-4	J97 J547 ECK J38 GRB J106 MSP J70 ABR J32 MLD J158 MVA J84 OAK SFO.
BOS	STL	Direct CTR-J68-56-2-18.	Direct CTR J68 HNK J49 PSB J78 J80 IND J24 STL.
BOS	TPA	36	J48 JFK J37 GVE J75 PIE TPA.
BOS	BDA	International.	
BOS	SJU		
BOS	FRA		
BOS	YHZ		
BOS	CDG		
BOS	AMS		
BOS	TER		
BOS	LHR		
BOS	PIK		
BOS	ZRH		
BOS	MXP		
BOS	SNN		
PVD	ATL	Direct HFD 36-34.	Direct HFD J48 JFK ATL.
PVD	MIA	Direct HFD 36-32.	Direct HFD J48 JFK J37 CYN J79 ILM CLB AR1 BSY MIA.
PVD	ORD	Direct CTR-Direct ALB-Direct SYR-6B.	Direct CTR ALB SYR J547 OBK ORD.
SYR	ATL	J63 HNK-56-50-34.	J63 HNK J49 PSB J78 CRW J85 SPA J37 ATL.
SYR	ORD	6B	J547 OBK ORD.
SYR	STL	J63-HNK-56-2-18.	J63 HNK J49 PSB J78 J80 IND J24 STL.

Los Angeles ARTCC

LAX	ATL	3	Direct SNA J78 TUL J46 J41 MEM J66 RMG ATL.
LAX	BHM	3-MEM-J41.	Direct SNA J78 TUL J46 J41 BHM.
LAX	BNA	3-13-J46	Direct SNA J78 TUL J46 J41 J6 J46 BNA.
LAX	BOI	45-49	J88 SNS OAK J7 BOI.
LAX	BOS	1-11-9-7B-7.	J146 GUC J10 DEN J114 ONL J94 FOD J132 MCW J16 ECK J547 BUF J16 BOS.
LAX	CLE	1-7A	J146 GDC J192 PWE J64 BDF J18 JOT J146 J34 CLE.
LAX	DFW	3-5-13	SNA J78 PSP J169 BLH J50 GBN J2 ELP J50 TQA J4 DFW.
LAX	DSM	1-PWE Direct.	J146 GLD J199 PWE DSM.
LAX	DTW	1-11-9-7A	J146 GLD J10 DEN J114 ONL J94 OBK J584 CRL DTW.
LAX	EUG	45	J88 SNS J110 OAK J1 MFR EUG.
LAX	EWR	1	J146 GLD J192 PWE J64 BDF J18 JOT J146 EWR.
LAX	FLL	3-5	SNA J78 PSP J169 SLH J50 GBN J2 FST J138 HUB J37 PEKON J86 SRQ J58 BSY FLL.
LAX	GEG	45-7-12A	J88 SNS J110 OAK J1 PDX J16 J517 PDX.
LAX	HSV	3-MEM-Direct.	J78 TUL J46 J41 MEM HSV.
LAX	IAD	1-15-13	J146 GLD J80 MCI J24 STL J134 FLM J24 CRW J8 CSN IAD.

From—	To—	Coded route	Route
LAX	IAH	3-5-17	SNA J78 PSP J169 BLH J50 GBN J2 FST J138 SAT J2 IAH.
LAX	IND	1-15-33	J146 GLD J80 MCI J24 STL J134 J89 IND.
LAX	JFK	1	J146 GLD J192 PWE J64 BDF J18 JOT J146 JFK.
LAX	MCI	1-15	J146 GLD J80 MCI.
LAX	MEM	3	J78 TUL J46 J41 MEM.
LAX	MIA	3-5	SNA J78 PSP J169 BLH J50 GBN J2 FST J138 SAT PEKON J86 SRQ J58 BSY MIA.
LAX	MKE	1-11-9-7B	J146 GUC J10 DEN J114 ONL J94 FOD J132 MCW J16 BAE MKE.
LAX	MSP	1-11	J146 GUC J10 DEN J114 MSP.
LAX	MSY	3-5-17-17A.	SNA J78 PSP J169 BLH J50 GBN J2 FST J138 SAT J2 MSY.
LAX	OKC	3	J78 OKC.
LAX	OMA	1-37	J146 GLD J192 PWE J21 OMA.
LAX	ORD	1	J146 GLD J129 PWE J64 BDF J18 JOT OBK ORD.
LAX	PDX	45	J88 SNS J110 OAK J1 PDX.
LAX	PHL	1-MIP Direct.	J146 GLD J192 PWE J64 BDF J18 JOT J146 MIP PHL.
LAX	PIT	1-7A	J146 GLD J192 PWE J64 BDF J18 JOT J146 J34 CLE J518 PIT.
LAX	SAT	3-5	SNA J78 PSP J169 BLH J50 GBN J2 FST J138 SAT.
LAX	SEA	45	J88 SNA J110 OAK J1 SEA.
LAX	STL	1-15	J146 GLD J80 MCI J24 STL.
LAX	TPA	3-5-SRQ Direct.	SNA J78 PSP J169 BLH J50 GBN J2 FST J138 HUB J37 PEKON J86 SRQ TPA.
LAX	TUL	3	J78 TUL.
ONT	DFW	3-5-13	J78 PSP J169 BLH J50 GBN J2 ELP J50 TQA J4 DFW.
ONT	ORD	1	Direct DAG J146 GLD J129 PWE J64 BDF J18 JOT OBK ORD.
LAS	ATL	52-3	Direct BLD J92 PRC J78 TUL J46 J41 MEM J66 RMG ATL.
LAS	CLE	1-7A	J146 GLD J192 PWE J64 BDF J18 JOT J146 J34 CLE.
LAS	DFW	52-3-48	Direct BLD J92 PRC J78 OKC J21 DFW.
LAS	DTW	1-11-9-7A	J146 GUC J10 DEN J114 ONL J94 OBK J584 CRL DTW.
LAS	EWR	1	J146 GLD J192 PWE J64 BDF J18 JOT J146 EWR.
LAS	HOU	52-44-5-17.	Direct BLD J92 PRC J11 J2 FST J138 SAT J2 HOU.
LAS	IAH	52-44-5-17.	Direct BLD J92 PRC J11 J2 FST J138 SAT J2 IAH.
LAS	JFK	1	J146 GLD J192 PWE J64 BDF J18 JOT J146 JFK.
LAS	MCI	1-15	J146 GLD J80 MCI.
LAS	MEM	52-3	Direct BLD J92 PRC J78 TUL J46 J41 MEM.
LAS	MSP	1-11	J146 GUC J10 DEN J114 MSP.
LAS	MSY	52-44-5-17-17A.	Direct BLD J92 PRC J11 J2 FST J138 SAT J2 MSY.
LAS	ORD	1	J146 GLD J192 PWE J64 BDF J18 JOT OBK ORD.
LAS	PDX	8-45	J110 OAK J1 PDX.
LAS	PIT	1-7A	J146 GLD J192 PWE J64 BDF J18 JOT J146 J34 CLE J518 PIT.
LAS	SEA	8-45	J110 OAK J1 SEA.
LAS	STL	1-15	J146 GLD J80 MCI J24 STL.
SAN	CLE	5A-3-3A-35-1-7A.	J18 PHX J19 ZUN J78 TUL J98 SGF J105 BDF J18 JOT J146 J34 CLE.
SAN	DFW	5A-5-13	J18 GBN J2 ELP J50 INK J4 DFW.
SAN	IAD	5A-5-13	J18 GBN J2 ELP J50 TQA J4 DFW J66 LIT J6 CRW J8 CSN IAD.
SAN	IAH	5A-5-17	J18 GBN J2 FST J138 SAT J2 IAH.
SAN	JFK	5A-5-13	J18 GBN J2 ELP J50 TQA J4 DFW J66 LIT J6 CRW J8 RBV JFK.
SAN	MCI	5A-3-37-15.	J18 PHX J19 ZUN J78 OKC J21 J80 MCI.
SAN	MEM	5A-3	J18 PHX J19 ZUN J78 TUL J46 J41 MEM.
SAN	ORD	5A-3-3A-35-1.	J18 PHX J19 ZUN J78 TUL J98 SGF J105 BDF J18 JOT OBK ORD.
SAN	PDX	45	J1 LAX J110 OAK J1 PDX.
SAN	SEA	45	J1 LAX J110 OAK J1 SEA.
SAN	STL	5A-3-3A	J18 PHX J19 ZUN J78 TUL J98 SGF J8 STL.
BUR	PDX	45	J110 OAK J1 PDX.
PSP	DFW	5-13	J169 BLH J50 GBN J2 ELP J50 TQA J4 DFW.
PSP	ORD	3-3A-35-1	J169 BLH J78 TUL J98 SGF J105 BDF J18 JOT OBK ORD.

Los Angeles ARTCC LR-II

LAX	ABQ	3	SLI J78 ABQ.
LAX	DEN	1-11	J146 GUC J10 DEN.
LAX	ELP	3-5	SLI J78 TRM J169 BLH J50 GBN J2 ELP.
LAX	SLC	1-47	J146 J11 SLC.
SAN	DEN	5A-3-51	J18 PHX J19 ZUN J78 ABQ J13 DEN.
SAN	ELP	5A-5	J18 GBN J2 ELP.
SAN	SLC	5A-47	J18 PHX J11 SLC.
BUR	DEN	1-11	J146 GUC J10 DEN.
BUR	SLC	1-47	J146 J11 SLC.
ONT	DEN	1-11	DAG J146 GUC J10 DEN.
ONT	SLC	1-47	DAG J146 J11 SLC.
LAS	DEN	1-11	J146 GUC J10 DEN.

Oakland Center

FAT	DEN	Direct OAL-9-48.	Direct OAL J148 J20 DEN.
FAT	ORD	Direct OAL-9.	Direct OAL J148 ONL J94 OBK ORD.
MRY	ORD	9	Direct OAK J80 OAL J148 ONL J94 OBK ORD.
OAK	DEN	9-48	J80 OAL J148 J20 DEN.
OAK	ORD	9	J80 OAL J148 ONL J94 OBK ORD.
OAK	PHX	9-46-3-5-5A.	J80 J189 AVE J1 LAX J78 TRM J169 BLH J50 GBN J18 PHX.
RNO	DEN	52-9-48	J92 OAL J148 J20 DEN.
RNO	DFW	52-3-48	J92 PRC J78 OKC J21 DFW.
RNO	MSP	49-7	J7 HIA J16 DPR J32 ABR J70 MSP.
RNO	ORD	52-9	J92 OAL J148 ONL J94 OBK ORD.
RNO	PHX	52-44	J92 PRC J11 PHX.
RNO	STL	52-9-48-15.	J92 OAL J148 J20 DEN J80 MCI J24 STL.
SFO	ABQ	9-52-3	OAK J80 OAL J92 PRC J78 ABQ.
SFO	ATL	9-52-3	OAK J80 OAL J92 PRC J78 TUL J46 J47 MEM J66 RMG ATL.
SFO	BOS	9-11-7	OAK J80 OAL J148 ONL J114 MSP J106 GRB J38 ECK HL547 BUF J16 BOS.
SFO	CLE	9-7A	OAK J80 OAL J148 ONL J94 OBK J584 CRL J34 CLE.
SFO	DEN	9-48	OAK J80 OAL J148 J20 DEN.
SFO	DFW	9-52-3-48	OAK J80 OAL J92 PRC J78 OKC J21 DFW.
SFO	DTW	9-7A	OAK J80 OAL J148 ONL J94 OBK J584 CRL DTW.
SFO	ELP	9-46-3-5	OAK J80 J189 AVE J1 LAX J78 TRM J169 BLH J50 GBN J2 ELP.
SFO	EWR	9-7A-1	OAK J80 OAL J148 ONL J94 OBK J584 CRL J34 J146 EWR.
SFO	IAD	9	OAK J80 OAL J148 ONL J94 OBK J89 J30 FRR IAD.
SFO	IAH	9-52-44-5-17.	OAK J80 OAL J92 PRC J11 J2 FST J138 SAT J2 IAH.
SFO	JFK	9-7A-1	OAK J80 OAL J148 ONL J94 OBK J584 CRL J34 J146 JFK.
SFO	MCI	9-48-15	Direct OAK J80 OAL J148 J20 DEN J80 MCI.
SFO	MEM	9-52-3	Direct OAK J80 OAL J92 PRC J78 TUL J46 J41 MEM.
SFO	MIA	9-52-44-5	Direct OAK J80 OAL J92 PRC J11 J2 FST J138 HUB J37 PEKON J86 SRQ J58 BSY MIA.
SFO	MKE	9-7B	Direct OAK J80 OAL J148 ONL J94 FOD J132 MCW J16 MKE.
SFO	MSP	49-7	Direct OAK J7 HIA J16 DPR J32 ABR J70 MSP.
SFO	MSY	9-52-44-5-17-17A.	Direct OAK J80 OAL J92 PRC J11 J2 FST J138 SAT J2 MSY.
SFO	OMA	9-ONL-OMA.	Direct OAK J80 OAL J148 ONL OMA.
SFO	ORD	9	Direct OAK J80 OAL J148 ONL J94 OBK ORD.
SFO	PHL	9-7A-1-MIP-Direct.	Direct OAK J80 OAL J148 ONL J94 OBK J584 CRL J34 J146 MIP PHL.
SFO	PHX	9-46-3-5-5A.	Direct OAK J80 J189 AVE J1 LAX J78 TRM J169 BLH J50 GBN J18 PHX.
SFO	PIT	9-7A	Direct OAK J80 OAL J148 ONL J94 OBK J584 CRL J34 CLE J518 PIT.
SFO	SAT	9-52-44-5	Direct OAK J80 OAL J92 PRC J11 J2 FST J138 SAT.
SFO	STL	9-48-15	Direct OAK J80 OAL J148 J20 DEN J80 MCI J24 STL.
SFO	TUS	9-46-3-5	Direct OAK J80 J189 AVE J1 LAX J78 TRM J169 BLH J50 GBN J2 J11 TUS.
SFO	YYZ	(International).	
SFO	HNL		
SFO	MEX		
SFO	YVR		
SFO	YYC		
SFO	MZT		
SFO	NRT		
SFO	HKG		
SFO	YEG		
SFO	ITO		
SJC	DEN	9-48	Direct OAK J80 OAL J148 J20 DEN.
SJC	DFW	9-52-3-48	Direct OAK J80 OAL J92 PRC J78 OKC J21 DFW.
SJC	ORD	9	Direct OAK J80 OAL J148 ONL J94 OBK ORD.
SJC	PHX	9-46-3-5-5A.	Direct OAK J80 J189 AVE J1 LAX J78 TRM J169 BLH J50 GBN J18 PHX.
SJC	HNL	(International).	
SMF	DEN	9-48	Direct LIN J189 J80 OAL J148 J20 DEN.
SMF	ORD	9	Direct LIN J189 J80 OAL J148 ONL J94 OBK ORD.
SMF	PHX	9-46-3-5-5A.	Direct LIN J189 AVE J1 LAX J78 TRM J169 BLH J50 GBN J18 PHX.

Oakland Center LR-II

SFO	GEG	49-12A	OAK J7 BOI J577 GEG.
SFO	SEA	45	J1 PDX J189 SEA.
SFO	SLC	9-47	OAK J80 OAL J148 J11 SLC.
OAK	SEA	45	J1 PDX J189 SEA.
OAK	SLC	9-47	J80 OAL J148 J11 SLC.
SMF	SEA	J-95-RBL-45.	J95 RBL J1 PDX J189 SEA.
SMF	SLC	SCK-9	SCK J80 OAL J148 J11 SLC.

[FR Doc. 80-35306 Filed 11-12-80; 8:45 am]

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federal register

Thursday
November 13, 1980

Part IV

Department of Justice

Bureau of Prisons

Control, Custody, Care, Treatment, and Instruction of Inmates

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 523, 544

Control, Custody, Care, Treatment, and Instruction of Inmates; Extra Good Time and Social Education Guidelines

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rules.

SUMMARY: This document contains final rules relating to the control, custody, care, treatment, and instruction of inmates. This document contains the Bureau's amended rule on Extra Good Time and final rule on Social Education Guidelines. The rule on Extra Good Time is revised to clearly indicate the Bureau's policy in regards to a retroactive award of meritorious good time. The rule on Social Education Guidelines requires the Warden to make available programs to allow an inmate to improve interpersonal relationship, communication, self-motivation, realistic goal setting, and a positive self-concept. The rule is intended to provide the opportunity to improve each inmate's knowledge and skills in the area of Social Education.

DATE: Effective date: (1) Extra Good Time—October 1, 1980; (2) Social Education Guidelines—December 15, 1980.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 762, 320 1st Street, NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons final rule on "Extra Good Time" was published in the Federal Register June 29, 1979 (at 44 FR 38245 et seq.). The present amendment places no increased burden on either the inmate or the public and is intended to clarify Bureau policy in regards to a retroactive award of extra good time. For these reasons, the provisions of the Administrative Procedures Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

The present Bureau rule on Extra Good Time states that meritorious good time may be retroactively awarded for three months, excluding the month in which the approval is made. As amended, the rule substitutes the word "recommendation" for "approval". This amendment allows the inmate, once approved for the award, to receive meritorious good time retroactive to the month following the recommendation, rather than the month following approval.

On January 12, 1979, the Bureau of Prisons published its proposed rule relating to Guidelines for Social Education Activities (See 44 FR 2983 et seq.). Interested persons were invited to submit comments on the proposed rule. On the basis of comments received and internal staff review, changes were made in the rule. Members of the public may submit further comments concerning the final rule by writing to the previously cited address. These comments will be considered, but will receive no formal response in the Federal Register. Comments which were received and changes which were made are discussed below.

Summary of Changes/Other Comments

Part 554—Subpart J—Social Education Guidelines

(1) The final rule is retitled "Social Education Guidelines".

(2) Section 544.90—The final rule recognizes that inmates should be provided the "opportunity to increase skills". The final rule deletes the word "basic" in reference to self-concept as the intent is to allow opportunity for the development of a "positive self-concept". The phrase "develop with the passage of time" in proposed § 544.90 is extraneous and is deleted from the final rule. Proposed § 554.91(a) becomes the last sentence of final § 544.90. The final rule deletes language requiring the Warden to establish procedures for social education activities, as its general purpose is now expressed in new § 544.91(a).

