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Monday
December 8, 1980

Highlights

Seminar on Principles of Regulations Writing—For details on seminar in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

80807 **Federal Holiday on Friday, December 26, 1980** Executive order

80809 **Peanut Imports** Presidential proclamation modifying Tariff Schedules

80866 **Grant Programs—Education** ED invites applicants for the second year of the noncompeting continuation projects under the Special Programs for Disadvantaged Students, Talent Search, Upward Bound, and Educational Opportunity Centers; apply by 1-28-81

80817 **Petroleum** DOE/FERC adopts revised alternative fuel price ceilings for the month of April 1980; effective 12-31-80

81012 **Natural Gas** DOE/ERA proposes standby procedures for authorization of emergency purchases and emergency allocations; comments by 2-6-81; hearing on 1-13-81 (Part VIII of this issue)

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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

81008 **Petroleum Price Regulations** DOE/ERA announces semi-annual adjustment of fixed cents per gallon markups; effective 12–15–80 (Part VII of this issue)

80988 **Teacher Centers** ED makes changes to program and invites applicants by 2–17–81, for new projects and for noncompeting continuation projects (2 documents) (Part V of this issue)

80906 **Sudden Infant Death Syndrome** HHS/HSA announces that applications for information and counseling project grants are now being accepted; apply by 3–3–81

80827 **Medicare** HHS/HCFA informs the public of the terms of the revised injunction on the denial of charge payments for clinical laboratory services

80818 **Foreign Relations** State, ICA and IDCA/AID authorize acceptance and retention of certain gifts and decorations from foreign governments by employees of the United States; effective 1–7–81

80840 **Electoral and Lobbying Activities** ACTION proposes implementation of restrictions on certain voluntary activity related to use of appropriated funds in regard to election to public office and efforts to affect legislation; comments by 1–7–81

80843 **Radioactive Materials** DOT/RSPA solicits comments by 3–13–81, on need for, or possible elimination of, certain regulatory requirements applicable to transportation of materials in limited quantities

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Presidential Documents

Title 3—

The President

Executive Order 12255 of December 5, 1980

Providing for the Closing of Government Departments and Agencies on Friday, December 26, 1980

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

Section 1–1. *General Provisions.*

1–101. All Executive departments and agencies shall be closed and their employees excused from duty on Friday, December 26, 1980, the day following Christmas Day, except as provided by Section 1–102 below.

1–102. The heads of Executive departments and agencies may determine that certain offices and installations of their organizations, or parts thereof, must remain open and that certain employees must report for duty on December 26, 1980, for reasons of national security or defense or for other public reasons.

Section 1–2. *Pay and Leave for Employees.*

1–201. Friday, December 26, 1980, shall be considered a holiday for the purposes of the pay and leave of employees of the United States.

Jimmy Carter

THE WHITE HOUSE,
December 5, 1980.

[FR Doc. 80–38226
Filed 12–5–80; 10:42 am]
Billing code 3195–01–M

Presidential Documents

Memorandum of December 3, 1980

Memorandum for the United States Trade Representative

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 301 of Title 3 of the United States Code, I hereby authorize you to perform on my behalf, with respect to the importation of peanuts only, all functions vested in me by Section 22 of the Agriculture Adjustment Act of 1933, as amended (7 U.S.C. 624).

This delegation of authority shall expire on January 20, 1981.

This memorandum shall be published in the **Federal Register.**

Jimmy Carter

THE WHITE HOUSE,
Washington, December 3, 1980.

Editorial Note: Reprinted from the **Federal Register** of December 5, 1980 (45 FR 80465).

Proclamation 4807 of December 4, 1980

Modification of Import Controls on Peanuts

On Behalf of the President of the United States of America

A Proclamation

1. Item 951.00 of Part 3 of the Appendix to the Tariff Schedules of the United States provides that no more than 1,709,000 pounds of peanuts described therein may be imported into the United States during any 12 month period beginning August 1 in any year. This limitation was proclaimed by the President in Proclamation No. 3019 of June 8, 1953 (18 FR 3361) and was amended in subsequent proclamations, under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624).

2. The President has delegated his authority under Section 22 of the Agricultural Adjustment Act of 1933, as amended, with respect to peanuts, to me as United States Trade Representative by memorandum dated December 3, 1980.

3. I have been advised by the Secretary of Agriculture that there is a substantial deficit in the domestic supply of peanuts, of the type and physical description described below, which are suitable for edible use. I have been further advised by the Secretary of Agriculture that he has reason to believe that an additional quanitity of the peanuts described below may be imported without rendering or tending to render ineffective, or materially interfering with, the price support program of the Department of Agriculture with respect to peanuts, or reducing substantially the amount of any product processed in the United States from peanuts with respect to which such program is being undertaken.

4. I agree that there is reason for such belief by the Secretary of Agriculture. Therefore, I am requesting the United States International Trade Commission to make an immediate investigation with respect to this matter pursuant to section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624), and to report its findings and recommendations to me as soon as possible.

5. The Secretary of Agriculture has also determined and reported to me that a condition exists with respect to peanuts which requires emergency treatment, and that the modification in the quantitative import limitations hereinafter proclaimed should be imposed without awaiting the report and recommendations of the United States International Trade Commission.

6. I find and declare that a condition exists which requires emergency treatment and that, without awaiting the recommendations of the United States International Trade Commission with respect to such action, an additional quantity of peanuts should be permitted entry, as hereinafter proclaimed, in order to meet domestic requirements for peanuts suitable for edible use, until supplies become available from the 1981 domestic crop. I also find and declare that the entry of such quantities of peanuts, under the conditions hereinafter proclaimed, will not render or tend to render ineffective, or materially interfere with, the price support operations now being conducted by the Department of Agriculture for peanuts, or reduce substantially the amount of any product processed in the United States from domestic peanuts.

NOW, THEREFORE, I, Reubin O'D. Askew, United States Trade Representative, acting pursuant to the authority vested in the President of the United States of America by the Constitution and Statutes of the United States of America, including section 22 of the Agricultural Adjustment Act of 1933, as amended, and delegated to me by memorandum dated December 3, 1980, do hereby proclaim:

(1) Part 3 of the Appendix to the Tariff Schedules of the United States is hereby modified by inserting in numerical sequence the following temporary provision:

Item	*Articles*	*Quota Quantity*
951.01	Notwithstanding the quantitative limitation on the importation of peanuts described in item 951.00, an additional quantity of such peanuts, within the scope of such quota, may be entered during the period December 4, 1980 through June 30, 1981: *Provided,* That the following certificates (or a bond for their production) for such peanuts shall be filed with the appropriate customs officer at the time of entry (except that such peanuts, blanched or otherwise prepared or preserved shall not require such certificates): (a) a certificate issued by the U.S. Department of Agriculture attesting to the fact that the peanuts meet the requirements as to quality, size, and wholesomeness that are specified in the Outgoing Quality Regulations of the Marketing Agreement for peanuts No. 146 (45 F.R. 41675–83 (June 20, 1980)) and (b) a certificate issued by the U.S. Department of Agriculture laboratories or designated laboratories approved by the Peanut Administrative Committee attesting to the fact that the peanuts tested "negative" as to aflatoxin.	200,000,000 pounds: Provided, That peanuts in the shell shall be charged against this quota on the basis of 75 pounds for each 100 pounds of peanuts in the shell.

(2) The temporary provision added to Part 3 of the Appendix to the Tariff Schedules of the United States by paragraph (1) of this proclamation shall be deleted therefrom on July 1, 1981.

Signed this 4th day of December, 1980.

Reubin O'D. Askew

[FR Doc. 80-38248
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Rules and Regulations

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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

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; Extension of Time for Comments

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of extension of time for comments.

SUMMARY: This document extends the comment period for the rule that amended the regulations to specify Veterinary Services policy and procedures in cooperative programs concerning the eradication of velogenic viscerotropic Newcastle disease (exotic Newcastle disease) from populations of birds including poultry. This extension of time is granted in order to provide additional time in which interested parties may prepare relevant data and information and to develop sound views and comments. The effect of this action would be to extend the comment period on the subject rule for an additional 60 days.

DATE: Comments must be received on or before February 6, 1981.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 748, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. C. G. Mason, APHIS, Emergency Programs, Room 748, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8065.

SUPPLEMENTARY INFORMATION: On Thursday, October 9, 1980 there was published in the **Federal Register** (45 FR 67052–67055) a final rule that amended the regulations of 9 CFR Part 82 to specify the policy and procedures concerning the eradication of velogenic viscerotropic Newcastle disease (exotic Newcastle disease) from populations offered including poultry.

The rulemaking procedure provided for receipt of comments on or before December 8, 1980.

The Southeast Poultry and Egg Association and the National Advisory Committee of the poultry industry informed the Department there is not sufficient time to advise their members of the amendment nor for consideration of the effect of the amendment.

The Association and Advisory Committee have requested that the Department extend the comment period so that members of the Association and poultry industry can comment on the amendment. Since the Department is interested in receiving meaningful views and comments, these circumstances are considered justification for an extension of the time period originally allotted for submitting views and comments. Therefore, the period for the submission of comments concerning the amendment is hereby extended until February 6, 1981.

Done at Washington, D.C. this 3rd day of December 1980.

R. P. Jones,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-37974 Filed 12-5-80; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Regulation C; Docket No. R-0333]

Home Mortgage Disclosure

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending Regulation C (12 CFR Part 203) which implements the Home Mortgage Disclosure Act of 1975: (1) to require institutions to compile and disclose mortgage loan data for 1980 on a calendar year basis, and (2) to establish March 31, 1981, as the due date for 1980 disclosure statements. These changes implement a portion of the amendments to the Home Mortgage Disclosure Act contained in the Housing and Community Development Act of 1980 (Pub. L. 96–399). The Board expects to publish proposed regulatory amendments to implement the other amendments to HMDA in January 1981.

EFFECTIVE DATE: December 5, 1980.

FOR FURTHER INFORMATION CONTACT: Regarding, the regulation: John C. Wood, Senior Attorney (202–452–2412), or Claudia Yarus, Staff Attorney (202–452–3667), Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Regarding the regulatory analysis: Glenn Canner, Economist, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–2503).

SUPPLEMENTARY INFORMATION: (1) *General.* Regulation C implements the Home Mortgage Disclosure Act (HMDA) and requires financial institutions to make annual disclosure of their mortgage lending activity. On October 8, 1980, provisions of the Housing and Community Development Act were signed into law that extended and amended HMDA. The 1980 amendments to HMDA require (1) that depository institutions change their data compilation and disclosure from a fiscal to a calendar year basis, beginning with 1980 data; (2) that disclosures be made by census tract and county, rather than by census tract and ZIP code; (3) that the Board prescribe a standard format for disclosures; (4) that disclosure statements be made available at central depositories; and (5) that aggregate data tables, covering all institutions in each SMSA, be prepared and made available.

As required by the act, the Board is amending Regulation C now to implement calendar year reporting for 1980. This means that institutions must convert their data compilation and disclosure from a fiscal to a calendar year basis beginning with 1980 data. In addition, an institution that previously compiled data on a non-calendar year basis will need to prepare a separate disclosure statement for that portion of 1979 not covered by the fiscal year ending prior to January 1, 1980.

Regulation C remains otherwise unchanged for the present, in order to minimize the burden on depository institutions. The Board plans to publish a proposed revision of Regulation C in January 1981 to implement the other statutory amendments.

Because of the statutory requirement regarding aggregation of data,

institutions will be subject to certain reporting requirements with respect to data for 1980 and subsequent years. Reporting procedures will be published in early 1981, after policy and operational details are worked out among the Board, the Federal Reserve Banks, the Federal Financial Institutions Examination Council, and the Department of Housing and Urban Development.

While the Board is not mandating the use of a standard disclosure format for 1980 data, it is strongly recommended that institutions use a format that is consistent with existing Form HMDA–1, to facilitate the aggregation of data required by the act. (Form HMDA–1 is contained in an appendix to Regulation C.)

The Board notes that previously granted state exemptions remain in effect for the present, although exempted states may be required to reapply at some later date in order to retain their exemptions. This matter will be considered in more detail in the proposed revision of Regulation C.

Because of the short time remaining before institutions must begin action to comply with the statutory amendments, the Board finds for good cause that notice of proposed rulemaking, receipt of public comments, and delayed effective date, generally required by 5 U.S.C. 553 (b) and (d), are impracticable and contrary to the public interest. For the same reasons, the expanded rulemaking procedures set forth in the Board's policy statement of January 15, 1979 (44 FR 3957), will not be followed in connection with this proceeding, except that the Board is publishing a regulatory analysis in section (3) below.

(2) *Description of amendments.* The amendments adopted by the Board are as follows. Section 203.4, concerning compilation of loan data, is amended by the addition of language that (1) changes the basis of data compilation from fiscal year to calendar year, beginning with 1980 data, and (2) requires a separate disclosure of data for any period between the end of the institution's last fiscal year prior to calendar year 1980 and January 1, 1980.

Section 203.5, concerning procedures for disclosure, is being amended to establish March 31, 1981, as the due date for disclosure statements for both the 1980 disclosure and the disclosure covering any 1979 odd period.

(3) *Regulatory analysis.* The 1975 Home Mortgage Disclosure Act (HMDA) was extended and amended in October 1980. It is expected that a revised Regulation C, implementing the various statutory changes, will be published early in 1981. In the interim, certain amendments to Regulation C are adopted in final form.

First, the regulatory amendments require lenders to establish a calendar year reporting period. Second, they specify that covered institutions disclose their 1980 calendar year disclosure statements by March 31, 1981. Regulation C previously allowed lenders to report their disclosure data on a non-calendar fiscal year basis. A switch to a calendar year reporting period is essential for aggregation requirements imposed by the 1980 Home Mortgage Disclosure Act.[1] Aggregation requires considerable uniformity among the HMDA reports. Without a uniform reporting period, it would be impossible to aggregate data from different institutions on a consistent basis. A uniform reporting period is also important to other users of the data, such as community groups, so that they may prepare meaningful comparisons among institutions in an SMSA.

Adopting a uniform calendar reporting period will impose a one-time cost on those institutions currently disclosing data on other than a calendar year basis. This one-time cost has two components. The first is the cost associated with changing operating methods to conform with a calendar year reporting requirement. This cost will involve additional training of institution personnel responsible for preparing the disclosure reports and some computer programming adjustments for some institutions to reflect the new reporting data requirements. These costs are not expected to be significant. The second component of these one-time costs is the cost associated with preparing a separate disclosure statement, containing data for any period prior to calendar year 1980 that is not covered by the last full year report prior to the 1980 calendar year report. This requirement will impose a cost on those institutions whose prior disclosure period did not end on December 31, 1979, because it will force them to duplicate the portion of their 1980 disclosures that falls between January 1, 1980, and the end of their 1980 fiscal year.

Although no specific cost estimate of these required changes is made, the FDIC/FHLBB study of the 1975 HMDA found that 85 percent of the covered institutions in the study currently use a calendar year reporting period. As a result, it is unlikely that this regulatory change will impose a significant burden on the majority of reporting institutions.

In addition to imposing a calendar year reporting period, the amendment requires covered institutions to disclose their 1980 calendar year disclosure statements by March 31, 1981. The imposition of this requirement will give institutions approximately 4 months in which to prepare their disclosure statements. This period appears adequate and should not impose a significant burden on the institutions. Moreover, because of the congressional mandate to aggregate the 1980 HMDA data by December 31, 1981, a considerable lead time is required by the Board's staff to perform the aggregation and produce the accompanying tables. A March 31, 1981, deadline should provide the necessary lead time to meet the aggregation requirements.

In summary, both changes appear necessary to satisfy the congressional mandate to aggregate HMDA data. Neither change will impose a significant burden on the reporting institutions.

(4) Pursuant to the authority granted in 12 U.S.C. 2804(a), the Board hereby amends 12 CFR Part 203, effective December 5, 1980, as follows:

1. Section 203.4 is amended by adding a new paragraph (d), to read as follows:

§ 203.4 Compilation of mortgage loan data.

* * * * *

(d) *Calendar year basis.* (1) Notwithstanding the requirements set forth elsewhere in this section, each depository institution shall aggregate its mortgage loan data on a calendar year basis beginning with data relating to calendar year 1980. For this purpose, references in this section to a fiscal year shall be deemed to refer to a calendar year.

(2) Each depository institution shall also aggregate mortgage loan data for the period, if any, between the end of its last fiscal year prior to calendar year 1980 and January 1, 1980.

2. Section 203.5 is amended by adding new paragraphs (d) and (e), to read as follows:

§ 203.5 Disclosure requirements.

* * * * *

(d) *Special rule on due dates.* Notwithstanding the provisions of paragraph (a) of this section, each depository institution shall make available by March 31, 1981, the disclosure statement that relates to calendar year 1980 and any statement relating to the period between the end of

[1] The Federal Financial Institutions Examination Council (FFIEC) is required by the act to aggregate HMDA data for covered institutions in each Standard Metropolitan Statistical Area. The Federal Reserve Board is directed by the act to provide the staff and data processing resources to the Council to enable it to carry out the aggregation.

its last fiscal year prior to calendar year 1980 and January 1, 1980.

(e) *Calendar year disclosure.* For purposes of disclosure of data relating to calendar year 1980 and thereafter, references in this section to a fiscal year shall be deemed to refer to a calendar year.

By order of the Board of Governors, November 28, 1980.

Barbara R. Lowrey,

Assistant Secretary of the Board.

[FR Doc. 80-38037 Filed 12-5-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 11

[Docket No. 21141, Amdt. No. 11-21]

Certain Domestic and Foreign Manufactured Products; Procedural Rules; "Lead Region" Concept

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment to Part 11 of the Federal Aviation Regulations (FARs) will permit a more expeditious and uniform issuance of Airworthiness Directives (ADs) for certain domestic and foreign manufactured products. The amendment reflects the organization changes of the "lead region" concept set forth in a recent Administrator's Order.

DATES: Effective date: December 8, 1980. Comments must be received on or before February 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James Zahringer, Technical Standards Branch (AWS-110), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone (202) 426-8374.

SUPPLEMENTARY INFORMATION: Since these amendments affect only internal procedures of the Federal Aviation Administration and impose no additional burden on any person, notice and public procedure are unnecessary and good cause exists for making them effective in less than 30 days. However, the FAA invites interested persons to submit such written data, views, or arguments as they may desire regarding these amendments. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-204, 800 Independence Avenue S.W., Washington, D.C. 20591. All communications received on or before the closing date for comments will be considered by the Administrator and these amendments may be changed in the light of the 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.

The current procedures for issuing Airworthiness Directives (ADs) were established by Amendment 11-6 to Part 11 of the FAR. Under FAR Part 11, ADs are issued by domestic FAA Regional Offices for products for which the office has certification responsibility, i.e., the product was issued a type certificate by that office or it was manufactured within the jurisdiction of that office. In addition, the FAA Washington Headquarters office issues ADs for products under the purview of FAA Regional Offices located in Europe, Alaska, and Hawaii. The initial reason for this procedure was that these offices did not have General Counsel representation for the necessary legal review of proposed ADs.

The FAA was criticized for the inconsistency in the various regions' application of AD policies and procedures which resulted from operation under Amendment 11-6. By Order 8000.44A, dated May 30, 1980, the Administrator implemented the lead region concept, in which certain FAA Regional Offices were designated as certificating regions and "lead regions" to perform regional and national aircraft certification program functions that would otherwise be accomplished by more than one region or in the FAA Washington Headquarters. The Order responds to the complaint of inconsistency, and reflects the Administrator's stated goals of greater agency efficiency and uniformity in developing and updating regulations and minimum standards, issuing ADs, and resolving precedent-setting type certification issues. As stated in the Order, improvement in these areas can best be realized through a utilization of regional engineering and manufacturing staff elements having nationally recognized areas of special expertise. For example, certification experience with transport category airplanes of over 75,000 pounds certificated takeoff weight exists almost entirely in the Western and Northwest Regions. The workload for this type of airplane has been shifted from the Western Region to the Northwest Region, and the Order has centralized the primary certification responsibility for such airplanes in the Northwest Region. Thus, certification of all airplanes over 75,000 pounds certificated takeoff weight manufactured in any region (such as the DC-10 and L1011, which are manufactured in California), and all transports which are foreign manufactured, regardless of weight, will be handled by the Northwest Region. Certification authority includes issuing ADs for these aircraft. The Northwest Region has also been designated as the "lead region" for all FAR Part 25 aircraft, making it responsible for advising and assisting other certificating regions on all type certification projects under Part 25.

Similarly, ADs for foreign manufactured products will be issued by the region having lead region responsibility over the type of product involved. Exceptions to this are ADs issued for Canadian manufactured helicopters and small airplanes, which will be issued by the FAA Eastern Region. Under Order 8000.44A, therefore, the FAA Washington Headquarters will no longer issue ADs for most foreign manufactured products, although it will retain the authority to issue ADs on its own initiative. This amendment to Part 11 implements this transfer.

Under the current rule, the Alaskan and Pacific regions do not have authority to issue ADs. Most of the products which these regions are involved with are foreign-manufactured, and under Order 8000.44A, ADs for these foreign products will be issued by the appropriate lead regions. However, the Alaskan and Pacific regions will have the authority to issue ADs for domestic products for which they have certification authority.

Since this amendment concerns internal procedures of the FAA, it will have no impact on the public, and no regulatory evaluation is required under Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

The Amendment

Accordingly, Subpart E of Part 11 of the Federal Aviation Regulations (14 CFR Part 11) is amended as follows, effective December 8, 1980:

§ 11.81 [Amended]

1. By revising § 11.81(b) to read as follows:

* * * * *

(b) For the purposes of this subpart, "Director" means the Director of Airworthiness, or a Regional Director of a region within the 50 states.

* * * * *

2. By redesignating paragraph (c) of § 11.81 as paragraph (d), and adding new paragraph (c) to read as follows:

* * * * *

(c) The authority for issuing Airworthiness Directives is limited to the following persons:

(1) The Director of Airworthiness; and

(2) Regional Directors, for products under the authority of those regions, as determined by the Administrator.

(Sec. 313(a), 314(a), 601 through 610, 1102, the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a regulation that is not significant under Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, since this document imposes no additional burden on any person, the Federal Aviation Administration has determined that the economic impact is so minimal that no economic evaluation is required.

Issued in Washington, D.C., on December 2, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-37962 Filed 12-5-80; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 385

[Regulation OR-175 Organization Regulations, Amendment No. 106 to Part 385]

Delegation to the Director, Bureau of Domestic Aviation

Correction

In FR Doc. 80-37492, published at page 79752 in the issue of Tuesday, December 2, 1980, the agency regulation number in the heading should read as set forth above.

BILLING CODE 1505-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1000

Commission Organization and Functions

AGENCY: Consumer Product Safety Commission.

ACTION: Revision to rule.

SUMMARY: The Commission is publishing a revised list of its Regional and District Offices to reflect organizational changes and address changes made since December 31, 1979. The previous field organization consisted of thirteen Area Offices. The present organization consists of ten Regional Offices and three District Offices, each of which reports to a Regional Office.

DATES: This Subsection is effective December 8, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph F. Rosenthal, Office of General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, Telephone 202-634-7770.

SUPPLEMENTARY INFORMATION: Section 1000.4(d), as last published December 31, 1979, 44 FR 77150, listed the Commission's 13 Area Offices, their addresses, and the states they served, as of that time. Since that time ten of the Area Offices have been redesignated as Regional Offices, and the other three have been redesignated as District Offices and report to particular Regional Offices. In addition several of the offices have new addresses. This notice amends § 1000.4(d) to state the Commission's field organization as it presently exists. Since this section deals only with internal agency organization, it is being made effective immediately and comments are not being solicited.

Accordingly 16 CFR Part 1000 is amended by revising § 1000.4(d) to read as follows:

§ 1000.4 Commission addresses.

* * * * *

(d) The Commission has 10 Regional Offices which are located at the following addresses and which serve the states indicated, and 3 District Offices which report to the Regional Offices below which they are listed:

(1) Atlanta Regional Office, 1330 West Peachtree St., NW, Atlanta, Ga. 30309; Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

(2) Boston Regional Office, 100 Summer St., Room 1607, Boston, Mass. 02110; Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont.

(3) Chicago Regional Office, 230 South Dearborn St., Room 2945, Chicago, Ill. 60604; Illinois, Indiana, Minnesota, and Wisconsin.

(i) Twin Cities District Office, Metro Square, Suite 580, 7th and Robert, Saint Paul, Minn. 55101.

(4) Cleveland Reigonal Office, Plaza Nine Building, Room 520, 55 Erieview Plaza, Cleveland, Ohio 44114; Michigan and Ohio.

(5) Dallas Regional Office, 1100 Commerce Street, Room 1C 10, Dallas, Texas 75242; Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

(6) Kansas City Regional Office, Midland Building, Suite 1000, 1221 Baltimore Avenue, Kansas City, Mo. 64105; Iowa, Kansas, Missouri, Nebraska, Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

(i) Denver District Office, Guaranty Bank Building, Suite 938, 817 17th St., Denver, Colo. 80202.

(7) Los Angeles Regional Office, 3660 Wilshire Blvd., Suite 1100, Los Angeles, Calif. 90010; Arizona and the following Counties in California: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.

(8) New York Regional Office, 6 World Trade Center, Vesey Street, 6th Floor, New York, N.Y. 10048; New Jersey, New York, Puerto Rico, and Virgin Islands.

(9) Philadelphia Regional Office, 400 Market Street, 10th Floor, Philadelphia, Pa. 19106; Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.

(10) San Francisco Regional Office, U.S. Customs House, 555 Battery Street, Room 416, San Francisco, Calif. 94111; Hawaii, Nevada, all Counties in California not covered by the Los Angeles Regional Office, Alaska, Idaho, Oregon, and Washington.

(i) Seattle District Office, 3240 Federal Building, 915 Second Avenue, Seattle, Wash. 98174.

Dated: December 1, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-37971 Filed 12-5-80; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 1

[Docket No. RM80-45]

Recodification of Rules Reflecting the Establishment of the FERC and Certain Rules Concerning its Operation; Correction

December 2, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Erratum notice.

SUMMARY: The FERC is correcting its Rules of Practice and Procedure by reinserting the definitions of "person" and "participant" in § 1.1(f), which were

incorrectly deleted in a previous revision.

FOR FURTHER INFORMATION CONTACT: Stephen Jones, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8113, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–9335.

SUPPLEMENTARY INFORMATION: On March 28, 1980, the Federal Energy Regulatory Commission amended (45 FR 21216, April 1, 1980) its Rules of Practice and Procedure (18 CFR Parts 0, 1, 2, 3, 157, 284, 375, 376). In that amendment the definition of "person" and "participant" were incorrectly deleted from § 1.1(f). Accordingly, paragraph (f) of § 1.1 is corrected to read as follows:

§ 1.1 [Corrected]

* * * * *

(f) *Definitions.* The following definitions apply to all provisions of this Part 1 (other than Subpart A) except as otherwise required by the context of a term.

(1) "Person" means and shall include individuals, partnerships, corporations, associations, joint stock companies, public trusts, organized groups of persons, whether incorporated or not, receivers or trustees of the foregoing, municipalities, including cities, counties, or other political subdivisions of a State, States of the Union, including the District of Columbia or any territory of the United States, or any agency, authority or instrumentality of the United States, or of any one or more of the foregoing, or any corporation which is wholly owned directly or indirectly, by the United States, or by any one or more of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty.

(2) "Participant" means and shall include any party, any person admitted by the Commission to limited participation in a proceeding, and staff counsel.

* * * * *

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-37976 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-01-M

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18 CFR Part 282

[Order No. 113; Docket No. RM80-46]

Rule Adopting Revised Alternative Fuel Price Ceilings for the Month of April 1980; Final Rule

December 1, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) adopts as a final rule an interim rule issued on March 28, 1980 (45 FR 22891, April 4, 1980), revising the incremental pricing alternative fuel price ceilings for the month of April 1980. The final rule amends § 282.204(a) of the Commission's regulations to provide that alternative fuel price ceilings for the month of April 1980 are the ceilings set forth in § 282.204(a), rather than the ceilings published on March 20, 1980, by the Energy Information Administration (EIA) of the Department of Energy. The ceilings published on March 20, 1980, by the EIA did not accurately reflect actual fuel oil prices. The revised ceilings as set forth in the final rule correct the inaccuracy.

DATE: Final rule effective December 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Ronald Leach, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 4308A, Washington, D.C. 20426 (202) 357–8133

Barbara Christin, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 8602A, Washington, D.C. 20426 (202) 357–5555

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is adopting, as a final rule, an interim rule that amended its incremental pricing regulations (18 CFR Part 282) under the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301–3432). The interim rule (Docket No. RM 80–46, issued March 28, 1980, 45 FR 22891, April 4, 1980) amended § 282.204(a) to provide that alternative fuel price ceilings for the month of April 1980 are the ceilings set forth in § 282.404(a), rather than the ceilings published on March 20, 1980, by the Energy Information Administration (EIA) of the Department of Energy. The ceilings published on March 20, 1980, by the EIA did not accurately reflect actual fuel oil prices. The interim amendment corrected the inaccuracy.

II. Background

Title II of the NGPA requires the Commission to prescribe and make effective a program of incremental pricing of natural gas used as industrial boiler fuel. Section 204(e) of the NGPA directs the Commission to establish ceilings on prices charged to incrementally priced users, based on the cost of alternative fuel oils in each region designated by the Commission.

Under the Commission's incremental pricing regulations, ceiling prices for each month are based on the observed price of high-sulfur No. 6 fuel oil in each of the 48 contiguous states. These ceiling prices are published in the **Federal Register** on, or before, the twentieth day of the month preceding their effective date. The collection of data, the calculation of the price ceilings, and the publication of these ceilings is performed by the EIA, in accordance with its statutory responsibilities. (Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Department of Energy Delegation Order No. 0204–3, October 1, 1977).

Pursuant to § 282.404(a) of the Commission's regulations, on March 20, 1980, the EIA published the alternative fuel price ceilings for the month of April (45 FR 18109). Those April prices represented a significant increase over the March prices. Shortly after the ceiling prices were published, the EIA, several pipelines, and other persons notified the Commission that, in some states, the No. 6 fuel oil prices observed for April were significantly lower than the published alternative fuel price ceilings.

The Commission recognized that the normal disparity in some states or regions between the alternative fuel prices published by the EIA and the observed prices had been aggravated by the application of a computational method employed by the EIA that was designed to minimize month-to-month variations in the published alternative fuel price ceilings. Therefore, the Commission requested the EIA to recalculate the alternative fuel price ceilings for the month of April 1980, using a method more responsive to variations in current prices. The recalculated ceilings were significantly lower in a number of states than the previously published April price ceilings.

Accordingly, the Commission issued an interim rule on March 28, 1980, which revised the alternative fuel price ceilings for April 1980, thereby superseding the ceilings published by the EIA on March 20, 1980. In the interim rule, the Commission, in accordance with 5 U.S.C. 553(b) found good cause to waive the normal notice and comment procedures and the rule took effect immediately. On April 14, 1980, a public hearing was held in Washington, D.C. for the presentation of oral comments on the interim rule. Written comments on the interim rule were filed by, among others, pipelines, local distribution companies, and end-users of natural gas.

In addition, a timely petition for rehearing of the interim rule was filed

by the Public Service Company of North Carolina, Inc. and North Carolina Natural Gas Corporation (Petitioners).[1] On May 5, 1980, the Commission issued an Order Granting Rehearing Solely for Purposes of Further Consideration. In that order, the Commission announced that it would consider the arguments raised in the application for rehearing in the course of reviewing comments on the interim rule and issuing final regulations. The issue raised in the petition for rehearing is discussed below.

III. Application for Rehearing

In their joint Petition for Rehearing, Petitioners requested a downward adjustment of the $3.45 per MMBtu alternative fuel price ceiling set forth in the interim rule for the State of North Carolina, because the $3.45 ceiling reflected no adjustment from the figure published by the EIA on March 20, 1980.

The interim rule provided that a state's alternative fuel price ceiling for the month of April was to be the *lower* of: (1) The price ceiling published on March 20th by the EIA; or (2) the revised price ceiling calculated by the EIA. In the case of North Carolina, the recalculated price ceiling was $3.45, the same as the figure published on March 20th. Therefore, no adjustment was necessary, and the March 20th figure of $3.45 remained the alternative fuel price ceiling for North Carolina. Accordingly, the Commission denies Petitioners' request.

IV. Discussion of Comments

All of the commenters supported the Commission's prompt issuance of the revised alternative fuel price ceilings.

In addition, a number of commenters suggested that the Commission investigate the methodology used by the EIA to establish alternative fuel price ceilings, pointing to the continuing discrepancies between the price ceilings published by the EIA and the observed market prices. Several commenters also proposed that the Commission adopt a "failsafe mechanism" as an alternative to the present methodology used by the EIA in calculating and publishing alternative fuel price ceilings. The failsafe mechanism would allow a non-exempt user to pay a lower incremental pricing surcharge than that based upon the EIA published price, if the user could certify that a lower price is available to that user.

On November 4, 1980, the Commission issued a Notice of Inquiry in Docket No. RM79-21 (45 FR 74505, November 10, 1980) requesting comments on, among other things, proposed revisions to the methodology used by EIA for the calculation of the alternative fuel price ceilings. The written comments and the testimony given at the public hearing in the instant docket concerning the EIA's methodology and the proposed failsafe mechanism will be incorporated into Docket No. RM79-21 and will be considered in the context of that docket.

V. Effective Date

This rule is effective as a final rule on December 31, 1980.

The Commission orders:

For the reasons set forth above the Commission orders:

(A) The petition for rehearing of the interim rule is denied; and

(B) Section 282.404(a) of Subpart I of Part 282, Chapter I, Title 18, Code of Federal Regulations is amended as set forth below, effective December 31, 1980.

(Natural Gas Policy Act of 1978, Pub. L. No. 95-621, 92 Stat. 3350, (15 U.S.C. 3301 *et seq.*))

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 282.404 is amended by revising the second sentence of paragraph (a) to read as follows:

§ 282.404 Alternative fuel price ceilings.

(a) *General rule.* * * * Such ceilings shall be effective for purposes of this part for the month following the month of publication: *Provided,* That, for the month of April 1980, the following ceilings shall be effective and shall supersede those ceilings published on March 20, 1980:

State	Dollars per million Btu's
Alabama	2.66
Arizona	2.69
Arkansas	2.47
California	2.68
Colorado	2.26
Connecticut	3.13
Delaware	3.60
Florida	2.71
Georgia	3.08
Idaho	2.26
Illinois	2.88
Indiana	3.20
Iowa	2.73
Kansas	2.73
Kentucky	2.88
Louisiana	2.61
Maine	3.67
Maryland	3.40
Massachusetts	2.81
Michigan	3.23
Minnesota	3.15
Mississippi	2.20
Missouri	2.56
Montana	2.26
Nebraska	2.73
Nevada	2.69
New Hampshire	3.80
New Jersey	3.37
New Mexico	2.47
New York	3.20
North Carolina	3.45
North Dakota	2.73
Ohio	3.20
Oklahoma	2.58
Oregon	3.23
Pennsylvania	3.33
Rhode Island	3.13
South Carolina	3.30
South Dakota	2.73
Tennessee	3.10
Texas	2.86
Utah	2.26
Vermont	3.80
Virginia	3.18
Washington	2.79
West Virginia	3.10
Wisconsin	3.13
Wyoming	2.26

* * * * *

[FR Doc. 80-37961 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-01-M

[1] The joint application was in the form of an Application for Rehearing, Petition for Immediate Relief, and Comments.

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18 CFR Part 282

[Docket No. RM80-24; Order No. 85-B]

Incremental Pricing; Permanent Rule Defining Small Existing Industrial Boiler Fuel Users Exempt From Incremental Pricing Surcharges

Correction

In FR Doc. 80-21372 appearing at page 48111 in the issue for Friday, July 18, 1980, make the following correction:

On page 48114, in the first column, amendatory paragraph 4 should read: "Section 282.204 is amended by revising (d)(2)(i)(B), (d)(2)(ii)(B), and (d)(7) to read as follows:".

BILLING CODE 1505-01-M

DEPARTMENT OF STATE

INTERNATIONAL COMMUNICATION AGENCY

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 3

[Departmental Regulation 108.798]

Gifts and Decorations From Foreign Governments; Revised Regulations

AGENCY: Department of State, International Communication Agency, International Development Cooperation Agency, Agency for International Development.

ACTION: Final rule.

SUMMARY: This rule implements legislation which authorizes acceptance and retention of certain gifts and decorations from foreign governments by employees of the United States. This rule provides an internal regulation for employees of the foreign affairs agencies (State, United States International Communication Agency (USICA), United States International Development Cooperation Agency (IDCA), and Agency for International Development (AID)) and members of their families on how to carry out their responsibilities under the law.

EFFECTIVE DATE: January 7, 1981.

FOR FURTHER INFORMATION CONTACT: Horace F. Shamwell, Jr., Deputy Assistant Legal Adviser for Management, Office of the Legal Adviser, Department of State, Washington, D.C. 20520, (202) 632-0768; C. N. Poirier, Deputy General Counsel, United States International Communication Agency, Washington, D.C. 20547, (202) 724-9168; Jan Miller, Attorney-Adviser, Office of General Counsel, Agency for International Development, Washington, D.C. 20523, (202) 632-8277.

SUPPLEMENTARY INFORMATION: In accordance with Article I, clause 8, section 9, of the Constitution, the Congress in Pub. L. 95-105, August 17, 1977 (91 Stat. 862), amending 5 U.S.C. 7342 (1976), has given its limited consent to the acceptance of gifts and decorations from foreign governments. This rule provides an internal regulation for employees of the foreign affairs agencies (State, United States International Communication Agency (USICA), United States International Development Cooperation Agency (IDCA), and Agency for International Development (AID)) and members of their families on how to carry out their responsibilities under the law. The regulation is a matter relating to agency personnel, to which 5 U.S.C. is inapplicable.

Of particular significance are the definition of "employee" (to include dependents of employees (§ 3.3a)) and "foreign government" (to include any foreign governmental authority down to the municipal level, as well as international and multinational organizations, the members of which are units of foreign government (§ 3.3b)).

Responsibility for administration of the Act and regulations is as follows: for State, the Chief of Protocol; for USICA, the Director of Personnel Services, and for IDCA and AID, the Director of Management Operations in AID.

Employees of the foreign affairs agencies subject to the regulations include those in the Foreign Service, Civil Service, Presidential appointees, those serving as experts or consultants and anyone else in an employment relationship. Cross-references to this regulation are 22 CFR Part 500 (USICA), Part 200 (AID) and Part 1200 (IDCA).

Accordingly, Part 3 of Chapter 1 of Title 22 CFR is hereby revised to read as set forth below:

PART 3—GIFTS AND DECORATIONS FROM FOREIGN GOVERNMENTS

Sec.

3.1 Purpose.
3.2 Authority.
3.3 Definitions.
3.4 Restriction on acceptance of gifts and decorations.
3.5 Designation of officials and offices responsible for administration of foreign gifts and decorations.
3.6 Procedure to be followed by employees in depositing gifts of more than minimal value and reporting acceptance of travel or travel expenses.
3.7 Decorations.
3.8 Approval of retention of gifts or decorations within employing agency for official use.
3.9 Disposal of gifts and decorations which become the property of the United States.
3.10 Enforcement.
3.11 Responsibility of chief of mission to inform host government of restrictions on employees' receipt of gifts and decorations.
3.12 Exemption of grants and other foreign government assistance in cultural exchange programs from coverage of foreign gifts and decorations legislation.

Authority: Section 515(a)(1), 91 Stat. 862, amending 5 U.S.C. 7342 (1976).

§ 3.1 Purpose.

These regulations provide basic standards for employees of the Department of State, the United States International Development Cooperation Agency (IDCA), the Agency for International Development (AID), and the International Communication Agency (USICA), their spouses (unless separated) and their dependents to accept and retain gifts and decorations from foreign governments.

§ 3.2 Authority.

(a) Section 515(a)(1) of the Foreign Relations Authorization Act of 1978 (91 Stat. 862-866), approved August 17, 1977, (hereafter referred to as "the Act") amended Section 7342 of Title 5, U.S. Code (1976), making substantial changes in the law relating to the acceptance and retention of gifts and decorations from foreign governments.

(b) 5 U.S.C. 7342(g) authorizes each employing agency to prescribe regulations as necessary to carry out the new law.

§ 3.3 Definitions.

When used in this part, the following terms have the meanings indicated:

(a) *"Employee"* means (1) an officer or employee of the Department, AID, IDCA, or USICA, including an expert or consultant, however appointed, and (2) a spouse (unless separated) or a dependent of such a person, as defined in section 152 of the Internal Revenue Code of 1954 (26 U.S.C. 152).

(b) *"Foreign government"* means: (1) any unit of foreign governmental authority, including any foreign national, State, local, or municipal government; (2) any international or multinational organization whose membership is composed of any unit of foreign government as described in subsection (b)(1) of this section; (3) any agent or representative of any such unit or organization, while acting as such;

(c) *"Gift"* means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

(d) *"Decoration"* means an order, device, medal, badge, insignia, emblem or award tendered by, or received from, a foreign government;

(e) *"Minimal value"* means retail value in the United States at the time of acceptance of $100 or less, except that on January 1, 1981, and at 3-year intervals thereafter, "minimal value" is to be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period.

§ 3.4 Restriction on acceptance of gifts and decorations.

(a) An employee is prohibited from requesting or otherwise encouraging the tender of a gift or decoration from a foreign government. An employee is also prohibited from accepting a gift or decoration from a foreign government, except in accordance with these regulations.

(b) An employee may accept and retain a gift of minimal value tendered and received as a souvenir or mark of courtesy, subject, however, to the following restrictions—

(1) Where more than one tangible item is included in a single presentation, the entire presentation shall be considered as one gift, and the aggregate value of all items taken together must not exceed "minimal value".

(2) the donee is responsible for determining that a gift is of minimal value in the United States at the time of

acceptance. However, should any dispute result from a difference of opinion concerning the value of a gift, the employing agency will secure the services of an outside appraiser to establish whether the gift is one of "minimal value". If, after an appraisal has been made, it is established that the value of the gift in question is $200 or more at retail in the United States, the donee will bear the costs of the appraisal. If, however, the appraised value is established to be less than $200, the employing agency will bear the costs.

(c) An employee may accept a gift of more than minimal value when (1) such gift is in the nature of an educational scholarship or medical treatment, or (2) it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States.

(d) An employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency. Except where the employing agency has specific interests which may be favorably affected by employee travel wholly outside the United States, even though it would not normally authorize its employees to engage in such travel, the standards normally applied to determine when proposed travel will be in the best interests of the employing agency and of the United States Government shall be applied in approving acceptance of travel or travel expenses offered by a foreign government.

(1) There are two circumstances under which employees may accept gifts of travel or expenses:

(i) When the employee is issued official travel orders placing him or her in the position of accepting travel or travel expenses offered by a foreign government which are directly related to the authorized purpose of the travel; or

(ii) When the employee's travel orders specifically anticipate the acceptance of additional travel and travel expenses incident to the authorized travel.

(2) When an employee is traveling under circumstances described in paragraph (d)(1)(i) of this section, that is, without specific instructions authorizing acceptance of additional travel expenses from a foreign government, the employee must file a report with the employing angency under the procedures prescribed in § 3.6.

(e) Since tangible gifts of more than minimal value may not lawfully become the personal property of the donee, all supervisory officials shall, in advising employees of their responsibilities under the regulations, impress upon them their obligation to decline acceptance of such gifts, whenever possible, at the time they are offered, or to return them if they have been sent or delivered without a prior offer. All practical measures, such as periodic briefings, shall be taken to minimize the number of gifts which employees must deposit and which thus become subject to disposal as provided by law and regulation. Employees should not accept gifts of more than minimal value on the assumption that refusal would be likely to "cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States". In many instances it should be possible, by explanation of the prohibition against an employee's retention of such gifts, to avoid consequences of acceptance, including possible return of the gift to the donor. Refusal of the gift at the inception should typically be regarded as in the interest both of the foreign government donor and the U.S. Government.

§ 3.5 Designation of officials and offices responsible for administration of foreign gifts and decorations.

(a) The Act effects a significant degree of decentralization of administration relative to the disposal of foreign gifts and decorations which become U.S. Government property. Each agency is now responsible for receiving from its employees deposits of foreign gifts of more than minimal value, as well as of foreign decorations not meeting the statutory criteria for retention by the recipient. The agency is also responsible for disposing of this property by return to the donor, for retaining it in the agency if official use of it is approved, for reporting to the the General Services Administration within 30 calendar days after deposit items neither disposed of nor retained, and for assuming custody, proper care and handling of such property pending removal from that custody pursuant to disposal arrangements by the General Services Administration. The Secretary of State, however, is made responsible for providing guidance to other executive agencies in the development of their own regulations to implement the Act, as well as for the annual publication of lists of all gifts of more than minimal value deposited by Federal employees during the preceding year. [See § 3.5(c).] Authority for the discharge of the Secretary's responsibilities is delegated by these regulations to the Chief of Protocol.