(3) Section 544.90—This section is retitled "Program Characteristics". Section 554.91(a) is new language and requires the Warden to ensure that an inmate with the need, capacity, and desire has the opportunity to complete one or more organized social education activities. The rule recognizes the importance of staff encouraging an inmate to identify needs, set goals, and decide on appropriate activities to reach those goals. Final § 544.91(b)(4) substitutes "strengthens" for "develops" in recognition that the skill may be present. Section 544.91(b)(5) is new and requires that an inmate be provided the opportunity to strengthen skills in community-oriented areas, such as problems faced as consumers, wage earners, etc.

(4) A comment stated that it was "virtually impossible" to comment on this subpart without a description or presentation of the Bureau's educational program and its goals. On December 21, 1977 the Bureau of Prisons published its proposed rules (at 42 FR 64084) relating to Education Program Goals and Characteristics. These rules were finalized October 29, 1979 (at 44 FR 62251).

(5) A comment suggested that the Bureau provide an inmate with correspondence courses when the educational subject matter is not available at the institution. While correspondence courses may be taken, social education programs primarily emphasize person-to-person or group-oriented activities.

(6) While we agree with the intended purpose of a comment that staff who administer social education activities be bilingual, it is not appropriate to make this a requirement. The social education coordinator may, where a need is evident, arrange for a social education program to be offered in a language other than English.

(7) A commenter, expressing concern over the potential for abuse in providing social education skills "which delve into the personality and internal functioning of individuals", suggested that each facility require appropriately trained persons to either conduct or supervise such activities. The Bureau concurs with this concept: social education activities are under the supervision of appropriately trained staff and/or consultants.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), 28 CFR Chapter V is amended as set forth below.

Dated: November 6, 1980.

Norman A. Carlson,

Director, Bureau of Prisons.

1. In Subchapter B, Part 523, Subpart B is revised as follows:

PART 523—COMPUTATION OF SENTENCE

The authority citation for Part 523, Subpart B reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3568, 4001, 4042, 4081, 4082, 4161–4166, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

By revising § 523.11(b) to read as follows:

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Subpart B—Extra Good Time

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§ 523.11 Meritorious good time.

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(b) Meritorious good time may be retroactively awarded for three months, excluding the month in which the recommendation is made, provided staff substantiate the inmate's eligibility. Meritorious good time may not be awarded prior to the beginning date of the sentence.

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2. In Subchapter C, Part 544, Subpart J is added.

PART 544—EDUCATION

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Subpart J—Social Education Guidelines

Sec.
544.90 Purpose and scope.
544.91 Program characteristics.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0–99.

Subpart J—Social Education Guidelines

§ 544.90 Purpose and scope.

The Bureau of Prisons recognizes that inmates should have an opportunity to increase skills to improve their interpersonal relationships, communication, self-motivation, realistic goal setting, and positive self-concept. The Warden shall make available to an inmate throughout the term of the inmate's commitment programs to foster such skills, reinforced by staff contacts. The Warden shall designate staff to serve as Social Education Coordinator(s).

§ 544.91 Program characteristics.

(a) The Warden shall ensure that during confinement an inmate with the need, capacity, and desire has the opportunity to complete one or more organized social education activities (see 28 CFR 544.81). Staff shall encourage each inmate to accept the responsibility for identifying any specific social education needs, setting personal goals, and deciding on involvement in activities, programs and/or work experiences which will assist the inmate in reaching those goals.

(b) Staff shall qualify an activity as social education if it meets any of the following criteria:

(1) Teaches or reinforces self-development and personal growth;

(2) Helps to increase self-knowledge;

(3) Fosters the development of a realistic self-concept;

(4) Strengthens appropriate skills in interpersonal relationships; or

(5) Strengthens appropriate skills in coping with the problems to be faced as consumers, family members, wage earners, and responsible citizens.

[FR Doc. 80-35350 Filed 11-12-80; 8:45 am]
BILLING CODE 4410-05-M

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28 CFR Part 540

Control, Custody, Care, Treatment, and Instruction of Inmates; Incoming Publications

AGENCY: Bureau of Prisons, Justice.

ACTION: Interim rule.

SUMMARY: This document contains an interim rule relating to the control, custody, care, treatment, and instruction of inmates. Section 540.71(b)(7) of the Bureau's rule on "Incoming Publications" presently allows for rejection of a publication which "advocates or may lead to prohibited sexual activity in the institution". The interim rule deletes this language and substitutes language allowing rejection of "sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the institution, or facilitates criminal activity". The interim rule is intended to provide more specific criteria for the rejection of sexually explicit material.

DATE: Effective date: November 17, 1980. Public comments on § 540.71(b)(7) must be received on or before January 19, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 762, 320 1st Street, N.W., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is amending § 540.71(b)(7) of its rule on "Incoming Publications". The final rule was published in the **Federal Register** June 29, 1979 (at 44 FR 38259 et seq.).

The present amendment places no increased restriction on either the inmate or the public and is intended to clarify the scope of the Bureau's present rule. For these reasons, the provisions of the Administrative Procedures Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

Section 540.71(b)(7) of the Bureau's present rule on Incoming Publications allows rejection of a publication which advocates or may lead to prohibited sexual activity in the institution. This language has been criticized as being overly broad, or vague. As further clarification, the Bureau has agreed to revise § 540.71(b)(7) to provide staff with more specific guidelines for determining whether a publication containing sexual material may be rejected. As amended, the interim rule provides that the Warden may reject sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the institution, or facilitates criminal activity. Internal staff instructions provide examples of sexually explicit material which is subject to rejection. These include homosexual material of the same sex as the institution population, material which is sado-masochistic, material depicting bestiality, and that involving children. The internal instructions specify that explicit heterosexual material is ordinarily to be admitted, as well as material of a news or information type (for example, publications covering the activities of gay rights organizations), and literary publications containing homosexual themes or references (provided these are not sexually explicit). The internal instruction authorizes the Warden to allow admission into the institution of sexually explicit material upon determination that the material has scholarly value, or general social or literary value. While the Bureau believes that the amended rule more clearly defines what sexually oriented material is admissible, and therefore meets the initial concern with this particular rule, it has been decided to publish the revision as an interim rule and to solicit public comment. Accordingly, public comment on the interim approach or submission of an alternative approach for admitting sexually oriented material into the institution is invited. Comments received on or before January 19, 1981 will be considered before final action is taken.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), 28 CFR, Chapter V, is amended as set forth below.

Dated: November 6, 1980.

Norman A. Carlson,

Director, Bureau of Prisons.

1. Subchapter C, Part 540, Subpart F is revised to read as follows:

PART 540—CONTACT WITH PERSONS IN THE COMMUNITY

* * * * *

Subpart F—Incoming Publications

The authority citation for Part 540, Subpart F reads as follows:

Authority: 5 U.S.C. 301, 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

By revising § 540.71(b)(7) to read as follows:

§ 540.71 Procedures.

* * * * *

(b) * * *

(7) It is sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the institution, or facilitates criminal activity.

* * * * *

[FR Doc. 80-35351 Filed 11-12-80; 8:45 am]

BILLING CODE 4410-05-M

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28 CFR Parts 544, 548

Control, Custody, Care, Treatment, and Instruction of Inmates; Apprentice Training in Institutions

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rules.

SUMMARY: This document amends final rules relating to the control, custody, care, treatment, and instruction of inmates. The rule on Apprentice Training in Institutions emphasizes Bureau of Prisons policy to establish approved apprenticeship training programs for inmates where the requirements and standards of the Bureau of Apprenticeship and Training can be met. The rule on Religious Beliefs and Practices of Committed Offenders accommodates the intent of Pub. L. 95–341 (American Indian Religious Freedom Act). The rule on Education, Training and Leisure-Time Program Standards expands the scope of the Bureau's rule in this area and specifies that an inmate with the need, capacity, and desire is to have the opportunity to complete one or more adult continuing education activities.

DATE: Effective date: (1) Religious Beliefs and Practices of Committed Offenders—June 3, 1980; (2) Education, Training and Leisure-Time Program Standards—July 24, 1980; (3) Apprentice Training in Institutions—August 13, 1980.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 762, 320 1st Street, NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is amending rules relating to the following:

(1) Apprentice Training in Institutions;

(2) Religious Beliefs and Practices of Committed Offenders; and

(3) Education, Training and Leisure-Time Program Standards;

Each subject has been published in the **Federal Register** previously as a final rule. Rules (1) and (2) were published as final rules June 29, 1979 (at 44 FR 38236 et seq.). Rule (3) was published as a final rule October 29, 1979 (at 44 FR 62251).

The present amendments place no increased burden on an inmate or the public. For this reason, the provisions of the Administrative Procedures Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public paticipation, and delay in effective date are inapplicable.

The present Bureau rule on Apprentice Training in Institutions states that the Bureau of Apprenticeship and Training (BAT), U.S. Department of Labor will make its personnel available to Bureau staff for the development of registered apprenticeship training programs. The present rule requires the Warden to "determine the feasibility" of establishing an apprenticeship system in the institution. This language does not adequately reflect the Bureau's emphasis on apprenticeship training. Accordingly, amended § 544.50 specifies that it is Bureau of Prisons policy to establish approved apprenticeship training programs where the requirements and standards of the Bureau apprenticeship and Training can be met.

The present Bureau rule on Religious Beliefs and Practices does not clearly encompass the intent of Pub. L. 95–341 (American Indian Religious Freedom Act). As amended, the rule, now entitled Religious Beliefs and Practices of Committed Offenders, is expanded to include spiritual advisors, religious ceremonies, ceremonial apparel, and ceremonial standards, terms which cover more accurately the religious activities of native American offenders.

The present Bureau rule on Education, Training and Leisure-Time Program Standards is amended to specifically add the term "leisure-time" needs to § 544.80. This section deletes the phrase "to provide a climate in which an inmate can maximize his potential for change" as its inclusion added no substance to the rule. Other rule amendments include, in § 544.81(a)(1), insertion of the abbreviation "ABE" after Adult Basic Education and, in § 544.81(a)(2), substitution of the phrase "Complete a General Educational Development (GED) program leading to a high school equivalency certificate and/or a high school diploma" for "Complete an Adult Secondary Education Program." The revised language better identifies what is meant by an "Adult Secondary Education Program." § 544.81(a)(6) is new and states that the Warden is to ensure that an inmate with the need, capacity, and desire has the opportunity to complete one or more Adult Continuing Education activities. Present § 544.81(a)(6) becomes new § 544.81(a)(7).

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), 28 CFR, Chapter V, is amended as set forth below.

Dated: November 6, 1980.

Norman A. Carlson,

Director, Bureau of Prisons.

Subchapter C is amended as follows:

A. Part 544, Subparts F and I are amended.

B. Part 548, Subpart B is amended

PART 544—EDUCATION

The authority citation for Part 544 reads as follows:

Authority: 5 U.S.C. 301, 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart F—Apprentice Training in Institutions

By revising § 544.50 to read as follows:

§ 544.50 Purpose and scope.

The Bureau of Prisons provides an inmate the opportunity to participate in apprenticeship training programs to prepare the inmate for career employment in various trades. It is the policy of the Bureau of Prisons to establish approved apprenticeship training progams for inmates in those program areas of its institutions which have the potential to meet the requirements and standards of the Bureau of Apprenticeship and Training (BAT), U.S. Department of Labor.

Subpart I—Education, Training and Leisure-Time Program Standards

1. By revising § 544.80 to read as follows:

§ 544.80 Purpose and scope.

In consideration of inmate educational, occupational, and leisure-time needs, the Bureau of Prisons

affords inmates the opportunity to improve their knowledge and skills. These needs are met by providing clear goals and precise program definitions. Except for such camps, Community Treatment Centers, Detention Centers and Metropolitan Correctional Centers where full education programs are not feasible, the Warden shall operate an education department in each institution.

2. By revising § 544.81(a)(1), (a)(2), and (a)(5), by adding a new § 544.81(a)(6), and by renumbering present § 544.81(a)(6) new § 544.81(a)(7) to read as follows:

§ 544.81 Program goals.

(a) * * *

(1) Complete an Adult Basic Education (ABE) program;

(2) Complete a General Education Development (GED) program leading to a high school equivalency certificate and/or a high school diploma;

(3) * * *

(4) * * *

(5) Complete one or more organized Social Education activities;

(6) Complete one or more Adult Continuing Education Activities; or

(7) Complete one or more prescribed leisure activities.

* * * * *

PART 548—RELIGIOUS PROGRAMS

* * * * *

1. The authority citation for Part 548, Subpart B is amended as follows:

Authority: 18 U.S.C. 4001, 4042; 28 U.S.C. 509, 510; 42 U.S.C. 1996; 28 CFR 0.95–0.99.

2. By revising the title of Part 548, Subpart B to read as follows:

Subpart B—Religious Beliefs and Practices of Committed Offenders

* * * * *

3. By revising § 548.10 (b) and (c) to read as follows:

§ 548.10 Purpose and scope.

* * * * *

(b) When it is considered necessary for the security or good order of the institution, the Warden may limit attendance at or discontinue completely a religious activity, service, ceremony, or meeting. The Warden may not restrict or allow the religious group itself to restrict attendance at or participation in a religious activity, service, ceremony, or meeting on the basis of race, color, nationality, or creed.

(c) All religious services, activites, ceremonies, and meetings must comply with institutional schedules and guidelines.

* * * * *

4. By revising § 548.11 (b), (c), (f), and (g) to read as follows:

§ 548.11 Procedures.

* * * * *

(b) Institution Chaplains shall schedule religious services of worship, activities, ceremonies and meetings. All religious services, meetings, ceremonies, and activities are coordinated by the Chaplain, under the general supervision of the Warden. If an institution has no staff chaplian, a staff member designated by the Warden shall exercise the authority of the Chaplain.

(c) Institution staff may contract with clergy, spiritual advisors, or representatives of faith groups in the community and may also accept the services of volunteers to help inmates pursue their religious beliefs.

* * * * *

(f) Attendance at all religious worship services, activities, ceremonies and meetings is voluntary.

(g) An inmate may wear, during a religious serivce, appropriate personal, liturgical, or ceremonial apparel. An inmate may retain this apparel within the context of maintaining security, safety, and orderly conditions in the institution and it may be worn or used only during scheduled religious services, ceremonies or in private devotional observances.

* * * * *

5. By revising § 548.12(b) to read as follows:

§ 548.50 Diet.

* * * * *

(b) As a once-a-year accommodation, staff may make arrangements with an inmate religious group to have a special meal which meets liturgical or ceremonial standards of the religion. In most situations, all or most food items to be served are from the main serving line. If the inmates representing the organization request, based upon documented necessity, staff may purchase from a food supplier specially prepared food items which meet religious requirements. Funds for the purchase of special food items are provided from:

(1) Funds from Chaplain's budget;

(2) Inmates' commissary accounts; or

(3) Funds provided by the community organization.

* * * * *

6. By revising the title of § 548.13 and the language of § 548.13(b) to read as follows:

§ 548.13 Scheduling to observe religious holidays, services, meetings, ceremonies, and activities.

* * * * *

(b) The Warden may relieve an inmate from a work assignment if a religious activity, service, ceremony or meeting is also scheduled at that time. The Warden may schedule the inmate to make up work at another time. The Warden shall take into consideration the availability of staff and space within the institution when scheduling religious services, ceremonies, activities, or meetings.

* * * * *

[FR Doc. 80-35352 Filed 11-12-80; 8:45 am]
BILLING CODE 4410-05-M

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28 CFR Parts 551, 552, and 570

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rules.

SUMMARY: This document contains final rules relating to the control, custody, care, treatment, and instruction of inmates. Included are final rules on (1) Pre-trial Inmates; (2) Work/Study Release; and (3) Searches of Housing Units, Inmates, and Inmate Work Areas. The rule on Pre-trial Inmates discusses Bureau procedures and practices required for the care, custody, and control of persons awaiting trial. The rule on Work/Study Release discusses eligibility procedures, limitations to program participation, and other work/study program aspects. The rule on Searches of Housing Units, Inmates, and Inmate Work Areas describes the types of searches and the conditions under which they may be conducted. The final rules are intended to provide to the public notice of the rules in these areas, not just changes from prior policy.

DATE: Effective Date: December 15, 1980.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 762, 320 1st Street NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724–3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is publishing final rules relating to the following:

(1) Pre-trial Inmates; (2) Work/Study Release; and (3) Searches of Housing Units, Inmates, and Inmate Work Areas. Each subject has been published in the Federal Register as a proposed rule. Final rules (1)–(2) were published as proposed rules on January 12, 1979 (at 44

FR 2978 et seq.). Final rule (3) was published as a proposed rule April 4, 1980 (at 45 FR 23367–23368).

Interested persons were invited to submit comments on the proposed rules and public comments were received from various sources. On the basis of these comments and internal staff review of Bureau policies, some changes have been made. Members of the public may submit further comments concerning these rules by writing the previously cited address. These comments will be considered, but will receive no further response in the **Federal Register**. Public comments which were received and changes which were made are discussed below.

Summary of Changes/Other Comments

I. Part 551, Subpart J—Pre-Trial Inmates

1. Proposed Part 551, Subpart I becomes final Part 551, Subpart J. Proposed §§ 555.90–91 become final §§ 551.100–101. Proposed §§ 551.92–102 become final §§ 551.102–112.

2. Section 551.100—The final rule deletes the phrase "commencement or completion of" as its intent is reflected in the remaining phrase "awaiting trial". A commenter states the proposed rule does not adequately recognize the rights of pre-trial detainees, that the pre-trial inmate is protected by the due process clause of the Constitution and for prison authorities to justify any condition or treatment during confinement, they must demonstrate "a compelling necessity or that such a practice or policy is the least restrictive alternative." Subsequent to these comments, the standards proposed by this commenter were rejected by the U.S. Supreme Court, which held, in the case of *Bell* v. *Wolfish,* that "the effective management of the detention facility once the individual is confined is a valid objective that may justify imposition of conditions and restrictions of pretrial detention * * *". The Supreme Court held that security restrictions and practices did not of themselves constitute "punishment" in violation of the rights of pre-trial detainees under the due process clause of the Fifth Amendment. Bureau rules, as evidenced in this section, provide distinct procedures relevant to the care, custody, and control of pre-trial inmates. In other areas, effective management of the institution necessitates Bureau policies and standards being applicable to all persons confined within Bureau institutions.

In a similar vein, one commenter, concerned that Bureau regulations provide only minimal protection to pre-trial inmates, suggested the addition of various elements, including two advisory councils (one comprised of representatives of federal courts and lay persons, the other of inmates), the right to outside counsel at disciplinary hearings, and encouraging staff to assist the inmate in efforts to secure pre-trial release under the Bail Reform Act of 1966. Bureau rules adequately protect the rights of pre-tiral inmates, while allowing effective management of the institution. The present rule identifies areas where the care, custody, and control of pre-trial inmates may differ from those established for convicted inmates. While the Bureau is receptive to suggestions from the court and other interested persons, we see no need for the formal establishment of advisory councils. Nor is it appropriate to allow outside counsel at disciplinary hearings. Bureau rules on inmate discipline ensure due process considerations. We do not consider it appropriate to encourage staff to give counsel and assistance to the pre-trial inmate in that individual's efforts to secure release. While staff may provide access to institution resources (for example, the telephone), Bureau staff do not have the legal expertise necessary to advise in this area.

3. Section 551.101—The final rule clarifies the terms "pre-trial" and "convicted". A pre-trial inmate is an individual who is legally detained but not convicted. A judgment of conviction is ordinarily evidenced by receipt of a Judgment and Commitment from a federal court. The final rule considers a detained person who has pleaded or been found guilty but is awaiting sentence to be in pre-trial status. Proposed § 555.91(a)(1) becomes final § 551.101(a)(1). The final rule requires that both the material witness and the detained alien be considered pre-trial inmates. Proposed § 555.91(a)(3) is deleted and final § 551.101(a)(1) states that inmates committed under 18 USC 4244 and 4246 are considered in pre-trial status. Proposed § 555.91(a)(2) becomes final § 551.101(a)(2). This section, which states that an inmate serving a state or federal sentence is not considered a pre-trial inmate, alternately supports the comment that a pre-trial inmate with a detainer for an unproved charge is treated as a pre-trial inmate. Proposed § 555.91(b) is renumbered final § 551.101(b). This section is reworded to state that ordinarily the Judgment and Commitment is the document which evidences the status of conviction.

4. Section 551.102—The final rule is modified to require that the institution have appropriate detention facilities to house the pre-trial inmate.

5. Section 551.103—Final § 551.103 is reworded and now contains the phrase "in institutions with detention-unit operations" to clearly identify where pre-trial inmates are admitted. Proposed § 551.93(a)(6) becomes final § 551.103(a)(3). Proposed § 551.93(a)(3) becomes final § 551.103(a)(4). Proposed § 551.93(a)(4) and (a)(7) are combined into new final § 551.103(a)(5), "Intake Screening". This provision now includes a social interview, medical screening, and evaluation of both an inmate's general physical appearance and emotional condition. As revised, the rule is consistent with the Bureau's rule on "Intake Screening", published in the **Federal Register** June 30, 1980 (at 45 FR 44229). Proposed § 551.93(a)(5) becomes final § 551.103(a)(6) and now requires staff provide advice as to the institution guidelines governing telephone calls. Final § 551.103(a)(7), "Provision for personal hygiene", is new and provides for pre-trial inmates to receive personal hygiene items, clean clothing, and the opportunity for shower and hair care.

We disagree with a comment that pre-trial inmates not be fingerprinted until convicted. This procedure is necessary for identification purposes. In response to another comment, a pre-trial inmate is provided, as specified in § 551.117, access to his attorney. This provision and the Bureau rule on Telephone Regulations for Inmates (see 28 CFR Part 540) provide Bureau policy on attorney calls and insure against "arbitrary application". Placement in segregation of itself is not a basis for denying an inmate such access. Another comment suggests that the institution's admission procedure provide for psychological screening. The required intake screening accommodates the comment's general purpose. Where warranted, and as evident from the results of this screening, the individual can be referred for a full psychological assessment.

6. Section 551.104—A comment questioned whether separate housing for pre-trial inmates satisfies constitutional principles and whether complete physical separation is required. The Bureau of Prisons Metropolitan Correctional Centers (MCC's) were constructed and designed to house pre-trial inmates. Some of the Federal Correctional Institutions (FCI's) have adopted detention-unit operations to accommodate pre-trial commitments. These detention-units are functional units and provide for physical separation from convicted prisoners housed in other areas within the institution. The Bureau allows pre-trial inmates to interact with convicted inmates provided this is consistent with

institution security and good order and the inmate consents. It is also recognized that conditions may occur (for example, an influx of pre-trial inmates) which will necessitate temporary commingled housing arrangements to ensure the effective management of the institution.

7. Section 551.105—Final § 551.105(a) deletes the term "close", since "in" custody is the current term for the inmate authorized to leave the institution only with handcuffs and with staff escort. Use of other restraints is at the option of the escorting officer. Within the institution, "in" custody allows the inmate to be assigned to all regular work assignments and activities, under a normal level of supervision. In response to a comment that staff supervise pre-trial inmates according to procedures for other custody levels, we note that staff may consider other custody levels where circumstances warrant and verifiable information is available to justify such action.

8. Section 551.106—Final § 551.106(a) substitutes the phrase "in the community living area" for living unit. We agree with a comment, and have reworded the final rule to better recognize, that pre-trial inmates should be provided the opportunity, though not required, to participate in work programs and other activities. Such participation may be more limited for the pre-trial inmate due to security considerations. Even with limitations, however, some opportunities can be provided in the areas of work, education, recreation, counseling, etc.

9. Section 551.108—Final § 551.108 authorizes the Warden to approve a pre-trial inmate for special awards, in addition to performance pay. The final rule deletes the non-essential phrase "(see Rule 545, Subpart C)".

10. Section 551.109—We disagree with a comment on § 551.109(b) that the term "attorney of record" be deleted and replaced with "attorney". The specific section identifies the Bureau contact for an individual's release from custody or an escorted trip. The "attorney of record" is the person knowledgeable about the pre-trial inmate's case, on which the inmate is being held. If the "attorney of record" is not available, provisions may be made for contact with another attorney. Final § 551.109(c) is reworded and requires an order by the court before a pre-trial inmate is authorized to participate in community programs. A commenter stated that, if a pre-trial inmate is classified pursuant to rules for community activities (for example, work release), such participation should occur. The commenter fails to recognize that the Bureau's authority to approve inmates for community programs is limited under 18 USC 4082 to convicted, not pre-trial inmates. The Bureau's rule is not intended to preclude pre-trial inmates from community programs, but recognizes the interests of the court.

11. Section 551.110—Final § 551.110(a) inserts the phrase "and when consistent with institution security and good order" as a necessary consideration in determining a pre-trial inmate's participation in religious programs with convicted inmates. Where participation is not possible (either because the inmate declines to sign a waiver or where it is not consistent with institution security and good order), the pre-trial inmate is provided the opportunity to practice his religious faith within the housing area.

12. Section 551.111—The final rule deletes reference to "Rule 551, Subpart B," and inserts "in accordance with current Bureau of Prisons policy for convicted inmates." We agree with a comment suggesting deletion of the term "clearance" and have reworded the rule to require designated offices be advised and their comments requested.

13. Section 551.112—Final § 551.112(b) inserts the phrase "and when consistent with institution security and good order" as a necessary consideration in determining when a pre-trial inmate may participate in education programs with convicted inmates. Final § 551.112(a) allows for participation in correspondence and self-study courses, in addition to contracting for the use of contract personnel or community volunteers.

14. Section 551.113—Final § 551.113, "Counseling", is new. This section states that when the pre-trial inmate signs a waiver of separation and when consistent with institution security and good order, that inmate may receive counseling services with convicted inmates. Final § 551.113(b) recognizes that staff may provide or enlist the aid of contract personnel for counseling services within the area where the pre-trial inmate is confined.

15. Section 551.114—Proposed §§ 551.103–551.109 become final §§ 551.114–551.120. The language of final § 551.114 now provides for the pre-trial inmate to receive basic medical (including dental), psychiatric, and psychological care provided convicted inmates. Final § 551.114(b) substitutes the phrase "advise the court, through the U.S. Marshal," for "notify the court". The notification in final § 551.114(c) is expanded to include the U.S. Marshal and the inmate's attorney of record. Deleted is the phrase "Part 549, Subpart B." The Bureau's rule ensures that pre-trial inmates receive medical attention. We do not agree with another comment that the pre-trial inmate have the opportunity to have a medical examination by his own physician. In proposing the suggestion for outside medical examination, the commenter alludes to persons being "beaten severely by officers" and believes such medical attention is necessary to ensure that inmates get adequate protection. The Bureau does not agree with either the commenter's premise or conclusion. Bureau staff are expected and trained to use only minimal force necessary for a given situation. Any violation of this practice is investigated and appropriate disciplinary action is taken. As for medical treatment, the rule requires staff to provide the pre-trial inmate with basic medical care. Additional treatment is provided as warranted by the individual situation.

16. Section 551.115—As in previous sections, the final rule recognizes institution security and good order as considerations in determining whether a pre-trial inmate in the regular population may participate in recreation activities with convicted inmates. Final § 551.115 (d) and (e) are new. Subsection (d) requires § 551.115 (b) and (c) be carried out unless there are compelling security or safety reasons. Documentation of such reasons is required. Final § 551.115(e) provides that pre-trial inmates in special housing units receive exercise as provided in the Bureau's rules on Inmate Discipline (see 28 CFR, Part 541, Subpart B).

17. Section 551.116—Final § 551.116(a) is reworded and inserts reference to 28 CFR Part 541, Subpart B. This section contains Bureau rules on inmate discipline and meets the intent of a comment that pre-trial inmates receive due process safeguards. The final rule is reworded to require the pre-trial inmate to abide by Bureau of Prisons rules on inmate discipline as opposed to the phrase "disciplinary rules of the institution".

18. Section 551.117—Final § 551.117(a) substitutes "Warden" for "Staff". A commenter believed that the provisions of this section are too restrictive. Two concerns of the commenter, attorney access at any reasonable time and opportunity for confidential interviews, are covered in the internal instructions implementing this rule. A commenter suggested that the pre-trial inmate be provided two free phone calls at initial booking and that the phone number of a local federal defender's office be posted at the institution. The Bureau provides a pre-trial inmate with access to pay telephones at the earliest convenient

time, normally upon assignment to a housing unit. Where circumstances warrant (for example, lack of funds), the pre-trial inmate may request to place the call without charge. In reference to posting the telephone number of a local federal defender's office, this decision is left with the Warden. A final comment advocated that the Bureau provide the inmate's attorney with the same information the Bureau can provide the inmate. This is inappropriate as it is the inmate's, not the Bureau's, responsibility to authorize such access.

19. Section 551.118—The final rule deletes reference to Rule 552, Subpart E and allows pre-trial inmates to retain personal property as authorized for convicted inmates in administrative detention units. Final § 551.118(b) substitutes the phrase "Staff may store" for "Staff shall store". While it is expected that staff will be able to store some of the pre-trial inmate's unauthorized personal property, the amount stored is dependent upon storage space available at the institution.

20. Section 551.119—Final § 551.119(a) requires staff establish procedures for release of funds and personal property to pre-trial inmates released at times other than normal business hours. Deleted is "on a 12 hour basis, Monday through Friday". Final § 551.119(b) is expanded to require pre-trial inmates to be informed of existing policy relative to the deposit of funds. A comment suggested that the pre-trial inmate receive negotiable funds at the time of release. While it is possible for the inmate to receive cash upon release, the lack of sufficient funds held at the institution may necessitate issuance of a check drawn from the U.S. Treasury and sent to the inmate through a Regional Disbursing Office.

21. Section 551.120—The final rule deletes reference to Rule 540, Subpart D and now references the Bureau rule and local institution guidelines on visiting. A commenter stated that pre-trail inmates have constitutional rights to visitation above and beyond rights afforded convicted prisoners. Such a constitutional right has not been clearly established, and is dubious in light of *Bell* v. *Wolfish*. The final rule recognizes the pre-trial status of the individual and provides expanded visiting opportunities, specifically as this pertains to preparation for trail and protection of the pre-trial inmate's business. In addition, § 551.117(a) authorizes pre-trail inmate-attorney visits on a seven-day-a-week basis. The internal language on visiting recognizes that the pre-trial inmate's transient status may not allow staff to obtain background information as provided in the Bureau's rule on inmate visiting. In such situations, staff are expected to make a determination based on available information and whether the visit could reasonably be expected to create a threat to the security or good order of the institution.

2. Part 552, Subpart B—Searches of Housing Units, Inmates, and Inmate Work Areas

1. Section 552.10—A commenter believes this rule fails to recognize that inmates retain some measure of constitutional rights under the Fourth Amendment to privacy and to be free from unreasonable searches and seizures. Also expressed was the belief that the Bureau policy does not adhere to American Correctional Association (ACA) Standards (Standard 4163 and Revised Draft Standard 4173.01) and Department of Justice (DOJ) Draft Standards (Security and Control 013). Section 552.10 expresses the Bureau of Prisons rule as this pertains to searches of inmates and of inmate housing and work areas. Internal instructions implementing this rule recognize the commenter's concerns and specify that non-intrusive sensors should be used whenever feasible, and that staff avoid unnecessary force and strive to preserve the dignity of the individual being searched. The Bureau is well aware of the Fourth Amendment protections which are involved in searches of individuals. There are special security concerns in correctional institutions, particularly with respect to the introduction of contraband, which require searches. If the search procedure is professionally and routinely conducted, as is required by the implementing policies of the Bureau, there should not be a question of abuse. The safe, secure, and orderly running of the institution necessitates searches of inmates, inmate housing units and work areas. In reference to the aforementioned Standards, the Bureau meets the only standard (ACA Standard 4163) currently in effect.

2. Section 552.11—Final § 552.11(b)(1) is revised to read "may be" as opposed to "has been" concealed on the person to better describe the intent of the rule. The "reason to believe" (now identified as "reasonable belief") expectation is the basis for conducting a visual search. The final rule also includes the additional example of placement in a special housing unit (administrative detention, disciplinary segregation) as a situation where a visual search is warranted. The phrase "and/or removal of" is deleted from the first sentence of final § 552.11(c) as this intent is expressed later in § 552.11(c). A comment on § 552.11(c) states "reasonable belief" is violative of applicable correctional standards, citing revised ACA and draft DOJ Standards which call for "probable cause". As noted, the cited Standards are in draft format and the Bureau has submitted its comments on these. The Bureau believes the "probable cause" standard is too high, and would exclude the type of search which is an important deterrent to the introduction of contraband. Section 552.11(c) provides adequate constraints as pertains to digital or simple instrument searches, prohibits such searches if likely to result in physical injury to the inmate, and requires documentation for all such searches. A comment on § 552.11(c)(2) which related to the phrase "injury to the inmate" is reflected in the final rule by revising the language to read "physical injury". This insertion clearly indentifies the type of injury and is a determination made by a medically trained person.

3. Section 552.12—A commenter accurately describes § 552.12 to specify that the inmate's consent is required prior to a major instrument or surgical intrusion, and that performance of an X-ray examination may be provided without the inmate's consent only where such an examination is determined necessary to the security, good order, or discipline of the institution. For purposes of clarity, final § 552.12(b) is expanded to encompass the use of X-rays in both medical and non-medical instances. Based on this revision, reference to X-rays in proposed § 552.12(a) is deleted from final § 552.12(a). The intent of the language on X-rays is unchanged. The final rule is revised to require that documentation of the X-ray examination and the reasons for the examination be placed in the inmate's medical file, as well as the inmate's central file. Final § 552.11(b)(1) provides that where the Warden or Regional Director is not available, a decision on whether an X-ray examination may occur is made only by a person officially acting in the capacity of Warden or Regional Director.

4. Section 552.13—Final § 552.13(a) is revised to read "without notice to or prior approval from the inmate". This insertion more clearly recognizes the Bureau's right to conduct a search of an inmate's housing and work areas as necessary to maintain the security, good order, and discipline of the institution. A commenter believed that this section fails to take into account recognized correctional standards. The commenter

specifically cites provisions which call for "Attendance of two officers doing a cell search" and "Conduct of searches no more frequently than necessary to control contraband * * * respect * * * an inmate's right to any property authorized by institutional regulations." The Bureau sees no incompatibility between its rule and points raised by the commenter. While the Bureau recognizes the desirability of having two officers in attendance during a cell search, this is not always possible. Where necessary to ensure institution security and good order, one staff member may conduct such a search. As pointed out in an earlier response, the Bureau is in compliance with the commenter's referenced standard (ACA Standard 4163). It is further noted that the April 1980 discussion language on the revised draft Standard deletes the reference to the presence of two officers during cell searches. The internal instructions to staff do require written documentation of each housing unit search. The actual search, be it of a housing unit or work area, is intended to detect contraband, prevent escapes, maintain sanitary standards, and to eliminate fire and safety hazards. There is no intent or authorization to confiscate property of the inmate authorized by institution guidelines.

3. Part 570, Subpart B—Work/Study Release

1. Section 570.10—The final rule reflects that an inmate may not work under working conditions at less than acceptable minimum standards (for example, at less than acceptable community wage standards) or in any other situation which could evoke adverse public response. A commenter objected to the phrase "could evoke adverse public response", suggesting its sole purpose was to protect the Bureau from public criticism or embarrassment. A Work/Study Release program requires a close alliance with the local community. It is necessary that the Warden be able to modify situations which may adversely impact on the community's participation and support for a Work/Study Release program. To clarify the extent of the Warden's responsibility the final rule is revised to read "in the Warden's judgment and discretion". The final rule clarifies the phrase "evoke adverse public response" by adding the language, "towards the inmate, the Bureau of Prisons, or the government". Another comment suggested § 570.10 be broadened to embrace the "rehabilitative" value of Work/Study Release opportunities. The Bureau believes the phrase "in preparation for release from confinement" adequately describes the intent of Work/Study Release, as this program provides an inmate opportunity to secure release funds and/or serves as an extension of an inmate's institutional training or education. Our experience has shown that the optimum period for Work/Study Release placement is three to six months prior to a probable release date.