(b) The Office of the Chief of Protocol retains primary responsibility for administration of the Act within the Department of State. That Office will, however, serve as the depository only for those foreign gifts and decorations which are turned in by State Department employees. The Director of Personnel Services of the USICA will have responsibility for administration of the Act within that agency and will serve as the depository of foreign gifts and decorations. Employees of the other foreign affairs agencies must deposit with their respective agencies any gifts or decorations deposit of which is required by law.

(c) Any questions concerning the implementation of these regulations or interpretation of the law should be directed to the following:

(1) For the Department of State, to the Office of Protocol or to the Office of the Assistant Legal Adviser for Management, as appropriate;

(2) For IDCA, to the Office of the General Counsel;

(3) For AID, to the Assistant General Counsel for Employee and Public Affairs; and

(4) For USICA, to the General Counsel.

§ 3.6 Procedure to be followed by employees in depositing gifts of more than minimal value and reporting acceptance of travel or travel expenses.

(a) An employee who has accepted a tangible gift of more than minimal value shall, within 60 days after acceptance, relinquish it to the designated depository office for the employing agency for disposal or, with the approval of that office, deposit it for official use at a designated location in the employing agency or at a specified Foreign Service post. The designated depository offices are:

(1) For the Department of State, the Office of Protocol;

(2) For IDCA, the General Services Division of the Office of Management Planning in AID;

(3) For AID, the General Services Division of the Office of Management Planning; and

(4) For USICA, the Office of Personnel Services.

(b) At the time that an employee deposits gifts of more than minimal value for disposal or for official use pursuant to paragraph (a) of this section, or within 30 days after accepting a gift of travel or travel expenses as provided

in § 3.4(d) (unless the gift of such travel or travel expenses has been accepted in accordance with specific instructions from the Department or agency), the employee shall file a statement with the designated depository office with the following information:

(1) For each tangible gift reported:

(i) The name and position of the employee;

(ii) A brief description of the gift and the circumstances justifying acceptance;

(iii) The identity of the foreign government and the name and position of the individual who presented the gift;

(iv) The date of acceptance of the gift;

(v) The donee's best estimate in specific dollar terms of the value of the gift in the United States at the time of acceptance; and

(vi) Disposition or current location of the gift. (For State Department employees, forms for this purpose are available in the Office of Protocol.)

(2) For each gift of travel or travel expenses:

(i) The name and position of the employee;

(ii) A brief description of the gift and the circumstances justifying acceptance; and

(iii) The identity of the foregign government and the name and position of the individual who presented the gift.

(c) The information contained in the statements called for in paragraph b of this section is needed to comply with the statutory requirement that, not later than Janaury 31 of each year, the Secretary of State publish in the Federal Register a comprehensive listing of all such statements filed by Federal employees concerning gifts of more than minimal value received by them during the preceding year.

§ 3.7 Decorations.

(a) Decorations tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance may be accepted, retained, and worn by an employee, subject to the approval of the emplying agency. Without such approval, the dcoration is deemed to have been accepted on behalf of the United States and, like tangible gifts of more than minimal value, must be deposited by the employee with the designated depository office for the employing agency within sixty days after acceptance, for retention for official use or for disposal in accordance with § 3.9.

(b) The decision as to whether a decoration has been awarded for outstanding or unusually meritorious performance will be made:

(1) For the Department of State, by the supervising Assistant Secretary of State or comparable official, except that, in the case of a decoration awarded to an Assistant Secretary or other officer of comparable or higher rank, the decision shall be made by the Office of Protocol;

(2) For IDCA, by the Assistant Director for Administration;

(3) For AID, by the Director of Personnel Management; and

(4) For USICA, by the Supervising Associate Director, the General Counsel, or the Director of the Office of Congressional and Public Liaison (for domestic employees), and by the Director of Area Offices (for overseas employees).

(c) To justify an affirmative decision, a statement from the foreign government, preferably in the form of a citation which shows the specific basis for the tender of the award, should be supplied. An employee who has received or been tendered a decoration should forward to the designated depository office of the employing agency a request for review of the case. This request should contain a statement of circumstances of the award and such documentation from the foreign government as has accompanied it. The depository office will obtain the decision of the cognizant office as to whether the award meets the statutory criteria and thus whether the decoration may be retained and worn. Pending receipt of that decision, the decoration should remain in the custody of the recipient.

§ 3.8 Approval of retention of gifts or decorations with employing agency for official use.

(a) At the request of an overseas post or an office within the employing agency, a gift or decoration deemed to have been accepted on behalf of the United States may be retained for official use. Such retention should be approved:

(1) For the Department of State, by the Chief of Protocol;

(2) For IDCA, by AID's Director of Management Operations;

(3) For AID, by the Director of Management Operations; and

(4) For USICA, by the Associate Director for Management.

However, to qualify for such approval, the gift or decoration should be an item which can be used in the normal conduct of agency business, such as a rug or a tea service, or an art object meriting display, such as a painting or sculpture. Personal gift items, such as wristwatches, jewelry, or wearing apparel, should not be regarded as suitable for "official use". Only under unusual circumstances will retention of a decoration for official use be authorized. Every effort should be made to place each "official use" item in a location that will afford the largest number of employees, and, if feasible, members of the public, the maximum opportunity to receive the benefit of its display, provided the security of the location is adequate.

(b) Items approved for official use must be accounted for and safeguarded as Federal property at all times under standard Federal property management procedures. Within 30 days after the official use of a gift has been terminated, the gift or decoration shall be deposited with the designated depository office of the employing agency to be held pending completion of disposal arrangements by the General Services Administration.

§ 3.9 Disposal of gifts and decorations which become the property of the United States.

(a) Gifts and decorations which have been reported to an employing agency shall either be returned to the donor or kept in safe storage pending receipt of instructions from the General Services Administration for transfer, donation or other disposal under the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and the Federal Property Management Regulations (41 CFR Part 101–49). The employing agency shall examine each gift or decoration and the circumstances surrounding its donation and assess whether any adverse effect upon the foreign relations of the United States might result from a return of the gift (or decoration) to the donor, which shall be the preferred means of disposal. If this is not deemed feasible, the employing agency is required by GSA regulations to report deposit of the gift or decoration within 30 calendar days, using Standard Form 120, Report of Excess Personal Property and, as necessary, Standard Form 120A, Continuation Sheet, and citing Section 7342 of Title 5, U.S. Code (1976), on the reporting document. Such reports shall be submitted to the General Services Administration, Washington National Capital Region (WDPO), Attention: Federal Property Resources Service, Seventh and D Streets, S.W., Washington, D.C. 20407.

(b) No gift or decoration deposited with the General Services Administration for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. When depositing gifts or decorations with the designated depository office of their

employing agency, employees may indicate their interest in participating in any subsequent sale of the items by the Government. Before gifts and decorations may be considered for sale by the General Services Administration, however, they must first have been offered for transfer to Federal agencies and for donation to the States. Consequently, employees should understand that there is no assurance that an item will be offered for sale, or, if so offered, that it will be feasible for an employee to participate in the sale. Employees are reminded in this connection that the primary aim of the Act is to discourage employees' acceptance of gifts of more than minimal value.

§ 3.10 Enforcement.

(a) Each employing agency is responsible under the Act for reporting to the Attorney General cases in which there is reason to believe that one of its employees has violated the Act. The Attorney General in turn may file a civil action in any United States District Court against any Federal employee who has knowingly solicited or accepted a gift from a foreign government in violation of the Act, or who has failed to deposit or report such gift, as an Act required by the Act. In such case, the court may assess a maximum penality of the retail value of a gift improperly solicited or received, plus $5,000.

(b) Supervisory officials at all levels within employing agencies shall be responsible for providing periodic reorientation of all employees under their supervision on the basic features of the Act and these regulations, and for ensuring that those employees observe the requirements for timely reporting and deposit of any gifts of more than minimal value they may have accepted.

(c) Employees are advised of the following actions which may result from failure to comply with the requirements of the Act and these regulations:

(1) Any supervisor who has substantial reason to believe that an employee under his or her supervision has violated the reporting or other compliance provisions of the Act shall report the facts and circumstances in writing to the senior official in charge of administration within the cognizant bureau or office or at the post abroad. If that official upon investigation decides that an employee who is the donee of a gift or is the recipient of travel or travel expenses has, through actions within the employee's control, failed to comply with the procedures established by the Act and these regulations, the case shall be referred to the Attorney General for appropriate action.

(2) In cases of confirmed evidence of a violation, whether or not such violation results in the taking of action by the Attorney General, the senior administrative official referred to in § 3.10(c)(1) as responsible for forwarding a violation report to the Attorney General shall institute appropriate disciplinary action against an employee who has failed to (i) Deposit tangible gifts within 60 days after acceptance, (ii) account properly for the acceptance of travel expenses or (iii) comply with the Act's requirements respecting disposal of gifts and decorations retained for official use.

(3) In cases where there is confirmed evidence of a violation, but no evidence that the violation was willful on the part of the employee, the senior administrative official referred to in § 3.10(c)(1) shall institute appropriate disciplinary action of a lesser degree than that called for in § 3.10(c)(2) in order to deter future violations by the same or another employee.

§ 3.11 Responsibility of chief of mission to inform host government of restrictions on employees' receipt of gifts and decorations.

A special provision of the Act requires the President to direct every chief of a United States diplomatic mission to inform the host government that it is a general policy of the United States Government to prohibit its employees from receiving gifts of more than minimal value or decorations that have not been tendered "in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance." Accordingly, all Chiefs of Mission shall in January of each year conduct a thorough and explicit program of orientation aimed at appropriate officials of the host government concerning the operation of the Act.

§ 3.12 Exemption of grants and other foreign government assistance in cultural exchange programs from coverage of foreign gifts and decorations legislation.

The Act specifically excludes from its application grants and other forms of assistance "to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies". See 22 U.S.C. 2558 (a) and (b) for the terms and conditions under which Congress consents to the acceptance by a Federal employee of grants and other forms of assistance provided by a foreign government to facilitate the participation of such employee in a cultural exchange.

Ben Read,

Under Secretary of State for Management, Department of State.

Fred D. Hawkins,

Associate Director for Management, International Communication Agency.

D. G. MacDonald,

Assistant Administrator for Program and Management Services, Agency for International Development.

Mary Leyland,

Assistant Director for Administration, International Development Cooperation Agency.

[FR Doc. 80-38041 Filed 12-5-80; 8:45 am]
BILLING CODE 4710-20-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2602

Payment of Premiums; Multiemployer Pension Plan

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment increases the premiums payable to the Pension Benefit Guaranty Corporation by plan administrators of multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, as amended. The amendment is necessary to implement changes in the premium rate made by the Multiemployer Pension Plan Amendments Act of 1980. Under the amended regulation, a premium of $1.40 per participant will be charged for plan years beginning after September 26, 1980. The regulation also imposes a revised premium rate for the plan year within which September 26, 1980 falls.

EFFECTIVE DATE: January 7, 1981.

FOR FURTHER INFORMATION CONTACT: Terrence M. Deneen, Office of the Executive Director, Policy and Planning, Suite 7100, 2020 K Street NW., Washington, D.C. 20006; 202-254-4895.

SUPPLEMENTARY INFORMATION: The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96-364, 94 Stat. 1208, (the "Multiemployer Act") became law on September 26, 1980. Section 105 of the Multiemployer Act amended section 4006 of the Employee Retirement Income Security Act of 1974 ("ERISA"), which authorizes the Pension Benefit Guaranty Corporation ("PBGC") to prescribe premium rates and coverage schedules for the application of those rates. The

Multiemployer Act made no change in the premium rate for single employer plans. However, the Multiemployer Act made two changes in the premium rate for multiemployer plans.

Formerly, the premium rate for multiemployer plans was fifty cents per participant per year. The Multiemployer Act revised the premium for multiemployer plans beginning with the plan year containing September 26, 1980 ("the enactment year"). The new premium rate for the plan year consists of two amounts: the old fifty cent rate multiplied by the fraction of the plan year elapsed as of the date of enactment, and a $1.00 rate multiplied by the portion of the plan year remaining after date of enactment. Amended § 2602.5(b)(2) sets forth the total premium rate for the enactment year based on the starting date of the plan year. To ease the administrative burdens on both plan administrators and the PBGC, the rates are based on calendar months in the enactment year completed before September 26, 1980. All plans beginning in the same month are charged the same rate under the schedule contained in this regulation.

Under § 2602.3 of the current regulation, a plan administrator is generally required to file the Form PBGC–1, together with the required premium payment, seven months after the close of the prior plan year. Premiums from plans with plan years commencing before July 1, 1980 are already due or will be due before January 31, 1981. Therefore, administrators of some plans have already filed the Form PBGC–1 for the enactment year and have made a premium payment at the old rate of fifty cents per participant. Other plan administrators will be filing the Form PBGC–1 for the enactment year very shortly, and will not be able, as a practical matter, to revise their filings to conform with the guidance given in this amendment. Accordingly, it is necessary to specify the date when the additional premium charge for the enactment year will fall due.

Under new § 2602.3(d), the PBGC will bill the administrator of a plan required to file the Form PBGC–1 before January 31, 1981 for the additional premium required under the Multiemployer Act. The additional premium will be due 30 days after the PBGC bills the plan administrator. Failure to pay the additional amount when due will result in the imposition of interest and penalties pursuant to §§ 2602.7 and 2602.8.

PBGC is aware, however, that some plans required to file before January 31, 1981 have not or will not do so. Because of this failure to file, PBGC may miss these plans when it sends out bills for the additional premium. Therefore delinquent plans that do not receive a bill from PBGC will be charged interest and penalties on the additional premium if they fail to pay the additional premium on or before March 31, 1981. Of course, such plans will also be charged interest and penalties on the old fifty cents premium from the regular due date under § 2602.3.

Administrators of plans with plan years commencing after June 30, 1980 will receive revised instructions to the Form PBGC–1 that reflect the additional premium charge for the enactment year. The premium payment due date for such plans continues to be (except for new plans) seven months after the close of the prior plan year.

The Multiemployer Act also increased the premium for multiemployer plans for plan years commencing on or after September 27, 1980. For the first four plan years beginning after enactment of the bill, the annual per-participant premium is $1.40. The premium will rise to $1.80 for the fifth and sixth years, to $2.20 for the seventh and eighth years, and to $2.60 for the ninth and succeeding years.

New § 2602.5(b)(1) implements the premium increases required under the Multiemployer Act. The PBGC notes, however, that the Multiemployer Act amended section 4006(a)(3)(C) of ERISA to provide that the increase in the premium rate described above may be accelerated under certain circumstances. For example, the PBGC is required to increase the premium automatically at any time before the ninth year after enactment if for any year the assets in the multiemployer fund are less than twice the amount of financial assistance that the PBGC disbursed to multiemployer plans in the prior year. In such a case, the annual per-participant premium would increase to the lowest specified level (not in excess of $2.60) necessary to insure that the assets-to-benefits test will be satisfied in the succeeding calendar year.

Additionally, the Board of Directors of the PBGC may require an increase in the annual per-participant premium (not in excess of $2.60) when the Board determines that the increase is necessary to provide future financial assistance to plans which are then receiving assistance from the PBGC or which the Board finds are reasonably expected to receive such assistance.

Finally, this amendment makes certain other technical and editorial changes in the regulation.

Because the premium increases under this regulation are mandated by the Multiemployer Act, and because of the need to provide immediate guidance for the payment of premiums for the 1980 plan year, the PBGC finds that notice of and public comment on this amendment are impractical and unnecessary.

The PBGC has determined that this amendment to the Payment of Premiums regulation is not "significant" under the criteria prescribed by Executive Order 12044, "Improving Government Regulations," 43 FR 12661 (March 24, 1978), and the PBGC's Statement of Policy and Procedures implementing the Order, 43 FR 58237 (December 13, 1978). The reasons for this determination are that this amendment is not likely to engender substantial public interest or controversy, does not affect another Federal agency, and will not have a major economic impact.

In consideration of the foregoing, Part 2602 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended as set forth below.

§ 2602.2 [Amended]

1. In § 2602.2, the definition of "Act" is amended by inserting ", as amended" after "1974."

2. Section 2602.3 is amended by inserting paragraph headings at the beginning of paragraphs (a), (b) and (c) and by adding a new paragraph (d) as follows:

§ 2602.3 Filing requirement.

(a) *Premium due date.* * * *

(b) *Reconciliation due date.* * * *

(c) *Improper filings.* * * *

(d) *Transitional rule for multiemployer plans.* For the plan year in which September 26, 1980 falls ("the enactment year"), the premium determined under § 2602.5(b)(2) is due on the date determined under paragraph (a)(3) or (4) of this section, unless the enactment year begins before July 1, 1980. If the enactment year begins before July 1, 1980, the premium is due in two installments as follows:

(1) The multiemployer plan shall pay, on the date determined under paragraph (a)(3) or (4) of this section, a premium of fifty cents for each individual who is a participant in the plan on the last day of the preceding plan year; and

(2) The plan shall pay, within 30 days after PBGC issues a notice of the additional premium due under § 2602.5(b)(2), such additional premium. However, if the plan fails to pay the amount described in paragraph (d)(1) before January 31, 1981, the additional premium shall be due on the earlier of 30 days after the PBGC issues a notice of

the additional premium or March 31, 1981.

§ 2602.4 [Amended]

3. Section 2602.4 is amended by deleting "section 4022(a)" wherever it appears and substituting "sections 4022(a) or 4022A(a)."

4. Section 2602.5 is revised to read as follows:

§ 2602.5 Premium rate.

(a) *Single employer plans.* Plans other than multi-employer plans shall pay the following premuims for basic benefits guaranteed under section 4022(a) of the Act:

(1) For plan years beginning on or after January 1, 1978, two dollars sixty cents for each individual who is a participant in such plan on the last day of the preceding plan year;

(2) For plan years beginning on or after September 2, 1976 and ending on or before December 30, 1978, one dollar for each individual who is a participant in such plan on the last day of the preceding plan year; or

(3) For plan years beginning before September 2, 1976, one dollar for each individual who is a participant in such plan at any time during the plan year.

(b) *Multiemployer plans.* Multiemployer plans shall pay premiums for basic benefits guaranteed under section 4022(a) or 4022A(a) as follows:

(1) For plan years beginning after September 26, 1980, mulitemployer plans shall pay premiums at the rate set forth in the following table for each individual who is a participant in such plan on the last day of the preceding plan year.

	Rate
For plan years beginning:	
After Sept. 26, 1980 and before Sept. 27, 1984	$1.40
After Sept. 26, 1984 and before Sept. 27, 1986	1.80
After Sept. 26, 1986 and before Sept. 27, 1988	2.20
After Sept. 26, 1988	2.60

(2) For the plan year in which September 26, 1980 falls ("the enactment year"), multiemployer plans shall pay a premium for each individual who is a participant in such plan on the last day of the preceding plan year at the rate set forth in the following table:

	Rate
For plan years beginning in:	
September 1979	$.50
October 1979	.54
November 1979	.58
December 1979	.62
January 1980	.67
February 1980	.71
March 1980	.75
April 1980	.79
May 1980	.83
June 1980	.88
July 1980	.92
August 1980	.96
September 1980 (on or before Sept. 26)	1.00

The rates in the above table equal (after rounding) the sum of—

(i) Fifty cents multiplied by a fraction, the numerator of which is the number of calendar months in the enactment year ending before September 26, 1980, and the denominator of which is twelve, and

(ii) One dollar, multiplied by a fraction equal to one minus the fraction determined under paragraph (b)(2)(i) of this section.

(3) For plan years before the enactment year, multiemployer plans shall pay premiums as follows:

(i) For plan years beginning on or after September 2, 1976, fifty cents for each individual who is a participant in such plan on the last day of the preceding plan year; or

(ii) For plan years beginning before September 2, 1976, fifty cents for each individual who is a participant in such plan at any time during the plan year.

(c) For plans not previously covered under section 4021 of the Act, the plan shall pay the applicable premium under paragraphs (a) or (b) of this section for each individual who is a participant in such plan on the plan's effective date.

§ 2602.6 [Amended]

5. Section 2602.6 is amended by deleting "(Rev. August 1975)."

6. Section 2602.12 is revised to read as follows:

§ 2602.12 Mailing address.

Plan administrators shall mail the Form PBGC–1 and all payments for premiums, interest and penalties to: Pension Benefit Guaranty Corporation, P.O. Box 2454, Washington, D.C. 20013.

(Secs. 4002(b)(3) and 4006(a), Pub. L. 93–406, 88 Stat. 1004, as amended by Secs. 403(l) and 105 (respectively), Pub. L. 96–364, 94 Stat. 1208 (29 U.S.C. 1302(b)(3) and 1306(a)))

Issued at Washington, D.C. on this 3rd day of December 1980.

Ray Marshall,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving this regulation authorizing its Chairman to issue same.

Mitchell Strickler,

Acting Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 80-37879 Filed 12-5-80; 8:45 am]

BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AD–FRL–1694.3, Docket No. A–80–55]

Compliance With VOC Emission Limitations for Can Coating Operations

AGENCY: Environmental Protection Agency.

ACTION: Notice of policy memorandum.

SUMMARY: Reproduced below is a copy of a memorandum in which the Assistant Administrator for Air, Noise and Radiation describes an acceptable compliance program for can coating operations. This compliance program will allow the use of a daily weighted average in conjunction with a plantwide emission limitation.

FOR FURTHER INFORMATION CONTACT: Leo Stander, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards (MD–15), Research Triangle Park, N.C. 27711, (919/541–5516).

SUPPLEMENTARY INFORMATION: The memorandum reproduced below, which the Assistant Administrator for Air, Noise and Radiation sent to the ten EPA Regional Administrators, describes a program for determining compliance with appropriate emission limitations in State Implementation Plans. This memorandum notifies State and local agencies that in EPA's view, in general, their regulations may be interpreted as allowing a daily weighted average for approving permits and compliance plans without further regulatory changes or SIP revisions. EPA is encouraging this approach. A suggested format is attached to the memorandum.

David G. Hawkins,

Assistant Administrator for Air, Noise and Radiation.

United States Environmental Protection Agency,

Office of Air, Noise, and Radiation,

Washington, D.C., November 20, 1980.

Subject: Compliance with VOC Emission Limitations for Can Coating Operations.

From: David G. Hawkins, Assistant Administrator for Air, Noise, and Radiation (ANR–443).

Memo to: Regional Administrator, Regions I–X.

The Agency has been requested by the Can Manufacturers Institute to consider the utilization of the compliance program described below for determining compliance with appropriate emission limitations in State Implementation Plans. The Agency has previously considered such an approach and in a memorandum dated November 21, 1978, from Richard G. Rhoads, Director, Control

Programs Development Division to Director, Air and Hazardous Materials Division, Regions I–X entitled "RACT Options for Can Coating Operations," the Agency stated that a SIP submittal with such provisions would be approvable. This memorandum expands Mr. Rhoads' memorandum to cover options which can be utilized by States in determining compliance with can coating VOC emission limitations.

Mr. Rhoads' memorandum stated that a State's regulation which provides for a daily weighted average in conjunction with a plantwide emission limitation would be approvable as part of a SIP. This is because of the severe practical problems faced by can manufacturing plants where a number of lines apply as many as 50 different coatings, depending on the end uses of the cans. In this industry, line specific emission limitations may cause can coaters to be in violation when a high solvent coating is applied.

Regulatory language in State Implementation Plans defining the allowable emission limits for can coating operations differs in detail from State to State and among areas in individual States. The Agency believes that for the most part, the States and relevant local agencies may utilize a daily weighted average to determine whether a can manufacturing operation is in compliance with the State's emission limitations. EPA is issuing this interpretative statement to notify State and local agencies that in EPA's view, in general, their regulations may be interpreted as allowing daily weighted averages for approving permits and compliance plans without further regulatory changes or the need for a SIP revision. EPA encourages such an interpretation.*

Compliance can be determined for any 24-hour period based on total actual emissions calculated from daily units of production records (e.g., number of each type of can, sheet, or end), application rates of each coating (e.g., gallons/units of production), solvent and solids content of each coating, and control efficiency. This would then be compared to the total allowable emissions for that production mix assuming each coating complied with applicable emission limitations. The attached suggested format allows use of a standardized equation to express the weight of VOC per gallon of coatings, less water, in terms of weight of VOC per gallon of solids to determine compliance. The pounds of solvent per gallon of coating should be based on a certified analysis of the VOC content of each coating given to the user by the supplier. This analysis should be verifiable by laboratory analysis. For purposes of emission limitation compliance, VOC content of coatings is the responsibility of the user. The percent capture and control efficiency must be established by using approved test methods on the worst case solvent or for all cases of use and held constant until such time as a new test is conducted to demonstrate a different efficiency.

It is essential that companies keep detailed records in a format that will allow simple and accurate verification and that the information be available as necessary for compliance certification and possible enforcement action. Further, standard test methods to verify the solvent content of each coating should be in accordance with those prescribed in the State's regulations.

States are urged to utilize enforcement techniques which encourage the development and use of low solvent coatings technology in the can manufacturing industry. In the long run, use of such technology is preferable to incineration from the point of view of reliability and maintenance of controls, as well as for purposes of energy conservation.

Attachment.

*This compliance method may be applicable to multiplant situations where the plants are under common ownership or control and are located in the same geographic area. EPA will consider approval of such multiplant applications of this method.

Suggested Format for Determining Compliance for Can Coating Operations [1]

	Pounds VOC per gallon coating less water (a)	Percent solids (b)	Percent solvent (c)	Percent water (d)	Pounds VOC per gallon solids (e)	Application rate (gallon per units produced) (f)	Units produced (g)	Gallon coating applied (f × g) (h)	Gallon solids applied (b × h ÷ 100) (i)	Control [2] efficiency (j)	Pounds of VOC [e × i × (l − j)] (k)
Actual Emissions											
1. Sheet coating	5.42	26.4	73.6		20.52	22	5	110	29.0	0.81	113.1
2. Sheet coating	1.09	50.0	8.7	41.3	1.28	10	24	240	120.0		153.6
3. Sheet coating	5.06	31.2	68.8		16.23	10	24	240	74.9	.81	231.0
4. Side seam	6.34	13.9	86.1		45.59	1.5	18	27	3.8		173.2
5. Inside spray	3.91	16.0	18.1	65.9	8.33	8	24	192	30.7		255.7
6. End compound	4.20	42.9	57.1		9.80	1.5	24	36	15.4		150.9
Actual total emissions											1,077.5
Allowable Emissions Using Complying Coating [3]											
1. Sheet coating	2.8				4.52				29.0		131.1
2. Sheet coating	2.8				4.52				120.0		542.4
3. Sheet coating	2.8				4.52				74.9		338.5
4. Side seam	5.5				21.76				3.8		82.7
5. Inside spray	4.2				9.78				30.7		300.2
6. End compound	3.7				7.44				15.4		114.6
Allowable total emissions											1,509.5

[1] Concept based on the following principal for comparing actual and allowable emissions: Pounds VOC emitted = pounds VOC per gallon of *solids* × gallons of solids applied per unit. (Same gallons of solids applied for actual and allowable.)

[2] Control efficiency varies with emission devices used. The percent capture and control efficiency must be established by using approved test methods on the worst case solvent or for all cases of use and held constant until such time as a new test is conducted to demonstrate a different efficiency.

[3] Complies with State VOC emission limitations.

NOTE.—Data in columns a, b, c, d, f, g, and j (under actual emissions) obtained from plant records including thinning solvent.

D = Density of solvent for complying coating (average density is 7.36 lbs/gallon).

$$e = \frac{(a) \times C}{(b)} \quad C = 100 \text{ pct or } e = \frac{D \times (a)}{[D - (a)]}$$

[FR Doc. 80-37988 Filed 12-5-80; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 62

[A-2-FRL 1675-6]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Emission Control of Existing Kraft Pulp Mills

AGENCY: Environmental Protection Agency.

ACTION: Rule.

SUMMARY: Regulations promulgated under the provisions of Section 111(d) of the Clean Air Act, as amended, require states to submit to the Environmental Protection Agency plans to control total reduced sulfur emissions from existing kraft pulp mills. Alternately, a state can submit to the Environmental Protection Agency a "negative declaration" which certifies that no existing kraft pulp mills are located within the state's boundaries. In the September 29, 1980 **Federal Register** (45 FR 64219) the Environmental Protection Agency proposed approval of "negative declarations" submitted to it by the Territory of the Virgin Islands and the State of New Jersey. The purpose of today's **Federal Register** notice is to announce final approval of these "negative declarations" submitted by the Virgin Islands and New Jersey.

DATES: This action becomes effective December 8, 1980.

ADDRESSES: Copies of the "negative declarations" from the Territory of the Virgin Islands and State of New Jersey are available for inspection at the following addresses:

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408

New Jersey Department of Environmental Protection, Division of Environmental Quality, John Fitch Plaza, Trenton, New Jersey 08625

Virgin Islands Department of Conservation and Cultural Affairs, Division of Environmental Health, Charlotte Amalie, St. Thomas, Virgin Islands 00801

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: Section 111(d) of the Clean Air Act, as amended, and 40 CFR Part 60 require states to submit to the Environmental Protection Agency (EPA) plans to control emissions of designated pollutants from designated facilities. "Designated pollutants" are pollutants which are not included in a list published under the provisions of Section 108(a) or Section 112(b)(1)(A) of the Clean Air Act, but which are pollutants for which standards of performance for new sources have been established under Section 111(b) of the Clean Air Act. A "designated facility" is an existing facility which emits a designated pollutant and which would be subject to a new source performance standard for that pollutant if the facility were new. In lieu of a control plan, as provided for in 40 CFR Part 60, a state can submit to EPA a "negative declaration" which certifies that for a specific "designated pollutant" no "designated facilities" exist within its boundaries.

On September 29, 1980 (45 FR 64219) EPA proposed in the **Federal Register** approval of "negative declarations" relating to total reduced sulfur emissions from existing kraft pulp mills for the State of New Jersey and the Territory of the Virgin Islands. In the proposal, EPA invited the public to submit written comments on its intent to approve the negative declarations. EPA received no comment. Therefore, EPA is hereby promulgating its approval of the "negative declarations" as submitted by the State of New Jersey and the Territory of the Virgin Islands without change. Furthermore, this action is being made effective immediately as it poses no hardship on any source.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Secs. 111 and 301(a), Clean Air Act, as amended (42 U.S.C. 7413 and 7601))

Incorporation by reference of the State Implementation Plans for the Territory of the Virgin Islands and the State of New Jersey was approved by the Director of the Federal Register on July 1, 1980.

Dated: November 19, 1980.

Douglas M. Costle,

Administrator, Environmental Protection Agency.

Part 62, Subchapter C, Chapter I, Title 40 of the Code of Federal Regulations is amended by adding §§ 62.7601 and 62.13352 as follows:

* * * * *

Subpart FF—New Jersey

Total Reduced Sulfur Emissions From Kraft Pulp Mills

§ 62.7601 Identification of plan—negative declaration.

The New Jersey Department of Environmental Protection submitted, on October 18, 1979, a letter certifying that there are no existing kraft pulp mills in the State subject to Part 62, Subpart A of this Chapter.

* * * * *

Subpart CCC—Virgin Islands

Total Reduced Sulfur Emissions From Kraft Pulp Mills

§ 62.13352 Identification of plan—negative declaration.

The Virgin Islands Department of Conservation and Cultural Affairs submitted, on July 31, 1979, a letter certifying that there are no existing kraft pulp mills in the Territory subject to Part 62, Subpart A of this Chapter.

[FR Doc. 80-37972 Filed 12-5-80; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-7-FRL 1648-2]

Section 107—Revision to Attainment Status Designations for Kansas

Correction

In FR Doc. 80-33926 appearing at page 73046 in the issue for Tuesday, November 4, 1980, make the following correction:

On page 73047, in the second column, in the bottom line, the word "protest" should read "protect".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Reimbursement of Hospital-Based Physicians

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of revised injunction relating to enforcement of rules.

SUMMARY: On March 11, 1980, (45 FR 15550) HCFA announced in the **Federal Register** that it would begin, effective July 1, 1980, enforcing uniformly the regulations to deny charge payments under Part B of Medicare for the alleged professional components of clinical laboratory services. However, on June 5, 1980, the United States District Court for the Eastern District of Arkansas preliminarily enjoined this action during the pendency of a lawsuit filed there on May 28, 1980, challenging the policies in the March 11, 1980 notice. On June 20, 1980, we published a notice, at the direction of the court, informing the public of this injunction (45 FR 41635).

On November 20, 1980, the court modified its June 5 order by specifying the circumstances in which HCFA is precluded from denying Part B charge payments for clincial laboratory services. This notice informs the public of the terms of the revised injunction.

FOR FURTHER INFORMATION CONTACT: Leonard Peshkin, (301) 594–1115.

SUPPLEMENTARY INFORMATION: In 1966, HEW issued regulations governing the reimbursement of hospital-based physicians (31 FR 13456, Oct. 18, 1966). These regulations distinguish between professional services of physcians that benefit patients generally and professional services to specific patients that require personal performance by a physician. (See 42 CFR 405.483.) The former generally are reimbursed under Medicare on a hospital cost basis; the latter under Medicare Part B on a charge basis. This distinction has not been observed uniformly in making payments for laboratory services furnished in hospitals.

On March 11, 1980, we announced that beginning July 1, 1980, we would begin to enforce these regulations uniformly to preclude Part B charge payments for alleged professional components of clinical laboratory services furnished in the hospital setting (45 FR 15550). We told our carriers that beginning July 1, 1980, they should generally discontinue paying physicians for services properly reimbursed as hospital services.

On May 28, 1980, the College of American Pathologists along with other groups and individuals filed a lawsuit in the United States District Court for the Eastern District of Arkansas, to restrain implementation of the March 11, 1980 notice. *Arkansas Society of Pathologists, et al.* v. *Harris*, No. LR–C–80–258. On June 4, 1980, the court ordered a preliminary injunction during the pendency of this lawsuit while the issues raised in it are decided. The preliminary injunction prevents us from implementing the policies in the March 11, 1980 notice to deny Part B charge payments for a physician's professional component of clinical pathology procedures. On June 20, 1980, we published a **Federal Register** notice (45 FR 41635) announcing this injunction and stating that, pending further action in court, Part B charge payment for the alleged professional component of clinical laboratory services furnished in a hospital setting would be continued.

On November 20, 1980, the United States District Court for the Eastern District of Arkansas issued a revised preliminary injunction specifying that HCFA is enjoined from denying reimbursement under Part B of Medicare for the professional component of clinical pathology procedures in any instance where the pathologist was receiving such reimbursement, had received such reimbursement, or had applied to receive such reimbursement before June 5, 1980. Thus, the revised preliminary injunction clarifies and limits the terms of the earlier order, to the extent it does not require that we reimburse under Part B for those instances in which the pathologist did not receive or did not apply to receive Part B reimbursement before June 5, 1980. Pending further action in court, HCFA will comply with the requirements of this injunction. Therefore, under the circumstances specified in the revised injunction, Medicare Part B charge payments for the alleged professional component of clinical laboratory services furnished in a hospital setting may be continued.

(Sections 1102, 1832, 1833, 1861, 1866 and 1871 of the Social Security Act (42 U.S.C. 1302, 1395k, 1395l, 1395x, 1395cc, and 1395hh))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare-Hospital Insurance; and No. 13.774—Supplementary Medical Insurance)

Dated: December 4, 1980.

Howard Newman,

Administrator, Health Care Financing Administration.

[FR Doc. 80-38222 Filed 12-5-80; 9:37 am]

BILLING CODE 4110-35-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5784

[N-24807, Nev. 055943]

Nevada; Transfer of Jurisdiction: Modification of Public Land Order No. 2555

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order transfers administrative jurisdiction of a seismograph station from the National Oceanic and Atmospheric Administration, Department of Commerce, to the U.S. Geological Survey, Department of the Interior, and modifies Public Land Order No. 2555 to permit the filing of applications and offers under the mineral leasing laws.

EFFECTIVE DATE: January 6, 1981.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office 702–784–5703.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described lands which were withdrawn by Public Land Order No. 2555 of December 11, 1961, for use of the U.S. Coast and Geodetic Survey (now National Oceanic and Atmospheric Administration), Department of Commerce, as a seismograph station, are hereby transferred to the U.S. Geological Survey, Department of the Interior, for use as a geophysical observatory site:

Eureka Geophysical Observatory Site

Mount Diablo Meridian

T. 19 N., R. 53 E.,
Sec. 26, lot 7, NE¼SE¼.

The area described contains 69.75 acres in Eureka County.

2. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

3. Public Land Order No. 2555 of December 11, 1961, which withdrew the lands from settlement, sale, location or entry, under all of the general land laws, including the mining laws (30 U.S.C.

Ch. 2), and the mineral leasing laws, is hereby modified to permit mineral leasing.

4. At 10 a.m. on January 6, 1981, the lands described in paragraph 1 of this order will be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

Guy R. Martin,

Assistant Secretary of the Interior.

December 1, 1980.

[FR Doc. 80-38023 Filed 12-5-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5785

[CA 2885]

California; Partial Revocation of Public Land Order No. 706

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a public land order which withdrew and reserved public lands for use of the Department of the Navy for a small arms training site and will restore 300 acres in San Bernardino County, California, to operation of the public land laws generally, including the mining laws (30 U.S.C., Ch. 2) and the mineral leasing laws.

EFFECTIVE DATE: January 6, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office 916-484-4431.

By virtue of the authority contained in Section 204(a) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 706 of March 15, 1951, which withdrew and reserved public lands for the use of the Department of the Navy in connection with a Naval Supply Depot is hereby revoked so far as it affects the following described land:

San Bernardino Meridian

T. 9 N., R. 1 W.,
Sec. 15, W½NE¼NW¼, NW¼NW¼, S½NW¼, SW¼.

The area described aggregates 300 acres in San Bernardino County.

The land is located within the small community area of Nebo, California, adjacent to the U.S. Marine Corps Supply Center. The city of Barstow lies approximately 5 miles to the west.

2. At 10 a.m. on January 6, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands shall be open to location under the United States mining laws and to applications and offers under the mineral leasing laws at 10 a.m. on January 6, 1981.

Inquiries concerning the land shall be addressed to the Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Guy R. Martin,

Assistant Secretary of the Interior.

December 1, 1980.

[FR Doc. 80-38024 Filed 12-5-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5786

[I-15678]

Idaho; Revocation of National Forest Administrative Site Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an administrative site in Shoshone County, Idaho, which is no longer needed by the Forest Service. The Forest Service intends to consummate an exchange of the property with the State of Idaho in furtherance of its programs.

EFFECTIVE DATE: December 8, 1980.

FOR FURTHER INFORMATION CONTACT: Larry Lievsay, Idaho State Office 208-334-1735.

By virtue of the authority contained in Section 204(a) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of January 4, 1908, which withdrew the following described lands as an administrative site for use by the Department of Agriculture, Forest Service, is hereby revoked:

Coeur d'Alene National Forest

Boise Meridian

T. 50 N., R. 2 E.,
Sec. 26, W½W½NE¼SW¼, lots 5 and 6.

The area described contains 86.93 acres in Shoshone County.

2. Effective immediately the above described lands shall be open to applications for the disposal of lands under the General Exchange Act of March 20, 1922, 42 Stat. 465, as amended, 16 U.S.C. 485, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law.

Guy R. Martin,

Assistant Secretary of the Interior.

December 1, 1980.

[FR Doc. 80-38025 Filed 12-5-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5787

[OR-9986]

Oregon; Partial Revocation of Executive Order of November 24, 1903

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 68.60 acres of land withdrawn as rock quarry sites for use by the U.S. Army Corps of Engineers. This action will restore the public lands to operation of the public land laws generally. The public and national forest lands will be opened to location under the mining laws.

EFFECTIVE DATE: January 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204(a) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of November 24, 1903, which withdrew certain lands for use by the U.S. Army Corps of Engineers as rock quarry sites, is hereby revoked so far as it affects the following described lands:

Willamette Meridian

Siuslaw National Forest

Scottsburg Rock Quarry Site No. 1

T. 22 S., R. 10 W.,
Sec. 8, lot 3.

Revested Oregon and California Railroad Grant Land

Scottsburg Rock Quarry Site No. 2

T. 22 S., R. 10 W.,
Sec. 14, lot 4.

The areas described aggregate 68.60 acres in Douglas County.

2. At 10 a.m., on January 6, 1981, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, Lot 3 of Sec. 8 will be open to such forms of disposition as may by law be made of national forest land.

3. At 10 a.m., on January 6, 1981, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, Lot 4 of Sec. 14 will be open to such forms of disposition as may by law be made of revested Oregon and California Railroad Grant Land.

4. At 10 a.m., on January 6, 1981, the lands will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Guy R. Martin,

Assistant Secretary of the Interior.

December 1, 1980.

[FR Doc. 80-38026 Filed 12-5-80; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[Docket No. HM-36A; Amdt. No. 171-57]

General Information, Regulations, and Definitions; Change in Mailing Address for Hazardous Materials Incident Reports

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to change the address where hazardous materials incidents reports are sent.

EFFECTIVE DATE: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Irving R. Abis, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, Washington, D.C. 20590, phone 202-472-2726.

SUPPLEMENTARY INFORMATION: On November 6, 1980 the Materials Transportation Bureau (MTB) published a final rule for Docket HM-36A; Amdt. No. 171-56 (45 FR 73862) which eliminated certain requirements for the submission of hazardous materials incident reports and changed the address where reports are to be sent. Upon further consideration, the MTB has determined that the reports should be sent to Washington, D.C. for processing. This change reflects the new mailing address for the submission of hazardous materials incident reports.

In consideration of the foregoing, 49 CFR Part 171 is amended by revising paragraph (b) of § 171.16 as follows:

§ 171.16 Detailed hazardous materials incidents reports.

* * * * *

(b) Each carrier making a report under this section shall send that report to the Chief, Information Systems Division, Transportation Programs Bureau, Department of Transportation, Washington, D.C. 20590.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1)

Note.—The Materials Transportation Bureau has determined that this regulation will not have a major economic impact under the terms of Executive Order 12221 and DOT implementing procedures (44 FR 11034), nor an environmental impact under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C. on December 2, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80-37996 Filed 12-5-80; 8:45 am]

BILLING CODE 4910-60-M

Proposed Rules

Federal Register
Vol. 45, No. 237
Monday, December 8, 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 ENERGY

10 CFR Part 745

Protection of Human Subjects; Correction

AGENCY: Department of Energy.

ACTION: Proposed rule; correction.

SUMMARY: In the proposed rule on Protection of Human Subjects, published on Tuesday, November 25, 1980 (45 FR 78600), the date that appeared in column one for receipt of written comments by November 29, 1980, was erroneous. This document corrects the date to provide a comment period of 90 days after publication.

DATE: Written comments on the proposed rule are requested and should be received on or before February 23, 1981.

ADDRESS: Written comments or requests for additional information should be sent to: Joseph R. Blair, M.D., Human Health and Assessments Division, EV-32 (GTN), Office of Health and Environmental Research, U.S. Department of Energy, Washington, D.C. 20545.

FOR FURTHER INFORMATION CONTACT: Joseph R. Blair, M.D., Telephone: (301) 353-5355.

Issued in Washington, D.C., on December 3, 1980.

Ruth C. Clusen,

Assistant Secretary for Environment.

[FR Doc. 80-38031 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-55-AD]

Airworthiness Directives; Boeing Model 747-100/-200 and 747SR Series Airplanes With Certain Autopilot Installations Produced by Sperry Flight Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: Performance and failure analyses recently conducted by the Boeing Commercial Airplane Company have revealed that under certain flight conditions single faults of the automatic landing system with a Monitor and Logic (M & L) Unit, can result in sink rates which exceed 12 feet per second at touchdown. Landings with vertical speeds in excess of 12 feet per second may exceed the limit load of the landing gear which can result in damage or collapse of the landing gear.

This proposed rule would limit or prohibit the use of the autopilot for automatic landings on Boeing Model 747 series airplanes equipped with the dual channel automatic landing systems with a Monitor and Logic (M & L) Unit, Boeing Part Number 60B00013-452, -453, or -454, until these airplanes are modified to correct the problem.

DATES: Comments must be received by January 30, 1981.

ADDRESSES: Send comments on the proposed rule in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 80-NW-55-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Charles H. Mackal, Systems and Equipment Branch, ANW-130S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

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 the address specified above. All communications received on or before the closing date for comments specified above 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 FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any persons may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 80-NW-55-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion of the Proposed Rule

Recent evaluations of the Boeing Model 747-200 Series airplanes conducted to increase the maximum certificated landing weight have revealed that certain single failures of the automatic landing system with M & L units can result in a landing with excessive vertical speed. This system is installed in some Boeing Model 747-100/-200 and 747SR series airplanes. These failures, which result in no flare landings, were demonstrated during the original certification program. A number of factors have recently been shown to increase the sink rate resulting from these failures to a level above that which was satisfactorily demonstrated during the certification program. These factors, whose effects were not considered or were assumed to be negligible during the original certification program, include the following:

(a) Automatic stabilizer trim system tolerances may cause the airplane to be out of trim in the nose down direction after autopilot failure.

(b) High altitude airports result in a higher sink rate at touchdown if a no flare landing occurs due to higher ground speeds.

(c) A single channel nose down hard over command during flare results in a higher sink rate than the passive command in each channel which was demonstrated during certification.

A change in the pitch computer design which was made after the original certification also increases the effects of a failure. There have been no reports of an in service failure which resulted in a

landing with a sink rate of 12 feet per second or more.

Boeing is currently developing a change to the automatic stabilizer trim system which will change the elevator trim threshold to ±0.5° centered at the 3° (nominal) elevator trailing edge down position when the dual channel automatic landing system is engaged. This change should result in an effective pitch up command in the event of an autopilot disconnect or failure. Current plans call for this change to be described in Boeing Service Bulletin No. 747–22–2106, which has not yet been issued.

This proposed airworthiness directive would prohibit the use of the autopilot for automatic landings on airplanes equipped with an M & L unit and pitch computers with Boeing Part Numbers 60B00013–210, –239, –241, –243, –245, –246 or –247. Those airplanes equipped with an M & L unit and pitch computers with other Boeing part numbers will have the use of the automatic landing system restricted to airports with elevations less than 6,000 feet above sea level. These restrictions would be removed upon the incorporation of an approved modification, which will be required within 12 or 24 calendar months, depending on the type of pitch computers installed. It is anticipated that Boeing Service Bulletin No. 747–22–2106 will contain an approved modification when issued.

Anticipated Economic Effects

It is estimated that the following costs would result if the rule proposed herein were to be adopted without change.

1. *Maintenance Costs.* Based on data provided by the manufacturer it is estimated that total fleet-wide costs for installation of the modification which is to be described in Boeing Service Bulletin No. 747–22–2106 will be $375,000.

2. *Operating Costs.* The most substantial economic impact anticipated from the proposed rule would be the loss of Category II landing capability to those operators who will be required to disconnect their autopilots at or above 50 feet above ground level in all operations, pending installations of an approved modification. Based on the following assumptions: (1) Modifications will be completed in one year; (2) average aircraft utilization 3,000 hours per year; (3) direct operating costs of $5,000 per hour; (4) Category II weather prevails 5 percent of the time—it is estimated that the total operating-cost impact would be $1,500,000.

The costs of the flight manual changes and installation of placards described herein are considered insignificant, and no significant operating costs are anticipated for those operators who will lose Category II landing capability at airports above 6,000 feet MSL.

Based on the above, the total economic impact of the proposed rule is estimated to be $1,875,000.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of the Federal Aviations Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Boeing: Applies to all Model 747–100/–200 and 747SR series airplanes equipped with a dual channel autopilot with a Monitor and Logic unit, Boeing Part Number 60B00013–452, –453, or –454. To prevent no flare automatic landings with excessive sink rates, accomplish the following:

A. Within 30 days from the effective date of this AD, install a placard and incorporate an Airplane Flight Manual limitation applicable to airplanes equiped with pitch computers identified by Boeing Part Numbers 60B00013–205, –206, –207, –208 or –209. The Airplane Flight Manual limitation must read as follows:

Automatic Landing

The autopilot must be disconnected at or above 50 feet above ground level except when the airport elevation is less than 6,000 feet above sea level.

Airplanes affected by this limitation must be identified by a placard installed on the glareshield which states: "AT AIRPORTS ABOVE 6,000' MSL DO NOT USE AP BELOW 50' AGL."

B. Within 30 days from the effective date of this AD, install a placard and incorporate an Airplane Flight Manual limitation applicable to airplanes equipped with pitch computers identified by Boeing Part Numbers 60B00013–210, –239, –241, –243, –245, –246, or –247. The Airplane Flight Manual limitation must read as follows:

Automatic Landing

The autopilot must be disconnected at or above 50 feet above ground level.

Airplanes affected by this limitation must be identified by a placard installed on the glareshield which states: "DO NOT USE AUTOPILOT BELOW 50' AGL."

C. Within 12 calendar months from the effective date of this AD, modify the airplanes identified in paragraph A, above, in a manner approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region or by installing Boeing Service Bulletin No. 747–22–2106. When this modification has been accomplished, remove the limitation and placard imposed by paragraph A, above.

D. Within 24 calendar months from the effective date of this AD, modify the airplanes identified in paragraph B, above, in a manner approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region or by installing Boeing Service Bulletin No. 747–22–2106. When this modification has been accomplished, remove the limitation and placard imposed by paragraph B, above.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Wash., on November 28, 1980.

E. O'Connor,

Acting Director, Northwest Region.

[FR Doc. 80–37963 Filed 12–5–80; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 80–GL–34]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Norwalk, Ohio, in order to accommodate a new instrument approach into Huron County Airport, which was established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument wheather conditions from other aircraft operating under visual conditions.

DATES: Comments must be received on or before January 8, 1981.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 80–GL–34, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300

East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 80-GL-34, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before January 8, 1981, 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 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 procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Norwalk, Ohio. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1980, (45 FR 445).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (45 FR 445) the following transition area is added:

Norwalk, Ohio

That airspace extending upward from 700' above the surface within a 6-mile radius of the center of Huron County Airport, Norwalk, Ohio (latitude 41°14'40"N, longitude 82°33'03"W).

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-34, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on November 24, 1980.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 37966 Filed 12-5-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-NE-40]

Amendment to the Description of the Augusta, Maine, 700-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to amend the Augusta, Maine, transition area so as to provide additional airspace for aircraft executing the VOR/DME-A original standard instrument approach procedure (SIAP) serving Central Maine Airport, Norridgewock, Maine.

DATES: Comments must be received on or before December 30, 1980.

ADDRESSES: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 80-NE-40.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, Operations Procedures and Airspace Branch, ANE-535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; Telephone (617) 273-7285.

Comments Invited

Interested persons may participate in the proposed rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 80-NE-40, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before December 30, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in 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, S.W., Washington, D.C. 20591, or by calling (202) 426-8085. Communications must identify the 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 described the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14

CFR Part 71) to amend the description of the Augusta, Maine, 700-foot transition area. This action is necessary so as to provide additional airspace for aircraft executing the VOR/DME–A original SIAP serving Central Maine Airport, Norridgewock, Maine.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) by deleting in its entirety the description of the Augusta, Maine, 700-foot transition area and substituting:

That airspace extending upward from 700 feet above the surface beginning at: 44°–32′–15″N, 70°–13′–00″W, 44°–49′–00″N, 69°–52′–00″W, 44°–40′–15″N, 69°–27′–00″W, 44°–26′–10″N, 69°–25′–00″W, 44°–22′–00″N, 69°–37′–00″W, 44°–10′–00″N, 69°–29′–00″W, 44°–03′–30″N, 69°–44′–10″W, 44°–14′–20″N, 69°–58′–00″W, to point of begining, excluding that portion which coincides with the Wiscasset, Maine, 700-Foot transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as amended on June 27, 1980, by Executive Order 12221, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Mass., on November 26, 1980.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 80–37964 Filed 12–5–80; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 80–NE–41]

Amendment to the Description of the Millinocket, Maine, 700-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to amend the Millinocket, Maine, 700-foot transition area by modifying the existing airspace. This action is required as the Non-Directional Beacon (NDB) serving the airport, has been relocated, and the approach preocedures associated with that facility have been modified accordingly.

DATES: Comments must be received on or before December 30, 1980.

ADDRESSES: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE–7, Attention: Rules Docket Clerk, Docket No. 80–NE–41.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, Operations Procedures and Airspace Branch, ANE–535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7285.

Comments Invited

Interested persons may participate in the proposed rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the Office of the Regional Counsel, ANE–7, Attention: Rules Docket Clerk, Docket No. 80–NE–41, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before December 30, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in 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) 426–8085. Communications must identify the 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 procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the description of the Millinocket, Maine, 700-foot transition area. This action is required as the NDB serving the airport has been relocated and the approach procedures associated with that facility have been modified accordingly.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) to read as follows:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 45°38′50″N, 68°41′10″W, of Millinocket Municipal Airport, Millinocket, Maine, and within 1.5 miles each side of the Millinocket VORTAC 299T radial (318 MAG) extending from the 7-mile radius area to the Millinocket VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 USC 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c), 14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as amended on June 27, 1980, by Executive Order 12221, as implemented by Department of Transportation Regulatory Policies and Procedures [44 FR 11034; February 26, 1979]. The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Mass., on November 26, 1980.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 37965 Filed 12–5–80; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 456

Eyeglasses II

Correction

In FR Doc. 80–37401, published at page 79823, on Tuesday, December 2, 1980 make the following corrections:

1. On page 79824, in the first column, the second paragraph, the tenth line, "opticinary" should be corrected to read "opticianry".

2. Also on page 79824, in the third column, the last line "where large commercial firms exited" should be corrected to read "where large commercial firms existed".

3. On page 79827, in the third column, the fourth paragraph, the third line "staff in" should be corrected to read "staff is".

4. On page 79828, in the third column, the third line "examinations. The" should be corrected to read "examinations. To the".

5. On page 79829, in the first column, the second paragraph, the fifth line "mail" should be corrected to read "mall".

6. On page 79830, in the first column, the second paragraph, the sixth line "contact lens fitting prificiency" should be corrected to read "contact lens fitting proficiency".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-17347; File No. S7-665]

Short Sales of Securities

AGENCY: Securities and Exchange Commission.

ACTION: Withdrawal of proposed rules.

SUMMARY: The Commission is withdrawing proposed temporary rules which would have suspended to varying degrees the operation of the "tick" test provisions of a rule that governs short sales. The "tick" test compares the price of a proposed short sale to immediately preceding transactions to determine its permissibility. The commentators generally indicated that the "tick" test provisions of that rule continue to be appropriate for the protection of investors and should not be modified.

FOR FURTHER INFORMATION CONTACT: Carlos M. Morales, (202-272-3103), Room 301, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the withdrawal of proposed Rules 10a-3(T)[A], 10a-3(T)[B] and 10a-3(T)[C] ("Rule 10a-3(T)") [17 CFR 240.10a-3(T)[A], 240.10a-3(T)[B], and 240.10a-3(T)[C]] under the Act[1] which would have suspended in part the operation of the "tick" test provisions of Rule 10a-1 under the Act.[2]

The proposals received relatively limited comment.[3] Commentators generally indicated that, in their view, the "tick" test provisions of Rule 10a-1 work well and should not be modified. In addition, in connection with the Commission's program to facilitate the establishment of a national market system, the Commission has adopted certain amendments ("Amendments") to Rule 10a-1[4] which demonstrate continued reliance on the "tick" test of Rule 10a-1.[5] In view of comments received in connection with proposed Rule 10a-3(T) and the Rule 10a-1 Amendments, and because of the substantial time that has elapsed since Rule 10a-3(T) was proposed, the Commission has determined to formally withdraw proposed Rule 10a-3(T) at this time.[6]

By the Commission.

George A. Fitzsimmons,

Secretary.

November 28, 1980.

[FR Doc. 80-38054 Filed 12-5-80; 8:45 am]

BILLING CODE 8010-01-M

[1] 15 U.S.C. §§ 78a *et seq.*, as amended by the Securities Acts Amendments of 1975, Pub. L. No. 94-29 (June 4, 1975), 89 Stat. 97, [1975] U.S. Code Cong., & Ad. News 97.

[2] *See* Securities Exchange Act Release No. 13091 (December 21, 1976), 41 FR 56530. The "tick" test compares the price of a proposed short sale to immediately preceding transactions to determine its permissibility. With respect to securities as to which last sale information is disseminated in the consolidated transaction reporting system, the short sale rule generally provides that short sales may be effected only on a plus tick (*i.e.*, at a price above the price at which the immediately preceding last sale was effected) or a zero-plus tick (*i.e.*, at a price equal to the last sale if the last preceding transaction at a different price was at a lower price), established by reference to the last sale in the consolidated transaction reporting system. *See* rule 10a-1(a)(1).

[3] Letter from Vincent J. Murphy to George A. Fitzsimmons, Secretary, SEC, dated February 23, 1977; Letter from James E. Buck, Secretary, The New York Stock Exchange, to George A. Fitzsimmons, Secretary, SEC, dated March 17, 1977; letter from Charles D. Kirkpatrick, II, Lynch, Jones & Ryan to George A. Fitzsimmons, Secretary, SEC, dated March 17, 1977; letter from William F. Devin, Chairman, Institutional Advisory Committee on Trading, The New York Stock Exchange, to George A. Fitzsimmons, Secretary, SEC, dated April 4, 1977; letter from Edward J. O'Brien, President, Securities Industry Association to the SEC, dated April 15, 1977; letter from William S. Boothby, Jr., Chairman, Blyth Eastman Dillon & Co., to George A. Fitzsimmons, Secretary, SEC, dated May 2, 1977; letter from William G. Burns, Vice President and Treasurer, American Telephone and Telegraph Company to George A. Fitzsimmons, Secretary, SEC, undated; letter from Norman S. Poser, Executive Vice President, American Stock Exchange, Inc., to George A. Fitzsimmons, Secretary, SEC, dated May 4, 1977; letter from John E. Merow, Chairman, Committee on Securities Regulations, The Association of the Bar of the City of New York, to George A. Fitzsimmons, Secretary, SEC, dated May 20, 1977; letter from Jesse D. Saunders, Vice President Government and Industry Relations, Philadelphia Stock Exchange, to George A. Fitzsimmons, Secretary, SEC, dated May 18, 1977; letter from Gordon S. Macklin, President, National Association of Securities Dealers, Inc., to George A. Fitzsimmons, Secretary, SEC, dated May 27, 1977. These comments are contained in the Commission's Public File No. S7-665.

[4] *See* Securities Exchange Act Release No. 17314 (November 20, 1980).

[5] The Amendments resolve a conflict between the short sale rule and the Commission's firm quotation rule. Rule 11Ac1-1 [17 CFR 240.11Ac1-1] ("Quote Rule") by permitting brokers and dealers to honor offers communicated pursuant to the Quote Rule in the event of a trade through. *See id.* at 2-3. One commentator on the Amendments suggested that, in light of the time which has passed since the proposal of Rule 10a-3(T), the Commission either formally withdraw that rule or republish it for comment. Letter from Warren F. Grienenberger, Chairman, American Bar Association, Federal Regulation of Securities Committee, and John M. Liftin, Chairman, Subcommittee on Securities Market and Market Regulation to George A. Fitzsimmons, Secretary, SEC, dated September 18, 1980. This letter is contained in Commission File No. S7-842.

[6] The Commission wishes to point out, however, that its action today is limited to withdrawal of the specific proposals relative to suspension of the "tick" test provisions of Rule 10a-1. Still pending are two other rule proposals relative to short selling published at the same time as proposed Rule 10a-3(T), (i) proposed Rule 10b-11, which would establish explicit borrowing requirements in connection with short sales (Securities Exchange Act Release No. 13091 (December 21, 1976), 41 FR 56530), and (ii) proposed Rule 10b-21 (and related amendments to the Commission's recordkeeping rules) governing short sales prior to and during underwritten offerings for cash (Securities Exchange Act Release No. 13092 (December 21, 1976), 41 FR 56542).

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 41

Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended

AGENCY: Department of State.

ACTION: Proposed rule making.

SUMMARY: The Department proposes amending § 41.1, definition of "Immediate Family", and § 41.20, "Officials of Foreign Governments", in order to specify with greater precision the classes of aliens covered by these sections and to ensure that only those persons who are clearly entitled to the status provided thereunder are so documented. The proposed amendement to § 41.20 further incorporates the statutory requirement that the accreditation of persons applying for visas under section 101(a)(15)(A) of the Act must be accepted, specifies by whom such accreditation may be accepted, and makes provision for the termination of classification under section 101(a)(15)(A).

DATES: Consideration will be given to written comments received on or before December 22, 1980.

ADDRESS: Comments may be sent to: Director, Office of Legislation, Regulations and Advisory Assistance, Visa Services, Bureau of Consular Affairs, Department of State, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Gerald M. Brown, Legislation and Regulations Division, Visa Services,

Bureau of Consular Affairs, telephone: (202) 632-1900.

SUPPLEMENTARY INFORMATION: The purpose of this proposed rulemaking is to establish more effective control over the classification of nonimmigrants qualifying under section 101(a)(15)(A) of the Act and to ensure that persons documented under that section are statutorily entitled to such status. The Department has long felt that the scope of the existing regulations is too broad and too general to maintain adequate control of and prevent abuse by persons purporting to qualify thereunder. The proposed amendments provide more specific descriptions of the classes of aliens affected and the conditions under which such aliens may qualify for the status defined by the regulations. Specificially, the amendment to § 41.1 would revise the definition of "Immediate Family" to—

(1) Incorporate the totality of the definition into the regulatory provision (the existing provision speaks of "close relatives" which term is itself defined in the interpretative notes in the Foreign Affairs Manual.

(2) Incorporate as a requirement for derivative status a showing that the alien is recognized officially by the principal applicant's government as a dependent (in terms of travel at official expense, post allowances, issuance of an official or diplomatic passport, etc.); and

(3) Authorize the consular officer to accord derivative A-1 or A-2 status to an adult unmarried dependent son or daughter without prior individual authorization by the Department.

With regard to § 41.20, the proposed regulations spell out the criteria required to qualify for A-1 or A-2 status. They also address the statutory requirement, unmentioned in the existing regulations, that an applicant's accreditation must be accepted by the President or by the Secretary of State before a visa is issued. Thus, as amended, § 41.20 would—

(1) Include in the regulations specific reference to "acceptance" of an alien's accreditation, with provision for such acceptance by a consular officer, as well as by the President or the Secretary of State;

(2) Require immediate referral of a case to the Department if a question arises regarding acceptance of the accreditation by a consular officer;

(3) Provide for acceptance to be reviewed by the Department in the case of an alien in the United States seeking a change of nonimmigrant classification to A-1 or A-2 classification; and

(4) Establish a provision authorizing, but not requiring, termination of an alien's acceptance if the alien engages in activities inconsistent with, or otherwise fails to maintain, A-1 or A-2 status.

Existing paragraph (b) of § 41.20 would be deleted as the question of notification to the Secretary of State by the mission of the country whose government the alien is serving is considered in 22 CFR Part 4 and is not appropriate to this section.

In accordance with the above explanations the proposed amendments would read as follows:

1. In § 41.1, the definition "Immediate Family" reads:

§ 41.1 Definitions.

* * * * *

"Immediate Family", as used in sections 101(a)(15)(A), 101(a)(15)(G), and 212(d)(8) of the Act and with reference to classification under the symbols NATO-1, NATO-2, NATO-3, NATO-4, and NATO-5, includes the spouse and unmarried sons and daughters, whether by blood or adoption, who are not members of some other household, and who will reside regularly in the household of the principal alien. "Immediate Family" also includes, upon individual authorization by the Department, other close relatives who are members of the immediate family by blood, marriage, or adoption, who are not members of some other household, who will reside regularly in the household of the principal alien, and who are recognized as dependents by the sending Government as demonstrated by their eligibility for all rights and benefits, such as the issuance of a diplomatic or official passport and travel and other allowances, which would be granted to the spouse and children of the principal alien.

2. In § 41.20 paragraph (b) would be deleted and the remaining paragraphs would be revised and/or renumbered to read:

§ 41.20 Officials of Foreign Governments.

(a) *Criteria for classification of foreign government officials.* An alien shall be classifiable under section 101 (a)(15)(A) (i) or (ii) of the Act if, in the case of the principal alien, (1) he has been accredited by a foreign government recognized de jure by the United States, (2) he intends to engage solely in official activities for said foreign government while in the United States, and (3) he has been accepted by the President, or by the Secretary of State, or by a consular officer acting on behalf of the Secretary of State. A member of the immediate family of a principal alien shall be classifiable under section 101(a)(15)(a)(i) or (ii) if the principal alien is classifiable under section 101(a)(15) (a) (i) or (ii).

(b) *Classification of status under section 101(a)(15)(A).* If an alien is entitled to classification under section 101(a)(15)(A) of the Act he shall be classified under this section even if he is eligible for another nonimmigrant classification.

(c) *Classification of attendants, servants, and personal employees.* An alien shall be classifiable as a nonimmigrant under the provisions of section 101(a)(15)(A)(iii) of the Act if he establishes to the satisfaction of the consular officer that he qualifies under that section of the Act.

(d) *Referral of certain cases to the Department.* In any case which there is uncertainty about the applicability of these regulations to a principal alien applicant requesting nonimmigrant status, the matter shall immediately be referred to the Department for consideration as to whether acceptance of accreditation shall or shall not be granted.

(e) *Change of nonimmigrant status to that of a Foreign Government Official.* In the case of an alien in the United States seeking a change of nonimmigrant classification pursuant to section 248 of the Act to a classification under section 101 (a)(15)(A) (i) or (ii), the question of acceptance of accreditation shall be determined by the Department.

(f) *Termination of Status.* The Department may, in its discretion, cease to recognize as entitled to nonimmigrant status under section 101(a)(15)(A) (i) or (ii) any alien who has such status.

(g) *Classification of Foreign Government Officials for Entry Other than Diplomatic.* A foreign government official or employee who seeks to enter the United States temporarily in a status other than that of a representative or employee of a foreign government shall not be classifiable under the provisions of section 101(a)(15)(A).

(Sec. 104, 66 Stat. 174; 8 U.S.C 1104)

Dated: November 10, 1980.

Robert E. Fritts,

Acting, Assistant Secretary for Consular Affairs.

[FR Doc. 80-38022 Filed 12-5-80; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 635

[FHWA Docket No. 80-1]

Buy America Requirements; Proposed Revisions

Corrections

In FR Doc. 80-36288 appearing at page 77455 in the issue for Monday, November 24, 1980, make the following corrections:

On page 77457, in the first column, in § 635.410(c)(2), in the eighth line, "requirement of" should have read "requirement to".

On page 77457, in the first column, in § 635.410(d)(1), in the first line, "If a project structural" should have read "If a project includes structural".

On page 77457, in the first column, in § 635.410(d)(1), in the second line, "into the" should have read "into".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 215

[Docket No. R-80-895]

Rent Supplement Payments; Transmittal of Interim Rule to Congress

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of interim rule to Congress under Section 7(o) of the Department of HUD act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review. This interim rule would amend 24 CFR Part 215 to implement the statutory requirement that the Secretary offer to amend existing Rent Supplement Contracts and provide assistance payments in conformance with Section 8 subsidy requirements.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, SW, Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

24 CFR Part 215—Rent Supplement Payments

(Sec. 7(o), Department of HUD Act (42 U.S.C. 3535(o)), sec. 324, Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., December 1, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-37940 Filed 12-5-80; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 241

[Docket No. R-80-896]

Supplementary Financing for Insured Project Mortgages; Congressional Waiver Request

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of congressional waiver request.

SUMMARY: Section 7(o)(4) of the Department of HUD Act permits the Secretary to request waiver of the review procedure in appropriate instances. This Notice lists and briefly summarizes for public information a final rule with respect to which the Secretary is presently requesting waiver.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of the General Counsel, 451, Seventh Street, S.W., Washington, D.C. 20410 (202) 755-6507.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both Congressional Banking Committees the final rule listed below. The purpose of the transmittal is to request a waiver of the 30-day delayed effective date for the final rule under Section 7(o)(3) of the Department of Housing and Urban Development Act. A summary of the rule-making document for which waiver has been requested is set forth below:

Final Rule—24 CFR Part 241—Supplementary Financing for Insured Project Mortgages

Section 319 of the Housing and Community Development Amendments of 1979 amended Section 241(b)(2) of the National Housing Act to eliminate the requirement that the maximum term of a loan insured under Section 241 could not exceed the remaining term of the insured mortgage. Section 241.65 of 24 CFR is being amended to implement that statutory change.

(Sec. 7(o), Department of HUD Act, (42 U.S.C. 3535(o)); sec. 324, Housing and Community Development Amendments of 1978))

Issued at Washington, D.C., December 1, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-37941 Filed 12-5-80; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 885

[Docket No. R-80-897]

Loans for Housing for the Elderly or Handicapped; Congressional Waiver Request

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Congressional waiver request under Section 7(o)(3) of HUD rules. The legislation permits the Secretary to request waiver of the review procedure in appropriate instances. This Notice lists and briefly summarizes for public information a final rule with respect to which the Secretary is presently requesting waiver.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451—7th Street, SW., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairman and Ranking Minority Members of both Congressional Banking Committees the final rule listed below. The purpose of the transmittal is to request waiver of the 30-day delayed effective date for the final rule under Section 7(o) of the Department of Housing and Urban Development Act. A summary of the rulemaking document for which waiver has been requested is set forth below:

Final Rule—24 CFR Part 885, Loans for Housing for the Elderly or Handicapped

This final rule amends Section 885.410(g)(1) which sets forth the administrative allowance added by HUD to the interest paid to Treasury to cover administrative costs and probable losses for loans made under the Section 202 direct loan program.

(Sec. 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o); Section 334 of the Housing and

Community Development Amendments of 1980)

Issued at Washington, D.C., December 2, 1980.

Moon Landrieu,

Secretary, U.S. Department of Housing and Urban Development.

[FR Doc. 80-37992 Filed 12-5-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-221-78]

Imputed Interest Rates; Public Hearing on Proposed Regulations and Extension of Comment Period

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Public hearing and extension of time for submitting comments on proposed regulations.

SUMMARY: This document provides notice of a public hearing and an extension of time for submitting comments on proposed regulations relating to the interest rate used to impute interest on loans between related entities and on deferred payments in the case of certain sales of property.

DATE: The public hearing will be held on January 8, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by December 24, 1980. The extended deadline for submission of written comments is December 24, 1980.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines and comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-221-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 482 and 483 of the Internal Revenue Code of 1954. By a notice of proposed rulemaking, the proposed regulations appeared in the **Federal Register** for Friday, August 29, 1980 (45 FR 57739). By the same notice of proposed rulemaking, comments and requests for a public hearing with respect to the proposed rules were to be delivered or mailed to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-221-78), Washington, D.C. 20224, by October 28, 1980. The date by which written comments must be delivered or mailed is hereby extended to December 24, 1980.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted or who submit written comments within the time prescribed in the notice of proposed rulemaking and this extension notice and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of oral comments to be presented at the hearing and the time they wish to devote to each subject by December 24, 1980.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive on improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 80-38184 Filed 12-4-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Public Hearing and Public Comment Period on the Resubmitted Oklahoma Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and hearing on the substantive adequancy of those portions of the proposed Oklahoma regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) which have been resubmitted by the State and which were not previously approved by the Secretary of the Interior.

This notice sets forth the times and locations that the Oklahoma program is available for public inspection, the date when and location where OSM will hold a public hearing on the resubmission, the comment period during which interested persons may submit written comments and data on the proposed program, and other information relevant to public participation during the comment period and public hearing.

DATES: A public hearing to review the substance of the resubmitted Oklahoma permanent regulatory program not previously approved by the Secretary of the Interior will be held at 7:00 p.m. on December 23, 1980, at the address listed below. Comments from members of the public must be received on or before the close of business on December 24, 1980, in order to be considered in the Secretary's decision.

ADDRESSES: The public hearing will be held at the Holiday Inn, 800 S. 32nd, Muskogee, Oklahoma. Written comments should be sent to Raymond L. Lowrie, Regional Director, Office of Surface Mining, Department of the Interior, 818 Grand Avenue, Kansas City, Missouri, 64106, or may be hand delivered to the Regional Office.

Copies of the full text of the proposed program, a listing of scheduled public meetings, and copies of all written comments and notes of public meetings are available for review and copying at the OSM Region IV Office and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106;

Oklahoma Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, Oklahoma 73105.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Assistant Regional Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone (816) 374-3920.

SUPPLEMENTARY INFORMATION: On February 28, 1980, the State of Oklahoma submitted to OSM a proposed state regulatory program. Pursuant to the provisions of 30 CFR Part 732 (44 FR 15326–15328), the Regional Director published notification of receipt of the program submission in the March 6, 1980, **Federal Register** (45 FR 14599–14600) and in newspapers of general circulation within the state. In accordance with that announcement, public comments were solicited and a public meeting was held on April 17, 1980, on the issue of the program's completeness. On April 25, 1980, the Regional Director published notice in the **Federal Register** (45 FR 27954–27955) announcing that he had determined the program to be incomplete in accordance with 30 CFR 732.11(b).

A public hearing on the initial Oklahoma submission was held on July 15, 1980, in Muskogee, Oklahoma, by the Regional Director, after notice on June 18, 1980, in the **Federal Register** (45 FR 41158–41160) and in newspapers of general circulation within the state. The public comment period on the initial submission ended July 22, 1980.

Throughout the period beginning with the submission of the program, OSM had frequent contact with the staff of the Oklahoma Department of Mines. Minutes or notes of the discussions were placed in the Administrative Record and made available for public review and comment. The full chronology of the events leading to the Secretary's initial decision is contained in the **Federal Register** notice of the partial approval by the Secretary (45 FR 67361–67372), published on October 10, 1980.

That notice also contained the Secretary's findings, detailed explanations of those findings and the Secretary's decision, which approved and disapproved specific parts of the Oklahoma program. Discussions after the initial decision between OSM and Oklahoma relating to parts of the program that were disapproved are in the Administrative Record and will be subject to public comment during the public comment period announced herein. In accordance with the procedures set forth in 30 CFR 732.13(f), the State of Oklahoma had 60 days from the date of publication of the Secretary's initial decision in which to submit a revised program for consideration. The state submitted its revised program for consideration on December 8, 1980.

The hearing on December 23, 1980, will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and who wish to do so will be heard at the end of scheduled speakers. The hearing will end after all people in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard. Written comments, data, or other relevant information may be submitted to supplement, or in lieu of, an oral presentation at the hearing.

The comment period announced today is relatively brief, ending at 5 p.m. on December 24, 1980. This relatively brief comment period is necessary to enable the Secretary to make his final decision on the Oklahoma permanent regulatory program as close as possible under applicable regulations to the January 3, 1981 statutory deadline of Sections 503 and 504 of SMCRA as amended by litigation in the U.S. District Court for the District of Columbia. In keeping with the public participation mandate of SMCRA, 30 CFR 732.13(f) requires a minimum of 15 days for public review and comment. Also, during the comment period, the Secretary is soliciting comments from the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other federal agencies.

After the public comment period, the public hearing and review of all comments, the Regional Director will transmit to the Director a recommended decision along with a record composed of the hearing transcript, written presentations, exhibits, and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that the program as amended by the resubmission now be approved or disapproved or conditionally approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director to the Secretary are established in 30 CFR 732.12(d) and (e) (44 FR 15326–15327). For further details, refer to the corresponding sections of the preamble (44 FR 14959–14961).

The Secretary's decision on the program as resubmitted will constitute the final decision by the Department. If the revised program is approved, the State of Oklahoma will have primary jurisdiction for the regulation of coal mining and reclamation and coal exploration on non-federal or non-Indian lands in Oklahoma. If the revised program is approved, the Secretary and the Governor may also enter into a cooperative agreement governing regulation of these activities on federal lands in Oklahoma. The cooperative agreement would be the subject of a separate rulemaking and **Federal Register** notice. If the revised program is disapproved, a federal program will be implemented and OSM will have primary jurisdiction for the regulation of the above activities in Oklahoma. To codify decisions on state programs, federal programs, and other matters affecting individual states, OSM has established Subchapter T of 30 CFR, Chapter VII. Subchapter T will consist of Parts 900 through 950. Provisions relating to Oklahoma will be found in 30 CFR Part 936 once Oklahoma's resubmission has been approved or disapproved.

At the public hearing, parties wishing to comment on the proposed program will be asked to register for placement on the speaker's agenda. In addition, the Regional Director has prescribed the following hearing format and rules of procedure in accordance with 30 CFR 732.12(b)(1) (44 FR 15326).

1. The hearing shall be informal and follow legislative procedures.

2. Based on the number in attendance, each participant may be limited to 10 minutes.

3. Participants will be called in the order in which they register.

Public participation in the review of state programs is a vital component in fulfilling the purposes of SMCRA. On September 19, 1979, OSM published guidelines in the **Federal Register** (44 FR 54444–54445) governing contacts between the Department of the Interior and both state officials and members of the public. It is hoped that issuance of these guidelines will encourage full cooperation by all affected persons with the procedures being implemented.

Interested members of the public are encouraged to read the Secretary's initial decision on the Oklahoma program submission (45 FR 67361–67372), published on October 10, 1980. That document contains detailed findings and explanations relating to the parts of the initial submission which were specifically approved and disapproved. Unless a change has been made to a part of the program previously approved, the Secretary will only consider comments relating to those portions previously disapproved or to any portions of the program first appearing in the resubmission.

Set forth below is a summary of the contents of the resubmission:

(a) State Regulations.

(b) Other Related State Laws and Regulations.

(c) State/Federal Law and Regulation Comparison.

(d) Regulatory Authority Designation.
(e) Structural Organization—Staffing Functions.
(f) Narrative Description for:
(1) Issuing Exploration and Mining Permits.
(2) Assessing Permit Fees.
(3) Bonding—Insurance.
(4) Inspecting and Monitoring.
(5) Enforcing the Administrative, Civil and Criminal Sanctions.
(6) Administering and Enforcing Permanent Program Standards.
(7) Assessing and Collecting Civil Penalties.
(8) Issuing Public Notices and Holding Public Hearings.
(9) Coordinating with Other Agencies.
(10) Consulting with Other Agencies.
(11) Designating Lands Unsuitable for Surface Mining.
(12) Restricting Financial Interests.
(13) Training, Examining and Certifying Blasters.
(14) Providing for Public Participation.
(15) Providing Administrative and Judicial Review.
(16) Providing a Small Operator Assistance Program (S.O.A.P.).
(g) Statistical Information.
(h) Summary of Staff with Titles, Functions, Job Experience and Training.
(i) Description of Staffing Adequacy.
(j) Projected Use of Other Professional and Technical Personnel.
(k) Budget Information.
(l) Physical Resources Information.
(m) Other Programs Administered by the Regulatory Authority.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Oklahoma program. Under section 702(d) of SMCRA (30 U.S.C. section 1292(d)) approval does not constitute a major action within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1979 (42 U.S.C. 4332).

Dated: December 2, 1980.

Allyn O. Lockner,

Acting Regional Director.

[FR Doc. 80-37955 Filed 12-5-80; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 80-151]

Drawbridge Operation Regulations; Caloosahatchee River, Florida

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Lee County Board of County Commissioners, the Coast Guard will consider amending the regulations governing the operation of the Edison Memorial Bridge, U.S. Highway 41, across the Caloosahatchee River, Okeechobee Waterway, mile 134.5, to provide a morning closed period during peak vehicluar traffic when the draw need not open. The hours of the evening closed period in effect would also be altered. This proposal is being made because of significant increases in vehicular traffic during these periods. This action may relieve vehicular traffic during the morning and evening rush hours, and may still provide for the reasonable needs of navigation.

DATE: Comments must be recieved on or before January 22, 1981.

ADDRESS: Comments should be submitted to and are available for examination from 7:30 a.m. to 4 p.m., Monday through Friday, during normal working hours at the office of the Commander (oan), Seventh Coast Guard Distict, 51 Southwest First Avenue, Miami, Florida 33130.

FOR FURTHER INFORMATION CONTACT: James R. Kretschmer, Bridge Administrator, Bridge Section (oan), Room 1006, Federal Building, 51 Southwest First Avenue, Miami, Florida 33130, telephone: (305) 350-4108.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped self-addressed envelope or post card.

The Commander, Seventh Coast Guard District will evaluate all communications received and determine a course of final action on the proposal. The proposed regulatons may be changed in the light of comments received.

Drafting information:

The principal persons involved in drafting this proposal are: Ensign Jane L. Hamilton, Bridge Administration Officer, Office of Aids to Navigation bridge Section and Lieutenant John M. Griesbaum, Office of Commander, Seventh Coast Guard District, Legal Office.

Discussion of the Proposed Regulations

Drawbridge regulations which currently restrict the operation of the Edison Memorial Bridge from 4:30 p.m. to 5:30 p.m. would be modified to read 5 p.m. to 6 p.m., to more closely match the evening peak vehicular traffic period. An additional restricted period from 7:30 a.m. to 8:30 a.m. is being considered to relieve morning peak vehicular traffic. From 7:30 a.m. to 8:30 a.m. and 5 p.m. to 6 p.m., vehicular traffic has increased from an average of 240 vehicles to 365 vehicles per 15 minute time frame or an increase of 50%. The existing regulation format would be modified as follows: The holidays now listed individually in subparagraph (a), would be identified simply as "Federal Holidays". Subparagraphs (b) and (c) would be consolidated into a single subparagraph, and redesignated as subparagraph (b). Subparagraph (d) would be modified and redesignated as subparagraph (c). These changes are being proposed to standardize the format of special drawbridge regulations. The Coast Guard is presenting this proposal for comment from affected and interested parties.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.462 to read as follows:

§ 117.462 Caloosahatchee River, Okeechobee Waterway, mile 134.5, Edison Memorial Bridge, U.S. Highway 41, Fort Myers, Lee County, Florida.

(a) From 7:30 a.m. to 8:30 a.m. and 5 p.m. to 6 p.m., daily, excluding Sundays and Federal holidays except as provided for in paragraph (b) of this section, the draw need not open for passage of vessels. At all other times the draw shall open on signal.

(b) The draw shall open at any time for passage of public vessels of the United States, tugs with tows, or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(c) The owner of or agency controlling this bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: November 20, 1980.

B. L. Stabile,

Rear Admiral, U.S. Coast Guard Commander, Seventh Coast Guard District.

[FR Doc. 38038 Filed 12-5-80; 8:45 am]

BILLING CODE 4910-14-M

ACTION

45 CFR Part 1226

Prohibitions on Electoral and Lobbying Activities

AGENCY: ACTION.

ACTION: Notice of proposed rulemaking.

SUMMARY: ACTION is proposing these regulations to implement restrictions on certain volunteer activity related to the use of appropriated funds in regard to election to public office and efforts to affect the passage of defeat of legislation. Also included are rules under the Hatch Act related to prohibited political activity by volunteers.

DATE: Comments must be received by January 7, 1981.

ADDRESS: Comments should be sent to the Office of General Counsel, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525. Written comments should be identified with the words *"Electoral and Lobbying Activities"* on the envelope. Oral comments may be offered by calling (202) 254–3116.

FOR FURTHER INFORMATION CONTACT: Barbara J. Kelley, General Counsel, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525. (202) 254–3116.

SUPPLEMENTARY INFORMATION: Section 403 of the Domestic Volunteer Service Act of 1973 (Pub. L. 93–113, as amended) prohibits the involvement of volunteer programs or the use of funds in election activities, voter registration activities and in providing transportation to the polls. Under the 1979 amendments to the Domestic Volunteer Service Act (Pub. L. 96–143, December 13, 1979), subsection 403(b)(2) was added which also prohibits the involvement of such programs in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition. The Director of ACTION is required, under subsection 403(c), to adopt rules enforcing the restrictions contained in the section, and such rules must be in accord with the specific provision as well as the broad legislative intent. In addition, Section 415(b) of the Act makes the Hatch Act, Title III of 73, Title 5, United States Code, applicable to certain volunteers serving under the Domestic Volunteer Service Act.

The approach of these regulations is twofold: (1) restrictions on the assignment of ACTION volunteers to or the receipt of funds by certain organizations because of the nature of the organization or its activities; (2) restrictions on volunteer assignments and activity. The organizational restrictions are based on the premise that certain organizations, because of their stated purpose or the nature of their activity, are not eligible under the law to receive ACTION funds or volunteers, regardless of the proposed assignment or activity of the volunteer. The rules regarding prohibited activities of volunteers relate specifically to election activities, voter registration, providing transportation to the polls and lobbying activities. The listing of the prohibited conduct is only representative and not an exclusive list. The reach of the prohibited activity, in regard to both elections and lobbying, extends not only to the conduct of volunteers, such as campaigning or canvassing voters, but includes organizing or raising funds for others for activities which the volunteer could not do directly. These regulations, as a matter primarily involving volunteers, and not including grants, are exempt from the requirement of Executive Order 12044: "Improving Government Regulations."

Accordingly, Part 1226 is added, as follows, to Title 45 of the Code of Federal Regulations.

PART 1226—PROHIBITIONS ON ELECTORAL AND LOBBYING ACTIVITIES

Subpart A—General Provisions

Sec.

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1226.11 Part time volunteers.

Subpart D—Sponsor Employee Activities

1226.12 Sponsor employees.
1226.13 Obligation of sponsors.

Authority: Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412.

Subpart A—General Provisions

§ 1226.1 Purpose.

This Part implements provisions of the Domestic Volunteer Service Act, 1973, 87 Stat. 394, Pub. L. 93–113, as amended, hereinafter referred to as the Act, pertaining to the prohibited use of federal funds or the involvement of agency programs and volunteers in electoral and lobbying activities. These regulations are designed to define and clarify the nature and scope of prohibited activities to ensure that programs under the Act and volunteer activities are conducted within the statutory bounds established by the Act. The penalties for violation of the regulations are also prescribed. The statutory source of the prohibitions upon electoral and lobbying activities is section 403(a) and (b) of the Act. Rules applying to the Hatch Act (Title III of Chapter 73, Title 5, United States Code) to full time and certain part time volunteers, as required by Section 415(b) of the Act, are also set forth herein.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

§ 1226.2 Scope.

This Part applies, except where otherwise noted, to all full time and part time volunteers serving in a program authorized by the Act, including VISTA, Service Learning and the Older American Volunteer Programs. It also applies to employees of sponsoring organizations, whose salaries, or other compensation, are paid, in whole or in part, with agency funds.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

§ 1226.3 Definitions.

(a) The "Act" means The Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93–113 [42 U.S.C. 4951 *et seq.*].

(b) "Assistance" means funds, volunteers or volunteer training, which is paid for from funds appropriated for the purpose of supporting activities under the Act, and includes locally provided funds required by law, regulation or policy as a local contribution to activities authorized by the Act.

(c) "Full time" when used in the context of volunteer service, means service of not less than 35 hours per week.

(d) "Part time" when used in the context of volunteer service, means service that is less than full time.

(e) "Recipient" or "sponsor organization" means any organization that receives assistance under the Act.

(f) "Volunteer" means an individual enrolled for service in a program or project that is authorized by or which receives assistance under the Act.

(g) "Legislative body" includes the United States Congress, State and Territorial Legislatures and locally elected or appointed bodies with the authority to enact laws.

(h) "Public office" includes any federal, state, local elective, or party office.

(i) "Party office" means an elective position in a national, state or local organization or committees or convention of such organization, which has, as a principal purpose, support or opposition to candidates for public office.

(j) "Legislation" means bills, resolutions, amendments, nominations and other matters pending or proposed in a legislative body and includes any other matter which may be the subject of action by a legislative body.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

Subpart B—Sponsoring Organization

§ 1226.4 General.

Under section 403 of the Act, volunteer programs may not be conducted in a manner which supports or results in the identification of such programs with prohibited activities. This section prescribes the nature and extent of involvement in such activity by an organization which would preclude the assignment of volunteers to the organization.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

§ 1226.5 Electoral, voter registration, and other activities.

Volunteers or other assistance, in any program under the Act shall not be assigned or provided to an organization if a principal purpose or activity of the organization includes any of the following activities:

(a) *Electoral Activities*—Any activity designed to influence the outcome of elections to any public office, such as

(1) Actively campaigning for or against or supporting candidates for public office;

(2) Raising, soliciting or collecting funds for candidates for public office;

(3) Preparing, distributing or providing funds for campaign literature for candidates, including leaflets, pamphlets, and material designed for the print or electronic media;

(b) *Voter Registration Activities*—Any voter registration activity, such as

(1) Providing transportation of individuals to voter registration sites;

(2) Providing assistance to individuals in the process of registering to vote, including determinations of eligibility;

(3) Disseminating official voter registration material.

(c) *Transportation to the Polls*—Providing voters or prospective voters with transportation to the polls or raising, soliciting or collecting funds for such activity.

(d) Any program sponsor which, subsequent to the receipt of any federal assistance under the Act, makes as one of its principal purposes or activities any of the activities described in Section 1226.5 hereof shall be subject to the suspension or termination of such assistance, as provided in 45 CFR 1206.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

Subpart C—Volunteer Activities

§ 1226.6 General.

(a) All volunteers, full and part time, are subject to the prohibitions on expenditure of federal funds for partisan and nonpartisan electoral activities, voter registration activities and transportation of voters to the polls, and efforts to influence the passage or defeat of legislation, as contained in Section 403 of the Act.

(b) Full time volunteers, and certain part time volunteers as specified herein, are also subject to the restrictions in Subchapter III, Chapter 73 of Title 5, United States Code, commonly referred to as the Hatch Act, as provided in Section 415(b) of the Act.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

§ 1226.7 Scope.