2. Section 570.12—§ 570.12 is retitled "Administration". Proposed § 570.13(a) becomes final § 570.12(a). The proposed rule's reference to § 570.15 becomes § 570.16 in the final rule. Final § 570.12(a) further recognizes the Warden's authority to remove an inmate from program participation. Proposed § 570.12(a) becomes final § 570.12(b). A comment to § 570.12 correctly assumes an inmate is entitled to notice of the charges and an opportunity to be heard prior to disciplinary action against him.

3. Section 570.13—The final section is retitled "Program Participation", Proposed § 570.13(b) becomes the first paragraph of final § 570.13. Proposed § 570.13(b)(1) and (2) becomes final § 570.13(a) and (b). Final § 570.13(a) is revised to read "the inmate makes written application for placement". Proposed § 570.13(b)(3) is deleted. Proposed § 570.13(b)(4)–(7) becomes final § 570.13(c)–(f). A commenter raised several questions regarding criteria for program participation. Specifically the commenter requested a definition of "community custody status" and how a prisoner obtains it. Community custody allows an inmate to work on outside details with minimal supervision. It also recognizes the inmate as eligible for community based program activities. An inmate may obtain community custody upon recommendation of the unit team. The Bureau's guiding principle is that each inmate should be in the lowest custody level appropriate to adequately supervise that inmate. Factors considered include, but are not limited to, the inmate's past involvement with drugs and alcohol, mental and psychological stability, types and frequency of disciplinary action, and escape history.

Other comments question the criteria used in determining an inmate's "physical and mental" capability, whether the prisoner has "demonstrated a level of responsibility" providing "reasonable assurance of compliance with the requirements of placement" and finally whether the proposed placement is "appropriate". The rule provides a framework in which an inmate may be considered for Work/Study Release participation. There are no general restrictions on the types of jobs or study programs for which an inmate may be considered. The candidate needs to be in good health and mentally and physically able to perform the proposed assignment. The inmate's demonstrated acceptance of responsibility (work performance, commitment to areas of interest, etc.) prior to entry into the institution, and within the institution, provides staff a basis on which an inmate may be evaluated for program participation. At the same time, the rule does not preclude the use of Work Release for a physically handicapped person or for those persons mentally or emotionally handicapped, but who are not dangerous to others, when it is apparent that community employment will significantly aid the inmate's post-release adjustment and is consistent with the inmate's capabilities.

4. Section 570.14—Proposed § 570.14(a)(5) is deleted from this section "Limitations to Program Participation". Its intent is encompassed within final § 570.16 "Cases Requiring Special Approval". This modification recognizes the need for closer review prior to program placement, and deletes the proposed rule language that such persons be excluded from program participation.

One commenter on § 570.14 suggested that proposed § 570.14(a)(3) be reworded to state "an inmate evaluation cannot confidently predict self-control of the behavior". We see no necessity for this change, as the phrase "a history of violent or assaultive behavior" is a guide, rather than a conclusive statement of future predictability.

Other comments objected to requiring an inmate to be within six months of a probable date of release. Comments suggested that an inmate serving a longer sentence has an advantage, that requiring an inmate to be "within a six month release date comes too late in the form of meaningful application to re-enter society", and that decisions on an inmate's program participation be made on the basis of "rehabilitative potential, not whether an inmate is so many months from a release date, committed a certain type of crime, etc.". A comment that asked how staff could know or judge the probability of parole release fails to recognize that U.S. Parole Commission guidelines establish an inmate's presumptive parole date early in the sentence. The Bureau of Prisons utilizes this as a probable date of release. The Bureau does not consider "rehabilitative potential" in selection of an inmate for a Work/Study Release Program. Neither does the Bureau automatically exclude an inmate from

participation based on the type of crime, length of sentence, central inmate monitoring designation, etc. Nor do we believe it appropriate to provide special consideration for inmates in the Witness Security Program. Section 570.13 presents the procedure and conditions for Work/Study Release participation. Certain situations (as discussed in §§ 570.14 and 570.16) warrant a closer scrutiny prior to a decision on an inmate's program participation. This review is consistent with the Bureau's responsibility for the control, custody, care, treatment, and instruction of inmates, and protection of the public.

Work/Study Release provides an inmate, as one commenter said, the opportunity to work and attend classes in a community setting, to earn and save wages, to pay taxes, etc. It assists the inmate's re-entry (not rehabilitation) into the community. The six month time period recognizes both the transitional intent of the program and the limitation on available resources. It focuses on the time when an inmate may receive the most benefit from such a program. It provides more inmates a greater opportunity to participate in the program. To a comment that implies six months will not help an inmate develop good spending habits and develop financial savings, and to another which says that Work/Study Release helps an inmate avoid total isolation from the most basic aspects of non-prison life, we emphasize that Work/Study Release is not, and never has been, intended as a separate entity. Work/Study Release is only one segment of the total operation of the institution. Other segments include institutional training, employment, furloughs, pre-release programs, counseling, etc. The concerns of the commenters are addressed within the total operational sphere.

A commenter to subsection (a)(2) misreads the intent of that section, as the Bureau does not prohibit an inmate from participating in a program within the "inmate's area of release". In such instances, the intent is to establish a suitable contract Work/Study Release facility, rather than utilize the institution program. We agree with the thrust of a comment on subsection (a)(3) and (a)(4) stating that individuals in these categories may be dealt with on a case-by-case basis. As indicated by final § 570.14(b) the Warden may allow an inmate in either of these categories to participate in a Work/Study Release program when it is determined that the inmate needs such a placement and that the community is not endangered thereby. A commenter suggests that subsection (b) provides no guidance or criteria and could lead to arbitrary decision-making. We disagree. Final § 570.13 establishes the procedure and conditions under which an inmate is eligible. Final § 570.14 provides the Warden with the discretion to approve selected inmates for participation on an individual case-by-case basis. An individual basis precludes establishment of guidance or criteria more specific than that offered in final § 570.14(b) and final § 570.13. An inmate who disagrees with the decision may file a complaint under the Administrative Remedy Procedure.

5. Section 570.15—Final § 570.15 "Transfers" is new. It provides for an inmate to transfer from an institution which does not have Work/Study Release to an institution which offers such a program.

6. Section 570.16—Proposed § 570.15 becomes final § 570.16. The language of proposed § 570.14(a)(5) is clarified and is now included in final § 570.16(a). This section specifies that an inmate convicted of a serious crime against persons, and whose presence in the community could attract undue public attention, create unusual concern, or depreciate the seriousness of the offense, must have approval of the Regional Director prior to program participation. These individuals are not precluded from program participation, but are provided an additional level of review. Proposed § 570.15 becomes final § 570.16(b). The phrase "tentatively designated or confirmed" is substituted for "designated or tentatively designated". Reference in the proposed rule to Part 524 Subpart C is reworded to state "the Bureau of Prisons rule on Central Inmate Monitoring Cases".

7. Section 570.17—Proposed § 570.16 becomes final § 570.17. Section 570.17(a) contains a recognition that all transportation arrangements require approval of the Warden. Deleted from the final rule is the specific language which recognized that the Warden may authorize use of institution vehicles and charge an inmate a fee comparable to the cost of commercial transportation. The final rule requiring the Warden's approval encompasses this intent. Deleted from final § 570.17(b) is the amount of fixed charges the inmate must pay and a statement that there is no charge made for the first 30 calendar days of community employment. This language is better contained in the Bureau of Prisons rule on Reimbursement by Inmates Confined in Federal Facilities Participating in Community Employment Programs. Subsection (c) is expanded to require staff to document a waiver of transportation or subsistence payments.

8. Section 570.18—Proposed § 570.17 becomes final § 570.18. The final rule is expanded to state that an inmate may purchase supplemental or replacement clothing with personal funds through either regular institutional commissary procedures or directly from outside commercial sources. The final rule also requires that the Warden make special arrangements for an inmate to have access to a locker and a change of clothing.

9. Section 570.19—Proposed § 570.18 becomes final § 570.19. In response to a comment, § 570.19(b) is revised to specify that the Bureau of Prisons may participate in payment for educational courses in accordance with the provisions of the Bureau of Prisons rule on Postsecondary Education Programs for Inmates.

10. Section 570.20—The final rule is reworded to state that staff monitor (as opposed to supervise) an inmate in a work or study release placement to ensure the appropriateness of the placement and to assess (as opposed to monitor) the performance of the inmate.

11. Sections 570.21 and 570.22 are new. Section 570.21, "Guidance and Counseling", states that staff shall make guidance and counseling services available to a Work/Study Release inmate. Section 570.22, "Work/Study Release Good Time", states the Bureau policy in regard to extra good time for an inmate in Work/Study Release. This language coincides with language contained in 28 CFR 523.12.

12. Section 570.23—Proposed § 570.21 becomes final § 570.23. The final rule authorizes the Warden to use his discretion in determining whether an inmate is removed from Work/Study release. Final § 570.23(d) reflects this intent and is inserted to clarify the phrase "in the Warden's judgment" in proposed and now final § 570.10. A comment on subsection (b) stated there was no definition of "misconduct" or "willful negligence". Another comment suggested the Bureau ensure that a hearing is provided before revocation of an inmate's program participation. Subsection (b) recognizes instances where an inmate's work performance is reported to be unsatisfactory and, as occurs in some cases, where the inmate is fired from the job assignment. The Bureau of Prisons has an obligation to monitor an inmate in a work or study release placement and to ensure that the arrangement is satisfactory for all concerned. An inmate who believes the removal is for an invalid reason may file a complaint under the Administrative Remedy Procedure. Violation of the

conditions of a community program is a prohibited act and subjects the inmate to disciplinary action in accordance with the Bureau of Prisons rule on Inmate Discipline.

13. Section 570.24—Proposed § 570.19 becomes final § 570.24.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), 28 CFR Chapter V is amended as set forth below. The effective date of these rules is December 15, 1980.

Dated: November 6, 1980.

Norman A. Carlson,

Director, Bureau of Prisons.

1. Subchapter C is amended as follows:

A. Part 551, Subpart J is added.

B. Part 552, Subpart B is added.

PART 551—MISCELLANEOUS

* * * * *

Subpart J—Pre-Trial Inmates

Sec.

551.100 Purpose and scope.
551.101 Definitions.
551.102 Commitment prior to arraignment.
551.103 Procedure for admission.
551.104 Housing.
551.105 Custody.
551.106 Institutional employment.
551.107 Good time.
551.108 Peformance pay.
551.109 Community activities.
551.110 Religious programs.
551.111 Marriage.
551.112 Education.
551.113 Counseling.
551.114 Medical, psychiatric, and psychological.
551.115 Recreation.
551.116 Discipline.
551.117 Access to legal resources.
551.118 Property.
551.119 Release of funds and property of pre-trial inmates.
551.120 Visiting.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart J—Pre-Trial Inmates

§ 551.100 Purpose and scope.

The Bureau of Prisons houses, in addition to convicted inmates, persons awaiting trial. Procedures and practices required for the care, custody, and control of such inmates may differ from those established for convicted inmates. (Except as limited by this rule, policies and standards applicable to persons committed to the custody of the Attorney General apply to detainees designated Pre-Trial Inmates.)

§ 551.101 Definitions.

(a) *Pre-Trial Inmate:* A person who is legally detained but not convicted. Conviction occurs upon entry of a judgment of conviction. This ordinarily is evidenced by receipt of a Judgment and Commitment from a federal court. Pre-trial status includes an individual who is detained while awaiting trial, while in the process of trial, or while awaiting a verdict, or a detained person who has pleaded or been found guilty but is awaiting sentence.

(1) For purposes of this rule, an inmate committed for civil contempt, or as a detained alien, or as a material witness is considered a pre-trial inmate. An inmate who is committed under 18 U.S.C. 4244 and 4246 is also considered a pre-trial inmate.

(2) For purposes of this rule, an inmate in a status described in paragraphs (a) or (a)(1) of this section and who is at the same time serving a state or federal sentence is not considered a pre-trial inmate.

(b) *Convicted Inmate:* An individual a court has found guilty of an offense punishable by law, as evidenced by a judgment of conviction. The Judgment and Commitment is the form customarily used by federal courts to signify officially the status of conviction.

§ 551.102 Commitment prior to Arraignment.

On receipt of a U.S. Marshal's Remand, the Bureau of Prisons shall accept an individual who has not been arraigned for commitment as a pre-trial inmate provided that the institution has appropriate detention facilities available for the individual.

§ 551.103 Procedure for admission.

(a) Staff institutions with detention-unit operations shall establish procedures for admitting a pre-trial inmate which include, but are not limited to:

(1) Verification of commitment papers;

(2) Search of the inmate;

(3) Photographing and fingerprinting;

(4) Disposition of clothing and personal possessions;

(5) Intake screening, to include:

(i) Social interview to include obtaining identifying data and information relevant to possible separatees;

(ii) Medical screening, including tests for infectious diseases; and

(iii) Evaluation of both the general physical appearance and emotional condition of the inmate;

(6) Providing advice as to institution guidelines governing telephone calls;

(7) Provision for personal hygiene, to include:

(i) Issue of personal hygiene items;

(ii) Issue of clean clothing; and

(iii) Opportunity for shower and hair care;

(8) Orientation; and

(9) Assignment to an appropriate housing unit.

(b) [Reserved]

§ 551.104 Housing.

Unless a threat is posed to institution security or good order, staff shall house pre-trial inmates separately from convicted inmates.

§ 551.105 Custody.

(a) Staff may supervise a pre-trial inmate as if classified "in" custody.

(b) Where circumstances warrant, staff may supervise a pre-trial inmate according to procedures for other custody levels.

§ 551.106 Institutional employment.

(a) The Warden may not require a pre-trial inmate to work in any assignment or area other than housekeeping tasks in the inmate's own cell and in the community living area.

(b) Unless the pre-trial inmate signs a waiver, the Warden may not permit the pre-trial inmate to work with convicted inmates or in any assignment or area other than housekeeping tasks as specified in paragraph (a) of this section.

§ 551.107 Good time.

A pre-trial inmate does not earn good time.

§ 551.108 Performance pay.

The Warden may approve a pre-trial inmate for performance pay and special awards.

§ 551.109 Community activities.

(a) The Warden may not grant a furlough to a pre-trial inmate (18 U.S.C. 4082).

(b) In an emergency, staff shall facilitate contact with the pre-trial inmate's attorney of record, who may seek from the court a decision concerning release from custody or an escorted trip.

(c) Except by order of the court, a pre-trial inmate may not be considered for participation in community programs.

§ 551.110 Religious programs.

(a) If a pre-trial inmate signs a waiver of separation, and when consistent with institution security and good order, that pre-trial inmate may participate in religious programs with convicted inmates.

(b) Staff may enlist the aid of contract or volunteer chaplaincy personnel for

religious programs within the area where pre-trial inmates are confined.

§ 551.111 Marriage.

A pre-trial inmate may request permission to marry in accordance with current Bureau of Prisons policy for convicted inmates. Staff shall contact the court, U.S. Attorney, and in the case of an alien, the Immigration and Naturalization Service, to advise of the marriage request of the pre-trial inmate and to request their comments.

§ 551.112 Education.

(a) A pre-trial inmate may participate in correspondence and self-study educational courses. Institutional staff may also arrange educational assistance to the pre-trial inmate through the use of contract personnel or community volunteers.

(b) If pre-trial inmate signs a waiver of separation, and when consistent with institution security and good order, that pre-trial inmate may have full access to the institution's educational program.

§ 551.113 Counseling.

(a) If a pre-trial inmate signs a waiver of separation, and when consistent with institution security and good order, that pre-trial inmate may receive counseling services with convicted inmates.

(b) Staff may provide or enlist the aid of contract personnel for counseling services within the area where the pre-trial inmate is confined.

§ 551.114 Medical, psychiatric, and psychological.

(a) Staff shall provide the pre-trial inmate with the same level of basic medical (including dental), psychiatric, and psychological care provided convicted inmates.

(b) Staff shall advise the court, through the U.S. Marshal, of medication the pre-trial inmate receives which may alter the inmate's courtroom behavior.

(c) In event of serious illness or death of a pre-trial inmate, staff shall notify the committing court, U.S. Marshal, U.S. Attorney's office, the inmate's attorney of record, and the designated family member or next of kin.

§ 551.115 Recreation.

(a) If a pre-trial inmate signs a waiver of separation, and when consistent with institution security and good order, that pre-trial inmate may participate with convicted inmates in recreational activities.

(b) At a minimum, staff shall provide the pre-trial inmate in regular population with the following recreational opportunities:

(1) One hour daily of outside recreation, weather permitting; or

(2) Two hours daily of indoor recreation.

(c) Staff shall make recreation equipment available to the pre-trial inmate including, but not limited to, physical exercise equipment, books, table games, and television.

(d) Provisions of paragraphs (b) and (c) of this section must be carried out unless compelling security or safety reasons dictate otherwise. Institution staff shall document these reasons.

(e) Staff shall provide the pre-trial inmate housed in Administrative Detention or Disciplinary Segregation with exercise as provided by the Bureau of Prisons rules on Inmate Discipline (See 28 CFR Part 541, Subpart B).

§ 551.116 Discipline.

(a) Staff shall require the pre-trial inmate to abide by Bureau of Prisons rules on Inmate Discipline (See 28 CFR Part 541, Subpart B), subject to the limitations of §§ 551.106(a) and 551.107.

(b) Staff shall advise the court, through the U.S. Marshal, of repeated or continuing disruptive behavior by a pre-trial inmate.

§ 551.117 Access to legal resources.

(a) The Warden shall provide the opportunity for pre-trial inmate-attorney visits on a seven-day-a-week basis.

(b) Staff shall provide pre-trial inmates with access to legal materials in the institution.

(c) Staff shall allow the pre-trial inmate, upon his request, to telephone his attorney as often as resources of the institution allow.

§ 551.118 Property.

(a) A pre-trial inmate may retain personal property as authorized for convicted inmates housed in administrative detention units (See Part 541, Subpart B).

(b) Staff may store the pre-trial inmate's unauthorized personal property until the individual is released, transferred to another facility, or sentenced and committed to a federal institution.

(c) Staff may supply the pre-trial inmate with clothing for court appearances or the inmate may supply his own.

§ 551.119 Release of funds and property of pre-trial inmates.

(a) Staff shall establish procedures which allow for the release of funds and personal property to pre-trial inmates released during other than normal business hours.