The provisions in this paragraph are applicable to full time volunteers as defined in § 1226.3(c), and to such part time volunteers as may be otherwise specified. Full time volunteers are deemed to be acting in their capacity as volunteers:

(a) When they are actually engaged in their volunteer assignments. VISTA volunteers and other full time volunteers who are required to serve without regard to regular working hours are presumed to be actually engaged in their volunteer assignments at all times, except during periods of authorized leave;

(b) Whenever they represent themselves, or may reasonably be perceived by others, to be performing as a volunteer.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

§ 1226.8 Prohibited activities.

(a) Electoral Activity—Volunteers shall not engage in any activity which may, directly or indirectly, affect or influence the outcome of any election to public office. Volunteers are prohibited from engaging in activities such as:

(1) Any activity in support of, or in opposition to a candidate for election to public office in a partisan or nonpartisan election;

(2) Participating in the circulation of petitions, or the gathering of signatures on nominating petitions or similar documents for candidates for public office.

(3) Raising, soliciting or collecting funds for a candidate for public office;

(4) Preparing, distributing or providing funds for campaign material for candidates, including leaflets, pamphlets, brochures and material designed for the print or electronic media;

(5) Organizing political meetings or forums;

(6) Canvassing voters on behalf of a candidate for public office;

(7) Raising, soliciting or collecting funds for groups that engage in any of the activities described in paragraphs (a) (1) through (6) of this section.

(b) Voter Registration—Volunteers shall not engage in any voter registration activity, including:

(1) Providing transportation of individuals to voter registration sites;

(2) Providing assistance to individuals in the process of registering to vote, including determinations of eligibility;

(3) The dissemination of official voter registration materials; or

(4) Raising, soliciting or collecting funds to support activities described in paragraphs (b) (1) through (3) of this section.

(c) Transportation to the Polls—Volunteers shall not engage in any activity to provide voters or prospective voters with transportation to the polls, nor shall they collect, raise, or solicit funds to support such activity, including securing vehicles for such activity.

(d) Efforts To Influence Legislation—Except as provided in § 1226.9, volunteers shall not engage in any activity for the purpose of influencing the passage or defeat of legislation or any measures on the ballot at a general or special election. For example, volunteers shall not:

(1) Testify or appear before legislative bodies in regard to proposed or pending legislation;

(2) Make telephone calls, write letters, or otherwise contact legislators or legislative staff, concerning proposed or pending legislation for the purpose of influencing the passage or defeat of such legislation;

(3) Draft legislation;

(4) Prepare legislative testimony;

(5) Prepare letters to be mailed by third parties to members of legislative bodies concerning proposed or pending legislation;

(6) Prepare or distribute any form of material, including pamphlets, newspaper columns, and material designed for either the print or electronic media, which urges recipients to contact their legislator or otherwise seek passage or defeat of legislation;

(7) Raise, collect or solicit funds to support efforts to affect the passage or defeat of legislation;

(8) Engage in any of the activities set forth in paragraph (d) (1) through (7) of this section for the purpose of influencing executive action in approving or vetoing legislation;

(9) Circulate petitions, gather signatures on petitions, or urge or organize others to do so, which seek to have measures placed on the ballot at a general or special election;

(10) Engage in any of the activities enumerated in paragraph (d) (1) through (9) of this section in regard to the passage or defeat of any measure on the ballot in a general or special election.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

§ 1226.9 Exceptions.

(a) A volunteer may draft, review, testify or make representations to a legislative body regarding a legislative measure upon request of the legislative body, a committee, or a member thereof, provided that:

(1) The request to draft, review, testify or make representations is in writing, addressed to the volunteer or the organization to which the volunteer is assigned or placed, and signed by a member or members of the legislative body.

(2) The request states with specificity the type of representation or assistance requested and the issue to be addressed.

(3) The volunteer or the program sponsor provides a copy of such request to the State Director.

(b) A volunteer may draft, review, testify, or make a written representation to a legislative body regarding an authorization or appropriation measure directly affecting the operation of the project or program to which he or she is assigned, provided:

(1) The sponsor organization receives approval from the State Director to the volunteer engaging in such activity, and

(2) The legislative measure relates to the funding of the project or program or affects the existence or basic structure of the project or program.

(c) Notwithstanding the foregoing exceptions, any activity by a volunteer pursuant to paragraph (b) (1) or (2) of this section shall be incidental to his or her regular work assignment. Nothing herein shall authorize any ongoing or continuing contact with a legislature, or its members, regarding proposed or pending legislation.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

§ 1226.10 Hatch Act restrictions.

(a) In addition to the prohibitions described above, full time volunteers are subject to the Hatch Act, Subchapter III, of Chapter 73, Title 5, United States Code. Full time volunteers shall not, directly or indirectly, actively participate in political management or in political campaigns. All volunteers retain the right to vote as they choose and to express their personal opinions on political issues or candidates. Examples of prohibited activities, include, but are not limited to,

(1) Candidacy for or service as a delegate or alternate to any political convention or service as an officer or employee thereof.

(2) Acting as an officer of a primary meeting or caucus, addressing, making motions, preparing or presenting resolutions, representing others, or otherwise taking part in such meetings or caucuses.

(3) Organizing or conducting a political meeting or rally on any political matter.

(4) Holding office as a precinct or ward leader or representative, or service on any committee of a political party. It is not necessary that the service of the volunteer itself be political in nature to fall within the prohibition.

(5) Organizing a political club, being an officer of such a club, being a member of any of its committees or representing the members of a political club in meetings or conventions.

(6) Soliciting, collecting, receiving, disbursing or otherwise handling contributions made for political purposes.

(7) Selling or soliciting pledges for dinner tickets or other activities of political organizations or candidates, or for their benefit.

(8) Distributing campaign literature, badges, buttons, bumperstickers or posters.

(9) Publishing or being editorially connected with a newspaper or other publication generally known as partisan from a political standpoint.

(10) Writing for publication or publishing any letter or article, signed or unsigned, soliciting votes in favor of or in opposition to any political party, candidate or faction.

(11) Soliciting votes, helping get out the vote, acting as a checker, watcher or challenger for any party or faction, transporting voters to or from the polls, or transporting candidates on canvassing or speaking tours.

(12) Participation in or organizing a political parade.

(13) Initiating nominating petitions or acting as a canvasser or witness on such petitions.

(14) Being a candidate for nomination or election to a National, State, or local office.

(b) Hatch Act restrictions apply to full time volunteers at all times during their service, including off-duty hours, leave, holidays and vacations.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

§ 1226.11 Part time volunteers.

(a) The provisions in this section are applicable to part time volunteers, as defined in § 1226.3(d). There are two categories of part time volunteers:

(1) Those enrolled for periods of service of at least twenty (20) hours per week for not less than twenty-six (26) consecutive weeks, as authorized under Section 122(c) of the Act, and

(2) All other part time volunteers, including Senior Companions, Foster Grandparents and Retired Senior Volunteers.

(b) All part time volunteers are subject to the restrictions described in § 1226.8 (a), (b), (c) and (d) and § 1226.9:

(1) When they are engaged in their volunteer assignments, in training activities, or other related activities supported by ACTION funds, or

(2) Whenever they represent themselves as ACTION volunteers, or may reasonably be perceived by other to be performing as volunteers.

(c) The restrictions described in § 1226.10, pertaining to the Hatch Act, are applicable to volunteers enrolled for periods of service of at least 20 hours per week for not less than 26 consecutive weeks:

(1) At all times in any day on which they serve as volunteers, or when engaged in activities related to their volunteer assignments, such as training; or

(2) Whenever they represent themselves as volunteers or may reasonably be perceived by others to be performing as volunteers.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

Subpart D—Sponsor Employee Activities

§ 1226.12 Sponsor employees.

Sponsor employees whose salaries or other compensation are paid, in whole or in part, with agency funds are subject to the restrictions described in § 1226.8 (a), (b), (c) and (d) and § 1226.9:

(a) Whenever they are engaged in an activity which is supported by ACTION funds; or

(b) Whenever they identify themselves as acting in their capacity as an official of a project which receives ACTION funds, or could reasonably be

perceived by others as acting in such capacity.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

§ 1226.13 Obligation of sponsors.

(a) It shall be the obligation of program sponsors to ensure that they:

(1) Fully understand the restrictions on volunteer activity set forth herein;

(2) Provide training to volunteers on the restrictions and ensure that all other training materials used in training volunteers is fully consistent with these restrictions;

(3) Monitor on a continuing basis the activity of volunteers for compliance with this provision;

(4) Report all violations, or questionable situations, immediately to the State Director.

(b) Failure of a sponsor to meet the requirements set forth in paragraph (a) of this section, or a violation of the rules contained herein by either the sponsor, the sponsor's employees subject to § 1226.12 or the volunteers assigned to the sponsor, at any time during the course of the grant may be deemed to be a material failure to comply with the terms and conditions of the grant as that term is used in 45 CFR 1206.1 regarding suspension and termination of assistance or a violation of the Project Memorandum of Agreement, as applicable. The sponsor shall be subject to the procedures and penalties contained in 45 CFR 1206.1.

(c) Violation by a volunteer of any of the rules and regulations set forth herein may be cause for suspension or termination as set forth in 45 CFR 1213.5–5(2) or other disciplinary action.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

Signed at Washington, D.C., this 26th day of November, 1980.

Sam Brown,

Director of ACTION.

[FR Doc. 80–37986 Filed 12–5–80; 8:45 am]

BILLING CODE 6050–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77–084]

46 CFR Part 10

Licensing of Pilots; Correction

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule, correction.

SUMMARY: This document corrects a proposed rule on the licensing of pilots that appeared at page 79258 in the **Federal Register** of Friday, November 28, 1980, (45 FR 79258). This action is necessary to correct typographical errors in Table 10.05–38—Training/Service Requirements for an Original License as First Class Pilot.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Hartke, Office of Merchant Marine Safety (G–MVP–4/14,) Room 1400, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202–755–8683).

Clyde T. Lusk, Jr.,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

November 26, 1980.

Table 10.05–38—Training/Service Requirements for an Original License as First Class Pilot, appearing at page 79261 in the **Federal Register** of November 28, 1980, is corrected to read as follows:

Table 10.05–38.—*Training/Service Requirements for an Original License as 1st Class Pilot*

Route	Documented service	Recent service	Service as able seaman/ wheelsman	Service on specific route	Total number round trips required over route during the 36 mo preceding application for license [3 4]	Number of the specified total round trips which must be made over route during the 12 mo preceding application for license	Number of the specified total round trips which must be made over the route during the 3 mo preceding application for license	Number of the specified total round trips which must be completed during periods of darkness
Great Lakes	36 mo [1] or graduation from Great Lakes Maritime Academy in the deck class.	9 mo	18 mo	12 mo	25	10	3	5
Bays, sounds, and lakes other than Great Lakes.	36 mo [1 2]	9 mo	18 mo	12 mo	25	10	3	5
Rivers	36 mo [1 2]	9 mo	12 mo	12 mo	25	10	3	5
Canals and small lakes [5]	24 mo	12 mo		24 mo				

[1] Satisfactory completion of an approved pilot's training courses may be substituted, on a day for day basis, for the service required by 46 CFR 10.05–38(c)(1)(i)–(iv) and (3), but in no case can the first class pilot license requirements be met without a minimum of nine months service on certificated vessels.

[2] 10 round trips completed over the minimum 25 round trips required may be substituted for 6 mo service.

[3] At least 15 of the required round trips must be made on vessels whose gross tonnage is commensurate with tonnage limitation desired.

[4] Satisfactory completion of an approved shiphandling simulator course of training may be substituted for 5 round trips, provided the training is for the route and tonnage desired.

[5] License issued for limited tonnage only.

[FR Doc. 80–38039 Filed 12–5–80; 8:45 am]

BILLING CODE 4910–14–M

Research and Special Programs Administration

49 CFR Part 172

[Docket No. HM–166F; Advance Notice]

Limited Quantities of Radioactive Materials

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: This ANPRM provides information and an opportunity for comment on the need for, or possible elimination of, certain regulatory requirements applicable to the transportation of radioactive materials in limited quantities.

DATE: Comments must be received on or before March 13, 1980.

ADDRESS COMMENTS TO: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590 (202–426–3148). Comments should identify the docket and be submitted, if possible, in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday thru Friday.

FOR FURTHER INFORMATION CONTACT:
Richard R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washingtopn, D.C. 20590 (202–426–2311).

SUPPLEMENTARY INFORMATION:

I. Background of Regulations

Ever since the general consolidation of the Hazardous Materials Regulations (HMR) was accomplished under Docket HM–103/112 (41 FR 14972, April 15, 1976), an inconsistency has existed between the regulations applicable to aircraft and those applicable to the other modes insofar as they pertain to limited quantities of radioactive materials and radioactive devices. As that consolidaton was a major revision of the HMR wherein the requirements for carriers by aircraft and vessel were included in the comprehensive set of regulations already applicable to carriers by rail and public highway, it was not possible to resolve all of the philosophical differences represented by the various modes. For the sake of expediency, it was determined that the general implementation of the consolidated HMR should not be unnecessarily delayed by varying requirements which reflect the legitimate differences professed by the modal administrations regarding an acceptable level of safety. A thoughtful consideration of issues such as the topic at hand was judged to be a more prudent course and is expected to result in regulations that assure a proper degree of protection for public health and safety without unduly burdening shippers or carriers.

At the present time all packages containing limited quantities of radioactive materials or radioactive devices transported by any mode are excepted from specification packaging, marking, and labeling, and are further excepted from the provisions of § 173.393 pertaining to general packaging and shipping requirements applicable to other radioactive materials. These exceptions are consistent with those provided for limited quantities of hazardous materials belonging to most other hazard classes based upon the limited consequences that could be expected when they are involved in incidents. Hazard classes which do not provide exceptions based upon a limited quantity include those belonging to the explosives group and poison A materials. While the exception from package marking does not apply to most other hazard classes, it should be noted that in the case of dispersible radioactive materials the outside of the inner container must bear the marking "Radioacitve."

Analysis of the limited quantity exceptions for radioactive materials as they apply to each of the modes reveals the following differences in regulatory control:

Rail: (a) A carrier may not acccept for transportation a package containing a limited quantity of radioactive materials unless it has received a properly certified shipping paper (see § 174.24).

(b) A detailed hazardous materials incident report must be filed with MTB in the event of an unintentional release or other reportable circumstance (see §§ 171.15 and 171.16) and any contamination resulting from a release must be cleaned up (§ 174.750(a)).

Air: (a) Excepted from *all* requirements of the HMR, including shipping paper provisions and hazardous materials incident reports (see § 175.10(a)(6)).

Water: (a) Excepted from *none* of the requirements of Part 176, and therefore must have proper shipping papers (see § 176.24).

(b) A detailed hazardous materials incident report must be filed with MTB in the event of an unintentional release or other reportable circumstance (see §§ 171.15 and 171.16) and any contamination resulting from a release must be cleaned up (§ 176.710).

Highway: (a) A carrier may not transport a package containing a limited quantity of radioactive materials unless it is accompanied by a properly prepared shipping paper (see § 177.817).

(b) A detailed hazardous materials incident report must be filed with MTB in the event of an unintentional release or other reportable circumstance (see §§ 171.15 and 171.16) and any resulting contamination must be cleaned up (§177.861).

It can be seen that the span of control over these materials ranges all the way from being practically negligible when transported by aircraft to very extensive when transported by vessel. MTB believes that the inherent risks associated with the transportation of these materials by each mode are not sufficiently different to justify this disparity. Consequently, this ANPRM seeks public comment from shippers, carriers, emergency response personnel and other interested persons in helping to resolve these differences, or otherwise support their continued existence based upon a technical review of the regulations with consideration given to the nature, form and quantities of radioactive materials involved.

II. Current Regulatory Activities

In Docket HM–169, Notice No. 79–1 (44 FR 1852, January 8, 1979) the MTB proposed a general revision of the HMR as they apply to radioactive materials to make them more compatible with international standards. Although a considerable amount of comment was received with respect to limited quantities, most of it addressed specific requirements such as the proposed elimination of the marking exception. Other commenters suggested that the all encompassing exception applicable to aircraft should be extended to the other modes. Although useful, the information in that Docket does not provide MTB with a complete set of data for use in making a thorough safety analysis for these materials by all modes.

On November 23, 1979, MTB published a notice of receipt of an application for exemption—8300–N (44 FR 67267). In this application United Parcel Service is seeking an exemption from the requirements for shipping papers when limited quantities of radioactive materials are to be transported by rail or over the public highways. Once again the MTB received public comment urging favorable action in this area but still it appears that even with the addition of these comments, and the data provided therein, the Bureau is not sufficiently informed to resolve the broader issues addressed in this inquiry.

In the area of international transportation regulations, the MTB is aware of current proposals to the "Technical Instructions for the Safe Transport of Dangerous Goods by Air" in which the International Civil Aviation Organization (ICAO) would treat limited quantities of radioactive materials as essentially unregulated commodities. To qualify for this exception the radioactive materials would have to meet a definition of limited quantity equivalent to one of those proposed in Docket HM–169, be packaged in accordance with general requirements applicable to all radioactive materials, and except for articles manufactured from natural or depleted uranium or natural thorium and empty packages, contain the marking 'Radioactive' so that it is visible upon opening the package. These materials could then be offered for transportation without an accompanying detailed shipping paper. Instead the shipper need only indicate the presence of these hazardous materials by entering a specified phrase—for example, "excepted radioactive material"—on whatever shipping document

accompanies the shipment. These proposals seem to evolve from present operating practices long since adopted by international air carriers with apparently no adverse impact on health or safety. To the extent that air carriers and certain international officials believe the public health and safety are adequately protected by these procedures considering the very small quantities of radioactive material involved, the MTB believes that it is worth investigating their applicability to other modes as well.

One of the functions a shipping paper provides is to make detailed information available to emergency response or cleanup personnel responding to an accident. In this regard, it has been alleged by some shippers and carriers that the information is not imperative due to the very small quantities of radioactive materials that may be shipped this way. Additionally, this detailed information is available or can be obtained from the consignor and the need to provide this information on the shipping papers has been questioned. Consequently, the MTB is interested in determining if the detailed description required by § 172.203 is *necessary* for adequate response to accidents, considering the limited hazard of these materials and other methods which are available for obtaining this information in a timely manner.

Another area for consideration is the marking requirements for these materials. There is an important interface between shipping papers and marking as they relate to:

(a) recognition that a hazardous material is being shipped;

(b) identification of the material being shipped;

(c) proper handling and stowage of the materials involved; and

(d) appropriate action in the event of an accident.

Therefore, the MTB is also seeking comments on how the marking requirements may need to be modified if the shipping paper requirements are changed.

III. Request for Comment

Comment is solicited on the preceding discussion and on the following questions. Do the requirements presently contained in the HMR, applicable to the transportation of limited quantities of radioactive materials, provide an appropriate degree of regulation to adequately protect the public health and safety?

(a) If so—

(1) How do the transportation conditions of the various modes differ to justify diversity of regulatory control?

(2) Can the exception from package marking requirements be supported to show that protection of the public health is not being jeopardized?

(3) In the case of intermodal transfers, do the more restrictive regulations impose an unwarranted economic burden without providing a commensurate increase in safety?

(4) Does the lack of an incident reporting requirement for limited quantities of radioactive materials transported by aircraft significantly diminish the effectiveness of the DOT's accident analysis system?

(b) If not—

(1) How should the regulations be revised?

(2) Do the hazards associated with all limited quantity radioactive materials and devices pose such a low risk that the MTB can remain confident in this exception, or should certain radionuclides, forms, etc. be excluded from limited quantity exceptions?

(3) What would be the approximate cost/benefit of any suggested change?

(4) Will there be an adverse impact on emergency response activities if detailed shipping paper requirements are waived for rail, water, and highway shipments of limited quantities?

(5) Do the marking rquirements need to be modified if the detailed shipping paper requirement is waived for rail, water and highway shipments? If so, how?

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of App. A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not result in a major economic impact under the terms of Executive Order 12221 and DOT implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et. seq.). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C., on November 28, 1980.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 80-37995 Filed 12-5-80; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Trawl Fisheries of the Northwest Atlantic Approval of Preliminary Fishery Management Plan Amendment; Proposed Regulations

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Approval of Preliminary Fishery Management Plan Amendment; Proposed Regulations.

SUMMARY: The Preliminary Fishery Management Plan for the Foreign Trawl Fisheries of the Northwest Atlantic (PMP) is amended and extended. Changes include reductions in optimum yield (OY), domestic annual harvest capacity (DAH), and total allowable level of foreign fishing (TALFF) for river herring, specification of DAH, domestic annual processing capacity (DAP), and joint venture processing (JVP) for the species covered by the PMP, elimination of butterfish from the PMP, extension of the effective period until such time that the PMP is amended, and establishing that yellowtail flounder are not covered by this PMP.

DATES: Comments are invited until December 29, 1980. Because the foreign fishing windows for bottom gear are open exclusively from January 1 to March 31 of each calendar year we have limited the comment period on these proposed regulations to 20 days.

ADDRESSES: Comments may be directed to the Regional Director of the National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Please mark the outside of the envelope "Foreign Trawl Comments."

FOR FURTHER INFORMATION: Contact Allen E. Peterson, Jr., Regional Director, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone (617) 281-3600.

SUPPLEMENTARY INFORMATION: The PMP was implemented in February, 1977 (42 FR 9951) and has been extended through the present time basically unchanged. The PMP continues with a series of minor amendments.

The purpose of this PMP is to regulate the taking of a wide variety of species for which detailed information on stock assessment and utilization are not available. Species covered by this PMP

are the object of both directed and incidental fisheries.

In response to declines in harvest and stock assessment abundance indices for the river herring resource, OY, DAH, and Talff for river herring have been reduced. The reductions reflect concern over the status of the species, but are not expected to impose serious constraints on either the domestic or foreign fisheries as they are presently conducted. The new and old values for OY, DAH, and TALFF are as follows:

In Metric Tons

	OY	DAH	TALFF
Old	10,000	9,500	500
New	8,000	7,900	100

An amendment to the Fishery Conservation and Management Act of 1976 requires an estimate (DAP) of the capacity and extent to which U.S. fish processors will process the estimated U.S. harvest (DAH) for each fishery managed under a PMP, when appropriate. The portion of the U.S. harvest which may be available for receipt at sea by foreign vessels (JVP) is the difference between DAH and DAP. Information pertaining to the harvest and utilization of river herring and the species which make up the "other finfish" group from 1974 through 1979 has been analyzed. The resultant determinations of DAH, DAP, and JVP are:

In Metric Tons

	DAH	DAP	JVP
River herring	7,900	7,900	0
Other finfish	200,200	180,000	20,200
Total	208,100	187,900	20,000

The fishery management plan (FMP) for the butterfish fishery was approved and implemented by publication of final regulations on October 28, 1980 (45 FR 71357). That action eliminates the need for inclusion of butterfish in this PMP. Therefore, all references to butterfish are deleted from the PMP.

Section 611.50(b) 2 of the regulations is proposed to be amended to provide discretionary authority to the Secretary to permit foreign processing vessels to operate outside the open areas specified in § 611.9, Appendix II, Figure 1. The proposed amendment addresses transfers of U.S. harvested fish to foreign processing vessels outside the foreign fishing windows, in instances where joint venture applications are approved.

The original PMP made reference to prohibition of foreign fishing for certain species. At least one reference in the PMP appears to indicate that all flounders are prohibited species. That reference is incorrect. Only yellowtail flounders are prohibited from foreign harvest.

Periodic assessments of the condition of a fishery are necessary to ensure that the specifications of OY and TALFF continue to be appropriate. Annual assessments since 1977 have resulted in minor amendments to the PMP and implementing regulations. In the future, assessments will be done. These assessments will include a review of DAH and DAP. Annual amendments will be made only as necessary, however. The PMP and implementing regulations will continue in effect until amended.

Executive Order 12044 and NEPA

The Assistant Administrator has determined that this action is not significant with respect to the criteria of Executive Order 12044 and the National Environmental Policy Act. An environmental assessment has been prepared by NOAA, with the finding that the action will not have a significant impact on the environment.

Signed at Washington, D.C., this 1st day of December 1980.

(16 U.S.C. 1801 *et seq.*)

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

Amendments to the Preliminary Fishery Management Plan

The Preliminary Fishery Management Plan for the Foreign Trawl Fishery of the Northwest Atlantic (PMP) was first published on February 17, 1977 (42 FR 9950). It was amended on November 28, 1977 (42 FR 60681); December 19, 1978 (43 FR 59292); December 27, 1979 (44 FR 76539). That PMP, as amended, is further amended as follows:

(1) References to butterfish (e.g., 42 FR 9978 and 9979) are deleted.

(2) References to river herring (e.g., 42 FR 9978 and 9979) are changed to: "(a) OY=8,000, (b) DAH=7,900, (c) JVP=0, DAP=7,900 and TALFF=100" where appropriate. Pages 9978 and 9979 are changed by adding "see 1980 assessment (appendix one)" to the end of the river herring discussion and below the summary table. That table is also changed as follows:

	OY	DAH	DAP	JVP	TALFF
"River herring	8,000	7,900	7,900	0	100
Other finfish	247,000	200,200	180,000	20,200	46,800"

(3) One appendix is added:

"Appendix 1: Environmental analysis.

"The environmental analyses conducted pursuant to each PMP amendment (environmental assessments and in two cases an EIS) are added. These documents are available for public inspection at the Northeast Regional Office of the National Marine Fisheries Service.

"Environmental analyses:

(a) Environmental assessment, November 1977, amendment. Environmental impact statement (EIS).

(b) Environmental assessment, October 1978. Supplemental environmental impact statement (SEIS).

(c) Environmental assessment, November 1979.

(d) Environmental assessment, November 1980."

(4) Section IV, Optimality (42 FR 9977 and 9978) is amended by inserting "see appendix 1 for appropriate annual changes" at the end of the last paragraph, page 9978 (42 FR 9977) and as a footnote to the summary table (42 FR 9978).

Amendments to the Regulations

The regulations are proposed to be amended as follows:

§ 611.20 Appendix 1 [Amended]

1. Section 611.20 Appendix 1 is proposed to be amended as follows:

Northwest Atlantic Ocean Fisheries

	Species code	OY	DAH	DAP	JVP	TALFF
C. Trawl fishery:						
River herring	399	8,000	7,900	7,900	0	100
Other finfish	499	247,000	200,200	180,000	20,200	46,800

§ 611.50 [Amended]

* * * * * * *

(b) * * *

(2) * * * Fishing may be conducted only in the areas specified in Figure I of Appendix II to 611.9, except as otherwise authorized by permit.

[FR Doc. 80-37880 Filed 12-5-80; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 671

Tanner Crab off Alaska; Amendment to Fishery Management Plan and Proposed Regulations

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Notice of amendment to fishery management plan and proposed regulations.

SUMMARY: Amendment No. 6 to the Fishery Management Plan for Tanner Crab off the Coast of Alaska (FMP) has been approved. The amendment is necessary to respond to specific problems that arose in the management of the fishery during 1979. The amendment will make management of this fishery more effective and coordinated. Regulations to implement this amendment are proposed for public comment.

DATE: Comments on the amendment and proposed regulations are invited until January 18, 1981.

ADDRESS: Please send comments to: Denton R. Moore, Chief, Permits and Regulations—F/CM7, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235. Please indicate "Tanner Crab Comments" on the envelope.

FOR FURTHER INFORMATION CONTACT: Robert McVey, Regional Director, Alaska Regional Office, P.O. Box 1668, Juneau, Alaska 99802. Telephone (907) 586–7221.

SUPPLEMENTARY INFORMATION:

A. Background

The FMP for Tanner crab of Alaska was prepared by the North Pacific Fishery Management Council (Council), approved by the Assistant Administrator for Fisheries on behalf of the Secretary of Commerce, and published in the **Federal Register** on May 16, 1978 (43 FR 21170) under authority of the Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.). Final regulations applicable to vessels of the United States were published on December 6, 1978 (43 FR 57149). Final regulations applicable to vessels of foreign nations were published on December 19, 1978 (43 FR 59075; 43 FR 59292).

The FMP has been amended five times. The first amendment extended the implementing regulations through October 31, 1979 (44 FR 1115). The second amendment increased the optimum yield (OY) for the Kodiak district from 25 million pounds to 35 million pounds, and the third authorized vessels of foreign nations to take a portion of the total allowable level of foreign fishing (TALFF) in specified area south of 58° N. latitude (44 FR 15503). Amendment No. 4 extended the FMP and implementing regulations, as amended through October 31, 1980 (45 FR 785). Amendment No. 5 changed the OY's and estimated domestic annual harvests (DAH's) for *C. bairdi* and *C. opilio* Tanner crab, reduced the TALFF from 15,000 metric tons (mt) to 7,500 mt, and restricted foreign fishing to the area north of 58° N. latitude and west of 164° W. latitude (45 FR 25421). Amendment 5 also extended the FMP and implementing regulations until amended further.

The Tanner crab FMP was consciously designed to respond to problems that arise in management of the fishery, and to incorporate relevant provisions of the State of Alaska's Tanner crab fishing regulations. The current amendment consists of 11 technical changes to the FMP that respond to experience gained during 1979 and 1980, and reflect recent changes in the State of Alaska regulations.

B. Substance of Amendment and Discussion

(The 11 parts of the amendment, with a brief explanation of purpose and need, are as follows.

The amendment would:

1. Delete the requirment of a preseason tank inspection for the Southeastern, Prince William Sound, and Cook Inlet management areas (registration areas A, E, and H, respectively).

Rationale: The inspection of each vessel's crab holding tank before the beginning of the season in each of these management areas has become an unreasonable requirement because Tanner crab fishing is authorized in these areas over a period of many months, and the seasons for these three areas overlap.

2. Require tank inspection not more than 24 hours prior to season opening dates in the Kodiak, South Peninsula, Chignik, and Bering Sea management areas (registration area J).

Rationale: Currently, tank inspection can be obtained as long as two months before the season opening dates in these areas. Tank inspections performed more than 24 hours to a season opening are useless as a means to prevent convert Tanner crab fishing.

3. Allow the recovery and sale, after the season closure for a management area, of crabs that are harvested in pots deployed by a vessel later lost through sinking.

Rationale: This measure is intended to reduce waste and to minimize the financial loss caused by the sinking of a vessel. In order to qualify for sale, crabs would have to be recovered by the owner of the lost vessel or that owner's authorized agent.

4. Require reporting of "dead loss" by fishermen and processors.

Rationale: This requirement will provide a more reliable estimate of the amounts of crab dumped at sea so that managers may determine total crab mortality attributable to the fishery. Recording only those crabs that are actually sold alive provides an incomplete basis for assessment of total mortality.

5. Divide the current South Peninsula management district of Registration Area J into separate South Peninsula and Chignik Districts.

Rationale: Experience gained in the fishery indicates that the Tanner crab fisheries off the southern coast of the Alaska peninsula should be dealt with through two separate management districts. The current effect of this measure would be limited to season openings (see Part 7), because the OY and DAH for the South Peninsula District have not been allocated between the two new districts. We expect the future amendments dealing with OY levels will allocate the OY and DAH between the two new districts.

6. Establish eight management sections within the Kodiak management district (Northeast, Eastside, Southeast, Southwest, Semidi Island, Westside, North Mainland, and South Mainland).

Rationale: Establishing these sections will allow more stock-specific management of Tanner crab in the Kodiak district. As in the case of Part 5, the effect of this Part will be limited to season openings and closures. Although the OY and DAH for the Kodiak District

have not yet been allocated among the sections, we expect that future amendments dealing with OY levels will allocate the OY and DAH among the new sections.

7. Change the season opening dates in the following districts of Registration Area J.

Kodiak—from January 5 to January 22;

Bering Sea—from November 1 to January 15;

Chignik District—November 1 remains unchanged;

South Peninsula District—from November 1 to December 1; and

Eastern and Western Aleutian Districts—from November 1 to January 15.

Rationale: The new season opening dates will allow harvest of crabs during a period that will provide for recovery of more meat of a better quality. The change in the opening date of the Kodiak District Tanner crab fishery will help to smooth the transition between the king crab and the Tanner crab fisheries in the Kodiak area. Both fishemen and processors have difficulty handling king crab and Tanner crab at the same time, and postponement of the Tanner crab season is expected to improve the efficiency of both harvesting and processing operations.

8. Require that vessels and gear fishing for Tanner crab in the Kodiak, South Peninsula/Aleutians, or Bering Sea management area be registered in that area.

Rationale: In general, a vessel would not be allowed to fish for Tanner crab or to have unprocessed Tanner crab on board while in a management area unless it was registered for a district in that area. A vessel could be registered for only one district at a time, although a procedure would be provided for one change of registration by radio during any vessel trip. This area registration system is intended to complement Part 2 by assuring the reliability of preseason tank inspections, especially in the Kodiak area. Because a vessel would be forbidden under most circumstances to possess crab taken in a management area other than the area in which the vessel was currently operating, one of the most popular alibis for out-of-season fishing would be eliminated.

9. Require that vessel registration for the Cook Inlet and Prince William Sound management areas take place before the season opening; for other areas, registration need be accomplished only before fishing.

Rationale: This amendment responds to some confusion that surrounded the previous area registration deadlines.

10. Include a definition of the term "Tanner crab pot" as "a pot with rigid tunnel eye openings which individually are a maximum of five inches in one dimension, and tunnel eye opening perimeters which are larger than 30 inches, or a pot which tapers inward from its base to a top with one horizontal opening of any size."

Rationale: This definition is substantially the same as the one currently appearing in the domestic Tanner crab regulations. As redrafted, it conforms more closely to the terms "Tanner crab pot" as used in the regulations of the State of Alaska.

11. Require floating processors to report their intended processing location to Alaska Department of Fish and Game (ADF&G) representatives within the area of intended operation.

Rationale: This measure is intended to help ADF&G take account of the location of a floating processor in formulating conservation and management measures for an area.

C. Other Council Actions

The Council considered, but declined to adopt, a new provision of the State regulations which limits the number of Tanner crab pots which may be fished in the Kodiak management area by any registered Tanner crab vessel. The Council found, however, that enforcement of the limit by the State of Alaska upon vessels registered to take Tanner crab under the laws of Alaska would not conflict with Federal management of the Tanner crab fishery under the FMP. Although this finding was not submitted for Secretarial approval, the Assistant Administrator specifically declines to take a position on the consistency or inconsistency of the State measure with the Federal management regime.

The Assistant Administrator for Fisheries, NOAA, under delegation of authority from the Secretary of Commerce, has determined that the amendment to the FMP as described above:

(1) Is necessary and appropriate to the conservation and management of Tanner crab resources off the coast of Alaska;

(2) Is consistent with the national standards, other provisions of the Act, and other applicable law;

(3) does not constitute a major Federal action requiring the preparation of an environmental impact statement under the National Environmental Policy Act; and

(4) is not significant under the provisons of Executive Order 12044, "Improving Government Regulations."

Signed at Washington, D.C., this 2nd day of December, 1980.

(16 U.S.C. 1801 *et seq.*)

Rober K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

The Fishery Management Plan for Tanner crab off Alaska is amended as follows: (All changes are made in sequential order by **Federal Register** page and section number of the FMP as published on May 16, 1978, at 43 FR 21170.)

Federal Register Page No. 43 FR—	Section or heading	FMP page No.	Description of change
21175	I.B(2)	v	Title of last paragraph: Delete "*and inspection*".
21175	I.B(2)	vi	2d paragraph: Delete 1st sentence regarding inspection. 3d sentence: change to read "* * * purpose of registration and landing restrictions, through practical * * *."
21176	Table A	viii	In the title delete "* * * for the 1979/1980 season * * *".
21181	3.1	3-1	2d paragraph: Delete the word "1977". Also delete "* * * / Aleutian * * *" Add on a new line "Chignik and J (Westward)."
21198	4.7.1	4-10a	Table II is replaced by Table A, Page viii and Federal Register Page No. 21176.[1] In the title delete "* * * for the 1979-1978 season * * *"
21199	7.0	7-1	Heading: Delete the words "For 1978."
21200	8.4.2	8-9	2d paragraph: Delete paragraph. Add: "*Area Landing Laws.* Provisions are necessary to manage individual Tanner crab fisheries with flexibility. Landing laws must permit landings of legally-taken crabs in closed waters and must permit the owner of a vessel lost by sinking to sell crabs after the season closure."
21201	8.4.3	8-9	5th paragraph: Delete paragraph. Add: "In Cook Inlet and Prince William Sound, all Tanner crab vessels must be registered by the owner or his authorized agent prior to the scheduled opening date. All other areas, vessels must be registered prior to fishing."
20201	8.4.3	8-10	Add the 7th paragraph under Item 3: "In order to provide for tank inspections at the season opening for Statistical Area J, a district registration system has been established. This registration system is described in detail in 50 CFR 671.23(j)."

FEDERAL REGISTER Page No. 43 FR—	Section or heading	FMP page No.	Description of change
21201	8.4.4	8-10	Section 4: Delete "* * * Marketing * * *" and add "* * * Marking * * *". Delete 3d sentence. Add "A Tanner crab pot is defined as a pot with rigid tunnel eye openings which individually are a maximum of five inches in one dimension, and tunnel eye opening perimeters which individually are larger than 30-in, or a pot which tapers inward from its base to a top with one horizontal opening of any size."
21201	8.4	8-10	Add item 5: "5. *Tank inspections.* In order to prevent covert fishing in unopened districts of Management Area J, tank inspections will be required not more than 24 hours prior to the season opening dates in each district."
21201	8.5	8-11	1st paragraph (ending with * * * Secretary of Commerce). Add: "Each Tanner crab *fisherman* shall indicate on the fish ticket at the time of landing any Tanner crab harvested which are not purchased by the processor or buyer but which have been dumped at sea. Each *buyer* of Tanner crab shall indicate on the fish ticket any Tanner crab which was not purchased from a load."
21201	8.5	8-11	Add 2d paragraph under *Domestic Catch Reporting:* "Operators of floating fish processing vessels must report their intended processing location. Reporting procedures are contained in 50 CFR 671.28"
21231	D.3.3.2	D-5	1st paragraph, last sentence: Change to "The season was adjusted to January 1, in 1977, to January 5 in 1979, and to January 22 in 1981 in order to provide better quality and greater meat recovery."
21232	D.8.0	D-12	MANAGEMENT REGIME: Delete "See statewide Section 8.0." Add: "In order to manage individual stocks of Tanner crab, eight sections have been established within the Kodiak management area. These sections are as follows: (*1*) *Northeast section:* all waters northeast of a line extending 145° from the easternmost tip of Cape Chiniak, east of a line from the northernmost tip of Inner Point to the southernmost tip of Afognak Point, east of 152°30' W. long. in Shuyak and east of the longitude of the northernmost tip of Shuyak Island (152°20' W. long.); (*2*) *Eastside section:* all waters southwest of a line extending 145° from the easternmost tip of Cape Chiniak, northeast of a line extending 168° from the easternmost tip of Cape Barnabas and Old Harbor Narrows east of 153°16' W. long.; (*3*) *Southeast section:* all waters southwest of a line extending 168° from the easternmost tip of Cape Barnabas and east of a line extending 222° from the southernmost tip of Cape Trinity; (*4*) *Southwest section:* all waters west of a line extending 222° from the southernmost tip of Cape Trinity, south of a line from the westernmost tip of Cape Ikolik to the southernmost tip of Cape Kilokak and east of the longitude of Cape Kilokak (156°19' W. long.); (*5*) *Semidi Island section:* all waters west of the longitude of Cape Kilokak (156°19' W. long.) and east of the longitude of Cape Kumlik (157°27' W. long.); (*6*) *Westside section:* all waters north of a line from the westernmost tip of Cape Ikolik, east of a line from 57°15' N. lat., 155°30' W. long. to 58° N. lat., 154° W long. to 58°51' N. lat., 152°45' W. long, west of a line from the northernmost tip of Inner Point to the southernmost tip of Afognak Island, west of 152°30' W. long. in Shuyak Strait and west of the longitude of the northernmost tip of Shuyak Island (152°20' W. long.); (*7*) *North Mainland section:* all waters north of 58° N. lat. and west of a line from 58°51' N. lat., 152°45' W. long. to 58° N. lat., 154° W. long.; (*8*) *South Mainland section:* all waters south of 58° N. lat., west of a line from 58° N. lat., 154° W. long. to 57°15' N. lat., 155°30' W. long. and north of a line from the southernmost tip of Cape Kilokak to 57°15' N. lat., 155°30' W. long."
21233	E.3.1	E-1	2d sentence: Change "three districts" to "four districts." Delete the description of the South Peninsula District. Add the description of the new South Peninsula district and the new Chignik District. See new 50 CFR 671.26(f)(1)(ii) and (v).
21237	E.3.3.2	E-4	Last paragraph, last sentence: Change to "The South Peninsula district was then changed to a November 1 to May 15 season and the Aleutian Districts to a November 1 to June 15 season reflecting the biological parameters (Table E4)." Add the sentence: "For 1981, the season opening for the South Peninsula district was changed to December 1 and for the Aleutian districts to January 15 and for the Bering Sea District from January 15 to June 15 (except that Tanner Crab other than *C. bairdi* is from January 15 to August 15) in order to provide better quality and greater meat recovery."

[1] This change should have been made with Amendment No. 5.

It is proposed to amend 50 CFR 671 as follows:

§ 671.2 [Amended]

Section 671. 2 is amended by revising the definition of Tanner Crab pot to read:

"*Tanner crab pot* means a pot with rigid tunnel eye openings which individually are a maximum of five inches in one dimension, and tunnel eye opening perimeters which individually are larger than 30 inches, or a pot which tapers inward from its base to a top with one horizontal opening of any size."

§ 671.4 [Amended]

Section 671.4 is amended by adding a new (f) to read as follows:

* * * * *

"(f) Each Tanner crab *fisherman* shall indicate on the fish ticket at the time of landing the number of legal-sized male Tanner crabs harvested which are not purchased by the processor or buyer but which have been dumped at sea. Each *buyer* of Tanner crabs shall indicate on the fish ticket the number of legal-sized male Tanner crab which were not purchased from a load."

§ 671.23 [Amended]

Section 671.23(a) is amended by adding at the end the following:

"All Tanner crab vessels must be registered by the owner or his authorized agent prior to the scheduled season opening date in Cook Inlet and Prince William Sound. All other area vessels must be registered prior to fishing."

Section 671.23 is amended by adding a new (j) to read as follows:

* * * * *

"(j) Area J District registration system:

(1) Vessels and gear registered for the Statistical Area J must also be registered for a district within Area J prior to fishing. Vessels and gear may not be registered for more than one district at a time. The registration district must be indicated on the inspection certificate.

(2) Vessel or gear district registration may be changed by the vessel operator in person or by completing a form provided by a local representative of the ADF&G, or by radio contact made by the vessel operator with the ADF&G at Kodiak, Sand Point, or Dutch Harbor. Radio transfer must be made by contacting the ADF&G shellfish management biologist within the district for which the vessel is registered at the time of the transfer request. District transfer authorized by radio contact is limited to one district change per vessel trip and the pounds of Tanner crab on board must be reported at the time of the transfer.

(3) No vessel licensed as a commercial fishing vessel may have any unprocessed Tanner crab on board within any district in registration Area J unless the vessel is registered for that district, or is transporting Tanner crab through or into a district as provided for in sections 671.24 and 671.25 of these regulations.

(4) A vessel may be used for the taking of Tanner crab within a district only if it is currently registered for the district and is validly registered for Area J.

(5) The regional director, in consultation with the Commissioner of the ADF&G, may suspend and reinstate any of the requirements of this subsection if he finds that to do so would be in the public interest."

§ 671.24 [Amended]

Section 671.24(a)(1) is revised to read as follows:

"Tank inspections will be given 24 hours prior to the season opening dates in each district of Statistical Area J by an authorized officer at an inspection point specified in paragraph (b) of this section."

Section 671.24(a)(4) is removed.

§ 671.25 [Amended]

Section 671.25 is amended by adding a new (d) as follows:

* * * * *

"(d) The owner or operator of a Tanner crab vessel that is lost through sinking may apply to the Commissioner of ADF&G for a permit to sell legal size Tanner crab obtained when his pots are recovered by himself or his authorized agent even though the crab season is closed in the area. The fish ticket shall show the delivery made by the lost vessel."

§ 671.26 [Amended]

671.26(f)(1)(i) is revised to read:

* * * * *

(f) * * *

(1) * * *

"(i) *Kodiak district:* South of 58°52′ N. latitude, west of 150° W. longitude and east of the longitude of Cape Kumlik (157°35′ W. longitude). The following sections within the Kodiak district are established:

(*A*) *Northeast section:* all waters northeast of a line extending 145° from the easternmost tip of Cape Chiniak, east of a line from the northernmost tip of Inner Point to the southernmost tip of Afognak Point, east of 152°30′ W. long. in Shuyak and east of the longitude of the northernmost tip of Shuyak Island (152°20′ W. long.);

(*B*) *Eastside section:* all waters southwest of a line extending 145° from the easternmost tip of Cape Chiniak, northeast of a line extending 168° from the easternmost tip of Cape Barnabas and Old Harbor Narrows east of 153°16′ W. long.;

(*C*) *Southeast section:* all waters southwest of a line extending 168° from the easternmost tip of Cape Barnabas and east of a line extending 222° from the southernmost tip of Cape Trinity;

(*D*) *Southwest section:* all waters west of a line extending 222° from the southernmost tip of Cape Trinity, south of a line from the westernmost tip of Cape Ikolik to the southernmost tip of Cape Kilokak and east of the longitude of Cape Kilokak (156°19′ W. long.);

(*E*) *Semidi Island section:* all waters west of the longitude of Cape Kilokak (156°19′ W. long.) and east of the longitude of Cape Kumlik (157°35′ W. long.);

(*F*) *Westside section:* all waters north of a line from the westernmost tip of Cape Ikolik, east of a line from 57°15′ N. lat., 155°30′ W. long. to 58° N. lat., 154° W. long. to 58°51′ N. lat., 152°45′ W. long., west of a line from the northernmost tip of Inner Point to the southernmost tip of Afognak Island, west of 152°30′ W. long. in Shuyak Strait and west of the longitude of the northernmost tip of Shuyak Island (152°20′ W. long.);

(*G*) *North Mainland section:* all waters north of 58° N. lat. and west of a line from 58°51′ N. lat., 152°45′ W. long. to 58° N. lat., 154° W. long.;

(*H*) *South Mainland section:* all waters south of 58° N. lat., west of a line from 58° N. lat., 154° W. long. to 57°15′ N. lat., 155°30′ W. long. and north of a line from the southernmost tip of Cape Kilokak to 57°15′ N. lat., 155°30′ W. long."

Section 671.26 is amended by removing (f)(1)(ii) and inserting in its place the following new (f)(1)(ii):

"(ii) *South Peninsula District.* All Pacific Ocean waters of Statistical Area

J west of a line from Kupreanof Point to the easternmost point of Castle Rock, and west of a line extending 135° Southeast from the easternmost point of Castle Rock and east of the longitude of Scotch Cape Light."

Section 671.26(f)(1) is amended by adding a new (v) as follows:

"(v) *Chignik.* All Pacific Ocean waters of Statistical Area J east of a line from Kupreanof Point to the easternmost point of Castle Rock and east of the line extending 135° Southeast from the easternmost point of Castle Rock and west of the longitude of Cape Kumlik."

Section 671.26(f)(2)(i) is revised to read as follows:

"(i) In the Kodiak district from January 22 through April 30 only."

Section 671.26(f)(2)(ii) is revised to read as follows:

"(ii) In the south Peninsula district from December 1 to 12:00 noon, May 15 only."

Section 671.26(f)(2)(iii) is revised to read as follows:

"(iii) In the Eastern and Western Aleutian districts from January 15 to 12:00 noon, June 15 only."

Section 671.26(f)(2)(iv) is revised to read as follows:

"(iv) In the Bering Sea district from 12:00 noon January 15 to 12:00 noon June 15 only, except that Tanner crab other than *C. bairdi* may be taken or possessed from 12:00 noon January 15 until closed by emergency field order in accordance with Section 671.27."

Section 671.28 is added as follows:

§ 671.28 Reporting.

"Operators of floating fish processing vessels shall report in person, by radio or by telephone to any local representative of the department located within the area of intended operation prior to the commencement of processing operations. The report must include the initial processing location, by district, subdistrict and the exact latitude and longitude of the location and the date of the intended operation. Before moving the operation and upon arriving at a new location, the operator shall notify the local department representative in person, by radio or by telephone of the new location of operation by district, subdistrict and exact location and longitude. The local representative may waive all or part of the above description requirements if in his discretion it is not necessary for the conservation or management of the fishery in that area."

[FR Doc. 80-37881 Filed 12-4-80; 11:06 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 45, No. 237
Monday, December 8, 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

Agricultural Marketing Service, Packers and Stockyards

Trainor Livestock Sales, Clinton, Ill.; Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	Date of posting
IL-114—Trainor Livestock Sales, Clinton, Ill.	May 11, 1964.
NE-152—Loup City Commission Co., Inc., Loup City, Nebr.	Jan. 18, 1956.
ND-111—Lorenz Livestock Sales, Hazen, N. Dak.	Apr. 6, 1964.
ND-131—Central Livestock Association, Inc., Dickinson, N. Dak.	Sept. 14, 1976.
SD-115—Eureka Livestock Sales Co., Eureka, S. Dak.	May 20, 1959.
WA-124—Columbia Auction Market, Vancouver, Wash.	Sept. 28, 1959
WI-131—Wisconsin Feed Pig Marketing Cooperative, Boltonville, Wis.	Feb. 25, 1974.
WY-104—Laramie Livestock Exchange, Inc., Laramie, Wyo.	Nov. 7, 1965.

Notice or other public procedure has not proceeded promulgation of the foregoing rule. There is no legal justification for not promptly depositing a stockyard which is no longer within the defintion of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register.** This notice shall become effective December 8, 1980.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.)*

Done at Washington, D.C., this 2nd day of December 1980.

Jack W. Brinckmeyer,

Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 80-37943 Filed 12-5-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF AGRICULTURE

Office of Transportation

INTERSTATE COMMERCE COMMISSION

Written Contracts for the Motor Transportation of Exempt Agricultural Commodities; Meetings; Working Paper

AGENCIES: Interstate Commerce Commission, United States Department of Agriculture.

ACTION: Notice of public meetings and issuance of working paper.

SUMMARY: Pursuant to Section 10527 of the Interstate Commerce Act (as amended by the Motor Carrier Act of 1980) the Interstate Commerce Commission (ICC) and the United States Department of Agriculture (USDA) will hold public meetings in seven cities throughout the nation to explore the required use of written contracts for the for-hire, motor transportation of agricultural commodities exempt from economic regulation under Section 10526(a)(6) of the Interstate Commerce Act. A working paper prepared by a joint ICC/USDA Task Group is included in this notice and describes the major issues involved in this inquiry. In addition to the public meetings, written comments are also invited.

DATES: Written comments should be submitted on or before February 6, 1981. An original and 15 copies (if possible) should be submitted to either of the following individuals:

Mr. Lee Gardner, Room 7359, Interstate Commerce Commission, Washington, D.C. 20423.

Mr. Paul Mills, Office of Transportation, 1405 Auditors Building, United States Dept. of Agriculture, Washington, D.C. 20250.

The schedule for the public meetings is as follows:

January 5, 1981

Newark, NJ—Holiday Inn North, 201/589-1000, 160 Holiday Plaza, Newark, NJ 07114, Exit 14 on NJ Turnpike—1000 ft. after toll.

ICC Contact Person: Ms. Maria Kejss, New York, NY, 212/264-1072.

Time: 9:00 a.m. to 12 noon, 1:30 p.m. to 5:00 p.m.

January 12, 1981

Chicago, IL—Ramada Inn (O'Hare), 312/827-5131, Higgins & Mannheim Roads, Des Plains, IL 60018.

ICC Contact Person: Betty Gilliland, Chicago, IL, 312/886-6463.

Time: 9:00 a.m. to 12 noon, 1:30 p.m. to 5:00 p.m.

McAllen, TX—Sheraton Fairway, 512/682-2445, 2105 S 10th Street, McAllen, TX.

ICC Contact Person: Curtis Coston, Ft. Worth, TX, 817/334-2794.

Time: 9:00 a.m. to 12 noon, 1:30 to 5:00 p.m.

January 14, 1981

Portland, OR—Ramada Inn/Airport, 503/255-6722, 7101 NE 82nd Street, Portland, OR 97220.

ICC Contact Person: Kathleen Hobbs, Portland, OR, 503/221-3102.

Time: 9:00 a.m. to 12 noon, 1:30 to 5:00 p.m.

Orlando, FL—Hilton Florida Center, 305/351-4600, 7400 International Drive, Orlando, FL 32809.

ICC Contact Person: Brenda Baughman, Atlanta, GA, 404/881-2167.

Time: 9:00 a.m. to 12 noon, 1:30 to 5:00 p.m.

January 16, 1981

Fresno, CA—Tropicana, 209/222-5641, 4061 N. Blackstone, Fresno, CA 93726.

ICC Contact Person: Marga Deminne, San Francisco, CA, 415/454-7181.

Time: 9:00 a.m. to 12 noon, 1:30 to 5:00 p.m.

Atlanta, GA—Holiday Inn/Airport, 404/762-8411, 1380 Virginia Ave., P.O. Box 20773, Atlanta, GA 30320.

ICC Contact Person: Brenda Baughman, Atlanta, GA, 404/881-2167.

Time: 9:00 a.m. to 12 noon, 1:30 to 5:00 p.m.

PROCEDURE: The meetings will be conducted in an informal manner under the supervision of representatives from each of the agencies. Those wishing to designate speaking at either a morning or afternoon session of a meeting should inform the appropriate ICC contact person as soon as possible. Copies of prepared statements to be delivered at the meeting will be appreciated.

FOR FURTHER INFORMATION CONTACT:
Mr. Lee Gardner, Chief, Motor Competition Branch, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, 202–275–0818.
Mr. Ron Vail, Chief, Perishable Products Branch, Office of Transportation, 1405 Auditors Building, United States Department of Agriculture, Washington, D.C. 20250, 202–447–5616.

Preliminary Report of the Interstate Commerce Commission/United States Department of Agriculture Task Group on Rules Governing Written Contracts for the Motor Transportation of Exempt Agricultural Commodities

Background

Section 16 of the Motor Carrier Act of 1980, (49 U.S.C. 10527), which became effective on July 1, 1980, requires the Interstate Commerce Commission (Commission), with the assistance of the United States Department of Agriculture (USDA), to require, where necessary: (1) the use of written contracts governing for-hire motor transportation of interstate or foreign shipments of agricultural commodities otherwise exempt from regulation under 49 U.S.C. 10526(a)(6); and (2) mandatory contract provisions that, among other things, assign responsibility for loading and unloading the shipment. Section 16 also requires a shipper or receiver to compensate a carrier for any loading or unloading duties which are performed by the carrier at the request of the shipper or receiver which are contrary to the provisions of the contract. That section prescribes a fine of up to $10,000 for violation of this provision.

The Congressional intent underlying Section 16 is to "assure carriers, and in particular independent owner-operators, prompt compensation for services performed and full information" and documentation as to details of the underlying contract of haul. [See H.R. Rept. No. 1069, 96th Cong. 2d Sess. 32(1980).] Under existing practices, some agricultural commodities, such as fresh fruits and vegetables, are moved under oral agreements. Thus, when a dispute arises, the exempt carrier cannot document the terms it agreed to with the broker, shipper, or receiver. When payment is made at delivery, the carrier often has no choice but to accept what the receiver offers. Congress believed that the use of a written contract would protect carriers from this abuse.

However, Congress intended that the Commission consider the possibility of being selective in implementing Section 16. It particularly noted problems with respect to the transportation of fresh fruits and vegetables. Similarly, it expressed its concern about problems dealing with loading and unloading. [See H.R. Rept. No. 1069, 96th Cong. 2d Sess. 32–33 (1980).] Thus, in cooperation with USDA, the Commission was required to determine which areas of exempt goods transportation could continue to operate without specific regulated contractual obligations.

Purpose of This Report

Shortly after passage of the Motor Carrier Act, a task group composed of Commission and USDA representatives began holding meetings to discuss the implementation of Section 16. The group concluded that, since this was a new area of regulation, it was essential that those who would be affected, and the public in general, have a full opportunity to participate in the development of the regulations. We also concluded that, prior to the issuance of a notice of proposed rulemaking (NPRM), it would be helpful to receive public comment on the issues involved. Therefore, we are planning to hold a number of informal hearings across the Nation. Those who cannot participate in the hearings may file written comments.

We wish to stress that our purpose in preparing this report and making it public is to facilitate the discussion of the issues at the hearings and in the written comments. The issues identified in this report and the draft rules represent only the preliminary thinking of the task group; they should not be interpreted in any way as a predisposition or predetermination of the issues involved. After the public hearings are completed and the record from the hearings and the public comments reviewed, the task group will resume its meetings and, in light of the record, prepare an NPRM which, upon its approval by the Commission, will be published for public comment. At the close of the formal comment period the public input will be reviewed and suggested final rules formulated for Commission consideration.

Issues for Consideration

The Task Group has concluded that the following issues should be addressed in this proceeding:

(1) How do the proposed loading and unloading and contract of haul provisions affect existing industry practices?

(2) How can contracts of haul be designed so that they will not be an undue burden on the businesses of all concerned?

(3) Should written contract requirements apply (a) only to the transportation of fresh fruits and vegetables or (b) to the transportation of other agricultural commodities exempt under 49 U.S.C. 10526(a)(6) as well? Why? What would be the basis for distinguishing among them?

(4) Should these contracts of haul apply to motor carrier movements prior or subsequent to trailer on flatcar (TOFC) movements? What would be the difficulties in doing so, given that the rail segment of the haul would not be governed by the contract?

(5) What should be the minimum required provisions of these contracts of haul?

(6) Should the Commission (a) require provisions and specific terms for those provisions which could not be changed by agreement among the parties; (b) require provisions and specific terms for those provisions which could be changed by agreement of the parties, or (c) require provisions only and allow the parties to determine the specific terms for the provisions.

(7) How and when shall the contract be executed? Should it be executed in writing before loading? Can oral agreements later confirmed in writing protect all the parties and satisfy the intent of the law?

(8) Who should be responsible for seeing to it that the contract is executed, the shipper, the carrier or both?

(9) To what extent would a receiver be liable for contract provisions, such as agreed-upon detention charges, made between the shipper and the carrier?

(10) Should interim rules be adopted pending the adoption of final rules in this matter?

Appendix A contains further more detailed issue items on which comments are invited.

Appendix–A

1. Definitions

(a) Carrier—a person performing motor transportation of a shipment of commodities exempt from regulation under 49 U.S.C. 10526(a)(6).

(b) Consignor—a person or firm offering the shipment of exempt commodities for transportation at origin.

(c) Contract of haul—written agreement for interstate or foreign for-hire motor transportation of exempt commodities.

(d) Execution of contract of haul—signing the contract of haul and delivering it to the parties.

(e) Exempt commodities—goods whose transportation by motor carrier is not regulated under 49 U.S.C. 10526(a)(6).

(f) Force majeure—an unexpected disruptive event such as an act of the elements, flood, etc., which may operate

to excuse a carrier from its performance under the contract of haul.

(g) Receiver—a person receiving the shipment of exempt commodities at destination.

(h) Shipper—a person responsible for arranging for and controlling the transportation of exempt commodities.

(i) Tender for unloading or loading—notice made to the receiver or consignor or a responsible agent of the receiver or consignor that a shipment of exempt commodities is available for unloading or loading.

2. Written Contract Required

(a) In whatever aspect of exempt commodities transportation the Commission determines that contract of haul is required, it shall be in writing"

This proposal effectuates the Congressional mandate of Section 16. The legislative history of Section 16 refers to problems mainly in the transportation of fresh fruits and vegetables. The written contract may be appropriate for transportation of these commodities or others. The legislative mandate of Section 16 requires the Interstate Commerce Commission, with assistance from the Department of Agriculture, to consider the requirement of written agreements for the transportation of any exempt commodity, where appropriate.

3. Minimum Contract Provisions

(a) Any required contract of haul shall contain the following non-negotiated, informational items:

(1) Identity of all the parties; that is, the names and addresses of the consignor, shipper, receiver, carrier, and broker.

(2) Truck and trailer license numbers.

(3) Description of the shipment e.g. the number of crates of a particular type of produce.

(4) Origin and destination of the shipment.

These items will identify all parties to the agreement as well as the shipment which is the subject of the contract of haul. They will facilitate the determination of the rights and obligations under the contracts.

(b) Any required contract of haul shall contain the following negotiated items:

(1) Carrier compensation (transportation charges).

(2) Provision for prompt payment to the carrier.

(3) Pickup and arrival dates.

(4) Any penalty to be assessed to the carrier for late pickup or delivery.

(5) Any charge to be assessed to the receiver or consignor for detention of the carrier's vehicle after the carrier has tendered the shipment (vehicle) for unloading or loading.

(6) Any "free time" to be accorded to the receiver or consignor after the tender for unloading or loading and before detention charges begin to be assessed.

(7) Whether and how much the receiver may deduct from the transportation charges for any claims the receiver has for loss or damage to the shipment.

(8) Whether claims for loss and damage of the shipment shall be handled separately from the payment of transportation charges.

(9) Any special provisions; such as, requiring a temperature recording device for monitoring a load in transit, or telephone notification to the shipper of carrier's inability to meet transportation instruction.

(10) The arrangement, including compensation, with respect to loading and unloading of the property transported under the contract of haul.

(11) The carrier's recourse when the shipper or receiver requests or requires loading or unloading in a manner or at costs to the carrier inconsistent with the contract.

The Task Group suggests that these issues exemplify the problem areas involved. We welcome public comment on these and other related areas of concern.

It should be noted particularly that Section 16 requires that loading and unloading provisions as set forth above must be contained in any required contract of haul. The pertinent portion of Section 16(b) of the Motor Carrier Act of 1980 states:

"A written contract between an owner or operator of a motor vehicle and a broker, shipper of property, or receiver of property which is required to be used by the Commission under this section shall specify the arrangements, including compensation, with respect to loading and unloading of the property transported under such contract. Whenever the shipper or receiver of the property transported under such contract requires that the operator of the vehicle load or unload any part of the property onto or from the vehicle contrary to any provision of such contract, the shipper or receiver shall compensate the owner or operator of the vehicle for all costs associated with loading or unloading that part of the property. Any person who knowingly violates the preceding sentence is liable to the United States Government for a civil penalty of not more than $10,000 for each violation."

It should also be noted that contract provisions of Section 16 should not be in violation of Section 15 of the Motor Carrier Act of 1980, the so-called "lumping" provision (49 U.S.C. 11109).

Issued on December 8, 1980.

Richard H. Klem,

Deputy Director, Section of Motor Policy, Office of Policy and Analysis, Interstate Commerce Commission.

Paul Mills,

Chief, Transportation Services Division, Office of Transportation, United States Department of Agriculture.

[FR Doc. 80-37945 Filed 12-5-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration, Commerce.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 79525, December 1, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., December 18, 1980.

CHANGES IN THE MEETING: 9:30 a.m., January 21, 1981.

Dated: December 3, 1980.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 80-37990 Filed 12-5-80; 8:45 am]

BILLING CODE 3510-25-M

Computer Systems Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 79132, November 28, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., December 17, 1980.

CHANGES IN THE MEETING: 9:30 a.m., January 22, 1981.

Dated: December 3, 1980.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 80-37989 Filed 12-5-80; 8:45 am]

BILLING CODE 3510-25-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 79133, November 28, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., December 16, 1980.

CHANGES IN THE MEETING: 1:30 p.m., January 21, 1981.

Dated: December 3, 1980.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 80-37991 Filed 12-5-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

American Tunaboat Association; Issuance of a General Permit

A general permit was issued on December 1, 1980, to the American Tunaboat Association, 1 Tuna Lane, San Diego, California 92101, to take marine mammals incidental to commercial fishing operations under Category 2: Encircling Gear, Purse Seining Involving the Intentional Taking of Marine Mammals, pursuant to 50 CFR 216.24 (45 FR 72187–72196, October 31, 1980).

The general permit application, the Assistant Administrator for Fisheries' final decision on the matter and documentation and testimony given as part of the record in the formal rulemaking proceeding are all available for review in the Office of the Assistant Administrator for Fisheries, 3300 Whitehaven Street, NW., Washington, D.C., and at the Regional Director's Office, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 1, 1980.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 80-37882 Filed 12-5-80; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

[Dept. Administrative Order 216-12]

Environmental Effects Abroad of Major Federal Actions

This order is effective August 18, 1980.

Section 1. Purpose

This Order prescribes policy, procedures, and reponsibilities for implementing Executive Order 12114, dated January 4, 1979 (the Executive Order), Appendix A,[1] which requests Federal agencies to be informed about and include certain environmental considerations in deciding to take major actions which have environmental effects abroad.

Section 2. Scope

.01 This Order applies to major Federal actions, as defined in paragraph 3.03 of this Order, having significant effects on the environment, as defined in paragraph 3.01 of this Order, outside the geographic borders of the United States, its territories and possessions.

.02 This Order does not apply to major Federal actions subject to the provisions of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) and the Council on Environmental Quality regulations for implementing the procedural provisions of the NEPA (40 CFR Parts 1500–1508), except to the extent indicated in paragraph 6.01 of this Order and section 3–5 of the Executive Order with respect to multiple impacts.

Section 3. Definitions

.01 *Environment.* For the purpose of this Order, the terms "environment" and "environmental" refer to the natural and physical enviroment and exclude social, economic and other environments.

.02 *Significantly affects.* For the purpose of this Order, the term "significantly affects" and similar expressions, when used in connection with a proposed major Federal action to which this Order applies, means an action which would significantly harm the environment even though on balance a Departmental unit believes the action to be beneficial to the environment.

.03 *Major action.* For the purpose of this Order, the term "major action" means those actions identified in section 2–3 of the Executive Order and not exempted pursuant to section 2–5 of the Executive Order or exempted pursuant to Section 7 of this Order pertaining to categorical exclusions. "Major action" includes proposed significant change to a major Federal action, which has commenced but has not been completed, where such change is not exempted in accordance with the Executive Order or this Order.

.04 *Organization Unit Head.* For the purpose of this Order, the head of an organization unit means the head of an operating unit, head of a Department Office, or a Secretarial Office, as appropriate.

Section 4. Policy.

Departmental officials having ultimate responsibility for authorizing and approving actions encompassed by the Executive Order and this Order shall, in making decisions concerning such actions, consider and take into account, along with other pertinent considerations of national policy, the information contained in documents prepared pursuant to the Executive Order and this Order addressing environmental impacts of such actions. Heads of organization units may provide, in procedures for implementing the Executive Order and this Order, measures in addition to those called for by the Executive Order and this Order.

Section 5. Responsibilities

.01 Except as provided by paragraph .03 of this section, the Deputy Assistant Secretary for Environmental Affairs (the DAS) shall:

a. Determine whether a proposed major Federal action by the Department of Commerce is subject to the Executive Order and this Order and whether preparation of an environmental document is indicated, and, if so, specify the appropriate type of document;

b. Provide guidance for the preparation of the environmental document specified pursuant to subparagraph .01 a. and circulate the environmental document in draft form for review within the Department of Commerce;

c. Upon receipt of a letter and environmental document from an organization unit pursuant to subparagraph 5.02e., circulate the environmental document to other federal agencies with relevant environmental jurisidiction and expertise;

d. After consultation with the head of the organization unit which prepared the environmental document, determine when an affected nation shall be informed, through the Department of State, of the availability of an environmental document;

e. Determine the necessity to modify an environmental document, as provided in Executive Order section 2–5(b) and paragraph 6.06 of this Order, and, after consulting with the head of the organization unit preparing the environmental document, specify the modification in content, timing or availability of the document;

f. Coordinate Department activities in collaborating with the Department of State and the Council on Environmental Quality in the exchange of

[1] Filed as a part of the original document.

environmental information, pursuant to section 2–2 of the Executive Order;

g. Consult with the Department of State and the Council on Environmental Quality when a categorical exclusion is utilized pursuant to Section 7. of this Order;

h. Coordinate Departmental review of environmental documents prepared pursuant to the Executive Order by other Federal agencies and referred to the Department of Commerce by the preparing agency, and, after necessary consultation with interested Department organization units, exercise primary responsibility for preparation and submission of comments to the preparing agency; and

i. In instances where an organization unit voluntarily reviews and prepares proposed comments on an environmental document prepared by another agency pursuant to the Executive Order, but not formally submitted by the preparing agency for Departmental review, review such proposed comments for conformity with Departmental policy, and, after consultation with interested organization units, exercise primary responsibility for submission of comments to the agency which prepared the environmental document.

.02 Heads of organization units, other than the National Oceanic and Atmospheric Administration, shall:

a. Notify the DAS when a categorical exclusion is proposed to be used pursuant to Section 7. of this Order;

b. Identify to the DAS potential major actions which may be subject to the provisions of the Executuve Order and this Order;

c. Determine whether a draft environmental document, specified pursuant to subparagraph .01a. above, will be prepared, and, if so, submit the document to the DAS for circulation within the Department;

d. Consider the comments generated by the process of intradepartmental review of a draft environmental document in preparing any revised environmental document;

e. Prepare a letter to be signed by the DAS for transmitting for review an environmental document to Federal agencies with relevant environmental jurisdiction and expertise and submit the letter and environmental document to the DAS.

f. Consider comments timely received from other Federal agencies on an environmental document in taking any action addressed by the environmental document;

g. Ensure that applicable environmental documents are available for use by appropriate agency decisionmakers;

h. At the request of the DAS, review an environmental document prepared pursuant to the Executive Order by another Federal agency and referred to the Department, and submit comments on the environmental document to the DAS for consideration in preparing Departmental comments on the environmental document; and

i. In instances where an environmental document prepared pursuant to the Executive Order by another Federal agency is not formally submitted by the preparing agency for Departmental review, but the organization unit voluntarily reviews such documents, submit any proposed comments on the document to the DAS for disposition in accordance with subparagraph .01i. above. This provisions shall not preclude an organization unit field office from providing a preliminary response to an environmental document received locally, if it is made clear that the official Department position will be provided at a later date by the DAS.

.03 The Administrator of the National Oceanic and Atmospheric Administration (NOAA) shall, with respect to the undertaking of actions pursuant to all legislation administered by NOAA to which this order applies:

a. Determine whether a proposed major NOAA action is subject to the Executive Order and this Order and whether an environmental document is to be prepared, and, if so, the type of document to be prepared;

b. Circulate any environmental document in draft form for review within the Department by organization units and offices with relevant expertise, including the Office of Environmental Affairs;

c. Consider the comments generated by the process of intradepartmental review of a draft environmental document in preparing any revised environmental document;

d. Circulate for review any revised environmental document to other federal agencies with relevant environmental jurisdiction and expertise;

e. Consider comments timely received from other Federal agencies on an environmental document in taking any actions addressed by the environmental document;

f. After consulting with the DAS, determine when an affected Nation shall be informed, through the Department of State, of the availability of an environmental document;

g. Determine the necessity to modify an environmental document, as provided in section 2–5(b) of the Executive Order and paragraph 6.06 of this Order, after consulting with the DAS, and modify the document in content, timing or availability, as deemed necessary;

h. Ensure that applicable environmental documents are available for use by appropriate NOAA and other Departmental decisionmakers; and

i. For any review initiated by NOAA on an environmental document prepared by another Federal agency pursuant to the Executive Order, submit any proposed comments on the document to the DAS for disposition in accordance with subparagraph .01i. above. This provision shall not preclude a NOAA field office from providing a preliminary response to an environmental document received locally, if it is made clear that the official Departmental position will be provided at a later date by the DAS.

Section 6. Environmental Documents

.01 *Multiple impacts.* If a major Federal action having effects on the environment of the United States or the global commons results in preparation of an environmental impact statement, and if the action also has effects on the environment of a foreign nation, an environmental impact statement need not be prepared with respect to the effects on the environment of the foreign nation.

.02 *Existing document.* If an environmental document, as described in paragraphs .03 through .05 below, exists and adequately addresses the significant environmental effects of a proposed major Federal action to which the Executive Order and this Order apply, an additional document need not be prepared.

.03 *Environmental Impact Statement.* A detailed Environmental Impact Statement (EIS) (a) shall be prepared for actions described in section 2–3(a) of the Executive Order ("global commons"), and (b) may be prepared for actions described in section 2–3(d) of the Executive Order ("Presidential designation" or "binding treaty") if determined to be appropriate pursuant to subparagraphs 5.01a or 5.03a. of this Order. An EIS should be comprehensive in its treatment of anticipated significant environmental effects, based on information that is reasonably available, and taking into account time constraints for agency action.

.04 *Environmental Study.* The responsible head of an organization unit or the Administrator of NOAA may take the measures available to have prepared the document described in section 2–4(a)(ii) of the Executive Order for

actions described in Executive Order section 2–3(b)("third party"), 2–3(c)("recipient"), or 2–3(d)("Presidential designation" or "binding treaty"), if such document is determined to be appropriate pursuant to subparagraphs 5.01a. or 5.03a. of this Order. An Environmental Study should address anticipated significant environmental effects and provide quantified information, to the extent available, on the most significant aspects of the proposed actions, examine reasonable alternatives to the proposal, and identify feasible mitigation measures that can be used to minimize environmental harm. In determining the type of environmental document to be prepared, pursuant to subparagraphs 5.01a. or 5.03a. of this Order, the DAS or, in the case of actions taken pursuant to subparagraph 5.03 of this Order, the Administrator of NOAA, as appropriate, shall be cognizant of practical impediments to the preparation of an adequate and timely Environmental Study in which a nation or nations other than the United States would be a participant, or the study would be prepared by an international body or organization and the United States would have little or no influence or control in the preparation of the study.

.05 *Environmental Review, Assessment or Analysis.* As indicated by the DAS pursuant to subparagraph 5.01a. of this Order, or as indicated by the Administrator of NOAA pursuant to subparagraph 5.03a. of this Order, an Environmental review, Assessment or Analysis may be prepared for actions described in Executive Order sections 2–3(b)("third party"), 2–3(c)("recipient"), or 2–3(d)("Presidential designation" or "binding treaty"). An Environmental Review, assessment or analysis should address significant environmental effects in a careful manner; present quantified information on the most significant aspects of the proposed action, to the extent such information is reasonably available; and, where quantified information is not reasonably available, describe environmental impacts as precisely as practicable. Further, such a document should examine reasonable alternatives to the proposal and identify feasible mitigation measures that can be used to minimize environmental harm.

.06 *Modified Docuiment.* In accordance with Executive Order section 2–5(b) and subparagraphs 5.01e. and 5.03g. of this Order, an environmental document may be modified.

Section 7. Categorical Exclusion

In accordance with section 2–5(c) of the Executive Order, the issuance of export licenses or permits or export approvals are exempted from application of the Executive Order and this Order.

Section 8. Advice of the General Counsed

Responsible officials, in consultation with the DAS, will seek advice of the General Counsel on legal questions arising in connection with this Order.

David Farber,

Deputy Assistant Secretary for Operations.

[FR Doc. 80-37917 Filed 12-5-80; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 25-2]

Maritime Administration; Statement of Organization, Functions, and Delegation of Authority

This order effective October 20, 1980 supersedes the material appearing at 44 FR 24619 of April 26, 1979.

Section 1. Purpose

.01 This Order prescribes the organization and assignment of functions within the Maritime Administration. The delegations of authority to the Assistant Secretary for Maritime Affairs and the Maritime Subsidy Board are set forth in Department Organization Order 10–8.

.02 This revision establishes an Assistant Administrator for Marketing and Domestic Enterprise with responsibility for the following functions: domestic shipping transferred from the Assistant Administrator for Shipbuilding and Ship Operations, and port and intermodal development and market development transferred from the Assistant Administrator for Commercial Development. It redesignates latter position as Assistant Administrator for Research and Development; and, in general, updates the language of the Order.

Section 2. Organization Structure

The organization structure and line of authority of the Maritime Administration shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Section 3. Office of the Assistant Secretary for Maritime Affairs

.01 The *Assistant Secretary for Maritime Affairs* (the "Assistant Secretary"), who is ex-officio Maritime Administrator, is the head of the Maritime Administration and serves as Chairman of the Maritime Subsidy Board.

.02 The *Deputy Assistant Secretary for Maritime Affairs* shall be the principal assistant to the Assistant Secretary and perform such duties as the Assistant Secretary shall prescribe, together with the duties which are to be performed as a member of the Maritime Subsidy Board. In addition, the Deputy Assistant Secretary shall be the Acting Assistant Secretary during the absence or disability of the Assistant Secretary and, unless the Secretary of Commerce designates another person, during a vacancy in the office of the Assistant Secretary.

.03 The *Executive Staffs* shall consist of the Secretary of the Maritime Administration who also serves as Secretary of the Maritime Subsidy Board, the administrative law judges, and officials concerned with other special services for the Assistant Secretary and the Maritime Subsidy Board.

Section 4. Maritime Subsidy Board

The Maritime Subsidy Board shall be responsible for and perform the following functions:

a. The functions with respect to making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential subsidy, (1) The contract for the construction, reconstruction or reconditioning of a vessel, and (2) the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of the national defense features, and, in the case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy;

b. The functions with respect to: (1) Conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of Titles V, VI, and VIII, and Sections 301 (except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales and minimum working conditions), 708, 805(a) and 805(f) of the Merchant Marine Act, 1936, as amended (the "Act"), (2) making readjustments in determinations as to operating cost differentials under Section 606 of the Act, and (3) the approval of the sale, assignment, or transfer of any operating subsidy contract under Section 608 of the Act;

c. The functions with respect to investigating and determining: (1) The relative cost of construction of comparable vessels in the United States and foreign countries, (2) the relative cost of operating vessels under the registry of the United States and under foreign registry, and (3) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of Section 211 of the Act;

d. So much of the functions specified in Section 12 of the Shipping Act, 1916, as amended, as the same relate to the functions of the Board under subparagraphs a. through c. of this paragraph; and

e. So much of the functions with respect to adopting rules and regulations, subpoenaing witnesses, administering oaths, taking evidence, and requiring the production of books, papers, and documents, under Sections 204 and 214 of the Act, as relate to the functions of the Board.

Section 5. Office of the General Counsel

The *Office of the General Counsel* shall, subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10-6, serve as the law office of the Maritime Administration (hereinafter, the "Administration"); review and give legal clearance to applications for subsidy and other Government aids to shipping, sales, mortgages, charters, and transfers of ships; prepare and approve as to form and legality, contracts, agreements, performance bonds, deeds, leases, regulations, and related documents; render legal opinions as to the interpretation of such documents and the statutes; coordinate preparation and issuance of regulations for guidance of the public and outside organizations; prepare drafts of proposed legislation, executive orders, and legislative reports to Congressional committees and the Office of Management and Budget; provide advice to Administration officials on matters concerning the Privacy and Freedom of Information Act; negotiate and settle, or recommend settlement of, admiralty claims, just compensation claims, tort claims, and claims referred to the Office for litigation; assist the Department of Justice in the trial, appeal and settlement of litigation; represent the Administration in public proceedings involving all shipping matters before administrative agencies of the Government; and represent the Administration before State and Federal courts with the permission of the Department of Justice.

Section 6. Office of Public Affairs

The *Office of Public Affairs* shall develop and coordinate a public information and publications program as needed to further the objectives of the Administration's programs; issue or clear for issuance all information for the general public on shipping and on decisions and activities of the Administration; and prepare periodic and special reports, as assigned. These activities shall be carried out in coordination with the Departmental Office of Public Affairs.

Section 7. Office of International Activities

The *Office of International Activities* shall plan, conduct and coordinate the Administration's participation in intergovernmental and international organizations concerned with shipping matters; keep abreast of developments in the United States and foreign countries with a foreign relations impact that may affect the U.S. merchant marine; take and/or coordinate action to establish and present the Administration's position in these matters. Within this Office are personnel responsible for representing the Administration in international activities, as assigned, for development of maritime foreign cost data, and other technical maritime activities in foreign countries.

Section 8. Office of Maritime Labor and Training

The *Office of Maritime Labor and Training* shall analyze and advise the Administration regarding labor management relations and problems as they apply to seafaring, longshore and shipyard workers, including labor trends, potential areas of dispute, and the effects of technological changes and proposed legislation on labor; develop plans in cooperation with the Department of Labor to provide a reserve maritime work force for mobilization and other emergencies; obtain, analyze, and publish data for use of industry, labor, Government and the public concerning maritime employment, wages, hours, working conditions, crewing, and work force requirements; process nominations for appointment of Midshipmen to the U.S. Merchant Marine Academy; administer an assistance program for the State maritime academies; determine need for and coordinate training programs for licensed and unlicensed personnel in maritime industries; coordinate technical maritime training assistance to foreign countries under international cooperative programs; and issue merchant marine decorations and awards.

Section 9. Assistant Administrator for Policy and Administration

The Assistant Administrator for Policy and Administration shall be the principal assistant and adviser to the Assistant Secretary on administrative services and procurement, budget and program evaluation, financial analysis and accounting, data processing and management information systems, management and organization, personnel, and policy and planning activities. Within the immediate office of the Assistant Administrator are personnel responsible for ADP planning and evaluation activities, and for planning and administering the equal employment opportunity program of the Administration. The Assistant Administrator shall direct the activities of the following organizational units:

.01 The *Office of Administrative Services and Procurement* shall plan and establish national policies and programs for the conduct of facilities and supply management and office services activities, including material control and disposal of real and personal property, other than ships; provide procurement services, within delegated authority; administer the security program; settle loss or damage claims arising from shipments on Government bills of lading; secure allocations of the production capacity of private plants for the manufacture of components and materials required in the event of mobilization; administer programs for the management of mail, files, records equipment, vital records, and records disposition; and, for headquarters of the Administration, provide or obtain travel and office services, including space, communications, correspondence control, and administrative property management services.

.02 The *Office of Budget and Program Evaluation* shall develop the Administration's program structure and objectives for budget formulation and program reporting; conduct studies to evaluate the effectiveness of programs in accomplishing established objectives; prepare analyses of special program issues; collect and disseminate summarized program and management information; formulate, recommend, and interpret budgetary policies and procedures; develop and present budget requests and justifications; allocate and maintain budgetary control of funds available; analyze fiscal and program plans and reprogramming proposals for conformance with established policies; and maintain a continuous review of the

status of funds and program performance in relation to fiscal plans.

.03 The *Office of Financial Management* shall render financial advice and opinions with respect to the substantive programs and contractual activities of the Administration; prescribe a uniform system of accounts for subsidized operators, agents, charterers, and other contractors; administer a program of audits of contractors' accounts (except those of Research and Development contracts) to determine compliance with applicable laws, regulations and contract provisions concerning subsidizable expenses under operational-differential subsidy contracts, qualified deposits and withdrawals under capital construction fund agreements, vessel expenses under general agency agreements, and construction costs under construction-differential subsidy contracts; analyze financial statements and other data submitted by contractors to determine financial qualifications and limitations; make special financial surveys and analyses of contractors or of their operations, when necessary; develop a data base and a financial analysis system to determine the financial conditions of the American merchant marine, or segments thereof; perform accounting, payrolling and related functions, including preparation of financial statements and reports, auditing and certification of vouchers for payment, and collection of amounts due the Administration; and develop and maintain a financial information reporting system to assist officials in managing their programs and resources.

.04 The *Office of Management Information Systems* shall plan, design, develop, program, document and maintain the Administration's computer based information systems; conduct and review feasibility studies to determine costs and benefits of acquiring ADP equipment and systems; provide systems analysis, programming, and system software support to all components of the Administration; and manage and operate the electronic data processing facility, including auxiliary equipment.

.05 The *Office of Management and Organization* shall conduct staffing surveys to determine personnel requirements for all components of the Administration; conduct surveys and studies to improve management practices, organization structures, delegations of authorities, procedures, and work methods; coordinate management improvement activities; maintain a system for the issuance of the manual of orders and other directives; administer programs for the management of reports, forms, correspondence, and committee activities; and prepare special progress and administrative reports to the Office of the Secretary and others, as required.

.06 The *Office of Personnel* shall plan and administer personnel programs and activities relating to recruitment, placement, promotion, separation, employee performance evaluation, training and career development, employee recognition and incentive awards, employee relations and services, employee-management relations, position classification, pay management, and various employee benefit programs.

.07 The *Office of Policy and Plans* shall develop and recommend long-range marine affairs policies and plans, including new program initiatives and modifications of policies and plans for the revitalization of the United States merchant marine; conduct economic studies and operations analysis activities in support of the policy and planning functions; identify major issues and problems affecting shipping, and conduct or direct and coordinate studies and analyses to provide solutions thereto; generate methodologies for the conduct of economic and operational analyses, and provide analytic services to other offices of the Administration; direct and coordinate the development and maintenance of plans for carrying out the Administration's responsibilities and functions in the event of mobilization for war or other national emergency; provide representation and participate in the formulation of international and national plans for emergency and mobilization activities; and coordinate disaster assistance plans and programs, energy conservation and related activities of the Administration.

Section 10. Assistant Administrator for Research and Development

The Assistant Administrator for Research and Development shall be the principal assistant and adviser to the Assistant Secretary on research and development. Within the immediate office of the Assistant Administrator are personnel responsible for overall program development and control in the above areas, and for planning, directing and coordinating the activities of the National Maritime Research Center located at Kings Point, N.Y. The Assistant Administrator shall direct the activities of the following organizational units:

.01 The *Office of Maritime Technology* shall develop, coordinate and manage programs to establish a scientific and technological base for achieving a more productive and competitive United States merchant marine; initiate, solicit, develop and recommend specific projects, such as research in advanced ship analysis, marine science, energy and environmental control subjects which have a bearing on improvements in the merchant marine, and institutional and university research in these subjects appropriate to maritime affairs; develop technical scopes of work for contracts; and administer technical aspects of contracts in above areas.

.02 The *Office of Advanced Ship Development* shall develop, organize, coordinate and manage programs for the application of scientific and technological developments to improve ship systems, shipbuilding, ship machinery, equipment, and other components, with the objective of increasing the efficiency, productivity, and effectiveness of the United States merchant marine; initiate, solicit, develop, and recommend specific projects; develop technical scopes of work for contracts; and administer technical aspects of contracts in these areas.

.03 The *Office of Advanced Ship Operations* shall develop, organize, coordinate and manage programs for the application of scientific, technological, and other developments to upgrade the operational efficiency and competitive position of the United States merchant marine; initiate, solicit, develop, and recommend specific projects in these areas, including navigation and communications, port and terminal operations, cargo handling, marine personnel requirements, automation, ship handling and other operational aspects of the ship; develop technical scopes of work for contracts; and administer technical aspects of contracts in above areas.

Section 11. Assistant Administrator for Shipbuilding and Ship Operations

The Assistant Administrator for Shipbuilding and Ship Operations shall be the principal assistant and adviser to the Assistant Secretary on ship construction, shipbuilding costs, and ship operations activities, and shall direct the activities of the following organizational units:

.01 The *Office of Ship Construction* shall conduct studies in naval architecture, marine engineering, electrical engineering, and engineering economics; develop preliminary designs establishing the basic characteristcs of proposed ships; review and approve ship designs submitted by applicants for Government aid; recommend and, upon request, conduct research and

development projects in ship design and construction; develop or approve contract plans and specifications for the construction of ships; review, obtain approval and certification of national defense features by the Department of the Navy; inspect ships during course of construction to determine progress and assure conformance with approved plans and specifications; approve or recommend approval of changes in contract plans and specifications; provide naval atchitectural and engineering services in connection with construction of special purpose ships for other Government agencies; maintain current records of facilities, capacities, workload and employment in commercial shipyards in the United States; develop requirements for mobilization ship construction programs; and plan and conduct programs for the development of minority business enterprises through contractors and subcontractors of the Administration and for assuring compliance by recipients of Federal financial assistance with the provisions of Title VI of the Civil Rights Act of 1964 and related regulations.

.02 The *Office of Shipbuilding Costs* shall collect, analyze, and maintain data on the relative costs of shipbuilding in the United States and foreign countries; calculate and recommend the amount of construction-differential subsidy; prepare cost estimates, invitations to bid, and recommendations for the award of ship construction type contracts; authorize progress payments; prepare cost estimates of changes in contract plans and specifications, adjudicate change orders, and rcommend approval of cost settlements and contract addenda; secure, analyze and maintain data on domestic and world market values of ships; direct and coordinate a pollution abatement program to protect and enhance the quality of the marine environment by control and abatement of ship-generated pollution; and coordinate implementation of the provisions of the National Environmental Policy Act opf 1969 within the Administration.

.03 The *Office of Ship Operations* shall formulate national policies and programs for the operation, maintenance and repair of Administration-owned or acquired merchant ships, conduct of ship condition surveys, maintenance of the national defense reserve fleet, including the ship preservation programs, and related ship operations activities; recommend terms of and administer general agency, charter, and related agreements for operation of ships; award or recommend approval of the award of ship repair contracts; administer the ship sales program; provide safety engineering services; approve or recommend approval of transfers of ships to foreign ownership, registry or flag; develop plans for the acquisition, allocation, and operation of merchant ships in time of national emergency and administer these activities, as required.

Section 12. Assistant Administrator for Maritime Aids

The Assistant Administrator for Maritime Aids shall be the principal assistant and adviser to the Assistant Secretary on subsidy administration, Title XI ship financing guarantees, capital construction funds, marine insurance activities, and related Government aids programs. The Assistant Administrator for Maritime Aids shall direct the activities of the following organizational units:

.01 The *Office of Subsidy Contracts* shall receive and process applications for construction-differential subsidy, operating-differential subsidy, construction reserve and capital construction fund agreements, and other forms of Government aid to shipping pursuant to Titles V, VI and VII of the Act; conduct negotiations with applicants, obtain comments of other offices, and recommend approval or disapproval of these applications; and take other actions within delegated authority, or recommend approval or disapproval thereof, as required, in relation to the administration of the contracts and agreements entered into by the Administration in the above areas.