(b) Staff shall ensure that pre-trial inmates are informed of existing policy relative to the commissary account and the deposit/release of funds.

§ 551.120 Visiting.

Staff shall allow pre-trial inmates to receive visits in accordance with the Bureau's rule and local institution guidelines on visiting. Staff may allow a pre-trial inmate special visits to protect the inmate's business interests or to help prepare for trial.

PART 552—CUSTODY

Subpart B—Searches of Housing Units, Inmates, and Inmate Work Areas

Sec.

552.10 Purpose and scope.
552.11 Body searches of inmates.
552.12 X-ray, major instrument, fluoroscope, or surgical intrusion.
552.13 Search of inmate housing and work areas.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

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Subpart B—Searches of Housing Units, Inmates, and Inmate Work Areas

§ 552.10 Purpose and scope.

In order to further the safe, secure, and orderly running of its institutions, the Bureau of Prisons conducts searches of inmates and of inmate housing and work areas to locate contraband and to deter its introduction and movement. Staff shall employ the least intrusive method of search practicable, as indicated by the type of contraband and the method of suspected introduction.

§ 552.11 Body searches of inmates.

(a) Pat search—an inspection of a fully-clothed inmate, using the hands, including a search of the inmate's clothing and personal effects. A metal detector search may be done under the same circumstances.

(1) Staff may conduct a pat search of an inmate on a routine or random basis to control contraband.

(2) Ordinarily, staff of the same sex as the inmate shall make the search, except where circumstances are such that delay would mean the likely loss of contraband, or where it would be operationally inconvenient to arrange for a member of the same sex.

(b) Visual search—a visual inspection of all body surfaces and body cavities.

(1) Staff may conduct a visual search where there is reasonable belief that contraband may be concealed on the person, or a good opportunity for concealment has occured. For example, a placement in a special housing unit (See Part 541, Subpart B) or re-entry into an institution after contact with the public (after a community trip or after a "contact" visit in a visiting room) is sufficient to justify a visual search. The

visual search shall be made in a manner designed to assure as much privacy to the inmate as practicable.

(2) Staff of the same sex as the inmate shall make the search, except where circumstances are such that delay would mean the likely loss of contraband. Where staff of the opposite sex makes a visual search, staff shall document the reasons for the opposite sex search in the inmate's central file.

(c) Digital or simple instrument search—inspection for contraband or any other foreign item in a body cavity of an inmate by use of fingers or simple instruments, such as an otoscope, tongue blade, short nasal speculum, and simple forcep. A digital or simple instrument search may be conducted only by medical staff upon approval of the Warden and only if the Warden has reasonable belief that an inmate is concealing contraband in or on his person. If located, the contraband or foreign item may be removed immediately by medical staff if such removal can easily be effected by use of fingers or the simple instruments referred to above. Staff shall document all digital and simple instrument searches and the reasons for the searches in the inmate's central file.

(1) Staff shall solicit the inmate's written consent prior to conducting a digital or simple instrument search. However, the inmate's consent is not required.

(2) Staff may not conduct a digital or simple instrument search if it is likely to result in physical injury to the inmate.

§ 552.12 X-ray, major instrument, fluoroscope, or surgical intrusion.

(a) The institution physician may authorize use of a fluoroscope, major instrument (including anoscope or vaginal speculum), or surgical intrusion for medical reasons only, with the inmate's consent.

(b) The institution physician may authorize use of an X-ray for medical reasons and only with the consent of the inmate. When there exists no reasonable alternative, and an X-ray examination is determined necessary for the security, good order, or discipline of the institution, the Warden, upon approval of the Regional Director, may authorize the institution physician to perform a non-repetitive X-ray examination for the purpose of determining if contraband is concealed in or on the inmate (for example: in a cast or body cavity). The X-ray examination may not be performed if it is determined by the institution physician that it is likely to result in serious or lasting medical injury or harm to the inmate. Staff shall place documentation of the examination and the reasons for the examination in the inmate's central file and medical file.

(1) The Warden and Regional Director or persons officially acting in that capacity may not redelegate the authority to approve an X-ray examination for the purpose of determining if contraband is present. An Acting Warden or Acting Regional Director may, however, perform this function.

(2) Staff shall solicit the inmate's consent prior to the X-ray examination. However, the inmate's consent is not required.

(c) The Warden may direct X-rays of inanimate objects where the inmate is not exposed.

§ 552.13 Search of inmate housing and work areas.

(a) Staff may search an inmate's housing and work area, and personal items contained within those areas, without notice to or prior approval from the inmate and without the inmate's presence.

(b) Staff conducting the search shall leave the housing or work area as nearly as practicable in its original order.

2. Subchapter D is amended by adding Subpart B to Part 570.

PART 570—COMMUNITY PROGRAMS

* * * * *

Subpart B—Work/Study Release

Sec.

570.10 Purpose and scope.
570.11 Definitions.
570.12 Administration.
570.13 Program participation.
570.14 Limitations to program participation.
570.15 Transfers.
570.16 Cases requiring special approval.
570.17 Transportation and subsistence.
570.18 Clothing.
570.19 Expenses.
570.20 Supervision of an inmate on work or study release.
570.21 Guidance and counseling.
570.22 Work/study release good time.
570.23 Termination.
570.24 Compensation for injury.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart B—Work/Study Release

§ 570.10 Purpose and scope.

The Bureau of Prisons uses Work and Study Release programs to allow selected inmates, in preparation for release from confinement, to attend school or to work in the local community during the day, returning to the institution at night. An inmate may not work as a strikebreaker or under working conditions at less than acceptable minimum standards, or in any other situation which, in the Warden's judgment and discretion, could evoke adverse public response towards the inmate, the Bureau of Prisons, or the government.

§ 570.11 Definitions.

The term "Work and Study Release" means an inmate's authorized absence from an institution other than a community treatment center, for the purpose of employment or to participate in an academic or vocational education activity.

§ 570.12 Administration.

(a) Except as provided in § 570.16, the Warden may approve an inmate's placement for Work or Study Release, or may remove the inmate from such participation. The Warden may not further delegate this authority.

(b) An inmate participant in a community program remains in the custody of the Attorney General. The Warden shall credit time during which an inmate participates in a community program toward service of the inmate's sentence. The Warden shall process an inmate who absconds from a community placement as an escaped federal prisoner. The Warden may subject an inmate who violates the conditions of a community program to disciplinary action as provided in Part 541, Subpart B.

§ 570.13 Program participation.

The Warden may consider an inmate for placement in a Work or Study Release program under the following procedure and conditions:

(a) The inmate makes written application for placement;

(b) The inmate has community custody status;

(c) The Warden determines that the inmate is physically and mentally capable of performing the proposed work or study;

(d) The Warden determines that the inmate has demonstrated a level of responsibility which provides reasonable assurance that the inmate will comply with the requirements of a placement;

(e) The Warden finds the proposed placement appropriate under this subpart; and

(f) The Warden verifies the conditions of the proposed placement.

§ 570.14 Limitations to program participation.

(a) Except as provided in paragraph (b) of this section, the Warden may not consider for placement in a Work or Study Release program:

(1) An inmate who will not be within 6 months of a probable date of release from confinement at the time of the program placement;

(2) An inmate who is to be transferred to a community program facility, such as a community treatment center or work release facility, in the inmate's area of release;

(3) An inmate who has a history of violent or assaultive behavior; or

(4) An inmate convicted of an offense which involved a violation of financial trust.

(b) When the Warden determines that an inmate needs a Work or Study Release program placement and that the community will not be endangered thereby, the Warden may make an exception to any of the limitations in paragraph (a) of this section.

(c) An inmate may not participate in Study Release on a full-time basis in excess of one academic year without the approval of the Warden and Regional Director.

§ 570.15 Transfers.

When an institution does not have a Work/Study Release program, the Warden may recommend an inmate for transfer to another institution which does operate a Work/Study Release program, provided all other eligibility requirements for transfer are met.

§ 570.16 Cases requiring special approval.

(a) An inmate convicted of a serious crime against persons, and whose presence in the community could attract undue public attention, create unusual concern, or depreciate the seriousness of the offense, must have approval of the Regional Director prior to participation in Work or Study Release.

(b) An inmate tentatively designated or confirmed as a Central Monitoring Case must have approval as authorized in the Bureau of Prisons rule on Central Inmate Monitoring Cases in order to participate in a Work or Study Release program.

§ 570.17 Transportation and subsistence.

(a) All transportation arrangements require approval of the Warden. An inmate shall use and pay for commercial transportation to and from the program placement. Other arrangements for transportation to and from the program placement require prior approval of the Warden.

(b) Under 18 U.S.C. 4082(c)(iii), "* * * A prisoner authorized to work at paid employment in the community under this subsection may be required to pay, and the Attorney General is authorized to collect, such costs incident to the prisoner's confinement as the Attorney General deems appropriate and reasonable. Collections shall be deposited in the Treasury of the United States as miscellaneous receipts."

(c) The Warden may waive transportation and subsistence costs under paragraphs (a) and (b) of this section when the Warden determines that the costs would unduly burden the inmate financially. Such waivers of transportation and/or subsistence requirements shall be documented.

(d) An inmate may not reimburse the Government for expenses of Work or Study Release except as provided in paragraphs (a) and (b) of this section.

§ 570.18 Clothing.

The Warden shall provide an inmate who is approved for Work or Study Release placement with appropriate attire for the placement. The inmate may purchase supplemental or replacement clothing with personal funds through regular institutional commissary procedures or directly from outside commercial sources. The inmate may not wear clothing acquired through the program placement inside the institution unless authorized by the Warden to do so. The Warden shall make special arrangements for an inmate to have access to a locker and change of clothing.

§ 570.19 Expenses.

(a) The inmate, his family, or other sources approved by the Warden shall bear all expenses incidental to a Work or Study Release program, such as the cost of meals in the community, laundry fees for clothing, cost of special equipment, etc.

(b) An inmate who has sufficient personal financial resources shall bear the cost of his Study Release program. The Bureau of Prisons may participate in payment for educational courses which lead directly to the development or increase of viable occupational skill in accordance with the provisions of the Bureau of Prisons rule on Postsecondary Education Programs for Inmates.

§ 570.20 Supervision of an inmate on Work or Study Release.

Staff shall monitor an inmate on a Work or Study Release placement to ensure the appropriateness of the placement and to assess the performance of the inmate.

§ 570.21 Guidance and counseling.

Staff shall make guidance and counseling services available to a Work/Study Release inmate.

§ 570.22 Work/Study release good time.

Extra good time for an inmate in work or study release programs is awarded automatically, beginning on the date the inmate is assigned to the program and continuing without further approval as long as the inmate is participating in the program, unless the award is disallowed.

§ 570.23 Termination.

The Warden in his discretion may terminate an inmate's participation in a Work or Study Release program for any of the following causes;

(a) Completion of the program by the inmate;

(b) The inmate's misconduct or willful negligence;

(c) Cancellation of a placement for reasons beyond the inmate's control, e.g., budget cutbacks, job layoffs, etc.; or

(d) Other sound correctional reasons, documented in the record.

§ 570.24 Compensation for injury.

The Federal Government assumes no responsibility for injury received by an inmate on Work or Study Release. However, the Government shall provide needed medical treatment so long as the inmate remains in the custody of the Attorney General.

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Thursday
November 13, 1980

Part V

Department of Transportation

Federal Aviation Administration

Air Carrier—Carry-On Baggage; Accessible Storage of Flexible Travel Canes Carried by Blind Passengers

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 17320; Notice No. 80-18]

Air Carrier—Carry-On Baggage

AGENCY: Federal Aviation Administration (FAA, DOT).

ACTION: Notice of proposes rule making.

SUMMARY: This proposed amendment would allow the readily accessible storage of flexible travel canes carried by blind passengers while on board air carrier aircraft. The proposed amendment is in response to a petition of the National Federation of the Blind (NFB).

DATE: Comments must be received on or before January 12, 1981.

ADDRESS: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 17320, 800 Independence Ave. SW, Washington, DC 20591; or delivered in duplicate to: Room 916, 800 Independence Ave., SW, Washington, DC.

All comments delivered must be marked: "Docket No. 17320". Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Harold E. Smith, Safety Regulations Staff (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, 800 Independence Ave. SW., Washington, DC 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 17320, 800 Independence Ave., SW., Washington, DC 20591. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerning this rule making will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 17320." The postcard will be dated and time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Ave., SW, Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedures.

Background

By letter dated September 14, 1977, Mr. James Gashel, Chief, Washington Office, the National Federation of the Blind ("NFB"), Suite 212, Dupont Circle Building, 1346 Connecticut Avenue, NW, Washington, D.C. 20026, petitioned the Administrator to revoke those portions of Parts 121 and 123 of the Federal Aviation Regulations which deal with air transportation of persons who may need evacuation assistance. The Federal Aviation Administration ("FAA") denied the petition on March 10, 1978 (Docket No. 17320). Subsequently, the NFB sought review of FAA's denial in the United States Court of Appeals for the District of Columbia Circuit. On January 10, 1979, the Court granted an FAA motion giving the agency time in which to reconsider the NFB petition for rule making. The motion was, in part, based upon a request by FAA's Deputy Administrator that the Civil Aeromedical Institute ("CAMI") in Oklahoma City conduct additional tests regarding the feasibility and safety of allowing blind persons to keep long rigid canes at their seats during takeoff and landing. CAMI accomplished the requested additional testing and on May 3, 1979, the FAA published in the **Federal Register** (44 FR 25869) a copy of the petition and a summary of the CAMI report for public comment. The petition and summary of the CAMI report were published as part of the agency's policy to maximize public involvement in the regulatory process. In addition, this enabled the agency to solicit all available information before a review of the issues presented by the NFB petition was completed to insure that all regulatory alternatives were considered. This publication was also consistent with Executive Order 12044, signed by President Carter on March 23, 1978.

The NFB petition requested the following:

1. The repeal of § 121.13(a) which inserts the phrase "121.586" after the phrase "121.575."
2. The repeal of § 121.586 of Part 121.
3. The amendment of § 121.589(a) to exclude from those items which must be stowed away from the passenger the flexible travel canes of blind persons.
4. The repeal of the amendment of § 123.27(k) which deleted the phrase "and § 121.574 and inserted, instead, the phrase "121.574 and 121.586."

Section 121.13(a) specifies the Part 121 rules which are applicable to helicopter operations.

Section 121.586 states, in pertinent part, that no certificate holder may refuse transporation to a person who may need evacuation assistance unless the certificate holder has established procedures (including reasonable notice requirements) and the passenger fails to comply with the notice requirements or cannot be carried in accordance with the certificate holder's procedures.

Section 121.589(a) states, in pertinent part, that no certificate holder may permit an airplane to take off or land unless each article of baggage is properly stowed.

Section 123.27 specifies the rules of Part 121 which are applicable to holders of air travel club certificates.

For purposes of the petition it was assumed that the term "flexible travel canes" does not include folding or telescoping canes since those canes can presently be carried in accordance with § 121,589(a).

The NFB stated the following in support of its petition:

"Our interest in the repeal of the above-listed FAR sections is as follows: The sections enforce procedures for the carriage of the handicapped on air carriers. The procedures work unreasonable hardship on the blind citizens of the United States in pursuit of their constitutionally protected activities for the following reasons:

(1) The sections require blind citizens to follow procedures set up arbitrarily by private air carriers, which procedures are kept secret from those who must follow them.

(2) The sections enforce humiliating, discriminatory, and unnecessary procedures to ensure "safety," although there is no evidence that the safety hazards cited actually exist.

(3) The sections do not prohibit illegal discrimination in treatment of the handicapped by private air carriers.

(4) The sections were published by the FAA after a long rule-making process. The FAA published proposed regulations and elicited comments and held hearings on the proposed rules. The sections published as final regulations, however, bore so little similarity to the proposed rules as to nullify the validity of the process leading to their publication. These sections have not been submitted for public comment."

Published with the NFB petition was a summary of a CAMI report entitled "Considerations Relative To the Use of Canes by Blind Travelers in Air Carrier Cabins". This report was completed in 1979 and reported the results of tests accomplished to reveal some of the safety implications of allowing blind travelers to retain rigid canes at their seats during takeoff and landing. Among the issues considered in establishing the test program were the impact cane retention would have on an emergency evacuation, the relative utility of folding or telescoping canes versus rigid ones, the movement of an unsecured cane during high "g" decelerations and the potential of canes for injuring passengers or damaging evacuation slides.

On January 18, 1980, the FAA issued a grant of the petition which initiated rule making on the petition submitted by NFB. (The "grant" and petition with background material are contained in the docket.)

In the "grant", the FAA stated that "the petition is granted to allow the initiation of rule making to permit the readily accessible stowage of flexible travel canes." In addition, the FAA stated:

Further, with appropriate stowage, the special utility that canes have for the blind passengers can be preserved while at the same time any conceivable safety hazard posed by their near-seat placement in readily accessible locations can be minimized.

Stowage of Baggage

Under § 121.589, each article of baggage carried aboard by passengers must be stowed in a suitable baggage or cargo stowage compartment; in a cargo bin approved in accordance with § 121.285; or under a passenger seat. This stowage requirement only applies during takeoff or landing.

Before discussing proposed methods of stowage, it would be beneficial to discuss carry-on baggage requirements in general. All items carried on aircraft by passengers are consideed to be "carry-on baggage". This includes articles of loose clothing, pocketbooks, attaché cases, umbrellas and canes. All these items must be stowed during takeoff and landing in accordance with § 121.589.

Most cargo stowage compartments will not accommodate items the length of a cane. Canes also will not fit under "a passenger seat" as specified in § 121.285 and therefore, on most aircraft, canes must be stowed in an appropriate cargo bin that is not always accessible to a blind passenger during flight.

As pointed out by many commenters on the NFB petition, this imposes a restriction on the mobility of blind passengers during flight since they must first obtain assistance from a flight attendant before they can obtain their cane.

While the FAA agrees with many commenters, including the United States Architectural Transportation Barriers Compliance Board, that canes should be stowed near blind passengers, it is necessary that any method of stowage take into consideration the safety of all passengers and crewmembers.