.02 The *Office of Ship Financing Guarantees* shall receive and process applications for Federal ship financing guarantees to aid in the financing of ship construction, reconstruction, and reconditioning of vessels pursuant to Title XI of the Act; conduct negotiations with applicants, obtain comments of other offices, and recommend approval or disapproval of these applications; approve and take other actions within delegated authority, or recommend approval or disapproval thereof, as required, in relation to the administration of Title XI contracts and related agreements entered into by the Administration.

.03 The *Office of Ship Operating Costs* shall collect, analyze, and maintain data on the relative costs of operating ships under United States and foreign flags; calculate and recommend approval of operating-differential subsidy rates by the Maritime Subsidy Board; review applications for construction-differential subsidy and operating-differential subsidy with respect to proposed crewing scales and estimated subsidizable operating costs; review and prepare administrative determinations and recommendations on the eligibility of costs for subsidy rate-making and accrual purposes; and develop related vessel operating cost statements and reports, as required.

.04 The *Office of Trade Studies and Statistics* shall analyze and recommend the trade route structure and service requirements of the foreign oceanborne commerce of the United States, pursuant to Section 211 of the Act; analyze and recommend the substantiality and extent of foreign flag competition on essential trade routes; review and approve or disapprove voyages of subsidized U.S.–flag operators; evaluate and prepare recommendations on requests of subsidized operators for changes in service descriptions, sailings, and related requirements; prepare reports on traffic and related aspects of applications for construction and operating-differential subsidies and ship financing guarantees; and collect, maintain, analyze, and disseminate statistical data on cargo and commodity movements in the foreign oceanborne commerce of the United States, on composition and characteristics of world's merchant fleets, and on employment and utilization of U.S.–flag ships.

.05 The *Office of Marine Insurance* shall develop, coordinate, control, and administer the marine insurance and the marine war risk insurance activities and programs of the Administration; maintain contact with the commercial insurance markets, analyze events and trends, and take action to meet changing conditions and foster cooperation between the Federal Government and American marine insurance underwriters in helping to strengthen the domestic marine insurance market; gather, analyze, and disseminate information on marine insurance useful to ship operators and the marine insurance industry; and settle or recommend settlement of claims of a marine insurance and marine war risk insurance nature.

Section 13. Assistant Administrator for Marketing and Domestic Enterprise

The Assistant Administrator for Marketing and Domestic Enterprises shall be the principal assistant and adviser to the Assistant Secretary on market development, port and intermodal transportation development, cargo preference, and domestic shipping activities, and shall direct the activities of the following organizational units.

.01 The *Office of Market Development* shall formulate national policies and programs, and conduct programs for the promotion and development of increased trade for U.S.-flag ships in the foreign commerce of the United States; develop and maintain cooperative efforts with Government agencies, and with shippers, forwarders, bankers, insurance and other groups to promote cargo and trade expansion for U.S.-flag ships; calculate and recommend guideline rates, terms and conditions for transportation of Government-financed cargoes; and regulate, review and report on the administration of cargo preference activities under Public Law 664, 83rd Congress, Public Resolution 17, 73rd Congress, and other statutes, in accordance with Section 901 of the Act.

.02 The *Office of Port and Intermodal Development* shall formulate national policies and programs, and conduct programs for the development and promotion of intermodal transportation systems; conduct studies and formulate plans for the promotion, development and utilization of ports and port facilities; provide technical advice to other Government agencies, private industry and State and municipal governments in the above fields; coordinate and provide leadership to the Department's overall effort to reduce, simplify and otherwise facilitate the use of documents required for trade, travel, and transport purposes; and conduct emergency planning for the utilization and control of ports and port facilities under national mobilization conditions.

.03 The *Office of Domestic Shipping* shall formulate and implement national policies and programs for the development and promotion of the domestic waterborne commerce of the United States, including the inland waterways and noncontiguous, coastwise and intercoastal trades; formulate plans, conduct studies, and make recommendations to improve the competitive position and increase utilization of domestic waterborne transportation; and collect, maintain, analyze, and disseminate data on cargo and commodity movements in the domestic waterborne commerce of the United States.

Section 14. Field Organization

.01a. There shall be four field organizations called Regions, each headed by a Region Director, as specified below:

Region	Headquarters location
Eastern Region	New York, New York.
Great Lakes Region	Cleveland, Ohio.
Central Region	New Orleans, Louisiana.
Western Region	San Francisco, California.

b. The Regions shall have geographic areas of responsibility as shown in Exhibit 2. A copy of the Field Organization map is on file with the original of this document in the Office of the Federal Register.

c.1. The *Region Directors* shall be responsible for all field operations and programs of the Administration within their respective Regions, except ship construction and the United States Merchant Marine Academy, subject to national policies, determinations, procedures and directives of the appropriate headquarters office in Washington, D.C. The programs and activities under their jurisdiction shall include marine inspections; training for marine personnel in radar, loran, etc.; market development; port and intermodal transportation development; development of minority business enterprises through contractors and subcontractors of the Administration; compliance activities under Title VI of the Civil Rights Act of 1964; external auditing; financial analysis of the shipping industry; and administrative support activities.

2. In addition, the Eastern, Central, and Western Region Directors shall be responsible for the custody and preservation of ships in the national defense reserve fleets; activities relating to the award and/or administration of contracts for operation, repair and maintenance of ships; facilities management; accounting; and procurement and disposal of property and supplies.

3. The Great Lakes Region Director shall conduct programs and activities to promote the development of Great Lakes shipping.

.02 The *United States Merchant Marine Academy*, Kings Point, New York, shall develop and maintain programs for the training of United States citizens to become officers in the United States merchant marine.

David Farber,

Deputy Assistant Secretary for Operations.

[FR Doc. 80-37915 Filed 12-5-80; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 30-2B, Amdt. 5]

National Bureau of Standards; Statement of Organization, Functions and Delegation of Authority

This order effective October 20, 1980 further amends the material appearing at 43 FR 15473 of April 13, 1978, 43 FR 43534 of September 26, 1978, 44 FR 6976 of February 5, 1979, 44 FR 18720 47902 of July 17, 1980 Department Organization Order 30-2B dated March 8, 1978, is hereby further amended as shown below. The purpose of this amendment is to (1) abolish the EEO Program Coordinator's Office within the Office of the Director, NBA; (2) establish the EEO Support Division within the Office of the Director of Adminstrative and information Systems; and (3) provide the functional statement for the new Division.

1. In Section 4. "Staff Functions Reporting to the Director," paragraph .02 is revised to read as follows:

".02 The *Chief, EEO Support Division* shall report to the Director of Administrative and Information Systems; except that, on matters pertaining to EEO or affirmative action, the Chief shall be directly responsible and have access to the Director and/or Deputy Director of NBS. Such direct responsibilities shall primarily include EEO and affirmative action policy recommendations to these officals and the NBS Executive Board, fulfilling EEO objectives, accomplishing the Affirmative Action Plan, and monitoring NBS' progress in these areas through formal quarterly reviews."

2. *Section 6. Office of the Director of Administrative and Information Systems.*

a. The introductory paragraph is revised to read as follows:

The *Office of the Director of Administrative and Information Systems* shall manage and operate Bureauwide information and administrative systems, and equal employment opportunity support services; shall establish the related policies and plans and implement these systems, ensuring maximum responsiveness to the needs of NBS technical programs."

b. A new paragraph .03 is added to read as follows:

".03 The *EEO Support Division* shall have the following functions and repsonsibilities:

"The *EEO Support Division* develops program policy recommendations for the Director of NBS and members of the NBS Executive Board; assists the

Director and Deputy Director of NBS and the Executive Board and line managers with their responsibilites for fulfilling the objectives of EEO and Affirmative Action Plan compliance throughout NBS, and the requirements of civil rights statutes, Executive Orders, and other regulatory provisions relating to equal opportunity and affirmative action; advises and assists the Personnel Division and line managers in the development and implementation of recuritment programs of qualified minorities, women, veterans, and handicapped persons assuring unbiased and equitable treatment of applicants; cooperates with the Minority Business Development Agency and the minority business community in support of minority business development; administers NBS' internal discrimination complaint system; coordinates the Special Emphasis Programs of Women, Hispanics, Handicapped, Veterans, Grants to Black Colleges, and Minority Business; and carries out related activites in cooperation with the EEOC, OPM, the Departmental Office of Civil Rights, the NBS Legal Advisor and the Department's General Counsel."

3. The organization chart attached to this amendment supersedes the chart dated February 8, 1979. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

David Farber,

Deputy Assistant Secretary for Operations.

[FR Doc. 80-37916 Filed 12-5-80; 8:45 am]

BILLING CODE 3510-17-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amending the Import Restraint Level for Certain Cotton Apparel From Malaysia

December 1, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Charging 1979 overshipments of 488 dozen to the level of restraint established for women's, girls' and infants' cotton coats in Category 335, thereby reducing that level to 20,659 dozen during the agreement year which began on January 1, 1980.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), and August 12, 1980 (45 FR 53506)).

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 17 and June 8, 1978, as amended, between the Governments of the United States and Malaysia, 1978 overshipments of 448 dozen are being charged to the level of restraint established for cotton textile products in Category 335 during the agreement year which began on January 1, 1980.

EFFECTIVE DATE: December 5, 1980.

FOR FURTHER INFORMATION CONTACT: William Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 14, 1979, there was published in the **Federal Register** (44 FR 72618) a letter dated December 11, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established ceilings for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Malaysia, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980. A further letter, dated July 24, 1980, was published in the **Federal Register** on July 29, 1980 (45 FR 50378) which established import control levels for cotton textile products in Categories 333, 334 and 335, produced or manufactured in Malaysia and exported during the same agreement period. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directed the Commissioner of Customs to prohibit entry for consumption and/or withdrawal from warehouse for consumption of cotton textile products in Category 335 in excess of 20,659 dozen during the twelve-month period which began on January 1, 1980.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements,

December 1, 1980.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 11, 1979 from the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Malaysia.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 17 and June 8, 1978, as amended, between the Governments of the United States and Malaysia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on December 5, 1980 and for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 335, produced or manufactured in Malaysia, in excess of the 20,659 dozen.[1]

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-38099 Filed 12-5-80; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

National Communications System; Revisions to Federal Standard 1003 (March 8, 1979) Telecommunications: Synchronous Bit Oriented Data Link Control Procedures (Advanced Data Communication Control Procedures)

On March 8, 1979, the General Services Administration, upon the recommendation of the Executive Agent, National Communications System, and the Office of Science and Technology Policy, Executive Office of the President, published Federal Standard 1003. This standard, developed by the Office of the Manager, National Communications System, with the advice and assistance of the Federal Telecommunication Standards Committee, is based on American National Standard X3.66-1979. The primary purpose of this and all other Federal Standards in the "telecommunication" series is to insure the highest practicable degree of interoperability among major Federal telecommunication networks to enhance their utility as emergency telecommunication resources. Accordingly, Federal Standard 1003 includes certain additional requirements

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1979.

and exceptions not specified in the parent American National Standard.

It is now proposed that one of these additional requirements, specified in paragraph 5.4 of the Federal standard, be changed to read as follows:

To maximize emergency interoperability among major Federal data communication networks, while still allowing flexibility to tailor a network for efficient day-to-day use, the following features, within the scope of ANS X3.66–1979, are required:

a. The W bit in the frame reject (FRMR) information field will be set to indicate the cause of the frame rejection condition. (See paragraph 7.5.3.1 in ANS X3.66–1979.)

b. Upon receiving a FRMR with the W bit set to 1, a primary/combined station shall issue an appropriate mode-setting command (i.e., SNRM, SARM, SABM, SNRME, SARME, or SABME) and shall not subsequently, during the same connection with the same secondary/combined station, transmit a frame containing the command or response that caused the frame rejection condition. (See paragraph 7.4.1 in ANS X3.66–1979.)

DATE: Comments relating to the proposed change must be received by February 6, 1981.

ADDRESS: Comments should be addressed to Office of the Manager, National Communications System, ATTN: NCS–TS, Washington, D.C. 20305.

FOR FURTHER INFORMATION CONTACT: Frank M. McClelland, telephone 202–692–2124.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 3, 1980.

[FR Doc. 80–38000 Filed 12–5–80; 8:45 am]

BILLING CODE 3610–05–M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Operation and Maintenance of Clarks Hill Lake, Savannah River, Ga., and South Carolina

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. Proposed Action: The operation and maintenance activities at Clarks Hill consist of reservoir regulation, flood control, hydroelectric power generation, management of land resources and facilities, management of leases, easements, and other outgrants and project management and maintenance activities. The action is a continuance of the operation and maintenance program for the project. The project site is located on the Savannah River, the boundary between Georgia and South Carolina, 21.7 miles upstream from the Fifth Street Bridge, Augusta, Georgia. The Clarks Hill Dam impacts 6,144 square miles, discharges an average of 10,180 second-feet and is constructed of approximately 3,500,000 cubic yards of earth fill and 1,050,000 cubic yards of concrete. The average annual expenditures for Operation and Maintenance of Clarks Hill during the years 1976 to 1979 was $1,772,040.

2. Alternatives: In developing the DEIS, the alternatives of no action, controlling stored and impounded water by tainter gate operation, reduced hydroelectric power generation, and allocation of lands for interim, ultimate or dual allocation uses, will be among those investigated.

3. Scoping Process: Public involvement to date includes the initial public meeting in October 1978, numerous separate meetings with individual representative groups and another public meeting in May 1979.

4. DEIS Preparation: The DEIS should be available to the public in December 1980.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mickey Fountain, Chief, Environmental Impact Section, Environmental Analysis Branch, U.S. Army Engineer District, Savannah, P.O. Box 889, Savannah, GA 31402, Telephone (912) 944–5831.

Tilford C. Creel,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80–37979 Filed 12–5–80; 8:45 am]

BILLING CODE 3710–HP–M

Defense Investigative Service

Privacy Act of 1974; New System of Records

AGENCY: Defense Investigative Service.

ACTION: Notice of new record systems.

SUMMARY: The Defense Investigative Service is adding three new systems of records to its inventory of systems of records subject to the Privacy Act. These new systems are identified as V7–01, V7–02 and V8–01, entitled: "Enrollment, Registration and Course Completion Record," "Guest/Instructor Identification Records," and "Industrial Personnel Security Clearance File," respectively. These three systems were previously published under the Defense Logistics Ageny's systems of records inventory, published in the Annual Compilation at 44 FR 74719, December 17, 1979, identified as § 155.05 IDLA–NS, § 155.05 2DLA–NS, and § 155.53DLA–NS, respectively. They are being incorporated into the files of the Defense Investigative Service as part of the transfer of function of the industrial security program from the Defense Logistics Agency to the Defense Investigative Service. The record systems notices are set forth below.

DATES: These systems shall be effective as proposed without further notice on January 7, 1981, unless comments are received on or before January 7, 1981, which would result in a contrary determination and require republication for further comments.

ADDRESS: Send comments to the System Manager identified in the record system.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Hartig, Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half Street, S.W.; Washington, DC 20325; telephone (202) 693–1740.

SUPPLEMENTARY INFORMATION: The Defense Investigative Service systems of records notices as prescribed by the Privacy Act of 1974, Title 5 U.S.C. Section 552a (Pub. L. 93–579) have been published in the Federal Register at:

FR Doc. 79–37052 (44 FR 74764), December 17, 1979

FR Doc. 80–24763 (45 FR 54396), August 15, 1980

As there are no changes in the routine uses, the categories, or numbers of individuals covered, types of information retained, or the purposes for which the information is retained, this change is not within the purview of 5 U.S.C. 552a(o) of the Act which requires the submission of a new or altered system report.

December 2, 1980.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

V7–01

SYSTEM NAME:

Enrollment, Registration and Course Completion Record.

SYSTEM LOCATION:

Defense Industrial Security Institute (DISI), Richmond, VA 23297.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are scheduled or who have attended courses of instruction offered by the institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information may include individual's name and other personal identifying and adminsitrative data pertaining to attendance at the Institute to include employer, course completion, and other similar data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

DoD Directive 5015.2, 17, September 1980.

DoD Directive 5105.42 (Charter for Defense Investigative Service).

Executive Order 10865, 20 February 1960.

Ececutive Order 10909, 7 December 1966.

Defense Investigative Service Regulation 28–1, 1 August 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to prepare class rosters and provide basic administrative information on attendees. Institute personnel are the primary users.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records are maintained on index cards.

RETRIEVABILITY:

Records are filed alphabetically by last name.

SAFEGUARDS:

Records are maintained in file cabinets in a locked room, in areas accessible only to authorized personnel who have a need to know.

RETENTION AND DISPOSAL:

Records are retained for ten (10) years.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Industrial Security, Defense Investigative Service, 1900 Half St., S.W., Washington, DC 20324.

RECORD ACCESS PROCEDURES:

Access to records may be obtained through the Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half, St., S.W., Washington, DC 20324, either by mail or personal visit.

For written requests, full name and social security account number are required, and the request must be accompanied by a notarized statement verifying the identity of the requester.

Personal visits should be made to the Information office at the above address. A check of personal identification will be required of all visitors making such inquiries.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting records may be obtained from the Chief, Office of Information and Legal Affairs, at the above address.

RECORD SOURCE CATEGORIES:

The employee, the employer and the Defense Industrial Security Institute.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SYSTEM NAME:

Guest/Instructor Identification Records.

SYSTEM LOCATION:

Defense Industrial Security Institute (DISI), Richmond, VA 23297.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Guest speakers and regularly assigned instructors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, position, biographical data and other background information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DoD Directive 5105.42 (Charter for Defense Investigative Service).

Executive Order 10865, 20 February 1960.

Executive Order 10909, 7 December 1960.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Introduction of speakers and instructors. Institute personnel are the primary users.

POLICIES AND PROCEDURES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are located in file folders or index cards.

SAFEGUARDS:

Records are maintained in file cabinets within a locked room, in areas accessible only to authorized personnel who have a need to know.

RETENTION AND DISPOSAL:

Records are reviewed annually with obsolete records destroyed by burning or other means which preclude reconstruction.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Industrial Security, Defense Investigative Service, 1900 Half St., S.W., Washington, DC 20324.

RECORD ACCESS PROCEDURES:

Access to records may be obtained through the Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half St., S.W., Washington, DC 20324, either by mail or personal visit.

For written requests, full name and social security account number are necessary for retrieval of information, and the request must be accompanied by a notarized statement verifying the identity of the requester.

Personal visits should be made to the Information office at the above address. A check of personal identification will be required of all visitors making such inquiries.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the Chief, Office of Information and Legal Affairs, at the above address.

RECORD SOURCE CATEGORIES:

The information is provided by the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

V8–01

SYSTEM NAME:

Industrial Personnel Security Clearance File.

SYSTEM LOCATION:

Defense Industrial Security Clearance Office, P.O. Box 2499, Columbus, Ohio 43216.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and major stockholders of Government contractors of other DoD-affiliated personnel who have been issued, now possess, are in, or have been in process for personnel security clearances, eligibility determinations, security assurances or NATO clearance documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

The automated portion may include: individual's name and other personal identifying information; date and level

of security clearance granted; date and type of investigation and investigatory agency; file or case number and location; sequential record of actions; and other information necessary to facilitate the security clearance process.

The manual portion may include: the clearance application, copy of the investigation, record of clearance, foreign clearance and travel information; clearance processing information, adverse information, and other internal and external correspondence and administration memoranda relative to the clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DoD Directive 5015.2, 17 September 1980.

DOD Directive 5105.42 (Charter for Defense Investigative Service).

DoD Directive 5210.8, 15 February 1962.

Executive Order 10865, 20 February 1960.

Executive Order 10909, 7 December 1966.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose for which collected:

Records serve as a central respository on the eligibility determination of industrial personnel for access to classified information. The file serves as an administrative record, current record and repository for clearance related reports and information.

Categories of users:

DoD and government contractor employees involved in the personnel clearance process, and authorized Federal government agencies with a need to know.

Specific uses:

Record of authorizations for contractors to grant access to classified information providing the proper clearance level and need to know exists.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Automated records are maintained in computer disc packs, magnetic tapes, and associated data processing files. Manual records are on microfiche, index cards, and hard copy paper records maintained in file folders.

RETRIEVABILITY:

Records are accessed by Social Security Number, manual records may also be accessed by name.

SAFEGUARDS:

Specific codes are required to access the automated records. Manual records are housed in a secured area accessible only to properly screened individuals who have the need to know.

RETENTION AND DISPOSAL:

Retention is based on the circumstances of the particular record. Automated records are retained 25 months following clearance termination. Retention of manual records is authorized for one year from the date of last clearance action for cases which are not referred for adjudication, or for five years from date of last clearance action for cases which are referred for adjudication.

Destruction is accomplished by deguassing, burning, or other means which preclude reconstruction.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Industrial Security, Defense Investigative Service, 1900 Half St., S.W. Washington, D.C. 20324.

RECORD ACCESS PROCEDURES:

Access to records may be obtained through the Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half St., S.W., Washington, DC 20324, either in person or by mail. For written requests, full name, date and place of birth, and social security account number are necessary for retrieval of information. More information may be required. A notorized statement verifying the identity of requester is required.

Personal visits should be made to the information office at the above address. A check of personal identification will be required of all visitors making such inquires.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Chief, Office of Information and Legal Affairs at the above address.

RECORD SOURCE CATEGORIES:

Categories of sources of records.

Subjects of investigations.

Records of other DoD activities and components.

Federal, state, county and municipal records.

Employment Records of private business and industrial firms.

Educational and disciplinary records of schools, colleges, universities, technical, and trade schools.

Hospital, clinic and other medical records.

Records of commercial enterprises such as real estate agencies, credit bureaus, loan companies, credit unions, banks and other financial institutions which maintain credit information on individuals, transportation companies, (airlines, railroad, etc.)

The interview of individuals who are thought to have knowledge of the subject's background and activities.

The interview of witnesses, victims and confidential sources.

The interview of any individuals deemed necessary to complete the DIS investigation.

Miscellaneous directories, rosters and correspondence.

Any other type of record deemed necessary to complete the DIS investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the provisions of 5 U.S.C. 552a(k)(5), of the Privacy Act of 1974, information contained in the records which would reveal the identity of the source who furnished information to the Government under an implied or expressed premise of confidentiality, is exempt from disclosure. This exemption will allow the collection of information from sources who would otherwise be unwilling to provide necessary information.

[FR Doc. 80-37982 Filed 12-5-80; 8:45 am]

BILLING CODE 3810-70-M

Office of the Secretary

Privacy Act of 1974; Deletions to Systems of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice of deletions to systems of records.

SUMMARY: The Defense Logistics Agency (DLA) proposes to delete three systems of records subject to the Privacy Act of 1974. These systems are being deleted as a result of transfer of functions to the Defense Investigative Service (DIS).

DATE: Proposed actions shall be effective January 7, 1981, unless public comments result in a contrary determination requiring republication for further comments.

ADDRESS: Send any comments to the system manager identified in the record system notice.

FOR FURTHER INFORMATION CONTACT: Mr. William A. Smith, Chief, Administrative Management Division (DLA-XA); Defense Logistics Agency, HQ DLA, Cameron Station, Alexandria, VA 22314; telephone (202) 274-6250.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency's systems of records inventory as prescribed by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), have been published in the Annual Compilation at 44 FR 74719, December 17, 1979.

All three systems are being added to the inventory of systems of records maintained by the Defense Investigative Services. The current DLA system identifier and new DIS system identifiers are as follows:

	DLA	DIS
§ 155.05 1	DLA-NS	V7-01
§ 155.05 2	DLA-NS	V7-02
§ 155.53	DLA-NS	V8-01

December 3, 1980.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

Deletions

§ 155.05 1 DLA-NS

System name:

155.05 Enrollment, Registration and Course Completion Record (44 FR 74727) December 17, 1979.

Reason:

The Defense Logistics Agency element maintaining records under this system has been transferred to the Defense Investigative Service.

§ 155.05 2 DLA-NS

System name:

155.05 2 Guest Instructor Introduction Card (44 FR 74728) December 17, 1979.

Reason:

The Defense Logistics Agency element maintaining records under this system has been transferred to the Defense Investigative Service.

§ 155.53 DLA-NS

System name:

Industrial Personnel Security Clearance File (44 FR 74728) December 17, 1979.

Reason:

The Defense Logistics Agency element maintaining records under this system has been transferred to the Defense Investigative Service.

[FR Doc. 80-37983 Filed 12-5-80; 8:45 am]

BILLING CODE 3620-01-M

Schedules for Awarding Bonuses to SES Members

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of Schedule for awarding bonuses to SES members.

SUMMARY: The Office of the Secretary of Defense plans to grant 54 performance awards to SES members on or about December 19, 1980.

EFFECTIVE DATE: December 19,1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Sharon B. Brown, Chief, Senior Executive Service Division, Directorate for Personnel & Security, WHS, Office of the Secretary of Defense, Department of Defense, The Pentagon, (202) 695-4573 or 695-9313.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 2, 1980.

[FR Doc. 80-37930 Filed 12-5-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Special Services for Disadvantaged Students Program, Talent Search Program, Upward Bound Program, Educational Opportunity Centers Program; Application Notice for Noncompeting Continuation Applications for Fiscal Year 1981

Applications are invited for the second year of the noncompeting continuation projects under the Special Programs (Special Services for Disadvantaged Students, Talent Search, Upward Bound, and Educational Opportunity Centers).

Authority for each program is contained in section 417 of the Higher Education Act of 1965, as amended. (20 U.S.C. 1070d-1)

The Secretary awards grants under each program to institutions of higher education, combinations of institutions of higher education, and public and private agencies and organizations. In exceptional cases under the Upward Bound and Talent Search Programs, the Secretary awards grants to secondary schools and secondary vocational schools.

The purpose of the awards is to allow applicants to carry out projects designed to identify eligible individuals from low-income families, to prepare them for a program of postsecondary education, and to provide special services for those students who are pursuing programs of postsecondary education.

Closing date for transmittal of applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by January 28, 1981.

If an application for a noncompeting continuation award is late, the Department 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: 84.042 (Special Services for Disadvantaged Students), 84.044 (Talent Search), 84.047 (Upward Bound) or 84.066 (Educational Opportunity Centers), 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 a private metered postmark or a private mail receipt as proof of mailing. 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 must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202.

The Applications 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.

Program information: Amendments to the Talent Search, Upward Bound, Special Services and Educational Opportunity Centers programs by the Education Amendments of 1980 take effect with respect to funds appropriated for fiscal year 1982. Therefore, currently funded projects will not have to conform to the amendment for this fiscal year 1981.

However, currently funded Upward Bound and Special Services grantees

should be aware that, starting with the third year of their grant in FY 1982, they will be expeced to administer their projects in accordance with the changes made in those programs by the Education Amendments of 1980. That means that for the Upward Bound program at least two-thirds (⅔) of the participants must be low-income individuals who are first-generation college students. The remaining participants must qualify as either low income individuals or first generation college students. For the Special Services program at least two-thirds (⅔) of the participants must be either physically handicapped, or low-income individuals who are first generation college students. The remaining participants must qualify as low-income individuals, first-generation college students or physically handicapped persons. Applicants for continuation of multi-year projects are therefore urged to select participants for their projects who satisfy this new statutory requirement which will become effective in fiscal year 1982.

A "low-income individual" is defined in the law as an individual who comes from a family whose family income did not exceed 150% of the poverty level in the calendar year preceding the year in which the individual participates in the project.

A "first-generation college student" is defined in the law as a student neither of whose parents received a baccalaureate degree.

Available funds: It is anticipated that funds will be available for continuation of projects at the fiscal year 1980 level.

Application forms: Application forms for noncompeting continuation grantees are expected to be ready for mailing no later than December 12, 1980. They are mailed routinely to currently funded projects. If a grantee does not receive the forms by December 19, 1980, the grantee should phone the Information Systems and Program Support Branch of the Division of Student Services at (202) 245–7070.

Applications must be prepared and submitted in accordance with 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 noncompeting continuation awards are:

(a) Education Department General Administrative Regulations (EDGAR) Sections 100a.118(b), (1), (2), (3), and (c); 100a.109(a) and 100a.125(c); and

(b) Regulations governing the Upward Bound Program (45 CFR Part 155), the Talent Search Program (45 CFR Part 159), the Special Services for Disadvantaged Students Program (45 CFR 157), and the Educational Opportunity Centers Program (45 CFR Part 154).

Further information: For further information contact the Program Development Branch, Division of Student Services, U.S. Department of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–2511.

(20 U.S.C. 1070d–1070d–1)

Dated: December 2, 1980.

Albert H. Bowker,

Assistant Secretary for Postsecondary Education.

(Catalog of Federal Domestic Assistance Numbers: 84.042—Special Services for Disadvantaged Students Program; 84.044—Talent Search Program; 84.047—Upward Bound Program; 84.066—Educational Opportunity Centers Program)

[FR Doc. 80-37871 Filed 12-5-80; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Coordinating Subcommittee of the Committee on Emergency Preparedness of the National Petroleum Council; Meeting

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of meetings.

SUMMARY: The National Petroleum Council (NPC), an advisory committee to the Department of Energy (DOE), provides technical advise and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. The NPC Committee on Emergency Preparedness is currently undertaking an analysis of issues bearing on emergency preparedness planning and the ability of the refining industry to respond to energy emergencies. NPC's Coordinating Subcommittee will hold two meetings to review and discuss study modules of this analysis. Because the need for these meetings was determined within the last week, and the timing can not be altered, the DOE is unable to provide the customary 15 days notice prior to the December 16, 1980, Meeting.

DATE AND LOCATION: The Coordinating Subcommittee of the NPC's Committee on Emergency Preparedness will meet:

Tuesday, December 16, 1980, starting at 9:00 a.m., Dolley Madison Room, The Madison Hotel, 15th and M Streets NW., Washington, D.C.

Thursday and Friday, January 15 and 16, 1981, starting at 9:00 a.m., on both days, Conference Center C–1, Exxon Building, 1251 Avenue of the Americas, New York, New York.

FOR FURTHER INFORMATION CONTACT:

Mr. Finn K. Neilsen, Deputy Assistant Administrator, Office of Energy Contingency Planning, 2000 M Street NW., Room 7302, Washington, D.C. 20461, Telephone (202) 393–3205.

Ms. Joan Walsh Cassedy, National Petroleum Council, 1625 K Street NW., Washington, D.C. 20006, Telephone (202) 393–6100.

SUPPLEMENTARY INFORMATION: Items for discussion and review at both meetings will include:

1. Options to minimize adverse impacts to the economy during an oil supply disruption.

2. Progress of Coordinating Subcommittee members in individual study assignments.

3. The overall schedule of Subcommittee activities.

4. Any other matters pertinent to the overall assignment from the Secretary.

All meetings are open to the public. The Chairman of the Subcommittee is empowered to conduct the meetings in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements at the meeting should inform Joan Walsh Cassedy, National Petroleum Council, (202) 393–6100, prior to the meeting, and provisions will be made for their appearance on the agenda. A transcript of the Technical Subcommittee meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on December 2, 1980.

Barton R. House,

Deputy Administrator for Operations and Emergency Management Economic Regulatory Administration.

[FR Doc. 38033 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 80-CERT-039]

Florida Power & Light Co.; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On October 31, 1980, Florida Power & Light Company (Florida Power), P.O. Box 529100, Miami, Florida 33152, filed an application pursuant to 10 CFR Part 595 with the Administrator of the Economic Regulatory Administration (ERA) for recertification of an eligible use of 75,000 Mcf of natural gas per day, which is estimated to displace the use of 1,818 barrels of No. 6 fuel oil (1.0 percent sulfur) per day at the Cape Canaveral Plant, 602 barrels of No. 2 fuel oil (0.3 percent sulfur) per day at the Lauderdale Plant, 2,705 barrels of No. 2 fuel oil (0.3 percent sulfur) per day at the Port Everglades Plant, 3,273 barrels of No. 6 fuel oil (1.0 percent sulfur) per day at the Riviera Plant, 124 barrels of No. 6 fuel oil (1.0 percent sulfur) per day at the Sanford Plant, and 2,840 barrels of No. 6 fuel oil (1.0 percent sulfur) per day at the Turkey Point Plant. The eligible seller of the natural gas is the Consumers Power Company, and the gas will be transported by the Florida Gas Transmission Company and the Trunkline Gas Company. Notice of that application was published in the Federal Register (45 FR 76741, November 20, 1980) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On December 5, 1979, Florida Power received the original certification (ERA Docket No. 79-CERT-098) of an eligible use of natural gas at those six power plants in Florida for a period of one year. This recertification is being made effective on December 5, 1980, to assure continuity with the original certificate which expires on December 4, 1980.

The ERA has carefully reviewed Florida Power's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Florida Power's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the Division of Natural Gas Docket Room, Room 7108, RG-55, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on December 2, 1980.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 80-38034 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-01-M

ASARCO Inc.; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On October 31, 1980, ASARCO Incorporated (ASARCO), 120 Broadway, New York, New York 10271, filed an application pursuant to 10 CFR Part 595 with the Administrator of the Economic Regulatory Administration (ERA) for recertification of an eligible use of 735,000 Mcf at its smelter in Hayden, Arizona, which is intended to displace the use of 5,578,650 gallons (132,825 barrels) of No. 2 diesel fuel oil (0.4 percent sulfur) and 630,000 Mcf at its smelter in El Paso, Texas, which is intended to displace the use of 4,781,700 gallons (113,850 barrels) of No. 2 diesel fuel oil (0.4 percent sulfur). The eligible seller of the natural gas is the Esperanza Transmission Company. The gas will be transported by the El Paso Natural Gas Company, which is an interstate pipeline. Notice of that application was published in the Federal Register (45 FR 76740, November 20, 1980) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On November 14, 1979, ASARCO received the original certification (ERA Docket No. 79-CERT-096) of an eligible use of natural gas at its smelters in Hayden, Arizona and El Paso, Texas, for a period of one year, which expired November 13, 1980. Although this recertification is being issued after the expiration date of the original certification due to a late filing by the applicant, ASARCO informed ERA that it did not expect to use this gas during the interim period. Thus, the lack of continuity with the original certificate will not result in any reduction in the amount of fuel oil displaced.

The ERA has carefully reviewed ASARCO's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that ASARCO's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the Division of Natural Gas Docket Room, Room 7108, RG-55, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., December 2, 1980.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 80-38035 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. EF79-1021]

Alaska Power Administration-Snettisham Project; Order Confirming and Approving Long-Term Electric Rates

Issued December 2, 1980.

On March 15, 1979, the Assistant Secretary for Resource Applications (RA) of the Department of Energy (DOE) tendered for filing, on behalf of the Alaska Power Administration (APA), a request for confirmation and approval of Rate Schedule SN-F-1 for wholesale firm power service from the Snettisham Project.[1] These rates, which would remain effective until November 30, 1983, were approved by RA Rate Order No. APA-1, issued March 9, 1979 to become effective April 1, 1979, on an interim basis for twelve months. 44 FR 16470 (March 1979). An extension of these rates was approved by RA Rate Order No. APA-3, issued March 20, 1980, on an interim basis for an additional twelve months, unless such period is further extended by the Assistant Secretary or until the rates are confirmed and approved on a final basis by this Commission.

Notice of the filing was published in the Federal Register on May 4, 1979, 44 FR 26150. Interested persons were

[1] The request was made pursuant to section 204 of the Flood Control Act of 1962, Pub. L. 87-874, 76 Stat. 1173, 1193, as amended by section 201(a) of the Water Resources Development Act of 1976, Pub. L. 94-587, section 302(a)(1) of the DOE Organization Act, Pub. L. 95-91, and by the DOE Secretarial Delegation Order No. 0204-33, effective January 1, 1979, 43 FR 60636 (December 28, 1978).

invited to submit written comments to the Commission on or before May 16, 1979. No comments, protests or petitions to intervene were received.

The rates and charge proposed in Rate Schedule SN–F–1, 15.6 mills per kilowatt-hour for energy to Juneau area consumers, are the same as the existing rates and charges previously approved on a final basis by the Secretary of the Interior for the five-year period from December 1, 1973 through November 30, 1978. They are also the same as rates approved on a final basis by the Assistant Secretary of DOE for the four month period from December 1, 1978 through March 31, 1979.[2]

Background

The Snettisham Project is a single-purpose hydroelectric power development authorized by section 204 of the Flood Control Act of 1962, in accordance with the Army-Interior Agreement of March 14, 1962.[3] The authorized project consists of the Long Lake and Crater Lake phases. The Long Lake phase was substantially completed by December 1, 1973. However, due to delays in providing reliable transmission service, full commercial power production did not commence until October 30, 1975. Additional construction on the Long Lake phase was performed during fiscal years 1976 and 1977. The Long Lake phase has plant capability of 168,000,000 kilowatt-hours of annual firm energy and continuous plant capacity of 47,160 kilowatts. The Crater Lake phase which is scheduled for completion in the late 1980's would provide an estimated 106,000,000 kilowatt-hours of additional annual firm energy. Plant capacity is currently estimated at 27,000 kilowatts.[4]

The existing rate of 15.6 mills per kilowatt-hour for energy from the Snettisham Project was adopted by the Department of Interior on December 1, 1973. This rate was premised on the requirements of the authorizing legislation, Pub. L. 87–874, that all costs were to be repaid within a reasonable period of time, which was generally considered to be 50 years. However, because of revenue losses associated with transmission line failures caused by extreme adverse weather conditions during prolonged periods, Congress granted special relief under subsection 201(b) of the Water Resources Development Act of 1976, Pub. L. 94–587, which amended and restructured the repayment provisions for the project.[5]

The "Revised" Power Repayment Study (PRS) submitted with this filing continues the existing rate of 15.6 mills per kilowatt-hour, to establish the revenue level for the first ten years (development period) of the study. For the remaining 50 years of the authorized 60 year repayment period, the revenue level is based on the assumed rate of 26 mills per kilowatt-hour.

Discussion

As part of its analysis and approval of Federal rate filings, this Commission generally reviews the level of filed rates to determine if such rates, continued over the full repayment period, are sufficient to recover: (1) all power related project or system operation, maintenance, and marketing costs; (2) the cost of power purchases or exchanges and transmission services; (3) interest on the unamortized power investment financed from appropriated funds; and (4) amortization of (a) the power investment within 50 years after it becomes revenue producing or other such period as established by law, (b) the transmission investment within its service life (generally not to exceed 50 years), and (c) the investment in replacement costs for power facilities.

In the instant filing, however, the requirements of subsection 201(b) of Pub. L. 94–587 (the Act) result in a different rate for the development period than that required for the remaining 50 years of the authorized 60 year repayment period. Since the filed rate pertains only to the development period, we have identified the issues pertaining to the development period and formulated our conclusions with respect to the filed rate. However, in order to provide guidance to the Assistant Secretary and APA for future filings, we also shall address certain outstanding issues associated with the repayment practices used by the assistant Secretary and APA during the remaining 50 years of the authorized 60 year repayment period.

With respect to repayment procedures during the ten year development period, the Assistant Secretary uses a different repayment procedure than that specified in the Act.[6] The PRS indicates that revenues, during the development period, are applied toward deferred interest costs incurred rather than to principal. The deferred interest costs are ultimately capitalized and repaid at the same interest rate (three percent) as the initial project investment as determined by the Secretary of the Treasury in accordance with criteria specified in the authorizing legislation. However, the procedure reflected in the PRS accompanying this filing does not have an effect on the revenue requirements. Thus, we do not believe that this departure from the methodology prescribed by the Act would justify disapproval of the filed rate.

Although continuation of the rate of 15.6 mills per kilowatt hour during the early portion of the development period will provide revenues somewhat higher than those that could be authorized under the Act, such revenues will be lower than they would have been absent the 1976 amendment. In addition, as noted in Rate Order APA–1, the APA proposal has "met with complete public acceptance." Thus, taken as a whole, we believe that extension of the existing rate will accomplish the intent of the Act which, as indicated by AS/RA, is to

[2] Snettisham Project rates and charges were never subject to approval by this Commission's predecessor, the Federal Power Commission (FPC).

[3] Pursuant to the agreement between the Departments of the Army and Interior, the Corps of Engineers is responsible for project construction and the APA (now a part of DOE) is responsible for operation and maintenance.

[4] Although current power requirements for the Juneau area are supplied by the Snettisham Project and by facilities owned by the Alaska Electric Light and Power Company (AEL&P), the Snettisham Project is expected to accommodate all future load growth in the area. Due to the age of the AEL&P generating facilities, the project is expected to provide 97 percent of the area's requirements by 1990, with AEL&P supplying the remaining three percent.

[5] Subsection 201(b) reads as follows:

(b) The Crater-Long Lakes division of the Snettisham Project near Juneau, Alaska, as authorized by Section 204 of the Flood Control Act of 1962, is modified with respect to the reimbursement payments to the United States on such project in order to provide (1) that the repayment period shall be sixty years, (2) that the first annual payment shall be 0.1 per centum of the total principal amount to be repaid, (3) thereafter annual payments shall be increased by 0.1 per centum of such total each year until the tenth year at which time the payment shall be 1 per centum of such total, and (4) subsequent annual payments for the remaining fifty years of the sixty-year repayment period shall be one-fiftieth of the balance remaining after the tenth annual payment (including interest over such sixty-year period).

Following are excerpts from the Senate Committee on Public Works' report on the legislation which further describes this provision of Pub. L. 94–587 and the principal reasons for the legislation:

The purpose of this subsection is to provide temporary relief to Juneau power users by altering the repayment schedule and amounts. Lower payments during the first ten years of the proposed sixty-year repayment period would be made possible by deferring sixty-year repayment period would be made possible by deferring the interest for this period. The total obligation (capital costs, plus interest) will still be met, as the interest deferred during the first ten years will be covered in the next fifty years. This temporary relief is necessary in view of the additional standby generating facilities which local interests had to install because of the numerous power outages experienced since 1972.

[6] The Act states:

* * * (2) that the first annual payment shall be 0.1 per centum of the total principal amount to be repaid, (3) thereafter annual payments shall be increased by 0.1 per centum of such total each year until the tenth year at which time the payment shall be 1 per centum of such total, * * *

provide temporary relief to Juneau area customers.

With respect to the remaining 50 years of the 60 year repayment period, we note various discrepancies in the repayment procedures used by the assistant Secretary and APA. These discrepancies are as follows:

A. In accordance with previous procedures followed by the FPC, and in accordance with the Assistant Secretary's own regulations, commencement of the repayment period is related to the date on which a project commences commercial operation, in this case 1975. APA apparently assumes that the repayment period does not begin until the last major investment is made, in this case 1978. Consequently, the PRS shows project repayment over a 63-year period. The Act specifically states, "(1) that the repayment period shall be sixty years * * *." Therefore, the Commission believes that repayment should be accomplished within 60 rather than 63 years.

B. We note with continuing concern the policy of repaying the highest interest-bearing investment first while deferring amortization of lower interest-bearing investments to a later time within the repayment period. We have previously expressed our concern on this subject.[7] If the APA were to repay capital investments based on generally accepted amortization methods as recognized by this Commission, annual revenue requirements during the 50-year period would have to be greater than those indicated in the PRS submitted with this filing.

C. As a result of the policy of repaying the highest interest-bearing investment first, the PRS indicates that the accelerated repayment of replacements, rather than continuous amortization of the initial investment, would result, during the 60th year of repayment, in an unpaid balance of the initial investment which would exceed the allowable unpaid balance. To satisfy this deficiency, the PRS shows a transfer of $5,823,408 from the unpaid power investment balance to the unpaid replacement balance. Since the unpaid power investment is transferred to the unpaid replacement account, it is treated as a replacement investment and repaid in subsequent years when revenues are adequate. This transfer of funds or transfer of obligations is considered "borrowing" by APA and the Assistant Secretary. Since replacements have been repaid at an accelerated rate, APA assumes that it can transfer or borrow funds from the replacement account to meet obligations which are behind schedule in the power investment account. The Commission considers this practice to be erroneous. The repayment study should be structured so as to provide for the repayment of each investment within its specified repayment period, independent of replacements made during such period. We believe that it is improper to "borrow" from an already repaid investment or replacement account in order to offset excesses of the unamortized balance in other accounts. The investments and replacements do not represent allocated and/or appropriated funds to be drawn upon once such amounts are repaid to the Department of the Treasury, prior to the end of the repayment period, without an authorization from the Treasury. Such transfers, if authorized, would in effect create a new investment account and not a continuation of an existing, previously authorized investment account.

D. The Act requires that outstanding principal balances as of the end of the development period be amortized, by a specified formula, during the following 50-year period. This formula is actually a straight-line amortization method, which requires a constant annual principal payment with declining annual interest payments as the principal balance is reduced. As noted in the PRS, APA has adopted a compound interest method for amortizing principal balances on this project. This method requires uniform annual payments consisting of principal and interest. We believe that the adopted amortization method does not comport with the provisions of the Act, although it does follow procedures generally used in repaying Federal power investments. Over the life of the repayment period, the total rate impact resulting from two different amortization methods should be the same. However, the straight-line amortization method would produce higher rates in the early years of the fifty-year period and lower rates as principal balances are reduced in subsequent years.

E. We note also a number of discrepancies in the PRS for handling future replacements, as follows:

(1) Rate Order No. APA–1, dated March 9, 1979, and a letter to the Commission from the Assistant Secretary dated December 26, 1979, both state that the interest rate on future replacements on the Snettisham Project is to be seven percent. However, the PRS submitted with this filing uses an interest rate of six percent in all interest calculations associated with future replacements. In accordance with a policy established by the Secretary of Interior, the interest rate applicable for repayment of most Federally constructed water resource projects is determined by the Secretary of the Treasury, as of the beginning of each fiscal year, on the basis of the computed average interest rate payable by the Treasury on its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from the date of issue. The interest rate applicable to future replacements is based on the current year's interest rate, as reflected in the latest PRS. This policy, which was agreed upon by the Department of the Army, the Department of Interior, and the FPC, continues to be accepted by the Assistant Secretary and appears appropriate for the purposes of this Commission. This policy is contained in the Department of Energy Order RA 6120.2. Under these criteria, the appropriate interest rate for replacements for this project is seven percent.

(2) Another policy which was followed by the three agencies, and which was included in section 10(j) of the Department of Energy Order RA 6120.2, is stated as follows:

Interest Expense. Interest expense for each of the years of the study will be the sum of the amounts determined by: (1) applying the applicable interest rate to each estimated unamortized power investment at the beginning of the year; plus (2) applying one-half the applicable interest rate to power investments (i.e., additions and replacements) expected to be added in service during the year; plus (3) applying the applicable interest rate to capitalized unpaid or deferred annual expense, if any.

We note that for most of the years during the 50-year period, the one-half year's interest expense, as specified in RA 6120.2, was not computed for the year a replacement was to be placed in service. In addition, after the replacement is placed in service, the PRS shows inconsistent interest expense computations. For some years in the PRS, interest expenses on unpaid replacements appear to be based on one-half year's interest while, in other years, no interest amounts on unpaid replacements were charged as an expense. We estimate that if interest on replacements had been computed in accordance with RA 6120.2 procedures, the total revenue level for interest expense on replacements for the 50-year period would have to be increased by approximately $1,300,000.

[7] *See, e.g., Southwestern Power Administration,* Docket No. EF79–3052, order issued October 25, 1979.

Conclusions

According to our analysis, if the discrepancies noted above were corrected, the rate of 26 mills per kilowatt-hour would not result in project repayment within the period required by the Act. However, these matters have no effect on rates during the period for which the Assistant Secretary seeks approval in the instant docket, *i.e.*, April 1, 1979 through November 30, 1983.

For the reasons stated above, the Commission finds that the Schedule SN–F–1 rate of 15.6 mills per kilowatt hour for energy, applicable to the Snettisham Project ten-year development period and proposed for the period April 1, 1979 through November 30, 1983, is consistent with the public interest. Therefore, we shall confirm and approve the rate. However, this confirmation of the proposed rate level for the period specified is not to be construed as approval of the specific practices or methodologies reflected in APA's "Revised" Power Repayment Study.

The Commission orders:

(A) The Schedule SN–F–1 rate of 15.6 mills per kilowatt hour proposed for the period April 1, 1979, through November 30, 1983, as submitted by the Assistant Secretary for Resource Applications, is hereby confirmed and approved.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-38002 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-61-000]

Big Sandy Gas Corp.; Application for Approval of Rates

December 1, 1980.

Take notice that on November 7, 1980, Big Sandy Gas Corporation (Applicant), P.O. Box 1473, Charleston, West Virginia 25325, filed in Docket No. ST81–61–000 an application pursuant to § 284.123(b)(2) of the Commission's Regulations for approval of rates charged for transporting natural gas for Hope Natural Gas Company, a Division of Consolidated Gas Supply Corporation (Hope), 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 entered into a natural gas transportation agreement with Hope dated October 20, 1980, for a one-year contract term and year to year thereafter. Applicant states that it would deliver up to 70 Mcf of natural gas per day on behalf of Hope and if facilities are available it would transport quantities in excess of the contract demand.

The points of delivery are located in West Virginia, it is stated. Applicant contends that it would not charge Hope for this service due to the *de minimus* volumes to be transported under the agreement.

Applicant further states that although the agreement specifies a contract year period and then year to year thereafter Applicant would perform the short-term transportation service proposed herein either until the end of the maximum term permitted by the Commission's Regulations for such service or the date of Applicant's acceptance of a certificate in Docket No. CP79–507, whichever occurs first.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 23, 1980, file with the Federal Energy Regulatory Commission, 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 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. 80-38004 Filed 12-5-80; 8:45 am]

BILLING CODE: 6450-85-M

[Project No. 3313]

City of Klamath Falls; Application for Preliminary Permit

December 2, 1980.

Take notice that the City of Klamath Falls (Applicant) filed on August 14, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3313 to be known as the Salt Caves Project located on the Klamath River in Klamath County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jim Watson, City Manager, City Hall, 500 Klamath Avenue, Klamath Falls, Oregon 97601 with copies to Mr. D. F. O'Scannlain, 1600 Orbanco Building, 1001 SW Fifth Avenue, Portland, Oregon 97204. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of two developments: Bear Springs and Salt Caves. The Bear Springs Development would consist of: (1) a non-gated concrete diversion dam, 30 feet high and 400 feet long, to be located approximately 2,000 feet downstream from the existing J. C. Boyle Power Plant (part of the existing Pacific Power & Light Company's (PP&L) licensed Project No. 2082) and creating; (2) a reservoir with a usable storage capacity of approximately 100 acre-feet; (3) approximately 2 miles of open channel connecting to; (4) a twin steel penstock about 150 feet long serving; (5) a powerhouse to contain two turbine-generating units with a total rated capacity of 24 MW. The Salt Caves Development would consist of: (1) an earth-fill dam 120 feet high and 380 feet long creating; (2) a reservoir with usable storage capacity of 3,300 acre-feet and a surface area of 260 acres at normal high pool elevation of 3,270 feet; (3) approximately 4 miles of open channel connecting to; (4) a twin steel penstock 1,260 feet long serving; (5) a powerhouse to contain two turbine-generating units with a total rated capacity of 140 MW. Construction of approximately 2.25 miles of 230-kV transmission line, to connect to an existing 230-kV transmission line, is proposed to transmit project power to the PP&L's interconnected system. The Applicant estimates that the average annual energy output would be 500 million kWh.

Purpose of Project—Applicant proposes to sell the project energy to PP&L which would be used in PP&L's service area in the City of Klamath Falls and Klamath County, Oregon.

Proposed Scope and Cost of Studies under Permit—The Applicant has conducted some investigations concerning acquisition of private lands, topographical mapping, geotechnical studies of dams and powerhouses sites, archeological studies, conceptual designs, cost estimates, and economic analysis. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would prepare a definitive project report that would include further preliminary designs and additional engineering and environmental data. The costs of these activities, the preparation of an environmental report, obtaining

agreements with various Federal, State and local agencies, and preparation of an FERC license application are estimated by the Applicant to be about $1,300,000. A detailed work plan and schedule for new dam construction was filed as part of the application. Land would be disturbed at each dam site and at power-house locations during subsurface investigation that include drilling, trenching and access construction. All disturbed land would be restored to its original condition as closely as possible. Drill holes would be plugged; auger holes, test pits, and trenches would be filled to restore its original surface and revegetated if required.

Purpose of Preliminary Permit—A perliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Pacific Power & Light Company's Salt Caves Project No. 3047 filed on June 13, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 12, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Notice of Intent to File Competing Application", "Competing Application", "Protest", or "Petition to Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3313. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-38005 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-494]

Columbia Gulf Transmission Co. and Texas Eastern Transmission Corp.; Petition to Amend

December 1, 1980.

Take notice that on November 7, 1980, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP77-494 a joint petition to amend the order issued November 2, 1977, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation and delivery of natural gas from an additional source by Columbia Gulf to Texas Eastern, all as more fully set forth in the joint petition to amend which is on file with the Commission and open for public inspection.

Petitioners state that on November 2, 1977, Columbia Gulf was authorized to transport up to 40,000 Mcf of natural gas per day for Texas Eastern. It is further stated that such gas is purchased by Texas Eastern from the Eugene Island Block 333 area, offshore Louisiana, and delivered to Columbia Gulf at the terminus of the Sea Robin Pipeline System near Erath, Vermilion Parish, Louisiana. Columbia Gulf, it is stated, transports and redelivers to Texas Eastern equivalent volumes, less 0.5 percent for fuel and gas costs, at a point in St. Landry Parish, Louisiana, where the parties' pipelines intersect. This transportation service is rendered in accordance with a transportation agreement between the parties dated June 16, 1977, it is said.

Subsequent to the date of their original agreement, Petitioners state that Texas Eastern has contracted for the purchase of natural gas from Block 256, Eugene Island area, offshore Louisiana. Petitioners propose herein to implement the terms of an amendatory agreement between them dated April 14, 1980, which agreement adds this gas as an additional source of gas to be covered by the stated transportation service agreement between the parties. Petitioners submit that the proposed modification of their agreement would neither increase the present contract demand of 40,000 Mcf per day nor result in any change in the present transportation rate.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 24, 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. 80-38006 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3510 and 3599]

David Goodman and George R. Oliger, and American Hydro Power Co.; Applications for Preliminary Permits

December 1, 1980.

Take notice that David Goodman and George R. Oliger (G&O) and American Hydro Power Company (AHP) (Applicants) filed on September 29, 1980 and October 23, 1980, respectively, applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project Nos. 3510 and 3599 respectively, each to be known as Walden Power Project located on the Wallkill River in Orange County, New York. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: (G&O) David Goodman, 1775 Broadway, Suite 2404, New York, New York 10019, and to: (AHP) Peter A. McGrath, American Hydro Power Company, Two Aldwyn Center, Villanova, Pennsylvania 19085.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) an existing concrete dam, approximately 550-feet long and 22-feet high; (2) a reservoir having negligible pondage; (3) an existing forebay channel with; (4) a new gated intake structure; (5) a new penstock; (6) a new powerhouse containing generating units having a total rated capacity of 2,800 kW (G&O) or 3,200 kW (AHP); (7) a tailrace; (8) a new transmission line; and (9) appurtenant facilities. G&O estimates the average annual energy output would be 10,000,000 kWh; AHP estimates the average annual energy output would be 11,773,440 kWh.

Purpose of Project—Both Applicants propose that project energy would be sold to the New York State Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—Both Applicants seek issuance of preliminary permits for a period of three years. Each Applicant proposes that it would perform data acquisition, investigations, studies, feasibility evaluation; would consult with Federal, State and local government agencies; and, depending on the results, would prepare an application for an FERC license. G&O estimates that the cost of the studies under the permit would be between $30,000 and $40,000; AHP estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 31, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before January 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Notice of Intent To File Competing Application", "Competing Application", "Protest", or "Petition to Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project Nos. 3510 & 3599. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-38007 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3582-000]

Joseph M. Keating; Application for Preliminary Permit

December 2, 1980.

Take notice that Joseph M. Keating (Applicant) filed on October 14, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3582 to be known as Convict Creek Project located on Convict Creek in Mono County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joseph M. Keating, 847 Pacific Street, Placerville, California 95667. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: 1) a 5-foot high

concrete gravity diversion dam; 2) a 6,200-foot long pipeline; 3) a powerhouse containing one generating unit rated at 300 kW; and 4) a 1,400-foot long transmission line. The project would be operated on a run-of-the-river basis.

The Applicant estimates that the average annual energy output would be 1.5 million kWh.

Purpose of Project—The energy output from the project would be sold to the Southern California Edison Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 15 months, during which time it would conduct engineering studies and surveys, perform environmental studies, do preliminary designs and prepare a feasibility report; make a historical review, and prepare an FERC license application. No new roads would be required to conduct the studies. Applicant has filed a work plan for the studies for the new dam construction. The field studies to be done include surveys and visual inspections.

The estimated cost of the work to be performed under the preliminary permit is $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before February 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Notice of Intent to File Competing Application", "Competing Application", "Protest", or "Petition to Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3582. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-38008 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-277]

Middle South Services, Inc.; Extension of Time

December 1, 1980.

On November 19, 1980 and November 26, 1980, Commission Staff Counsel and Middle South Services, Inc., filed respective motions for extensions of time to file briefs on exceptions and briefs opposing exceptions to the Initial Decision issued November 13, 1980, in the above-docketed proceeding. The motion of Staff Counsel states that because of the upcoming holidays, it will be difficult to prepare the briefs opposing exceptions in a timely manner. The motion of Middle South Services, Inc., states that additional time is required because the company's management committee meetings have been scheduled during the month of December, at which time briefs on exceptions are due to be filed. The motion of Middle South Services, Inc., further states that all parties to this proceeding concur in this request for an extension of time.

Upon consideration, notice is hereby given that an extension of time for the filing of briefs on exceptions is granted to and including January 14, 1981. Briefs opposing exceptions shall be filed on or before February 3, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-38009 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-131]

Natural Gas Pipeline Company of America; Pipeline Rates; Order Accepting for Filing and Suspending Proposed Tariff Sheet, Granting Waivers, Consolidating Proceedings and Granting Interventions

Issued December 1, 1980.

On August 15, 1980, Natural Gas Pipeline Company of America (Natural) filed a proposed tariff sheet [1] to revise the minimum bill provision of its Rate Schedule DMQ-1. The proposed revision would permit Natural to collect its monthly demand charge plus a minimum commodity charge equal to the commodity Rate multiplied by seventy-five percent (75%) of each customer's Monthly Quantity Entitlement for that month. Natural requests waiver of any Commission regulations and orders to the extent necessary to permit the proposed tariff sheet to become effective December 1, 1980.

[1] Second Revised Sheet No. 8 to FERC Gas Tariff, Third Revised Volume No. 1.

Natural states that the proposed change is, in part, necessary to keep Natural from losing sales volumes to competing pipelines with strict minimum bill provisions. According to Natural, the absence of a minimum commodity charge in its DMQ–1 Rate Schedule has resulted in a reduction of 80 Bcf annually in the requirements of its three largest customers. Natural also argues that the reduced demands for gas on its system caused by other factors such as warm weather and conservation, when viewed alongside its gas purchase contracts which provide for accelerated rates of take and take-or-pay provisions set at high percentages of deliverability, highlight the need for the proposed change.

Notice of this filing was issued August 27, 1980. Timely petitions to intervene were filed by the petitioners listed in Appendix A, while untimely petitions were filed by those noted in Appendix B hereto. The Commission finds that all petitioners have demonstrated an interest in this proceeding warranting their participation, and the petitions shall therefore be granted.

Based upon a review of Natural's filing, the Commission finds that the proposed tariff sheet has not been shown to be just and reasonable, and may be unjust, unreasonable, and unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept the tariff sheet and suspend its effectiveness, subject to refund, and to the conditions set forth below. In addition, good cause exists to grant waiver of the notice requirements and of § 154.66 of the Commission's regulations to the extent necessary to permit the tendered sheet to become effective on December 1, 1980, subject to refund.

In a Number of suspension orders,[2] the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or in violation of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in certain circumstances. The appropriate circumstances exist in this situation. The proposed new tariff sheet changes a tariff term, and is filed due to a perceived need for prompt change to prevent loss of a sales volume. These circumstances warrant a shortened suspension. Accordingly, we shall suspend the rates such that they may take effect on December 1, 1980, subject to refund.

The propriety of Natural's proposal can only be determined after, *inter alia*, a thorough review of the circumstances which exist in Natural's market area and the effect it may have on sales levels and rate of return. The Commission finds that substantially similar questions of law and fact are the subject of a formal proceeding in Docket No. RP80–107. Accordingly, we are consolidating this proceeding with the investigation in that docket for purposes of hearing and decision. Further procedures may be established by the Presiding Administrative Law Judge in the consolidated proceedings.

The Commission Orders

(A) Natural's proposed Second Revised Tariff Sheet No. 8 is accepted for filing and suspended, and waiver of the notice requirements and of § 154.66 of the Commission's regulations is granted, such that the filing shall become effective December 1, 1980, subject to refund.

(B) This docket is hereby consolidated with Docket No. RP80–107 for purposes of hearing and decision.

(C) The petitions to intervene noted in appendices A and B to this order are granted subject to the rules and regulations of the Commission; *Provided, however,* That its participation shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* That its admission shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A

Central Illinois Public Service Company
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Iowa Power and Light Company
Iowa Southern Utilities Company
Mississippi River Transmission Corporation
Northern Illinois Gas Company
Peoples Gas, Light and Coke Company
North Shore Gas Company

Appendix B

Northern Indiana Public Service Company
Illinois Power Company

[FR Doc. 80-38010 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[2] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80–83 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80–134 (September 24, 1980) (five month suspension).

[Docket No. EL79–25]

New England Power Co., Electric Rates; Order Granting Motion to Withdraw Petition and Terminating Docket

Issued December 2, 1980.

Before Commissioners: Charles B. Curtis, Chairman; Mathew Holden, Jr., George R. Hall and J. David Hughes. On November 4, 1980, New England Power Company (NEP) filed a motion to withdraw on August 3, 1979 a petition for a declaratory order.

In its original petition, NEP stated that it had sold, and the Town of Hudson, Massachusetts (Hudson) had purchased, power pursuant to a contract that had previously been accepted for filing by the Commission.[1] According to NEP, a billing dispute subsequently arose when Hudson paid a bill for purchased power more than thirty days after the bill had been rendered by NEP. As a result of the late payment and pursuant to the filed rate schedule, NEP applied an interest penalty of 1½ percent per month (18% per annum) to the unpaid balance. NEP stated that Hudson refused to pay the interest charge relying upon a Massachusetts statute [2] that prohibits utilities from collecting interest from Massachusetts towns before fifty-five days after a bill is rendered. NEP thus asked the Commission to establish the respective rights of the parties.

Notice of NEP's petition was issued on August 16, 1979, with comments due on or before September 10, 1979. Hudson filed the sole protest and petition to intervene on September 10, 1979. Hudson's pleading set forth two arguments. First, Hudson asserted that under the terms of the contract, the Massachusetts law supersedes and invalidates the relevant provisions of the contract. Second, Hudson argued that even if the contract did allow NEP to impose the late charge after thirty days, there was no *factual* support for NEP's action. Hudson noted that it was authorized to make payment to NEP by mail, and that payment by mail is effective at the time it is depostied in the mail. Hudson contended that it mailed

[1] The validity of NEP's wholesale contract with Hudson was litigated in Docket No. ER78–44. Pursuant to a notice of final decision, issued by the Commission on September 5, 1978, NEP filed, on September 19, 1978, a revised contract. This contract was accepted for filing by the Commission on November 22, 1978.

[2] Mass. Gen. Laws Ann. CH. 164, 94D.

the payment within the thirty day period.

On November 4, 1980, NEP filed the present motion. The motion states that as part of the settlement agreement in Docket Nos. ER77–75, ER77–97, ER78–78, and ER78–79, NEP agreed to withdraw its petition for a declaratory judgment in this proceeding. The settlement agreement in Docket Nos. ER77–75, *et al.*, was accepted by a Commission letter order dated August 15, 1980.

Discussion

Under § 1.11(d)(2) of our Rules of Practice and Procedure, a pleading such as NEP's, which is in the nature of a complaint, may be withdrawn only upon express Commission approval. From the facts presented, it appears that the parties no longer require Commission resolution of their controversy and we therefore find that good cause exists to permit NEP to withdraw its petition. Accordingly, we shall authorize such withdrawal.

The Commission Orders

(A) NEP's motion to withdraw its August 3, 1979 petition is hereby granted.

(B) Docket No. EL79–25 is hereby terminated.

(C) The Secretary shall promptly publish this order in the **Federal Register**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 38011 Filed 12–5–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. ER80–116 and ER80–511]

Niagara Mohawk Power Corp.; Electric Rates, Order Denying Application for Reconsideration

Issued December 2, 1980.

Before Commissioners: Charles B. Curtis, Chairman; Matthew Holden, Jr., George R. Hall and J. David Hughes.

Background

A. Docket Nos. ER79–559 and ER79–560

On July 31, 1979, Niagara Mohawk Power Corporation (Niagara) submitted for filing an unexecuted letter agreement dated February 12, 1979, with the Power Authority of the State of New York (PASNY). The unexecuted agreement provided in part for increases in rates for transmission service provided by Niagara under existing contracts to municipal and cooperative customers of PASNY.[1] Power and energy purchased from PASNY is transmitted by Niagara from PASNY's generating facilities to these customers. The transmission rates charged by Niagara are negotiated with and paid by PASNY which, in turn, is reimbursed by the customers. Depending on the delivery voltage level, the rate was increased from $0.75 per kW-month to $1.71 or $1.86 per kW-month.

By order issued April 2, 1980, the Commission declined to accept Niagara's proposed rates for filing because Niagara had not submitted evidence of PASNY's consent to the letter agreement as required by existing PASNY-Niagara contracts and by section 35.13 of the Commission's regulations.

B. Docket Nos. ER80–116 and ER80–511

On December 3, 1979, Niagara submitted for filing, as an initial rate, an executed agreement dated July 11, 1979, with the Village of Lake Placid, New York. Under this agreement, Niagara agreed to build a 115 kV transmission line from its Lake Colby substation to Lake Placid in order to provide increased capacity for the 1980 Winter Olympic Games. In exchange for construction of the new line, Lake Placid agreed to pay Niagara $700,000 as a contribution in aid of construction and to pay an increased rate for transmission service. Under paragraph 5 of the July 11 agreement, Niagara agreed to pay the $1.71 per kW-month rate specified in the unexecuted February 12, 1979 letter agreement, provided that PASNY consented to the proposed letter agreement prior to energizing the new transmission line. However, in the event that PASNY had not consented, Lake Placid agreed to reimburse PASNY at the existing rates for service provided by Niagara, and to pay directly to Niagara an additional amount reflecting the increase in rates proposed in the unexecuted letter agreement. It was further contemplated that upon completion of the proceedings in Docket Nos. ER79–559 and ER79–560, Lake Placid would again make all payments directly to PASNY. Notice of this filing was issued on December 10, 1979, with responses due by December 28, 1979. Neither Lake Placid nor any other person filed a response.

By order issued April 2, 1980, the Commission determined that the Lake Placid agreement represented a change in rate rather than an initial rate. The Commission stated that service under the Lake Placid agreement was fundamentally the same as that provided under the existing PASNY-Niagara contracts, the difference being that under the Lake Placid agreement, Lake Placid would pay part of the transmission rate directly to Niagara. The Commission accepted the proposed rates for filing, initiated a hearing, and suspended the rates for one day to become effective subject to refund on November 28, 1980, the date when the new line was expected to be energized.

By motion to the presiding administrative law judge in Docket No. ER80–116, dated May 16, 1980, Lake Placid requested permission to file a late petition to intervene. Lake Placid was granted intervenor status by order dated May 29, 1980. Subsequently, by motion dated June 9, 1980, Niagara requested the judge to delay the proceedings asserting that it was developing rates to supersede those originally filed in that docket. Niagara's motion was granted on June 10, 1980.

On July 1, 1980, Niagara tendered for filing proposed rates of $1.34 per kW-month for transmission service to Lake Placid thereby reducing the $1.71 rate it had previously filed in Docket No. ER80–116.

The filing was assigned Docket No. ER80–511. Niagara requested an effective date of July 1, 1980, and also stated that it would refund to Lake Placid all sums collected from November 28, 1979, to the extent that amounts collected were derived by application of a rate in excess of $1.34 per kW-month. Niagara further stated that it proposed to make effective the same rates for service to Lake Placid as may finally be determined in Docket Nos. ER79–559 and ER79–560. By order issued August 29, 1980, the Commission accepted for filing Niagara's proposed rates in Docket No. ER80–511, and suspended them to become effective on November 28, 1980, subject to refund.

Lake Placid's Application for Reconsideration

On September 29, 1980, Lake Placid filed an application for reconsideration and motion for an order requiring refunds. Lake Placid contends that the Commission erred in not rejecting Niagara's rates tendered in Docket Nos. ER80–116 and ER80–511. Lake Placid further requests that the Commission order Niagara to refund all amounts paid in excess of the $0.75 per kW-month rate specified in the existing PASNY-Niagara contracts.[2] On October 12, 1980, Niagara submitted a response to Lake Placid's application.

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[1] The existing contracts are designated as Niagara's FERC Rate Schedule Nos. 18 and 19 (PASNY Contracts S–6 and NS–1, respectively).

[2] *See* footnote 1, *supra.*

Lake Placid cites the two Commission orders issued on April 2, 1980, one in Docket Nos. ER79–559 and ER79–560, and the second in Docket No. ER80–116. In asserting that the Commission erred in the second order in accepting the proposed rates for filing, Lake Placid relies on the Commission's finding that the transmission service to be provided by Niagara under the Lake Placid agreement is fundamentally the same as that contemplated by the existing PASNY-Niagara contracts, and the unexecuted February 12, 1979 letter agreement. Lake Placid also relies on the Commission's determination in Docket Nos. ER79–559 and ER79–560 that PASNY's consent is a prerequisite to any change in the PASNY-Niagara contracts. On the basis of these assertions, Lake Placid concludes that PASNY's consent is likewise a prerequisite to the Commission's acceptance of Niagara's proposed rates in Docket No. ER80–116.

Lake Placid also asserts, citing *Borough of Lansdale* v. *FPC*, 494 F.2d 1104, 1113 (D.C. Cir. 1974), that the Commission had a duty to reject the ER80–116 rate filing on the basis of the *Sierra-Mobile* doctrine [3] because the contract requires PASNY's and Niagara's consent prior to modification of their existing fixed rate contracts. Lake Placid takes this position notwithstanding the facts that it did not originally request rejection and that it did execute the July 11, 1979 agreement. Lake Placid now contends it did not give its consent to this agreement because the agreement was premised on Lake Placid's assumption that PASNY had consented to the February 12, 1979 letter agreement. Lake Placid further claims that even assuming it had given its consent to the July 11, 1979 agreement, its consent should be considered a nullity because the terms and conditions of the July 11, 1979 agreement are subject to the terms of the existing PASNY-Niagara contracts which the Commission stated cannot be modified absent the consent of Niagara and PASNY.

Based upon the same rationale, Lake Placid maintains that the Commission erred in accepting the reduced rates proposed in Docket No. ER80–511.

Discussion

We are not persuaded by Lake Placid's arguments and shall therefore deny its application for reconsideration of our April 2, 1980 order in Docket No. ER80–116, and our August 29, 1980 order in Docket No. ER80–511. Accordingly, we shall also deny Lake Placid's request for refunds.

Although PASNY's consent is, as we have previously noted, a condition precedent to any modification of the existing contracts between PASNY and Niagara, that condition did not bar Lake Placid from entering into the July 11, 1979 agreement for the construction of the new 115 kV transmission line. Nor did that agreement modify the existing PASNY-Niagara contracts.

According to paragraph 5 of the July 11, 1979 agreement, absent consent by PASNY to the proposed February 12, 1979 letter agreement, Lake Placid agreed to abide by the provisions of the existing PASNY-Niagara contracts and to pay an additional amount directly to Niagara for the underlying transmission service. The existing contracts remain in force today because PASNY has not as yet consented to the proposed February 12, 1979 letter agreement. The fact that the service provided by Niagara for Lake Placid under the July 11, 1979 agreement is fundamentally the same as that provided under the existing PASNY-Niagara contracts does not change these conclusions.

Moreover, Lake Placid's reference to *Borough of Lansdale, supra*, is not on point. The agreements submitted in Docket Nos. ER80–116 and ER80–511 are not inconsistent with and do not purport to supplant the outstanding fixed-rate contracts between PASNY and Niagara.

As to Lake Placid's other assertions—that it did not give its consent to the July 11, 1979 agreement, or that even if it did, such consent is a nullity—we again find the arguments to be without merit. Had Lake Placid actually believed that its execution of the July 11, 1979 agreement did not reflect its consent, one would expect that Lake Placid would have filed a timely petition to intervene and response in Docket No. ER80–116. This was not the case although Lake Placid could have and should have been aware prior to the date responses were due that PASNY had not consented to the February 12, 1979 letter agreements submitted in Docket Nos. ER79–559 and ER79–560.[4] Nor did Lake Placid file a timely application for rehearing of our April 2, 1980 order in Docket No. ER80–116. Further, the July 11, 1979 agreement did not require PASNY's prior consent.

The Commission Orders

(A) Lake Placid's September 29, 1980 application for reconsideration is hereby denied.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary

[FR Doc. 80-38012 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85

[Project No. 3552-000]

South San Joaquin Irrigation District and Oakdale Irrigation District; Application for Preliminary Permit

December 2, 1980.

Take notice that South San Joaquin Irrigation District and Oakdale Irrigation District (Applicant) filed on October 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3552–000 to be known as Goodwin Hyroelectric Project located on Stanislaus River in Calaveras and Tuolumne Counties, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Noel Negley, Manager, South San Joaquin Irrigation District, 11011 East, Highway 120, Manteca, California 95336 or Robert Isaac, Manager, Oakdale Irrigation District, 1205 East F Street, P.O. Box 188, Oakdale, California 95361. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a concrete double-arch diversion dam, Goodwin Dam, which has a crest elevation of 357.1 feet m.s.l. and releases water into the Stanislaus River and two irrigation canals, South San Joaquin and Oakdale Joint Canal and the Oakdale South Main Canal; (2) a reservoir with a storage capacity of 500 acre-feet and a surface area of 70 acres; (3) a 3,600-kW power plant utilizing the water releases to the river with 2 turbines; (4) a 970-kW power plant on the Joint Canal headworks with 2 turbines; (5) a 350-kW power plant on the Oakdale Canal headworks with 1 turbine; (6) a 200-foot penstock from the south arch of the dam with a diameter of 4 to 6 feet; and (7) a 17-kV transmission line extending approximately 0.1 mile to a 17-kV distribution line.

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[3] *See FPC* v. *Sierra Power Co.*, 350 U.S. 348 (1956); and *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956).

[4] On August 27, 1979, the Municipal Electric Utilities Association of New York State, of which Lake Placid is a member, filed a petition to intervene in Docket Nos. ER79–559 and ER79–560. MEUA there urged rejection of the proposed February 12, 1979 letter agreement on the grounds that the agreements had not been executed by PASNY and that PASNY had not given its consent to the agreement.

The Applicant estimates that the average annual energy output would be 20.8 million kwh.

Purpose of Project—The power developed by the proposed project will be sold to a neighboring irrigation district or to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of three years. During this time technical, economic, financial, and environmental feasibilities will be determined by performing preliminary design, geologic analysis, environmental assessment, and cost estimates; an application for a FERC License would then be prepared. The cost of these activities is estimated by the Applicant to be $150,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *February 3, 1981*, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than *April 6, 1981*. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before February 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3552-000. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-38014 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-54-000]

Southern Natural Gas Co.; Application

December 1, 1980.

Take notice that on November 13, 1980, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-54-000 an application pursuant to Section 7 of the Natural Gas Act and paragraphs (c), (e) and (g) of § 157.7 of the Regulations thereunder (18 CFR 157.7(c), (e) and (g)) (1) for a certificate of public convenience and necessity authorizing the construction, during the period January 1, 1981, through December 31, 1981, and operation of facilities to make miscellaneous rearrangements on the system; (2) for permission and approval to abandon, during the period January 1, 1981, through December 31, 1981, direct sales service and facilities no longer required for deliveries of natural gas to Applicant's customers; and, (3) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon during the period January 1, 1981, through December 31, 1981, and operation of various field compression and related metering and appurtenant facilities, 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 pursuant to § 157.7(c) of the Regulations 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. Applicant states that § 157.7(c)(2)(i) limits the total cost to $300,000. Applicant requests a waiver of the total cost limitation and an adjustment for real increase in construction costs and inflation since 1974, thus raising the cost ceiling to a more meaningful budget limit. Applicant states that the cost would be financed from cash on hand and/or cash from current operations.

The stated purpose of this budget-type application pursuant to § 157.7(e) of the 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.

The stated purpose of this budget-type application pursuant to § 157.7(g) of the

Regulations is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application. Applicant states that the total cost of the proposed construction and abandonment pursuant to § 157.7(g)(3) is limited to $3,000,000 with no single project to exceed $500,000. Applicant requests a waiver of this section to permit it to construct, abandon, remove or relocate such facilities with total costs adjusted for the real increase in construction costs and inflation since 1973. Applicant states that said cost would be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 23, 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. 80-38013 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EF79-4051]

Southwestern Power Administration; Order Confirming and Approving Transmission Rates

Issued December 2, 1980.

By letter filed June 25, 1979, the Assistant Secretary for Resource Applications (AS/RA) of the Department of Energy, on behalf of the Southwestern Power Administration (SWPA), submitted a request for final approval of an interim extension of transmission rate schedule TDC (revised) for the period July 1, 1979 through June 30, 1980. On July 1, 1980, AS/RA amended the request with an implied expiration date of December 31, 1980. TDC (revised) is a rate schedule applicable to transmission and/or displacement of non-federal power and energy over the SWPA system. By Rate Order No. SWPA-3, AS/RA confirmed and approved on an interim basis the extension of rate schedule TDC (revised), effective July 1, 1979, for the period ending June 30, 1980. By Rate Order No. SWPA-6, AS/RA extended rate schedule TDC (revised) through December 31, 1980.[1]

Public notice of the June 25, 1979 submittal was published in the Federal Register on July 11, 1979. On October 1, 1980, notice of both the June 25, 1979, and July 1, 1980 filings of AS/RA was published, with protests or petitions to intervene due on or before October 14, 1980. No responses have been received.

SWPA is a federal power marketing agency comprised of 20 multi-purpose reservoir projects located in portions of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas. The projects represent a total hydroelectric capacity of 1,999,200 kilowatts. The SWPA transmission system consists of 1,402 miles of 138 and 161 KV transmission lines, 234 miles of 69 KV transmission lines, and 31 bulk power substations and switching stations. Non-federal power and energy is transmitted over portions of the system if the SWPA Administrator determines that transmission and transformation capacity are available in excess of that needed for marketing power from the federal generating plants. Currently, thirteen customers are billed for the transmission of non-federal power under rate schedule TDC (revised).[2]

Discussion

Prior to the Department of Energy Organization Act (1974), SWPA transmission rates were not submitted to the Federal Power Commission for approval. However, the Secretary of Energy in Delegation Order No. 0204-33, delegated to this Commission the authority to confirm and approve on a final basis, or to disapprove, such rates. In accordance with the standards established in the Flood Control Act of 1944, the rates are to "encourage the most widespread use [of project power and energy] at the lowest possible rates to consumers consistent with sound business principles," and to recover "the cost of producing and transmitting such electric energy, including the amortization of the capital investment allocated to power over a reasonable period of years." [3]

Although the absence of past filings by SWPA leaves the Commission without extensive background information to evaluate rate schedule TDC (revised), we note that SWPA has requested an extension of schedule TDC (revised) specifically so that it may complete detailed studies now in progress concerning the transmission rates. AS/RA has indicated that the studies will be completed before December 31, 1980. In addition, the revenues derived from rate schedule TDC (revised) account for only about one percent of the total gross revenues of the integrated SWPA system. Considering the magnitude of the revenues involved, the temporary duration of the rate schedule, and the lack of any protests or petitions to intervene in the present matter, the Commission finds it appropriate and in the public interest to approve and confirm the extension of rate schedule TDC (revised), for the period July 1, 1979 through December 31, 1980.

The Commission Orders:

(A) The interim extension of transmission rate schedule TDC (revised) for the period July 1, 1979, through December 31, 1980, as submitted by AS/RA on behalf of SWPA, is hereby confirmed and approved.

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[1] The extensions of rate schedule TDC (revised) have been submitted to the Commission for final confirmation and approval.

[2] The customers are Ark-Mo Power Company, Grand River Dam Authority, Public Service Company of Oklahoma, Associated Electric Cooperative, Western Farmers Electric Cooperative, the Cities of Jonesboro, Paragould, and Piggott, Arkansas, and the Cities of Carthage, Kennett, New Madrid, Poplar Bluff, and Sikeston, Missouri.

[3] Section 5, Flood Control Act of 1944.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-38015 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[EL80-38, Projects Nos. 405, 1025, 1881, 1888]

Susquehanna Power Co. & Philadelphia Electric Power Co., Safe Harbor Water Power Corp., Pennsylvania Power & Light Co., York Haven Power Co.; Order Denying Petition for Interim Relief and for Expedited Consideration

Issued December 2, 1980.

On September 29, 1980, the Susquehanna River Basin Commission (Petitioner) filed a petition for an order granting interim relief and for expedited consideration of its request that the Commission impose interim minimum flows at Project Nos. 405, 1025 and 1881, three of the four licensed Susquehanna River projects.[1] Responses in opposition to the petition were filed by Pennsylvania Power & Light Company and Safe Harbor Water Power Corporation, jointly, and by Susquehanna Power Company and Philadelphia Electric Power Company, jointly.

On August 14, 1980, we issued orders issuing new major licenses for the Susquehanna River projects.[2] By order issued that same day, we ordered that a hearing be held on the common issue of the status of the anadromous fishery in the Susquehanna River, in a new consolidated proceeding designated EL 80-38. Subsequently, by orders issued on November 18 and 19, 1980, we acted on applications for rehearing filed by the Petitioner and others with respect to the four orders issuing new major licenses for the Susquehanna River projects.

The Petitioner requests that the Commission immediately order the licensees for Project Nos. 405, 1025 and 1881 to maintain, on an interim basis, certain continuous releases of water at the respective dams allegedly needed to support, maintain, and protect the biological needs of indigenous fish below the respective dams. The Petitioner requests that the proposed interim flow requirement remain effective until the Commission's August 14, 1980 licensing orders and orders on rehearing have become final and no longer subject to judicial review, and until further proceedings and studies as are necessary have been completed.

Petitioner's request is, in essence, a restatement of its position on the need for interim continuous flow requirements at Project Nos. 405, 1025 and 1881 as set forth in its applications for rehearing filed September 15, 1980, eleven days prior to filing of the subject petition. In our orders on rehearing issued November 18 and 19, 1980, we responded to the allegations raised by the Petitioner regarding interim flows. Provisions were made for determining interim continuous flow requirements at Project Nos. 405, 1025 and 1881, pending completion of the coordinated studies of water quality and permanent minimum flow requirements under the new licenses for the Susquehanna River projects. Accordingly, we need not reconsider or repeat our consideration and disposition of that issue here.

The Commission orders:

The petition for interim relief and expedited consideration filed by the Susquehanna River Basin Commission on September 26, 1980, with respect to Projects Nos. 405, 1025, 1881 and 1888 is denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-38016 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-19-000]

Tapoco, Inc., Electric Rates; Order Declaring Jurisdiction, Accepting Agreement for Filing Subject to Outcome of Other Proceedings, Waiving Notice and Additional Filing Requirements, Granting Intervention, and Terminating Docket

Issued December 2, 1980.

On October 9, 1980, Tapoco, Inc. (Tapoco) tendered for filing, pursuant to § 35.12 of the Commission's regulations, an apportionment agreement with Nantahala Power and Light Company (NP&L) dated June 1, 1971,[1] which arose out of a December 27, 1962 agreement entitled the New Fontana Agreement (NFA).

The NFA, which is on file as Tapoco's Rate Schedule No. 3, provides for an energy-for-energy swap by Tapoco and NP&L, both subsidiaries of Alcoa, with the Tennessee Valley Authority (TVA). Under the NFA, the energy generated by Tapoco and NP&L is dispatched by and delivered to TVA which, in return, provides Tapoco and NP&L with a fixed annual entitlement of power to be delivered at specified points.

The apportionment agreement is an adjunct to the NFA, specifying the amounts of TVA energy to which NP&L and Tapoco are entitled. While the NFA has been on file with the Commission, the 1971 apportionment agreement has not. In consolidated Docket Nos. EL78-18 and ER76-828,[2] the Commission staff expressed the position that Commission regulations mandated the filing of the apportionment agreement on the grounds that it is a jurisdictional rate schedule and an integral portion of the NFA. Tapoco indicates in its transmittal letter that it is cognizant of the broad definition of "rate schedule" under the Federal Power Act as set forth in § 35.2 of the regulations, and that it therefore has chosen not to contest the issue and has tendered the instant filing. However, Tapoco further states, somewhat inconsistently, that it is submitting the apportionment agreement under protest "because of the potential conflicting jurisdictional assertions by the Commission and the Tennessee Valley Authority."

Tapoco requests that the Commission find the agreement to be non-jurisdictional, asserting that no rates, charges or jurisdictional services are specified therein. Moreover, Tapoco requests waiver of any additional filing requirements contemplated by the Commission's regulations on the grounds that the agreement does not provide for any service to be rendered by Tapoco and that the terms and conditions of the instant submittal have been litigated in Docket Nos. ER76-828 and EL78-18.

Notice of the filing was issued on October 21, 1980, with comments, protests, or petitions to intervene due on or before November 10, 1980. The Town of Highlands, North Carolina, a wholesale customer of NP&L, filed a protest and petition to intervene on

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[1] We note that Petitioner included Docket No. EL80-38 and Docket Nos. 405, 1025, 1881 and 1888 in the heading on its pleading. The Docket No. EL80-38 proceeding is a consolidated proceeding on the issue of the anadromous fishery and is pending before an Administrative Law Judge. Petitioner's prayer for relief is beyond the scope of that consolidated proceeding and we shall therefore act on the petition as a matter separate from that proceeding.

[2] Susquehanna Power Company & Philadelphia Electric Power Company, Conowingo Project No. 405; Safe Harbor Water Power Corporation, Safe Harbor Project No. 1025; Pennsylvania Power & Light Company, Holtwood Project No. 1881; and York Haven Power Company, York Haven Project No. 1888.

[1] Designated as Supplement No. 2 to Tapoco Rate Schedule FPC No. 3.

[2] Docket No. EL78-18 is a complaint proceeding initiated by the Town of Highlands, North Carolina. Docket No. ER76-828 is a proceeding instituted to consider proposed wholesale rates filed by NP&L.

November 10, 1980, primarily aimed at preserving its position in Docket Nos. EL78–18 and ER76–828. Highlands indicates that the instant agreement has been the subject of extensive litigation and that relitigation in the instant docket should be avoided. Highlands requests that the agreement be accepted for filing, that a determination be made that the submittal is jurisdictional, that Tapoco be required to file data in support of the power allotments contained in the filing, and that the submittal be suspended for five months from the filing of such data.

Highlands states that its principal areas of concern are: (1) the assurance that any action taken with respect to the instant docket will not prejudice its position or right to refunds in Docket Nos. EL78–18 and ER76–828; and (2) the preservation of Commission authority to order appropriate modifications to the instant agreement upon final disposition of Docket Nos. EL78–18 and ER76–828.

Discussion

The Commission notes that the apportionment agreement is an integral part of the NFA designed to implement the provisions of the NFA. As indicated above, the NFA is a jurisdictional rate schedule on file with the Commission. Accordingly, the Commission concludes that the apportionment agreement, as a contract relating to and affecting operation of a filed rate schedule, is itself a jurisdictional rate schedule which should appropriately be filed as a supplement to the NFA. We further observe, however, that the issue of the proper apportionment of TVA power between NP&L and Tapoco is a subject which has been fully litigated and is awaiting initial decision in Docket Nos. ER76-828 and EL78-18. Therefore, the Commission will declare the apportionment agreement to be jurisdictional, and will waive outstanding filing requirements and accept the agreement for filing to become effective on June 1, 1971, when service commenced under the agreement. While we shall terminate the instant docket, the apportionment question shall remain subject to the outcome of the proceedings in Docket Nos. ER76-828 and EL78-18. In addition, we shall require NP&L to submit an appropriate certificate of concurrence which will also become effective as of June 1, 1971, subject to the outcome of the prior dockets.[3]

We believe that this procedure will preserve the interests of all affected parties, while avoiding unnecessary duplication of litigation. With respect to the apportionment issue, NP&L 's wholesale customers will be protected in the event that any change is required in the allocation of costs between Tapoco and NP&L by means of the refund provision as stipulated in Docket Nos. EL78-18, ER76-828, and ER80-574.[4]

The Commission finds that participation in this proceeding by Highlands may be in the public interest. Accordingly, we shall grant Highlands' petition to intervene in this docket.

The Commission orders:

(A) The instant submittal is hereby declared to be jurisdictional and is accepted for filing to be effective as of June 1, 1971, *provided, however,* that the reasonableness of the apportionment arrangement shall be subject to the outcome of the proceedings in Docket Nos. EL78-18 and ER76-828, and subject to the refund provisions therein.

(B) The notice requirements of the Commission's regulations are hereby waived.