Proper stowage of baggage is directly related to the ability of individuals to evacuate an aircraft in the event of an emergency. Improper stowage of baggage could result in blocked aisles or emergency exists and could injure passengers or crewmembers. In this connection, the following statement was made in Operations Review Program Notice No. 8 (43 FR 20452, 5/11/78):

During hard or crash landings carry-on baggage has become dislodged from stowage areas, inflicting injuries to passengers and hampering the emergency evacuations of the aircraft. The FAA believes that all carry-on baggage should be screened before being allowed aboard the aircraft to prevent loading of baggage which cannot be properly stowed.

As a result of these concerns, the final rule, (Amendment 121–159, 45 FR 41586, 5/19/80) made several changes to the carry-on baggage stowage requirements. These changes included: the installation of aisle seats with a means to prevent baggage from sliding sideward into the aisle; limitation of items which may be placed in overhead racks; and a requirement that passengers must comply with these requirements. These rules should lessen the number of problems crewmembers face and enable them to concentrate on their safety-related duties.

As a result of the preceding, it is essential that any modification to the regulations [1] pertaining to carry-on baggage be consistent with the safety considerations which resulted in Amendment 121–159.

Based upon the FAA's extensive examination of this subject, stowage of flexible travel canes in the following manner would be consistent with the agency's safety mandate and would ensure that they are readily accessible to blind passengers.

1. In accordance with § 121.589(a) (1), (2), or (3);

2. In an overhead rack with a solid bottom;

3. Under a series of passenger seats in the same row of the aircraft as long as the cane does not protrude into the aisle;

4. Between a window passenger seat and the fuselage as long as the cane is flush with the floor and is not in an exit row;

5. Beneath any window passenger seat and the seat directly in front of the passenger as long as the cane is flush with the floor;

6. In accordance with any other method approved by the Administrator.

A brief discussion of these alternatives follows:

1. Current § 121.589 requires stowage of all carry-on baggage including canes. Therefore canes can be properly stowed in suitable closet or baggage or cargo stowage compartments, in a cargo bin or under a passenger seat. This proposal would not affect stowage in accordance with these requirements.

2. Section 121.589(b), effective on 8/31/80, states that the only baggage that may be placed in an overhead rack without restraining devices or doors are articles of loose clothing. Under this proposal, flexible travel canes could also be placed in such racks if they have solid bottoms. These racks are immediately above the passengers and would place the canes within the reach of passengers. Flexible travel canes are light enought not to cause any danger to passengers if they are in such a rack. In addition, in most cases they would be placed below other items in the racks,

[1] Amendment 121.589, effective 8/31/80, reads in part as follows:

§ 121.589 Carry-on baggage.

(a) No certificate holder may allow the boarding of carry-on baggage on an aircraft unless the baggage can be stowed in accordance with this section. No certificate holder may allow an aircraft to take off or land unless each article of baggage aboard the aircraft is stowed—

(1) In a suitable closet or baggage or cargo stowage compartment placarded for its maximum weight and providing proper restraint for all baggage or cargo stowed within, and in a manner that does not hinder the possible use of any emergency equipment; or

(2) As provided in § 121.285(c) [stowage bins]; or

(3) Under a passenger seat.

(b) Baggage, other than articles of loose clothing, may not be placed in an overhead rack unless that rack is equipped with approved restraining devices or doors.

lessening the posibility that they woud come out of the rack. The cane would have to be flush with the bottom of the rack. The FAA is aware that stowage in this manner might not be feasible in all overhead racks. Therefore, comments are specifically solicited as to whether canes can be stowed in overhead racks without some method of securing them.

3. Current § 121.589 allows carry-on baggage to be stowed "under a passenger seat." This requires that the stowage be under a single seat. While a cane would not fit under one seat, it would fit under a series of seats. This proposal would allow a blind passenger to place his or her cane under a series of adjoining seats in the row immediately in front of him or her. This would make the cane readily accessible to the passenger. Any can stowed in this manner would have to be flush with the floor and could not protrude into an aisle. This would lessen the possibility that the can would come dislodged.

4. This proposal would allow canes to be placed between the window seat and the fuselage of the aircraft. A can placed in such a location would be secure and should not interfere with passengers in the event of an emergency. This proposal requires the can to be flush with the floor and would not allow such stowage in an exit row.

5. As mentioned above, carry-on baggage can be placed under a single seat, however, canes are too long to be stowed in this manner. This proposal would allow blind passengers sitting at a window seat to place their flexible travel canes underneath the seat in front of them and underneath their seat if the cane is adjacent or as close as possible to the fuselage and the passenger is not in an exit row. Canes placed in this manner should be secure and should not interfere with any passenger in the event of an emergency.

6. The proposal would allow other methods of stowage if approved by the Administator. Under this proposal, the particular carrier would be required to submit a plan showing a method of stowage which would be secure and which would not interfere with evacuation in the event of an emergency. One possible method would be the use of clips secured to a bulkhead.

Stowage in accordance with these proposals would give blind passengerrs ready access to their canes. This proposal has to be read in conjunction with an NPRM (SPDR–70) issued by the Civil Aeronauatics Board on this subject (44 FR 32401, 6/6/79). Under proposed § 328.13 contained in that NPRM, carriers would be required to return canes to passengers other than during takeoff or landing. Therefore, the complaints made by some commenters on the NFB petition that it was difficult to get flight attendants to return canes to them should be alleviated.

In addition to submission of comments on these proposals, commenters are invited to suggest alternate methods of stowage. Certain commenters submitted stowage suggests with their comments on the NFB petition. These suggestions have been reviewed and in some cases incorporated into the proposal set forth above. Other suggestions have not been adopted since they either were not fully explained or did not provide for secure, safe stowage.

Several comments continued to advocate the passengers be allowed to hold canes during takeoff and landing while securing them under their seat belts. This method was examinated by the CAMI in its report, "Considerations Relative to the Use of Canes by Blind Travelers in Air Carrier Aircraft Cabins." This report is in the docket and was published with the NFB petition in the **Federal Register** (44 FR 25869, 5/3/79). The results of the test demonstrated the injury accentuating effect of an unavoidably slack seatbelt. During a crash, an occupant with a slack seatbelt will tend to impact the belt with sufficient speed to cause some injury, perhaps to internal organs. As a result of this finding (more fully discussed in the CAMI Report), this method of stowage will not be allowed.

One further point relating to stowage of canes which must be addressed is whether individuals carrying canes should be restricted to certain seats on the aircraft. Every effort was made in the development of this proposal to afford blind passengers the same rights as all others traveling by air. Similar to restrictions placed on other items utilized by passengers, certain restrictions were necessary as to the locations in which canes could be stowed. The Association of Flight Attendents (AFA) in their well-thought-out comments perhaps best addressed this issue by stating:

> The Association does not advocate the unrestricted right of a blind passenger to retain his cane with him during flight, under any conditions he alone determines. Such a situation where one individual can make an arbitrary decision which may adversely affect the safety of others is intolerable. AFA does assert, though, that the various alternatives discussed above [this refers to the alternatives discussed in their comments not necessarily to the alternatives set forth in this notice] are consistent with both the safety of all passengers and a blind traveler's desire to retain his cane. If a blind passenger is given the choice of either carrying a folding cane or carrying a rigid can, but being seated in particular seat, it seems obvious that reasonable efforts have been made to accommodate the particular needs of these travelers.
>
> The fact that a limitation on seat selection may be incidential to one of these options is immaterial for three reasons. First, a blind passenger could effectively avoid the seat limitation by opting to carrying a folding cane. Second, only those seats located in exit rows or lacking the physical constraints for securing canes would be affected by the restriction. An adequate selection of seats would still be available. Third, no passenger—blind or not blind—is ever guaranteed that he will have the seat he wants on the flight he wants on the day he wants. The realities of high passenger volume in air travel simply do not permit such guarantees. Thus the question of whether a blind passenger is "willing" to sit in certain seats need not even be considered if adequate alternatives, as indicated above, are available.

Passengers Needing Assistance

The second area addressed in the "Grant of Petition" concerned 14 CFR 121.586 which relates to the transportation of individuals. The grant included the following discussion of that issue:

> In addition, that portion of the NFB petition that requires the initiation of rule making concerned the amendment of § 121.586 which governs the carriage of persons who may need the assistance of others in the event of an emergency evacuation is granted. Inasmuch as § 121.586 was promulgaated for the benefit of an airline passenger population that greatly exceed the potential airlines passengers currently represented by the NFB, and since there was virtually no comment from the public on that section when the NFB petition was published, comment will be sought from the public before any action is taken to amend or repeal its protection provisions.

The FAA has received some complaints about inequities existing in the air carriers' procedures. The CAB, as part of SPDR–70, is currently reviewing the procedures for all air carriers to determine whether they are discriminatory. Included in this notice are questions relating to refusal of service and availability of service and equipment. Rather than asking for the public and air carriers to resubmit this information to the FAA and have a second agency review it, the FAA will not engage in rule making on this subject unless the CAB review shows a need for further FAA regulatory action. The FAA does, however, seek comments on whether blind individuals should be excluded from the requirement of § 121.586. The NFB, in requesting that rule making be initiated concerning § 121.586, has questioned the need for this section. The NFB has also pointed

out that passengers have had difficulty in obtaining information from the carriers concerning the procedures established in accordance with § 121.586.

The FAA agrees that this point has merit and therefore Proposes to amend § 121.586 to add a requirement that all procedures established by the certificate holder under this section be made available to the public at each airport served by that certificate holder. A carrier would meet this requirement by having one complete set of these procedures available for inspection by any interested individual. Comments are invited as to whether these procedures should also be available at other locations and whether they should be available in braille.

The Proposed Rule

Accordingly, it is proposed to amend Part 121 of the Federal Aviation Regulations (14 CFR Part 121) as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERICIAL OPERATORS OF LARGE AIRCRAFT

1. By adding a new paragraph (d) to § 121.586 to read as follows:

§ 121.586 Authority to refuse transportation.

* * * * *

(d) Each certificate holder shall make available to the public at each airport it serves a copy of each procedure it established in accordance with paragraph (a)(1) of this section.

* * * * *

§ 121.589 [Amended]

By amending § 121.589 as follows:

2. By adding paragraph (4) to § 121.589(a) and by revising § 121.589(b) to read as follows:

(a) * * *

(4) In addition to the methods of stowage set forth above, flexible travel canes carried by blind individuals may be stowed—

(i) Under any series of connected passenger seats in the same row if the cane does not protrude into an aisle; or

(ii) Between a non-emergency exit window seat and the fuselage if the cane is flush with the floor; or

(iii) Beneath any two non-emergency exit window seats if the cane is flush with the floor; or

(iv) In accordance with any other method approved by the Administrator.

(b) Baggage, other than articles of loose clothing or a flexible travel cane carried by a blind passenger placed in a rack with a solid bottom, may not be placed in an overhead rack unless that rack is equipped with approved restraining devices or doors. A cane carried in such a rack must be flush with the bottom of the rack.

* * * * *

(Sections 313(a), 601, 602, and 609 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1334 Cal. 1421, 1422, and 1429), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1055 (c))

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on November 6, 1980

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 80-35304 Filed 11-12-80; 8:45 am]

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federal register

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November 13, 1980

Part VI

Department of Transportation

Urban Mass Transportation Administration

Urbanized Area Formula Apportionments

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

Urbanized Area Formula Apportionments

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice.

SUMMARY: This notice: 1. Describes the formual apportionment mechanism of Section 5 of the Urban Mass Transportation Act of 1964, as amended.

2. Present uniform terms for the subcategories of the Section 5 program.

3. Provides the apportionment under Section 5 for fiscal year 1981. The apportionments presented here are in the format of the new uniform terms mentioned above.

4. Indicates the fixed-guideway/commuter rail data audit reports which have been received to date. These reports, submitted by the urbanized areas, are required in order for grants of some of the Section 5 funds to be made.

FOR FURTHER INFORMATION CONTACT: John Barber, Office of Program Analysis, UMTA, 400 Seventh Street SW., Washington, D.C. 20590, Phone: 202–472–7100.

SUPPLEMENTARY INFORMATION:

I—Background

A program of federal assistance to urban mass transportation systems through grants on a formula basis for capital an operating assistance was enacted November 26, 1974 as Section 5 of the Urban Mass Transportation Act of 1964, as amended (UMT Act). An aggregate amount of $3,975 million was authorized for this program for fiscal years 1975 through 1980. The Surface Transportation Assistance Act of 1978 (STAA) authorized $6,525 million for Section 5 for fiscal years 1979 through 1982 of which a total of $1,665 million is authorized for fiscal year 1981. The Department of Transportation and Related Agencies Appropriations Act, 1981 (Public Law 96–400) appropriates $1,455 million for apportionment in fiscal year 1981.

II—Previous Apportionment Mechanism

The legislation in effect from fiscal years 1975 through 1978, Section 5(b)(1) of the Urban Mass Transportation Act of 1964, as amended, directed the Secretary of Transportation to apportion authorized funds "on the basis of a population and population density formula" as follows:

A. One-half of the funds apportioned according to population. Each urbanized area's share is proportional to the ratio of that area's population to the total population of all urbanized areas.

B. The other half of the funds are apportioned according to the product of population and population density. Each urbanized area's share is proportional to the ratio of the product of population and population density for that area to the total of the products of population and population density for all the uranized areas.

III—New Apportionment Mechanism

The Surface Transportation Assistance Act of 1978 changed the formula for the operating assistance program. Section 5(a) of the UMT Act, as amended, (the "Act") directs the Secretary to apportion the funds appropriated to the urbanized areas on the basis of several factors. These factors, and the amount attributable to each in fiscal year 1981, are as follows:

A. Under paragraph (a)(1) of Section 5 of the UMT Act, $850 million is to be apportioned among all the urbanized areas on the basis of their populations and population densities. These funds are available for capital or operating purposes, are apportioned by population and population density as in the previous legislation, and are referred to in the new uniform terms as the "First Tier" or "Tier I."

B. Under paragraph (a)(2) of Section 5 of the UMT Act, $165 million is to be apportioned on the basis of population and population density. These funds are referred to in the new uniform terms as the "Second Tier" or "Tier II." These funds, which are available for capital or operating purposes, are apportioned as follows:

1. 85% of the funds are apportioned among urbanized areas with populations greater than 750,000. Each urbanized area's share is determined in a manner identical to that described in III A, with the exception that the population and population density of each such urbanized area is compared to the totals for those urbanized areas over 750,000 population instead of for all urbanized areas in the country.

2. 15% of the funds are apportioned among urbanized areas with populations less than 750,000. Each such urbanized area's share is determined in a manner identical to that described in III A, with the exception that population and population density of each such urbanized area is compared to the totals for those urbanized areas under 750,000 population instead of for all urbanized areas in the country.

C. Under paragraph (a)(3) of Section 5 of the UMT Act, $90 million is to be apportioned among all the urbanized areas on the bases of their fixed guideway and commuter rail route mileages and commuter rail train mileages. These funds, including both fixed guideway and commuter rail amounts, are referred to in the new uniform terms as the "Third Tier" or "Tier III." Data used to determine these appropriations are supplied by the Metropolitan Planning Organizations of the urbanized areas, pursuant to the reporting requirements presented in 49 CFR Part 630, Subpart D.

These funds which are available for capital and operating expenses related to both fixed guideway and commuter rail systems, are apportioned as follows:

1. Two thirds of the appropriation is to be apportioned based upon the commuter rail service serving each urbanized area. No single eligible state's portion of an urbanized area shall receive more than 30% nor less than ½ of 1% of the amount apportioned under this subcategory. The funds are apportioned as follows:

a. One-half of this amount is to be apportioned according to commuter rail route miles. Each eligible urbanized area's share is proportional to the ratio of the commuter rail route miles within or serving the area to the total of all such commuter rail route miles within or serving all the urbanized areas.

b. One-half of this amount is to be apportioned according to commuter rail train miles. Each eligible urbanized area's share is proportional to the ratio of the commuter rail train miles operated within or serving the area to the total of all such commuter rail train miles operated within or serving all the urbanized areas.

2. The remainder of the amount appropriated is to be apportioned according to the number of fixed guideway route miles in each urbanized area. Each eligible urbanized area's share is proportional to the ratio of the fixed guideway route miles (excluding commuter rail) within the urbanized area to the total of all such fixed guideway route miles in all the urbanized areas. No single urbanized area shall receive more than 30% of amount apportioned under this subcategory.

D. Under paragraph (a)(4) of Section 5 of the UMT Act, $350 million is to be apportioned among all the urbanized areas on the basis of their populations and population densities, in the same manner as described in III. A above. These funds are available only for the purchase of buses and related equipment, or the construction of bus related facilities. These funds are referred to in the new uniform terms as the "Fourth Tier" or "Tier IV."

This apportionment procedure is consistent with previous practice. The current authorization legislation, the UMT Act, does not specify an apportionment mechanism beyond fiscal year 1980. Lacking Congressional instruction on this matter, the decision was made to follow, for fiscal year 1981, the precedent set for Tier IV apportionments in fiscal years 1979 and 1980.

IV—Apportionment for Fiscal Year 1981

This notice contains the apportionment for fiscal year 1981. Values are presented in the format of the new uniform terms described in III, above. The funds shown in this notice will remain available to be granted by UMTA for three fiscal years following fiscal year 1981.

The Third Tier apportionments were determined on the basis of certified data submitted to UMTA by the urbanized areas under the reporting requirements set forth in 49 CFR Part 630, Subpart D.

The fiscal year 1979 apportionments of Third Tier funds, presented in the **Federal Register** of September 20, 1979 (44 FR 54662), contained errors due to incorrect data reported by several urbanized areas. This incorrect data resulted in reduced apportionments in fiscal year 1979 for all the other urbanized areas receiving Third Tier apportionments. Corrected fiscal year 1979 apportionments, utilizing data received at that time, were calculated for all urbanized areas and compared with the amounts published in 44 FR 54662. The differences between these corrected apportionments and the amounts published in 44 FR 54662 were determined and the excesses and deficiencies were added to the fiscal year 1980 apportionments published in the **Federal Register** of December 20, 1979 (44 FR 75580). The same situation has prevailed for fiscal year 1980. Corrections to the data from some urbanized areas used to compute the fiscal year 1980 apportionments, as well as further corrections to data used to compute the fiscal year 1979 apportionments, have been received. These corrected data have been used to recalculate the fiscal year 1979 and 1980 apportionments for all urbanized areas. The differences between these most recently corrected apportionments and the previously published apportionments have been determined, and further corrections necessary have been made by adding the appropriate execesses and deficiences to the apportionments presented here for fiscal year 1981. Thus, the values presented here are the fiscal year 1981 apportionments with the resulting adjustments for fiscal years 1979 and 1980 and, subject to other statutory and regulatory limitations, are available for grants. Grants already awarded for fiscal years 1979 and 1980 apportionments are not affected, and any funds remaining from the previously published fiscal year 1979 (44 FR 54662) and 1980 (44 FR 75580) apportionments are still available.

Amounts apportioned to urbanized areas greater than 200,000 in population are available directly to those urbanized areas. Amounts apportioned to urbanized areas under 200,000 in population are available to the Governors of the state(s) in which the urbanized area or a portion of an urbanized area is located. Amounts for these areas are listed under their states, and a state total is shown. Such amounts may be allocated among these urbanized areas within each state in a fair and equitable manner by the Governor, utilizing the proposed requirements indicated in the Notice of Proposed Rulemaking published in the **Federal Register** on August 25, 1980 (45 FR 56742).

The tables in this Notice contain round-off errors for some items of information. In cases of differences, the controlling apportionments will be the urbanized area aggregate for multi-state urbanized areas over 200,000 in population and the state aggregate for urbanized areas under 200,000 in population.

Fiscal year 1975–77 Section 5 funds which were not awarded in a grant as of November 6, 1978, or which were awarded in a grant by that date and were not used by the grantee (i.e., unspent during the life of the grant and returned to UMTA upon close-out of the project), are no longer available to the urbanized area or Governor to which they were apportioned. The funds in the latter category (granted as of November 6, 1978 and not subsequently used), and fiscal year 1977 funds which have never been granted, will be reapportioned among all the urbanized areas on the basis set forth for the First Tier in Section III. A of this Notice. This reapportionment will be conducted and made public at such time as the magnitude of these funds is fully determined.

V—Status of Third Tier Data Audit Reports

As stated in 49 CFR Part 630 Subpart D, Appendix A, published in the December 18, 1978 **Federal Register** (43 FR 58928), an audit of the fixed guideway and commuter rail data used in calculating the Section 5 Third Tier funds is required. After the publication of the Third Tier apportionments based upon the submitted data, but prior to receipt of the audit report, one half of the Third Tier amounts apportioned to each area will be available. If the urbanized area's audit report confirms the data submitted, the remaining half of the Third Tier funds will be made available to that area. If the audit report provides data which would have caused an apportionment greater than the amount actually apportioned, the amounts made available will be limited to that actually apportioned. If the audit report provides data which would have caused an apportionment which is less than the amount actually apportioned, only the amount resulting from the data verified by the audit report shall be made available. Excess funds resulting from such a restriction will be added to the total amount for the next year's apportionment to all areas in this category.

To date, audit reports for data used in fiscal year 1979 apportionments have been received from the following urbanized areas, or state parts of urbanized areas:

Allentown-Easton-Bethlehem, NJ–PA (NJ part only)
Bridgeport, CT
New Haven, CT
New York, NJ–NY (NJ and NY parts)
Philadelphia, NJ–PA (NJ and PA parts)
Pittsburgh, PA
San Diego, CA
Trenton, NJ
Stamford, CT
Chicago, IL–IN (IL part only)
Aurora-Elgin, IL
Joliet, IL
Detroit, MI
Boston, MA
Washington, D.C.
Los Angeles, CA
Madison, WI
Seattle, WA
Norwalk, CT
Danbury, CT
Waterbury, CT
Atlantic City, NJ

To date, audit reports for data used in fiscal year 1980 apportionments have been received from the following urbanized areas, or state parts of urbanized areas:

Aurora-Elgin, IL
Bridgeport, CT
Chattanooga, TN
Chicago, IL–IN (IL part only)
Detroit, MI
Madison, WI
New Haven, CT
New Orleans, LA
New York, NY–NJ (NY part only)
Philadelphia, NJ–PA (NJ and PA parts)
San Diego, CA
Seattle-Everett, WA
Stamford, CT
Norwalk, CT

Danbury, CT
Waterbury, CT
Joliet, IL
Washington, D.C.
Pittsburgh, PA

To date, audit reports for data used in fiscal year 1981 apportionments have been received from the following urbanized areas, or state parts of urbanized areas:

Allentown-Bethlehem-Easton NJ–PA (NJ and PA parts)
Atlanta, GA
Chattanooga, TN
Chicago, IL–IN (IL and IN parts)
Detroit, MI
Madison, WI
New Orleans, LA
New York, NY–NJ (NJ part only)
Philadelphia, NJ–PA (NJ and PA parts)
Pittsburgh, PA
Trenton, NJ
Washington, D.C.
Wilmington, DE
Reading PA
Atlantic City, NJ

Also as stated in 49 CFR Part 630 Subpart D, Appendix A, fixed guideway and commuter rail data for the Third Tier Section 5 apportionments are to be submitted to the UMTA regional offices by the urbanized areas by May 1, for the apportionments for the fiscal year beginning October 1 of that calendar year. In addition, the audit reports for the data are to be submitted within two months of the specified date for submittal of the data (i.e., by July 1). Adherence to this schedule for submittal of the data and of the audit reports will enhance the timely and accurate calculation and publication of the apportionments, and will expedite the awarding of grants against those apportionments.

Dated: November 10, 1980.

Theodore C. Lutz,

Administrator.

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FISCAL YEAR 1981 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO URBANIZED AREAS OVER 200,000 POPULATION (DOLLARS)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
Akron, Ohio	3,157,719	302,159		1,300,238
Albany—Schenectady—Troy, New York	3,070,930	299,506		1,264,501
Albuquerque, New Mexico	1,713,082	163,515		705,387
Allentown—Bethlehem—Easton, PA—NJ	2,439,889	241,112	691,299	1,004,661
(Part: New Jersey)	171,952	17,050	391,299	70,804
(Part: Pennsylvania)	2,267,937	224,062	300,000	933,857
Atlanta, Georgia	6,852,606	1,664,298	313,783	2,821,662
Aurora—Elgin, Illinois	1,429,488	138,536	233,135	588,613
Austin, Texas	1,634,865	158,697		673,180
Baltimore, Maryland	12,551,158	2,966,845	778,549	5,168,124
Baton Rouge, Louisiana	1,512,737	146,196		622,892
Birmingham, Alabama	3,158,174	300,117		1,300,425
Boston, Massachusetts	18,501,007	4,419,705	6,326,628	7,618,062
Bridgeport, Connecticut	2,444,918	234,893	306,071	1,006,731
Buffalo, New York	8,615,771	2,036,906		3,547,671
Canton, Ohio	1,527,163	148,625		628,832
Charleston, South Carolina	1,255,955	118,471		517,164
Charlotte, North Carolina	1,620,861	154,972		667,414
Chattanooga, Tennessee—Georgia	1,154,109	106,990	42,150	475,222
(Part: Georgia)	151,095	14,052		62,216
(Part: Tennessee)	1,003,014	92,938	42,150	413,006
Chicago, Illinois, Northwestern Indiana	54,249,398	12,807,189	14,746,000	22,337,988
(Part: Illinois)	51,264,445	12,079,569	13,426,953	21,108,889
(Part: Indiana)	2,984,953	727,620	1,319,047	1,229,099
Cincinnati, Ohio—Kentucky	7,088,076	1,706,784		2,918,620
(Part: Kentucky)	1,186,476	287,289		488,549
(Part: Ohio)	5,901,599	1,419,495		2,430,071
Cleveland, Ohio	12,028,422	2,907,202	1,517,396	4,952,880
Colorado Springs, Colorado	1,121,182	105,637		461,664
Columbia, South Carolina	1,337,774	126,394		550,855
Columbus, Georgia—Alabama	1,085,609	100,871		447,017
(Part: Alabama)	117,254	10,519		48,282
(Part: Georgia)	968,355	90,352		398,735
Columbus, Ohio	5,080,395	1,222,489		2,091,928
Corpus Christi, Texas	1,045,974	95,572		430,696
Dallas, Texas	6,992,046	1,718,526		2,879,078
Davenport—Rock Island—Moline, IA—IL	1,450,842	136,541		597,407
(Part: Illinois)	806,527	77,013		332,100
(Part: Iowa)	644,315	59,528		265,307
Dayton, Ohio	4,226,022	409,917		1,740,127
Denver, Colorado	6,925,190	1,662,159		2,851,549
Des Moines, Iowa	1,416,384	133,842		583,217
Detroit, Michigan	29,638,846	7,040,444	476,304	12,204,231
El Paso, Texas	2,010,170	193,453		827,718
Flint, Michigan	2,139,106	209,825		880,809
Fort Lauderdale—Hollywood, Florida	3,692,036	356,134		1,520,251
Fort Wayne, Indiana	1,427,450	139,351		587,774
Fort Worth, Texas	3,371,399	309,280		1,388,224
Fresno, California	1,680,358	164,337		691,913
Grand Rapids, Michigan	1,973,395	186,986		812,575

FISCAL YEAR 1981 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO URBANIZED AREAS OVER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
Harrisburg, Pennsylvania	1,485,556	144,148		611,700
Hartford, Connecticut	3,069,066	302,228		1,263,734
Honolulu, Hawaii	3,029,588	300,613		1,247,478
Houston, Texas	10,417,733	2,515,101		4,289,655
Indianapolis, Indiana	4,403,173	1,078,962		1,813,071
Jacksonville, Florida	2,545,016	230,931		1,047,948
Kansas City, Missouri—Kansas	5,993,314	1,466,507		2,467,836
(Part: Kansas)	2,007,476	488,510		826,608
(Part: Missouri)	3,985,838	977,997		1,641,228
Lansing, Michigan	1,427,466	138,760		587,781
Las Vegas, Nevada	1,229,382	114,170		506,217
Lawrence—Haverhill, MA—NH	1,113,758	105,366		458,607
(Part: Massachusetts)	1,030,258	97,853		424,224
(Part: New Hampshire)	83,501	7,513		34,383
Little Rock—North Little Rock, Arkansas	1,230,777	116,260		506,791
Los Angeles—Long Beach, California	67,881,147	16,018,124	1,434,525	27,951,060
Louisville, Kentucky—Indiana	4,848,471	476,800		1,996,430
(Part: Indiana)	490,469	47,318		201,958
(Part: Kentucky)	4,358,003	429,482		1,794,472
Madison, Wisconsin	1,252,524	121,198	56,200	515,746
Memphis, Tennessee—Mississippi	4,285,501	420,010		1,764,619
(Part: Mississippi)	56,028	5,457		23,071
(Part: Tennessee)	4,229,473	414,553		1,741,548
Miami, Florida	9,276,823	2,200,313		3,819,869
Milwaukee, Wisconsin	7,370,670	1,788,832		3,034,982
Minneapolis—St. Paul, Minnesota	9,463,425	2,310,549	206,067	3,896,705
Mobile, Alabama	1,244,159	113,041		512,301
Nashville—Davidson, Tennessee	2,075,978	186,120		854,815
New Haven, Connecticut	2,202,671	214,911	306,072	906,983
New Orleans, Louisiana	7,744,940	1,828,871	636,932	3,189,093
Newport News—Hampton, Virginia	1,374,453	127,143		565,952
New York, N.Y., Northeastern, New Jersey	151,121,410	35,318,634	33,678,188	62,226,460
(Part: New Jersey)	30,223,057	7,292,241	8,156,569	12,444,788
(Part: New York)	120,898,348	28,026,393	25,521,619	49,781,672
Norfolk—Portsmouth, Virginia	3,635,666	341,967		1,497,039
Oklahoma City, Oklahoma	2,888,544	265,013		1,189,401
Omaha, Nebraska—Iowa	3,112,233	303,712		1,281,509
(Part: Iowa)	305,486	27,545		125,789
(Part: Nebraska)	2,806,748	276,167		1,155,720
Orlando, Florida	1,684,634	159,025		693,673
Oxnard—Ventura—Thousand Oaks, California	1,322,277	124,152		544,467
Peoria, Illinois	1,361,941	128,543		560,800
Philadelphia, Pennsylvania—New Jersey	32,810,617	7,740,191	12,538,265	13,510,255
(Part: New Jersey)	4,657,968	1,123,666	1,387,871	1,917,987
(Part: Pennsylvania)	28,152,649	6,616,525	11,150,394	11,592,268
Phoenix, Arizona	4,691,820	1,148,161		1,931,926
Pittsburgh, Pennsylvania	11,429,704	2,760,160	1,729,564	4,706,349
Portland, Oregon—Washington	5,105,340	1,232,938	51,516	2,102,199
(Part: Oregon)	4,703,373	1,134,685	51,516	1,936,683
(Part: Washington)	401,967	98,253		165,516

FISCAL YEAR 1981 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO URBANIZED AREAS OVER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
Providence—Pawtucket—Warwick, RI—MA	5,037,340	1,213,845	600,000	2,074,199
(Part: Massachusetts)	343,822	84,526	300,000	141,574
(Part: Rhode Island)	4,693,517	1,129,319	300,000	1,932,625
Richmond, Virginia	2,501,293	241,176		1,029,945
Rochester, New York	4,265,224	426,156		1,756,269
Rockford, Illinois	1,326,889	129,976		546,367
Sacramento, California	3,692,514	352,504		1,520,447
Salt Lake City, Utah	2,761,058	263,553		1,136,907
San Antonio, Texas	5,033,251	1,209,685		2,072,516
San Bernardino—Riverside, California	2,996,191	277,323		1,233,726
San Diego, California	7,474,834	1,803,814	853,490	3,077,873
San Francisco—Oakland, California	21,870,026	5,203,346	4,338,636	9,005,305
San Jose, California	6,888,691	1,651,030	396,496	2,836,520
San Juan, Puerto Rico	8,568,697	1,988,472		3,528,287
Scranton, Pennsylvania	1,082,448	101,097		445,714
Seattle—Everett, Washington	7,559,746	1,828,056	56,199	3,112,837
Shreveport, Louisiana	1,327,762	126,186		546,726
South Bend, Indiana—Michigan	1,714,112	164,851		705,812
(Part: Indiana)	1,594,652	153,815		656,622
(Part: Michigan)	119,460	11,036		49,190
Spokane, Washington	1,392,811	134,615		573,511
Springfield—Chicopee—Holyoke, MA—CN	2,765,759	259,332		1,138,843
(Part: Connecticut)	326,912	31,011		134,611
(Part: Massachusetts)	2,438,847	228,321		1,004,232
St. Louis, Missouri—Illinois	13,290,875	3,171,812		5,472,714
(Part: Illinois)	1,759,873	429,326		724,654
(Part: Missouri)	11,531,002	2,742,486		4,748,060
St. Petersburg, Florida	3,061,436	297,194		1,260,592
Syracuse, New York	2,596,744	258,077		1,069,248
Tacoma, Washington	1,910,418	182,239		786,643
Tampa, Florida	2,196,438	211,378		904,416
Toledo, Ohio—Michigan	2,957,089	285,765		1,217,625
(Part: Michigan)	54,635	4,891		22,497
(Part: Ohio)	2,902,453	280,874		1,195,128
Trenton, New Jersey—Pennsylvania	1,959,987	196,131	789,683	807,055
(Part: New Jersey)	1,769,055	177,677	789,683	728,435
(Part: Pennsylvania)	190,932	18,454		78,620
Tucson, Arizona	1,748,218	168,149		719,855
Tulsa, Oklahoma	1,965,345	183,456		809,260
Washington, D.C.—Maryland—Virginia	19,530,925	4,620,045	3,565,435	8,042,146
(Part: Maryland)	6,267,363	1,513,058	1,987,158	2,580,679
(Part: District of Columbia)	8,877,159	2,046,656	946,030	3,655,301
(Part: Virginia)	4,386,403	1,060,331	632,247	1,806,166
West Palm Beach, Florida	1,532,587	143,352		631,066
Wichita, Kansas	1,814,338	174,915		747,081
Wilkes—Barre, Pennsylvania	1,302,980	124,837		536,522
Wilmington, Delaware—New Jersey	2,391,406	234,272	300,000	984,697
(Part: Delaware)	2,286,067	224,669	300,000	941,322
(Part: New Jersey)	105,339	9,603		43,375
Worcester, Massachusetts	1,496,436	144,533		616,180
Youngstown—Warren, Ohio	2,442,410	237,032		1,005,699

FISCAL YEAR 1981 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
ALABAMA				
Governors Apportionment for Alabama	2,822,553	259,731		1,162,231
(Huntsville, Alabama)	663,774	59,076		273,319
(Montgomery, Alabama)	814,998	78,138		335,588
(Tuscaloosa, Alabama)	446,957	41,532		184,042
(Gadsden, Alabama)	308,760	27,544		127,137
(Florence, Alabama)	301,853	27,374		124,293
(Anniston, Alabama)	286,211	26,067		117,852
ALASKA				
Governors Apportionment for Alaska	583,169	54,362		240,129
(Anchorage, Alaska)	583,169	54,362		240,129
ARIZONA				
Governors Apportionment for Arizona				
ARKANSAS				
Governors Apportionment for Arkansas	823,371	76,808		339,037
(Fort Smith, Arkansas—Oklahoma)	337,412	30,178		138,935
(Pine Bluff, Arkansas)	368,222	35,561		151,621
(Texarkana, Texas—Arkansas)	117,738	11,069		48,481
CALIFORNIA				
Govenors Apportionment for California	6,165,463	599,033		2,538,726
(Bakersfield, California)	1,088,350	105,637		448,145
(Stockton, California)	1,039,437	101,965		428,004
(Santa Barbara, California)	849,159	83,469		349,654
(Modesto, California)	656,772	63,774		270,436
(Seaside—Monterey, California)	640,775	63,621		263,849
(Santa Rosa, California)	390,853	36,320		160,940
(Santa Cruz, California)	395,420	37,046		162,820
(Salinas, California)	444,995	44,501		183,234
(Antioch-Pittsburg, California)	346,910	33,202		142,846
(Simi Valley, California)	312,793	29,498		128,798
COLORADO				
Governors Apportionment for Colorado	1,187,380	118,019		488,922
(Pueblo, Colorado)	656,175	64,087		270,190
(Boulder, Colorado)	531,204	53,932		218,732
CONNECTICUT				
Governors Apportionment for Connecticut	5,283,109	499,002	1,224,284	2,175,401
(Stamford, Connecticut)	1,074,072	102,739	306,071	442,265

FISCAL YEAR 1981 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
CONNECTICUT—*(Continued)*				
(Waterbury, Connecticut)	906,997	86,642	306,071	373,470
(New London—Norwich, Connecticut)	709,510	65,545		292,152
(New Britain, Connecticut)	843,522	82,582		347,333
(Norwalk, Connecticut)	611,848	58,337	306,071	251,938
(Meriden, Connecticut)	463,252	41,754		190,751
(Bristol, Connecticut)	370,716	34,378		152,648
(Danbury, Connecticut)	303,192	27,025	306,071	124,844
DELAWARE				
Governors Apportionment for Delaware				
DISTRICT OF COLUMBIA				
Governors Apportionment for Dist. of Columbia				
FLORIDA				
Governors Apportionment for Florida	4,769,603	443,923		1,963,951
(Melbourne—Cocoa, Florida)	886,218	81,162		364,914
(Sarasota—Bradenton, Florida)	850,436	78,490		350,179
(Pensacola, Florida)	946,357	90,016		389,676
(Daytona Beach, Florida)	538,111	48,390		221,575
(Tallahassee, Florida)	449,177	42,894		184,955
(Gainesville, Florida)	386,628	36,604		159,199
(Fort Myers, Florida)	337,343	30,756		138,905
(Lakeland, Florida)	375,332	35,611		154,548
GEORGIA				
Governors Apportionment for Georgia	2,833,584	270,044		1,166,768
(Savannah, Georgia)	936,656	89,251		385,681
(Augusta, Georgia—South Carolina)	748,659	71,901		308,271
(Macon, Georgia)	725,926	69,014		298,910
(Albany, Georgia)	422,344	39,878		173,906
HAWAII				
Governors Apportionment for Hawaii				
IDAHO				
Governors Apportionment for Idaho	512,779	49,472		211,144
(Boise, Idaho)	512,779	49,472		211,144
ILLINOIS				
Governors Apportionment for Illinois	4,135,207	404,804	330,482	1,702,729
(Joliet, Illinois)	926,383	89,156	330,482	381,451

FISCAL YEAR 1981 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
ILLINOIS—*(Continued)*				
(Springfield, Illinois)	801,791	79,051		330,149
(Champaign—Urbana, Illinois)	831,471	85,375		342,370
(Decatur, Illinois)	581,119	55,634		239,284
(Alton, Illinois)	528,816	49,905		217,747
(Bloomington—Normal, Illinois)	453,391	44,553		186,690
(Dubuque, Iowa—Illinois)	12,237	1,130		5,038
INDIANA				
Governors Apportionment for Indiana	2,987,403	291,315		1,230,106
(Evansville, Indiana)	934,761	91,935		384,901
(Muncie, Indiana)	606,937	59,978		249,915
(Terre Haute, Indiana)	463,141	44,140		190,705
(Anderson, Indiana)	412,644	38,149		169,912
(Lafayette—West Lafayette, Indiana)	569,921	57,113		234,673
IOWA				
Governors Apportionment for Iowa	2,096,934	195,901		863,441
(Cedar Rapids, Iowa)	705,971	66,096		290,693
(Waterloo, Iowa)	554,200	50,621		228,199
(Sioux City, Iowa—Nebraska—South Dakota)	423,859	38,603		174,530
(Dubuque, Iowa—Illinois)	412,904	40,581		170,019
KANSAS				
Governors Apportionment for Kansas	754,950	71,743		310,861
(Topeka, Kansas)	749,535	71,274		308,632
(St. Joseph, Missouri—Kansas)	5,415	469		2,229
KENTUCKY				
Governors Apportionment for Kentucky	1,860,659	183,543		766,152
(Huntington—Ashland, WV—KY—OH)	282,097	26,333		116,157
(Lexington, Kentucky)	1,113,571	110,914		458,529
(Clarksville, Kentucky—Tennessee)	72,457	6,774		29,835
(Owensboro, Kentucky)	392,534	39,522		161,631
LOUISIANA				
Governors Apportionment for Louisiana	1,908,525	181,675		785,861
(Monroe, Louisiana)	494,628	46,571		203,670
(Lake Charles, Louisiana)	511,006	48,839		210,414
(Lafayette, Louisiana)	490,349	47,706		201,908
(Alexandria, Louisiana)	412,541	38,559		169,869
MAINE				
Governors Apportionment for Maine	832,255	75,704		342,692
(Portland, Maine)	550,072	50,988		226,500
(Lewiston—Auburn, Maine)	282,183	24,716		116,192

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(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sect. 5(a)(1)	Sect. 5(a)(2)	Sect. 5(a)(3)	Sect. 5(a)(4)
MARYLAND				
Governors Apportionment for Maryland				
MASSACHUSETTS				
Governors Apportionment for Massachusetts	4,395,030	424,080	600,000	1,809,715
(Lowell, Massachusetts)	1,107,119	106,974	300,000	455,872
(Brockton, Massachusetts)	887,770	85,642	300,000	365,552
(Fall River, Massachusetts—Rhode Island)	812,670	79,978		334,628
(New Bedford, Massachusetts)	929,257	92,483		382,635
(Fitchburg—Leominister, Massachusetts)	359,695	32,199		148,109
(Pittsfield, Massachusetts)	298,519	26,984		122,919
MICHIGAN				
Governors Apportionment for Michigan	4,897,146	471,774		2,016,468
(Ann Arbor, Michigan)	1,242,136	123,631		511,467
(Kalamazoo, Michigan)	806,160	75,292		331,948
(Saginaw, Michigan)	951,830	93,275		391,929
(Muskegon—Muskegon Hgts., Michigan)	555,393	51,743		228,691
(Jackson, Michigan)	423,492	39,733		174,379
(Bay City, Michigan)	475,760	46,028		195,901
(Battle Creek, Michigan)	442,374	42,072		182,153
MINNESOTA				
Governors Apportionment for Minnesota	1,406,298	133,505		579,062
(Duluth—Superior, MN—WI)	496,770	44,765		204,552
(Fargo—Moorhead, ND—MN)	205,681	20,136		84,692
(La Crosse, Wisconsin—Minnesota)	14,793	1,333		6,091
(Rochester, Minnesota)	381,551	37,738		157,109
(St. Cloud, Minnesota)	307,502	29,533		126,618
MISSISSIPPI				
Governors Apportionment for Mississippi	1,726,864	163,212		711,060
(Jackson, Mississippi)	1,099,909	105,112		452,903
(Biloxi—Gulfport, Mississippi)	626,955	58,100		258,157
MISSOURI				
Governors Apportionment for Missouri	1,333,929	123,918		549,263
(Springfield, Missouri)	627,093	58,152		258,214
(St. Joseph, Missouri)	427,259	40,542		175,930
(Columbia, Missouri)	279,577	25,224		115,119
MONTANA				
Governors Apportionment for Montana	861,750	83,282		354,837
(Billings, Montana)	412,961	39,486		170,042
(Great Falls, Montana)	448,788	43,796		184,795

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(Continued)

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	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sect. 5(a)(1)	Sect. 5(a)(2)	Sect. 5(a)(3)	Sect. 5(a)(4)
NEBRASKA				
Governors Apportionment for				
Nebraska	970,269	93,584		399,522
(Lincoln, Nebraska)	929,939	89,860		382,916
(Sioux City, Iowa—Nebraska—South Dakota)	40,331	3,724		16,606
NEVADA				
Governors Apportionment for				
Nevada	579,169	55,401		238,481
(Reno, Nevada)	579,169	55,401		238,481
NEW HAMPSHIRE				
Governors Apportionment for				
New Hampshire	843,626	79,208		347,374
(Manchester, New Hampshire)	534,058	50,646		219,906
(Nashua, New Hampshire)	309,567	28,562		127,468
NEW JERSEY				
Governors Apportionment for				
New Jersey	1,013,418	92,404	510,782	417,289
(Atlantic City, New Jersey)	701,263	65,259	510,782	288,755
(Vineland—Millville, New Jersey)	312,156	27,145		128,534
NEW MEXICO				
Governors Apportionment for				
New Mexico				
NEW YORK				
Governors Apportionment for				
New York	3,046,115	291,384	65,868	1,254,282
(Utica—Rome, New York)	1,010,042	95,727		415,899
(Binghamton, New York)	1,050,256	102,316		432,458
(Poughkeepsie, New York)	526,374	48,703	65,868	216,742
(Elmira, New York)	459,445	44,638		189,183
NORTH CAROLINA				
Governors Apportionment for				
North Carolina	5,799,284	542,520		2,387,936
(Fayetteville, North Carolina)	873,284	82,023		359,587
(Raleigh, North Carolina)	818,555	76,741		337,052
(Greensboro, North Carolina)	861,964	81,920		354,926
(Winston—Salem, North Carolina)	766,391	71,851		315,572
(Durham, North Carolina)	557,710	52,696		229,645
(Gastonia, North Carolina)	464,399	42,400		191,223
(High Point, North Carolina)	473,083	43,596		194,798
(Asheville, North Carolina)	372,786	34,526		153,500
(Burlington, North Carolina)	310,984	28,877		128,052
(Wilmington, North Carolina)	300,127	27,890		123,581

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URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sect. 5(a)(1)	Sect. 5(a)(2)	Sect. 5(a)(3)	Sect. 5(a)(4)
NORTH DAKOTA				
Governors Apportionment for				
North Dakota	363,720	36,048		149,767
(Fargo—Moorhead, ND—MN)	363,720	36,048		149,767
OHIO				
Governors Apportionment for				
Ohio	3,623,529	344,152		1,492,037
(Lorain—Elyria, Ohio)	974,163	89,822		401,125
(Huntington—Ashland, WV—KY—OH)	156,198	14,617		64,316
(Springfield, Ohio)	629,489	62,224		259,201
(Wheeling, WV—OH)	242,783	24,529		99,969
(Hamilton, Ohio)	506,118	47,894		208,401
(Steubenville—Weirton, Ohio—West Virginia)	273,797	26,035		112,739
(Mansfield, Ohio)	399,275	36,979		164,407
(Lima, Ohio)	402,758	38,393		165,841
(Parkersburg, West Virginia—Ohio)	38,950	3,659		16,038
OKLAHOMA				
Governors Apportionment for				
Oklahoma	524,190	49,108		215,842
(Lawton, Oklahoma)	515,573	48,368		212,294
(Fort Smith, Arkansas—Oklahoma)	8,618	740		3,548
OREGON				
Governors Apportionment for				
Oregon	1,322,025	125,811		544,362
(Eugene, Oregon)	792,030	75,362		326,129
(Salem, Oregon)	529,995	50,449		218,233
PENNSYLVANIA				
Governors Apportionment for				
Pennsylvania	5,505,306	543,350	300,000	2,266,887
(Erie, Pennsylvania)	1,223,790	121,901		503,913
(Reading, Pennsylvania)	1,185,065	118,288	300,000	487,967
(York, Pennsylvania)	784,243	76,642		322,923
(Lancaster, Pennsylvania)	717,947	69,562		295,625
(Johnstown, Pennsylvania)	623,745	61,199		256,836
(Altoona, Pennsylvania)	583,426	58,355		240,234
(Williamsport, Pennsylvania)	387,088	37,403		159,389
PUERTO RICO				
Governors Apportionment for				
Puerto Rico	2,505,208	262,555		1,031,554
(Ponce, Puerto Rico)	1,292,012	136,465		532,004
(Mayaguez, Puerto Rico)	538,113	54,628		221,575
(Chauas, Puerto Rico)	675,083	71,462		277,975

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URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sect. 5(a)(1)	Sect. 5(a)(2)	Sect. 5(a)(3)	Sect. 5(a)(4)
RHODE ISLAND				
Governors Apportionment for				
Rhode Island	69,115	6,063		28,459
(Fall River, Massachusetts—Rhode Island)	69,115	6,063		28,459
SOUTH CAROLINA				
Governors Apportionment for				
South Carolina	1,344,935	125,724		553,795
(Greenville, South Carolina)	851,813	80,051		350,746
(Augusta, Georgia—South Carolina)	105,033	9,485		43,248
(Spartanburg, South Carolina)	388,089	36,188		159,801
SOUTH DAKOTA				
Governors Apportionment for				
South Dakota	449,319	43,162		185,012
(Sioux City, Iowa—Nebraska—South Dakota)	3,805	336		1,566
(Sioux Falls, South Dakota)	445,513	42,826		183,446
TENNESSEE				
Governors Apportionment for				
Tennessee	1,551,678	143,720		638,924
(Knoxville, Tennessee)	1,032,767	97,048		425,256
(Kingsport, Tennessee—Virginia)	313,324	28,284		129,015
(Clarksville, Kentucky—Tennessee)	205,587	18,388		84,653
TEXAS				
Governors Apportionment for				
Texas	8,947,224	832,586		3,684,140
(Lubbock, Texas)	779,709	72,405		321,056
(Amarillo, Texas)	675,139	63,104		277,998
(Waco, Texas)	551,819	49,521		227,219
(Port Arthur, Texas)	568,687	51,856		234,165
(Beaumont, Texas)	564,627	51,389		232,493
(Wichita Falls, Texas)	537,357	50,708		221,264
(McAllen—Pharr—Edinburg, Texas)	539,784	51,875		222,263
(Abilene, Texas)	407,337	36,166		167,726
(Texas City—La Marque, Texas)	367,826	32,348		151,457
(Odessa, Texas)	516,767	50,430		212,786
(Killeen, Texas)	374,060	34,522		154,024
(Laredo, Texas)	439,588	42,796		181,006
(San Angelo, Texas)	328,650	30,437		135,326
(Galveston, Texas)	363,906	34,923		149,843
(Midland, Texas)	310,103	28,706		127,688
(Tyler, Texas)	334,427	31,686		137,705
(Texarkana, Texas—Arkansas)	183,881	16,873		75,715
(Sherman—Denison, Texas)	270,600	24,685		111,423
(Brownsville, Texas)	342,704	33,651		141,113
(Bryan—College Station, Texas)	248,379	22,577		102,273
(Harlingen—San Benito, Texas)	241,877	21,928		99,596

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URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
UTAH				
Governors Apportionment for				
Utah	1,352,218	126,463		556,795
(Ogden, Utah)	843,354	80,047		347,263
(Provo—Orem, Utah)	508,865	46,416		209,532
VIRGINIA				
Governors Apportionment for				
Virginia	1,814,314	170,832		747,068
(Roanoke, Virginia)	869,056	82,168		357,846
(Petersburg—Colonial Heights, Virginia)	559,532	52,933		230,395
(Lynchburg, Virginia)	364,941	33,811		150,269
(Kingsport, Tennessee—Virginia)	20,786	1,920		8,558
WASHINGTON				
Governors Apportionment for				
Washington	720,096	67,236		296,509
(Richland—Kennewick, Washington)	329,440	29,524		135,651
(Yakima, Washington)	390,656	37,712		160,858
WEST VIRGINIA				
Governors Apportionment for				
West Virginia	2,400,576	231,647		988,470
(Huntington—Ashland, WV—KY—OH)	588,314	58,497		242,246
(Charleston, West Virginia)	901,265	85,865		371,109
(Wheeling, West Virginia—Ohio)	352,804	33,750		145,272
(Steubenville—Weirton, OH—WV)	188,561	17,384		77,642
(Parkersburg, West Virginia—Ohio)	369,632	36,151		152,201
WISCONSIN				
Governors Apportionment for				
Wisconsin	3,870,144	378,052		1,593,585
(Duluth—Superior, MN—WI)	136,695	11,819		56,286
(Appleton, Wisconsin)	846,784	83,218		348,675
(Green Bay, Wisconsin)	638,024	58,393		262,715
(Racine, Wisconsin)	837,959	83,824		345,041
(Kenosha, Wisconsin)	648,260	65,746		266,930
(LaCrosse, Wisconsin—Minnesota)	355,553	34,143		146,404
(Oshkosh, Wisconsin)	406,870	40,909		167,534

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

FEDERAL COMMUNICATIONS COMMISSION

67353 10–10–80 / Radio broadcast stations (FM) in Maine, changes in table of assignments

67353 10–10–80 / Radio broadcast stations (FM) in Minnesota, changes in table of assignments

67352 10–10–80 / TV Broadcast stations in Kentucky, changes in table of assignments

FEDERAL RESERVE SYSTEM

68633 10–16–80 / Collection of checks and other items and transfer of funds (Regulation J)

69879 10–22–80 / Reserve requirements of depository institutions

56009 8–22–80 / Reserve requirements of depository institutions

58099 9–2–80 / Reserve requirements of depository institutions; required reserve balance pass-through rules

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing October 24, 1980

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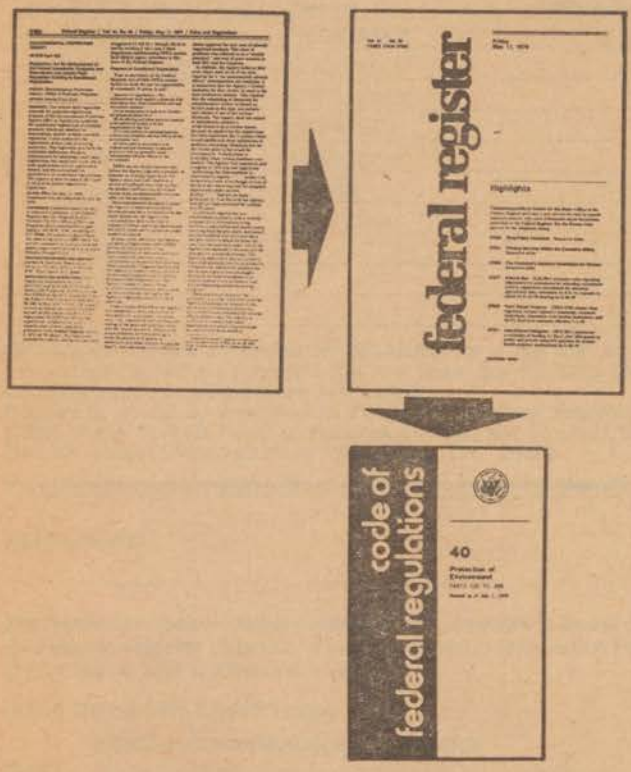

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