(C) Tapoco's request for waiver of additional filing requirements is hereby granted.

(D) NP&L is hereby directed within 30 days of the issuance of this order to file a certificate of concurrence with the apportionment agreement, which, upon filing, shall become effective as of June 1, 1971, subject to the outcome of Docket Nos. ER76-828 and EL78-18.

(E) Highland's petition to intervene is hereby granted, subject to the rules and regulations of the Commission; *provided, however,* that participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *provided, further,* that the admission of this intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) Docket No. ER81-19-000 is hereby terminated.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-36017 filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[3]NP&L has indicated that it challenges the jurisdictionality of the NFA, but that it will comply with applicable Commission directives.

[4]Docket No. ER80-574 involves NP&L's most recent wholesale rate change case.

[Docket No. CP81-40-000]

Transcontinental Gas Pipe Line Corp.; Application

December 1, 1980.

Take notice that on October 31, 1980, Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-40-000 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 a 24-inch pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission open to public inspection.

Applicant proposes herein to construct and operate 12.91 miles of 24-inch pipeline and appurtenant facilities which would constitute an extension of Applicant's Central Texas Gathering System which currently extends from Applicant's mainline at Station 30 in Wharton County, Texas, to producing fields in the Brazos and Matagorda Island Areas, offshore Texas. Applicant states that the proposed pipeline would transport an additional 82,000 Mcf of natural gas per day.

Applicant is about to initiate gas purchase contracts with Conoco, Inc. and Transco Exploration Company for reserves in the Mustang Island Block A-85 Field, it is stated.

Applicant estimates the total cost of the proposed facilities to be $16,870,000. Such costs would initially be financed by short-term loans and available cash with permanent financing undertaken at a later date, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 24, 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. 80-38018 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. E-9563]

U.S. Secretary of the Interior, Bonneville Power Administration; Order Remanding Rates Without Prejudice

Issued December 1, 1980.

On July 30, 1976, the Secretary of Interior, on behalf of Bonneville Power Administration (BPA) filed with the Federal Power Commission (FPC) a request for confirmation and approval of certain transmission rates for the transmission of non-federal power and energy over BPA's transmission facilities. The filing was docketed as Docket No. E-9563.

Public notice of the filing was issued on August 11, 1976, providing that protests and interventions be submitted before September 10, 1976. By FPC order issued October 5, 1976 intervention was granted to Idaho Power Company, Montana Power Company, Pacific Power & Light Company, the Public Utilities Commissioner of Oregon, Portland General Electric Company, Puget Sound Power & Light Company, the Public Power Council and City of Seattle, Washington, and Washington Water Power Company.

BPA's filing was the first made pursuant to the Federal Columbia River Transmission System Act, 16 U.S.C.A. § 838 (1974). On January 9, 1977, the Secretary of Interior, on behalf of BPA, filed an amendment to its proposed transmission rate schedules requesting that the proposed rates be made effective immediately on an interim basis, subject to retroactive confirmation, or subject to higher or lower retroactive adjustment, with interest in accordance with such amended or modified rates as would be subsequently approved by the FPC.

By order issued June 10, 1977 the FPC conditionally approved and confirmed BPA's proposed transmission rates through June, 1978. The rates were subjct to retroactive adjustment with interest in accordance with such amendments or modified rates as the FPC might thereafter approve. In addition, the docket was set for evidentiary hearing. On July 11, 1977, petitions for rehearing of the FPC's order were filed.

The FPC on July 28, 1977 denied rehearing of its June 10, 1977 order. By order of September 22, 1977, the FPC granted late intervention to BPA's direct service industrial customers, and to the Department of water & Power of the City of Los Angeles. The FPC further stated that a prehearing conference has been held on July 11, 1977 at which certain procedural dates were established, including commencement of an evidentiary hearing on March 14, 1978.

No hearing, however, was convened prior to October 1, 1977, when the Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, became effective, abolishing the FPC. This Act transferred all of the functions of the Secretary of Interior and the FPC relating to establishment, confirmation and approval of federal power marketing rates to the Secretary of Energy. By Department of Energy Delegation Order No. 0204-4, Paragraphs 15 and 16, confirmation and approval authority of power marketing agency rates was delegated to the Administrator of the Economic Regulatory Administration. Docket No. E-9563 was transferred from the Commission to the jurisdiction of the Economic Regulatory Administration, which redesignated the docket as Docket No. ERA No. BPA-78-2 and on July 6, 1978 extended the conditional confirmation and approval of the proposed transmission rates through June 30, 1979 (43 FR 29163).

On May 12, 1979, the Assistant Secretary of Energy for Resource Applications (AS/RA) issued an order extending the effectiveness of the interim transmission rates pending final confirmation and approval. No final confirmation and approval order of the Economic Regulatory Administration or the Secretary of Energy was issued.

On January 1, 1979, pursuant to the Department of Energy Delegation Order 0204-33, the Secretary of Energy delegated to the AS/RA the authority to develop power and transmission rates and to confirm, approve, and place in effect such rates on an interim basis. The Delegation Order also assigned to the Commission the authority to confirm and approve such rates on a final basis or to disapprove these rates developed by the AS/RA.

Pursuant to that order, Docket No. E-9563 (ERA Docket No. BPA 78-2) became subject to final confirmation and approval by this Commission. Upon notice to all parties an informal conference was convened in Portland, Oregon on February 5, 1979 to discuss the status of the case as well as to explore procedural alternatives of bringing the case to final resolution.

Those discussions and further discussions on general procedures regarding federal power marketing rates failed to result in a consensus regarding procedures or to resolve the issues raised in the docket before the Commission, therefore, on May 30, 1980 issued an order establishing hearing dates, requesting all parties to the proceeding to file briefs and comments with regard to the following questions:

(1) What is the scope and standard of Commission review under Section 10 of the Federal Columbia River Transmission System Act?

(2) What procedures should be followed by the Federal Energy Regulatory Commission in determining that the standards of section 10 of the Federal Columbia River Transmission Sytem Act have been met?

Initial briefs were filed in response by Puget Sound Power & Light Company, Pacific Power & Light Company, Portland General Electric Company, Idaho Power Company, the Washington Water Power Company and the Montana Power Company: collectively, the Intercompany Pool or ICP Companies, the Los Angeles Department of Water & Power, Bonneville's Direct Service Industrial Customers, the City of Seattle, Washington, the Public Power Council, the Colorado River Energy Distributors Association, San Diego Gas & Electric Company and BPA for the Secretary of Energy. In addition, reply briefs were filed by Los Angeles Department of Water & Power, the ICP companies and BPA for the Secretary of Energy.

The briefs filed by the ICP Companies, the Los Angeles Department of Water & Power, the Colorado River Energy Distributors Association, San Diego Gas & Electric Company, and the City of Seattle indicate their belief that the Commission, before approving and confirming BPA's transmission rates, must independently determine whether the costs of transmission are equitably allocated between federal and non-federal use.

BPA, the Direct Industrial Customers, and the Public Power Council indicate their belief that the Commission has no

authority to use independent methods to review cost allocation, but rather has authority only to review the Secretary's cost allocation to determine that the Secretary's decision is reasonable and not arbitrary and capricious.

The Commission has recently discussed its review responsibilities under power marketing acts in *Bonneville Power Administration*, Docket No. EF80-2011 issued November 21, 1980. Therein the Commission determined that its role could be viewed as in the nature of an appellate one; to affirm, reverse or remand the rates submitted to it for final review. In order for the Commission to discharge this review function, it must be apparent from the record before the Commission that due process requirements have been met and that the Administrator's program of rate schedules and the AS/RA's decision is rational and is consistent with the statutory standards.

Under the federal power marketing statutes, the Commission must determine whether the rate schedules would provide a sufficient level of revenue to BPA to recover its capital costs and repay the Federal investment within a reasonable period of time. The Commission s review in this matter is based on the supporting data and information submitted to the Commission by the AS/RA.

The Commission must also make a determination as to whether the rates developed by the Administrator have been drawn with the view to encouraging the widest possible diversified use of electric power at the lowest possible rates to consumers consistent with sound business principles. The foregoing standards are consistent with the standards set forth in Section 9 of the Federal Columbia River Transmission System Act under which the rates herein are being reviewed. In addition Section 10 of the Federal Columbia River Transmission System Act provides that recovery of the cost of the federal transmission system shall be equitably allocated between federal and non-federal power users utilizing such system.

Pursuant to the statutory standards of both sections 9 and 10 of the Federal Columbia River Transmission System Act, if the Commission can make the determination that the rate schedules have been constructed on a rational basis consistent with the statutory standards, then the Commission will confirm and approve the rates on a final basis. Conversely, if no rational basis is provided upon which the Commission can determine that the statutory standards have been met, then the rates will be remanded or disapproved.

The Commission has the authority to order a hearing when deemed appropriate. However, the Commission would expect that due process and hearing requirements would generally be satisfied when the proposed rates are being reviewed by the AS/RA, since the responsibility for developing the rates resides with the AS/RA acting by and through the Administrator of BPA, and not with the Commission.

The Commission in the instant case is unable to determine, based on the filing before it, whether the rates established by the AS/RA are constructed on a rational basis.

Certain deficiencies in the filing in this docket have precluded the Commission from reaching a conclusion that the filed rates should be confirmed and approved or disapproved. Those areas that require additional information, explanation, or support include the following:

(1) A demonstration of the rational basis for the AS/RA's determination of the annual cost of the transmission system.

(2) A demonstration of the rational basis for the AS/RA's determination that annual costs have been equitably allocated between Federal and non-Federal system users;

(3) Justification and ratemaking rationale to support the use of airline mileage billing determinants used in Bonneville rate schedule filing designated FPT-1 as contrasted to circuit mile cost supported type rates. In addition, an explanation, including calculations, of how the revenue figures were derived in support of the proposed rate schedules are necessary.

The Commission having found that the record transmitted by BPA is not sufficiently developed to allow this Commission to determine whether the rates established by the AS/RA are or are not consistent with the applicable statutory criteria, it will remand the record to the AS/RA for purposes of further development.

The Commission orders:

(A) The rates and charges developed by the Administrator of BPA and placed into effect by the AS/RA are hereby remanded without prejudice. In further development of the record in order to demonstrate that said rates and charges are in accordance with applicable statutory standards.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-38019 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3464]

White Mountain Hydro Electric Corp.; Application for Preliminary Permit

December 1, 1980.

Take notice that White Mountain Hydroelectric Corporation (Applicant) filed on September 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3464 to be known as the Lisbon Project located on the Ammonoosuc River in Grafton County, New Hampshire. Lisbon Dam is owned by the Public Service Company of New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John M. A. Rolli, 126 Main Street, Littleton, New Hampshire 03561. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would be run of the river and would consist of: (1) an existing concrete dam which is 150 feet long and 20 feet high; (2) a reservoir of negligible storage capacity; (3) a new headrace; (4) penstocks; (5) a new powerhouse containing generating units having a total rated capacity of 850 kW; (6) a short tailrace; (7) a new transmission line; and (8) appurtenant facilities. Applicant estimates the annual generation would average about 2,000,000 kWh.

Purpose of Project—Project energy would be sold to Public Service Company of New Hampshire.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $7,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the

permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 31, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before Janaury 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Notice of Intent To File Competing Application", "Competing Application", "Protest", or "Petition To Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3464. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St., NE, Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-38020 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3528-000]

American Hydroelectric Development Corp.; Application for Preliminary Permit

December 1, 1980.

Take notice that American Hydroelectric Development Corporation (Applicant) filed on October 7, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3528–000 to be known as Terminus Project located on the Kaweah River in Tulare County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: William A. Jennings, American Hydroelectric Development Corporation, 100 Park Center Plaza, Suite 520, San Jose, California 95113. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a new intake in the Terminus Reservoir; (2) a penstock tunneled through natural ground around the existing Corps of Engineers' 250-foot high, earthfill, Terminus Dam; (3) a "Y" transformation installed on the existing 3-foot diameter steel irrigation pipe; (4) a powerhouse containing two generating units, each rated at 2750 kW and one generating unit rated at 650 kW; and (5) a 1500-foot long transmission line.

The Applicant estimates that the average annual energy output would be 20 million kWh.

Purpose of Project—The energy output of the project would be sold to either the Pacific Gas and Electric Company or the Southern California Edison Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct geotechnical and engineering studies, perform preliminary designs and cost estimates, make a feasibility analysis, conduct environmental studies, and prepare a FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $110,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 31, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the

requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before January 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3528–000. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–37895 Filed 12–5–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. G–7393, et al,]

Coastal Oil and Gas Corp. (Formerly: Gas Producing Enterprises, Inc.); Petition To Amend Certificates of Public Convenience and Necessity

November 28, 1980.

On July 18, 1980, Coastal Oil and Gas Corporation (COGC) filed an application to amend the certificates of public convenience and necessity and temporary authorizations currently held by Gas Producing Enterprises, Inc. (GPE), to substitute COGC as certificate holder and to redesignate the related rate schedules held by Gas Producing Enterprises, Inc. to reflect the change of name to Coastal Oil and Gas Corporation.

The name of GPE was changed to COGC effective march 7, 1980. GPE was a wholly-owned subsidiary of The Coastal Corporation.

The related rate schedules and purchasers are listed on the Appendix hereto.

Any person desiring to be heard or to make any protest with reference to said Application, on or before December 10, 1980, should 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 authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Cmmission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission 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 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.

Purchaser	Rate schedule designation		Docket No.
	GPE	COGC	
Colorado Interstate Gas Co.	1	1	CI75–585
Colorado Interstate Gas Co.	2	2	CI75–679
Colorado Interstate Gas Co.	3	3	CI76–371
Colorado Interstate Gas Co.	5	5	CI77–391
Colorado Interstate Gas Co.	7	7	CI78–148
Colorado Interstate Gas Co.	8	8	G–7393
Northern Natural Gas Co	9	9	G–7393
Northern Natural Gas Co	10	10	G–7393
Northern Natural Gas Co	11	11	G–7393
Northern Natural Gas Co	12	12	G–7393
Northern Natural Gas Co	13	13	G–8789
Northern Natural Gas Co	14	14	G–8789
Colorado Interstate Gas Co.	15	15	G–9732
Northern Natural Gas Co	16	16	G–17011
Colorado Interstate Gas Co.	17	17	G–8789
Colorado Interstate Gas Co.	18	18	CI68–1203
Colorado Interstate Gas Co.	19	19	CI67–391
Colorado Interstate Gas Co.	20	20	CI71–91
Colorado Interstate Gas Co.	21	21	G–7393
Panhandle Eastern Pipe Line Co.	22	22	CI72–799
Colorado Interstate Gas Co.	23	23	G–13207
Colorado Interstate Gas Co.	24	24	CI67–128
Cities Service Gas Co	25	25	CI63–1372
Cities Service Gas Co	26	26	CI65–1015
Panhandle Eastern Pipe Line Co.	27	27	CI61–7
Colorado Interstate Gas Co.	28	28	G–7393
Colorado Interstate Gas Co.	29	29	G–8789
Colorado Interstate Gas Co.	31	31	G–7393
Colorado Interstate Gas Co.	32	32	G–7393
Colorado Interstate Gas Co.	33	33	G–7393
Colorado Interstate Gas Co.	34	34	G–10348
Colorado Interstate Gas Co.	35	35	G–10348
Colorado Interstate Gas Co.	36	36	CI69–219
Colorado Interstate Gas Co.	37	37	CI70–465
Colorado Interstate Gas Co.	38	38	CI62–52
Michigan-Wisconsin Pipe Line Co.	39	39	CI60–781
Panhandle Eastern Pipe Line Co.	40	40	CI65–927
Florida Gas Transmission Corp.	41	41	CI60–721
Florida Gas Transmission Corp.	42	42	CI64–94
Florida Gas Transmission Corp.	43	43	CI64–1215
Transcontinental Gas Pipe Line Corp.	45	45	CI67–339
Southern Natural Gas Co	46	46	CI75–5
Natural Gas Pipeline Co. of America.	47	47	G–11547

Purchaser	Rate schedule designation		Docket No.
	GPE	COGC	
Florida Gas Transmission Corp.	48	48	G-11021
Trunkline Gas Co	49	49	CI63-1565
Tennessee Gas Pipeline Co.	50	50	G-11489
Tennessee Gas Pipeline Co.	51	51	CI72-645
El Paso Natural Gas Co	52	52	G-7393
Colorado Interstate Gas Co.	53	53	CI61-1437
Kansas-Nebraska Natural Gas Co., Inc.	54	54	CI69-1039
Colorado Interstate Gas Co.	55	55	CI75-485
Colorado Interstate Gas Co.	56	56	CI75-441
United Gas Pipe Line Co	58	58	G-7373
Transcontinental Gas Pipe Line Corp.	59	59	CI78-1065
Colorado Interstate Gas Co.	60	60	CI80-160
Valero Energy Corp	61	61	CI80-333
Valero Energy Corp	62	62	CI80-334
Texas Gas Transmission Corp.	63	63	CI64-927
Trunkline Gas Co	64	64	CI64-133
United Gas Pipe Line Co	65	65	G-13279
United Gas Pipe Line Co	66	66	CI72-848
Tennessee Gas Pipeline Co.	67	67	CI78-530
Florida Gas Transmission Corp.	68	68	CI73-152
Texas Eastern Transmission Corp.	69	69	CI70-427
Cities Service Gas Co	70	70	CI61-1166
Arkansas Louisiana Gas Co.	71	71	CI74-346
El Paso Natural Gas Co	72	72	CI72-280
Natural Gas Pipeline Co. of America.	73	73	G-14366
Trunkline Gas Co	74	74	CI77-311
Transcontinental Gas Pipe Line Corp.	75	75	CI76-542
Texas Eastern Transmission Corp.	76	76	CI65-1203
Trunkline Gas Co	77	77	CI65-268
Valero Interstate Transmission Corp.	78	78	CI76-582
Valero Interstate Transmission Corp.	79	79	CI61-1011
Texas Eastern Transmission Corp.	80	80	CI61-1008
Valero Interstate Transmission Corp.	81	81	CI76-637
Valero Interstate Transmission Corp.	82	82	CI61-1010
Valero Interstate Transmission Corp.	83	83	CI61-471
Valero Interstate Transmission Corp.	84	84	CI61-472
Valero Interstate Transmission Corp.	85	85	CI73-868
Valero Interstate Transmission Corp.	86	86	CI70-907
Natural Gas Pipeline Co. of America.	87	87	G-13317
Valero Interstate Transmission Corp.	88	88	CI78-836
Valero Interstate Transmission Corp.	89	89	CI70-389
Consolidated Gas Supply Corp.	90	90	CI63-1128
United Fuel Gas Co	91	91	CI62-249
Columbian Fuel Corp	92	92	G-18041
United Fuel Gas Co	93	93	G-18041
Consolidated Gas Supply Corp.	94	94	G-18041
Consolidated Gas Supply Corp.	95	95	G-18041
Consolidated Gas Supply Corp.			CI77-467[1]

[1] Pending docket.

[FR Doc. 80-37896 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-643-004]

Columbia Gulf Transmission Co. and Natural Gas Pipeline Co. of America; Petition To Amend

December 1, 1980.

Take notice that on November 12, 1980, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-643-004 a joint petition to amend the order issued November 16, 1977, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation and exchange of natural gas at an additional point of delivery, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Petitioners state that on November 16, 1977, Natural was authorized to transport gas received up to 750 Mcf per day, from Exxon Company, U.S.A. for columbia Gulf's account at an existing point on Natural's 30-inch pipeline located in Cameron Parish, Louisiana, and deliver thermally equivalent volumes of gas at Columbia Gulf's measuring facilities located at the tailgate of Amoco Production Company's South Thornwell processing plant. Such service was initiated pursuant to a gas exchange agreement between the parties dated September 12, 1977, it is said.

Subsequently, Petitioners state that by an amendatory agreement between them dated April 15, 1980, they have agreed to an additional point of delivery by Natural to Columbia Gulf at the inlet of Columbia Gulf's existing measuring station No. 519 at the Henry Processing Plant operated by Texaco, Inc. in Vermilion Parish, Louisiana. Petitioners propose herein to add this additional point of delivery in accordance with the terms of their amendatory agreement. It is asserted that this proposed addition of a point of delivery between the parties would change neither the current effective rates nor the total volumes of gas to be transported or exchanged.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 23, 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. 80-37897 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-158-005]

Consolidated Gas Supply Corp.; Petition to Amend

December 1, 1980.

Take notice that on November 6, 1980, Consolidated Gas Supply Corporation (Petitioner), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP75-158-005 a petition to amend the Commission's order issued May 29, 1975,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the retention of 0.5 mile of Line No. TL-362 in transmission service and the modification of piping, 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 May 29, 1975, order approved a four-year program to replace Petitioner's West Virginia wet gas transmission system. An amending order dated December 19, 1979, it is stated, permitted the abandonment of 0.5 mile of 12-inch Line No. TL-362 from Maxwell Junction to Middle Run Junction in Doddridge County, West Virginia. Said line was scheduled to be abandoned upon completion of Line No. TL-424, it is asserted.

Petitioner herein proposes to retain said line in transmission service and to make the minor piping and related modifications. Line No. TL-362 supplied the Greenwood connection with wet gas from Line No. H-45, it is stated. Petitioner proposes that when Line H-45 is abandoned a connection would be made from Line H-155 to Line TL-362 thus supplying Greenwood with dry gas from Line H-155. In addition, it is stated, a connection from Line TL-424 to Greenwood would be made as scheduled to provide an alternative feed.

Petitioner asserts that no additional sales or services are proposed and no

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

accounting entries would be required to reflect the proposed retention.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 23, 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. 80-37898 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2232]

Duke Power Co.; Granting Intervention

December 1, 1980.

Duke Power Company filed, on March 13, 1980, an application for a change in land rights. Duke seeks to lease 6.31 acres of project land to Mr. and Mrs. Hal T. Baxter for the construction and operation of a private sailboat marina.

Public notice of the application has been given with October 9, 1980 as the last day for filing comments, protests, or petitions to intervene.

On September 25, 1980, Mr. H. E. Uhland filed a petition to intervene. Mr. Uhland states that he owns a sailboat moored at the subject marina.

No response to the petition has been filed with the Commission.

It appears to be in the public interest to grant Mr. H. E. Uhland's petition to intervene.

Pursuant to § 375.302 of the Commission's Regulations 18 CFR 375.302 (1980), the above-named party is permitted to intervene in this proceeding subject to the Commission's Rules and Regulations under the Federal Power Act. Participation of the Intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene. The admission of the Intervenor shall not be construed as recognition by the Commission that the Intervenor might be aggrieved by any order entered in this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-37899 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-5-000]

John E. Eckland; Application for Commission Certification of Qualifying Status as a Small Power Production Facility

December 1, 1980.

On November 12, 1980, John E. Eckland filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is located in Great Falls, Virginia. John E. Eckland states that the facility is a 4 kilowatt wind generator. The applicant further states that no coal, gas or oil will be used in the facility. No other facilities are owned by the applicant.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before January 7, 1981, and must be served on the applicant. 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 proceeding. 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. 80-37903 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2761]

El Dorado Irrigation District and El Dorado County Water Agency; Extension of Time

Issued: November 28, 1980.

On November 24, 1980, the State of California filed a request for an extension of time to file comments on the Draft Environmental Impact Statement relating to the application for license in the above-docketed proceeding. California requests additional time in order to coordinate a response on behalf of various agencies within the State.

Upon consideration, notice is hereby given that an extension of time for the filing of comments is granted to and including December 15, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-37900 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-2-000]

El Paso Natural Gas Co.; Application

December 1, 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 (NGPA) requesting authorization to transport natural gas for Pioneer Corporation (Pioneer), an intrastate pipeline, for an additional two year period, commencing January 1, 1981, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that January 1, 1979, it commenced the transportation of natural gas for Pioneer pursuant to Subpart B of Part 284 of the Commission's Regulations under the NGPA for a term of two years from the date of first deliveries with such term said to expire on December 31, 1980.

Applicant proposes herein to implement the terms of a transportation agreement between it and Pioneer wherein the parties agreed to extend said transportation service for an additional two year period commencing on January 1, 1981. Under the extension agreement, Applicant would transport up to 20,000 Mcf of natural gas per day and charge Pioneer a backhaul rate of 1.0 cent per Mcf to enable it to recover out-of-pocket expenses, it is said. Applicant asserts that it is unable at this time to estimate the total volume to be transported. Applicant further asserts that its agreement with Pioneer provides that Applicant would receive natural gas for Pioneer's account at the Phillips Petroleum Company's Dumas Plant located in Moore County, Texas, and deliver an equivalent volume for Pioneer's account at the Mobil Oil Corporation's Waha Plant located in Pecos County, Texas. Applicant submits that is agreement with Pioneer further provides that the proposed extension of

transportation service to be provided by Applicant for Pioneer would continue pursuant to an in accordance with the provisions of Part 284 of the Commission's Regulations under the NGPA.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 23, 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 party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-37901 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-119]

Emory's Grocery Store; Extension of Time

Issued: November 28, 1980.

On September 16, 1980, Emory's Grocery Store filed a request for an extension of time to file a petition for review of a decision and order issued August 15, 1980, by the Department of Energy's Office of Hearings and Appeals (DOE Case No. BEO-06-1758, 04-BEE-1059). The motion states that additional time is needed because counsel for the applicant was unavailable during the month following the receipt of the DOE decision.

Upon consideration, notice is hereby given that an extension of time for the filing of a petition for review is granted to and including December 24, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-37902 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3477]

Idaho Power Co.; Application for Preliminary Permit

December 1, 1980.

Take notice that Idaho Power Company (Applicant) filed on September 16, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3477 to be known as Kanaka Rapids Hydroelectric Project located on the Snake River in Gooding and Twin Falls Counties, Idaho. The proposed project would occupy lands of the United States. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul L. Jauregui, Secretary and General Counsel, Idaho Power Company, P.O. Box 70, Boise, Idaho 83707.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (a) a 45-foot high earthfill embankment across the Snake River; (b) a concrete spillway with stilling basin; (c) a concrete gravity dam section; (d) a powerhouse within the dam, containing two generating units with total rated capacity of 21,340 kW; (e) a 0.9-mile long, 138-kv transmission line connecting the powerhouse to the Applicant's existing Upper Salmon Cliff 138-kV transmission line; and (f) appurtenant facilities.

Purpose of Project—Project power would be utilized to serve the Applicant's customers.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month preliminary permit to prepare a project report, including preliminary designs, and results of geological, hydrological, environmental and economic feasibility studies. Applicant has indicated that: (a) no new roads would be required for conducting the studies; and (b) test pits or augerholes, from which small samples of materials would be taken for testing, would be refilled.

The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be $435,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 31,1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R., § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before Januay 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Notice of Intent to File Competing Application", "Competing Application", "Protest", or "Petition to Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3477. Any comments, notices of intent, competing

applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each represntative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 37905 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER80-793, and ER80-259]

Kansas Gas & Electric Co.; Order Accepting for Filing and Suspending Proposed Rates, Granting Intervention, Denying Motion, Waiving Filing Requirements, Consolidating Dockets, and Establishing Price Squeeze and Other Procedures

Issued: November 28, 1980.

On September 22, 1980,[1] Kansas Gas and Electric Company (KG&E) tendered for filing an unexecuted service agreement[2] which would provide for an increase in rates for service to the City of Burlington, Kansas (Burlington) and which would supersede an expiring contract between the parties.[3] The new agreement incorporates rates for service to Burlington which are identical to those proposed by KG&E and currently subject to investigation in Docket No. ER80-259.[4] The proposed agreement would result in an increase in rates to Burlington of approximately $324,502 (56.3 percent) for the twelve month period following December 1, 1980. KG&E also proposes to replace an economy energy service schedule with a proposed suplemental energy service schedule. The proposed service schedule would change the charge for supplemental energy (all energy other than firm or emergency) supplied to Burlington from KG&E's system from 6.25 mills/kWh subject to fuel adjustment to cost plus 10 percent with a 2 mills/kWh limitation on the 10 percent adder. KG&E has also included in the filing limitations on the percentage adders to the cost of supplemental or emergency energy sold to Burlington which is purchased from a third party.[5]

In its submittal, KG&E states that it will collect the rates currently proposed subject to refund, and will subsequently apply to Burlington the rates finally approved by the Commission in Docket No. ER80-259, making necessary refunds for the interim period. Under these circumstances, KG&E requests that the Commission suspend the proposed rates for only one day, thereby permitting them to become effective on December 2, 1980, the day following expiration of the present contract. KG&E also requests waiver of the filing requirements and test period time constraints of section 35.13(b)(4) (i) and (iii) of the Commission regulations, to allow the use of the data filed in Docket No. ER80-259 as support for the proposed rates.

Notice of the filing was issued on October 2, 1980, with responses due on or before October 24, 1980. On October 24, 1980, Burlington filed a petition to intervene, protest, and motion to reject the filing. Burlington requests that the filing be rejected on the grounds that (1) KG&E has attempted to use stale data in support of the proposed rates, (2) the proposed limitation on the percentage adder to the charge for purchased power provided under both the emergency and supplemental energy service schedules is not in compliance with section 35.23 of the Commission's regulations, and (3) the proposed rate design includes features, such as a minimum billing demand clause, which the Commission has found to be unreasonable in prior KG&E rate increase applications. In the alternative, Burlington seeks a maximum five month suspension and an order instituting a hearing concerning the lawfulness of the proposed rate increases. Burlington raises several cost of service issues and, in addition, alleges that the proposed rate increase will result in a price squeeze. On November 10, 1980, KG&E filed an answer to Burlington's motion.

Discussion

Initially, we find that participation in this proceeding by Burlington may be in the public interest. Consequently, we shall grant Burlington's petition to intervene.

Because the proposed rates are identical to those filed by KG&E in Docket No. ER80-259, and the company's cost of service data in that docket included the costs of providing service to Burlington, we shall grant waiver of the filing requirements and test period time constraints of sections 35.12(b)(4)(i) and (iii), and permit the use of the cost of service data filed in Docket No. ER80-259 to support the rates proposed in the instant docket.

We do not believe that the remaining arguments made by Burlington provide an appropriate basis for rejecting KG&E's filing. These issues should be resolved together with the issues which have been raised in Docket No. ER80-259. As indicated below, these dockets will be consolidated by this order for purposes of hearing and decision. Therefore, we shall deny Burlington's motion to reject the filing. Our analysis indicates, however, that KG&E's proposd rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In a number of suspension orders,[6] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspension periods may be warranted in

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[1] On October 31, 1980, KG&E filed revised contract language to correct an inadvertent error in its statement of rates for supplemental energy.

[2] *See* Attachment A for rate schedule designations.

[3] On May 3, 1978, KG&E served Burlington with the requisite 30 months written notice of termination of the existing contract, to be effective December 1, 1980.

[4] On February 29, 1980, KG&E filed, in Docket No. ER80-259, for an increase in rates for firm power and other interchange services to KG&E's wholesale customers, including revised rates for economy energy and transmission services to nine of its partial requirements customers. KG&E indicated in its filing that, since prior Commission orders in Docket No. ER77-578 held that increases in firm power rates to seven of its partial requirements customers, including Burlington, were subject to the stricter *Sierra* burden of proof in requesting rate changes, KG&E did not propose to apply the increased firm power rate to Burlington. (*See Kansas Gas & Electric Co.*, Docket No. ER77-578, order issued February 1, 1978. See also Opinion No. 80, issued in Docket No. ER77-578 on March 19, 1980). However, the cost of providing firm power service to Burlington was included in KG&E's cost of service study.

[5] The proposed rate with the limitation-purchase cost plus the cost to internally generate incremental losses plus 10 percent of such generating costs with the 10 percent not to exceed 2 mills/kWh—is identical to that submitted by KG&E in other dockets in compliance with Commission Order No. 84.

[6] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.*, (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. Burlington has been insulated from increased rates by virtue of its contract with KG&E. But for the contract, Burlington would have begun paying higher rates, subject to refund, on September 30, 1980, following the four month suspension ordered in Docket No. ER80–259. While Burlington's contractual protection does not supplant the Commission's review and suspension authority, we note that the Commission's objectives in suspending rate increase filings have been largely accomplished by the contract itself. Burlington previously bargained for fixed rate provisions and a specified termination mechanism for those provisions. The contract effectively provided Burlington with more extended protection from and more advance notice of this rate change than that available to other of KG&E's customers under section 205 of the Federal Power Act. Upon expiration of the contract by proper notice, and all other factors ostensibly being equal, we do not believe that it would be reasonable or equitable for Burlington to pay rates other than those then in effect for similarly situated customers of KG&E, thus extending a rate disparity engendered by the expiring contract. This is particularly true since KG&E's rate is intended to be applied uniformly to all of its similarly situated customers. It would be unfair to KG&E to suspend this rate for an extended period each time it becomes applicable to a new customer by reason of a contract termination.[7] Consequently, we shall suspend the rate for a period of one day, permitting the rate to take effect subject to refund thereafter on December 2, 1980.

Because the instant filing and Docket No. ER80–259 involve the same rates and are based upon the same test period data, the proceedings in each case include common questions of law and fact. Therefore, we shall consolidate this docket with Docket No. ER80–259.

Generally, the Commission provides that price squeeze issues should be phased in accordance with the policy established in *Arkansas Power and Light Company*, Docket No. ER79–339 (August 6, 1979). However, in the order issued in Docket No. ER80–259 on May 30, 1980, we elected not to phase this issue because the proceeding involved in part an application for increased rates that could not become effective until the Commission determined the lawful rate. The Commission did, however, permit the judge to exercise discretion in this matter. With respect to the price squeeze allegation raised by Burlington in the instant docket, we shall authorize the presiding judge previously designated in Docket No. ER80–259 to establish such procedures as will most efficiently accommodate consideration of this issue in light of any procedural schedule previously adopted.

The Commission Orders

(A) KG&E's proposed rates tendered for filing on September 22, 1980, are hereby accepted for filing and suspended for one day, to become effective December 2, 1980, subject to refund pending hearing and decision thereon.

(B) Burlington's petition to intervene is hereby granted to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenor shall be limited by matters set forth in its petition to intervene; and *Provided, further,* that the admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(C) Burlington's motion to reject the filing is hereby denied.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferrd upon Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the lawfulness of the rates proposed by KG&E.

(E) Docket No. ER80–793 is hereby consolidated with Docket No. ER80–259.

(F) The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as modified by Commission orders.

(G) The administrative law judge previously designated to preside in Docket No. ER80–259, shall convene a conference in this proceeding to be held within 30 days of the issuance of this order in hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. This conference shall be held for the purpose of determining appropriate procedures necessary to accommodate consolidation of Docket No. ER80–793 with Docket No. ER80–259. Such procedures shall be designed to include consideration of the price squeeze issue raised by Burlington.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Kansas Gas & Electric Company, Docket No. ER80–793, Rate Schedule Designations

Designation and Description

Rate Schedule FERC No. 144 (Supersedes Rate Schedule FPC No. 126 as supplemented)—Electric Service Agreement
Supplement No. 1 to Rate Schedule FERC No. 144—Service Schedule A Firm Power Service
Supplement No. 2 to Rate Schedule FERC No. 1445— Service Schedule B Emergency Service
Supplement No. 3 to Rate Schedule FERC No. 144—Service Schedule C Supplemental Energy Service
Supplemental No. 4 to Rate Schedule FERC No. 144—Fuel Adjustment Clause

[FR Doc. 80–37906 Filed 12–5–80; 8:45 am]
BILLING CODE 6450–85–M

[Project No. 3583–000]

Joseph M. Keating; Application for Preliminary Permit

December 1, 1980.

Take notice that Joseph M. Keating (Applicant) filed on October 14, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3583 to be known as Horton Creek Project located on Horton Creek in Inyo County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Joseph M. Keating, 847 Pacific Street, Placerville, California 95667. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 5-foot high rock diversion dam; (2) a 2-mile long buried pipeline; (3) Powerhouse #1 containing one generating unit rated at 700 kW; (4) a concrete afterbay and intake structure; (5) a 2.7-mile long pipeline; (6) Powerhouse #2 containing

[7] It has been consistent Commission practice to make generally applicable rate increases affecting contract customers effective prospectively upon expiration of their contracts.

one generating unit rated at 700 kW; and (7) two transmission lines. The proposed project would be designed for completely automatic operation in a run-of-the-river mode. The project would be located adjacent to the John Muir Wilderness area.

The Applicant estimates that the average annual energy output would be 7.0 million kWh.

Purpose of Project—The energy output of the project would be sold to the Southern California Edison Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering studies and surveys, do preliminary designs, consult with agencies, prepare a feasibility report, conduct environmental studies, make a historical review, and prepare an FERC license application. No new roads would be required to conduct the studies. Applicant has filed a work plan for the studies for the new dam construction. The field studies to be conducted include field surveys and visual inspections, and no ground disturbing activities.

The estimated cost of the work to be performed under the preliminary permit is $69,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 10, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before February 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", Notice of Intent to File Competing Application, "Competing Application", "Protest", or "Petition to Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3583. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-37904 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-25-000]

Kerr-McGee Corp.; Extension of Time

Issued: November 28, 1980.

On November 25, 1980, Kerr-McGee Corporation filed a request for an extension of time to file a petition for review of a decision and order issued November 3, 1980, by the Department of Energy's Office of Hearings and Appeals (DOE Case No. DEE-2244). In support of this request, the motion states that Kerr-McGee plans to request a stay of the OHA order and requests that this extension be granted pending their completion of that document. The motion further states that additional time is needed because the company has been required to retain new counsel in this proceeding and further, because of the upcoming holidays.

Upon consideration, notice is hereby given that an extension of time for the filing of a petition for review is granted to and including December 15, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-37907 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-51-000]

Michigan Gas Storage Co.; Application

December 1, 1980.

Take notice that on November 10, 1980, Michigan Gas Storage Company (Applicant), 212 West Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. CP81-51-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposed pursuant to a July 17, 1980, transportation agreement to take delivery of Panhandle's gas at existing points of interconnection between the facilities of the two companies. Applicant states that through displacement equivalent quantities of gas would be delivered by Consumers Power Company (Consumers Power), Applicant's only gas purchasing customer, to Southeastern Michigan Gas Company (Southeastern) for the account of Panhandle at New Haven in Macomb County, Michigan.

It is stated that the proposed transportation service would free approximately 8 miles of 12-inch pipeline and appurtenant facilities presently owned and operated by

Panhandle in Oakland County, Michigan, for use by Consumers Power in more fully integrating Consumers Power's system. Moreover, Applicant asserts that the service would assure the long-term continuation of certain improvements on both Southeastern's and Consumers Power's distribution systems that were made possible by a somewhat similar but limited term transportation service which the proposed service would replace.

Applicant states that it would provide the transportation service without charge and that it would not require any additional facilities to provide the proposed service.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 23, 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. 37906 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-56-000]

Montana-Dakota Utilities Co.; Application

December 1, 1980.

Take notice that on November 13, 1980, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP81-56-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It states that it would comply with Section 284.221(d) of the Commission's Regulations under the NGPA.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 16, 1980, file with the Federal 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. 80-37909 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-57-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

December 1, 1980.

Take notice that on November 14, 1980, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-57-000 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 63 small volume sales measuring stations for the sale and delivery of additional volumes of natural gas in the states of Montana, South Dakota, Minnesota, Iowa, Nebraska, and Kansas, all as more fully set forth in the Application which is on file with the Commission and open to public inspection.

Applicant proposes to provide service to right-of-way grantors whose easements provide for the contractual right of gas service as partial consideration for the easement to construct and operate pipeline facilities across their property. It is stated that such service would be made to small volume[1] industrial, commercial, and residential customers.

Applicant proposes to install and operate 59 delivery stations in Minnesota, South Dakota, Iowa, Nebraska, and Kansas for deliveries of gas to be resold by Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples) from Peoples presently authorized contract demand.

Further, applicant proposes to install and operate four delivery stations for deliveries of gas for direct sale to four Montana customers pursuant to terms of farm tap service contracts between Applicant and the new customers.

Applicant more fully describes the 63 proposed small volumes sales measuring stations including locations, estimated peak day and annual sales, and use as follows:

[1] As defined in Applicant's Gas Tariff, customers with maximum daily gas requirements under 200 Mcf are considered small volume customers.

Right-of-way grantor	Location of facilities (legal description—section, township, range, county, and State)	Estimated sales—1,000 ft³		Primary end use	Cost of facilities (estimated costs)
		Peak day	Annual		
Northern Natural Gas Co. (Direct):					
Dumas, Hugh D	4-32-15-Hill-MT	3.2	295	Res. Heat	$1,120
Hanson, Victor R	21-32-17-Hill-MT	3.2	295	Res. Heat	1,120
S-B Ranch (Davis)	33-31-19-Blaine-MT	3.2	295	Res. Heat	1,120
Wilkins, David L	34-33-15-Hill-MT	3.2	295	Res. Heat	1,120
Totals, Northern (Direct)		12.8	1,180		4,480
Peoples Natural Gas Co., Division of InterNorth, Inc.:					
Beach, G. (-0- Ranch)	26-25-31-Finney-KS	58.0	8,700	Irrigation	$940
Bear, Harold J	36-30-21-Washington-MN	10.0	706	Crop Dryer	1,650
Becker, R. W	13-15-2-Butler-NE	26.1	1,235	Irrigation	1,770
Boer, Clarence	4-98-46-Lyon-IA	2.0	190	Res. Heat	1,550
Bovitz, Mary A	36-58-20-St. Louis-MN	2.0	200	Res. Heat	1,850
Bubert, Walter J	21-114-19-Dakota-MN	2.0	187	Res. Heat	1,250
Buenger, Henry	19-90-39-Cherokee-IA	5.0	380	Res. Heat	1,480
Bunn, Donald B	30-92-8-Fayette-IA	3.0	187	Res. Heat	1,010
Crawford, Arthur	33-92-17-Butler-IA	40.0	282	Crop Dryer	1,420
Curry, John W	19-91-49-Union-SD	30.0	1,132	Crop Dryer	2,290
Dalbec, Bruce	17-120-26-Wright-MN	2.0	206	Res. Heat	950
DeLashmutt, T. C	26-72-43-Mills-IA	60.0	2,279	Crop Dryer	2,220
Denn, Franklin E	26-121-25-Wright-MN	2.0	200	Res. Heat	1,220
Egan, Keith	14-104-51-Minnehaha-SD	2.0	190	Res Heat	1,350
Egner, Robert	6-31-20-Washington-MN	2.4	200	Res. Heat	1,350
Eickhorst, Wm. H	15-14-1-Butler-NE	30.0	1,618	Irrigation	1,680
Elbert, Gerald	12-95-31-Palo Alto-IA	10.0	1,048	Farrowing	1,770
Elsinger, Andrew J	13-92-3 Clayton-IA	3.0	90	Crop Dryer	1,420
Eskov, Roland	4-78-37-Shelby-IA	1.7	330	Res. Heat	1,390
Feist, Marlin E	15-103-24-Faribault-MN	30.0	900	Crop Year	2,040
Gniffke, Aubner E	4-102-20-Freeborn-MN	150.0	5,300	Crop Dryer	2,570
Greathouse, Larry S	33-21-32-Finney-KS	96.0	11,520	Irrigation	1,270
Huebsch, Vernon	16-117-33-Kandiyohi-MN	10.0	354	Crop Dryer	1,420
Johnson, James E	1-86-12-Benton-IA	35.0	2,012	Crop Dryer	1,860
Johnson, John A	12-94-26-Hancock-IA	50.0	653	Crop Dryer	1,410
Kienlen, Chris	36-110-26-LeSueur-MN	30.0	893	Crop Dryer	1,770
Kisner, Lee	21-24-31-Finney-KS	72.0	9,480	Irrigation	1,270
Klar, Jack	13-40-21-Pine-MN	3.0	200	Res. Heat	1,350
Kosel, Llewelyn J	22-109-36-Redwood-MN	2.0	180	Res. Heat	1,640
Louviere, Jessie	10-94-41-O'Brien-IA	2.0	190	Res. Heat	1,480
Mahoney, Joe	12-114-23-Scott-MN	3.0	186	Res. Heat	1,250
McIntosh, Dan R	9-18-11-Washington-NE	1.1	140	Res. Heat	1,370
Mielke, Orville	11-36-31-Benton-MN	10.0	706	Crop Dryer	1,650
Mohr, Thomas S	21-36-21-Chisago-MN	3.0	200	Res. Heat	1,350
Parde, Lauem	21-5-7-Gage-NE	2.0	215	Res. Heat	1,160
Pettis, Carl	2-109-26-LeSueur-MN	3.0	186	Res. Heat	1,510
Pistek, Leonard	2-95-25-Hancock-IA	1.5	215	Res. Heat	1,050
Pleggenkuhle, R	24-94-9-Fayette-IA	2.4	340	Res. Heat	1,010
Ploetz, Francis L	14-106-10-Winona-MN	58.0	2,870	Crop Dryer	1,860
Rudolph, Eugene	5-36-29-Benton-MN	3.0	200	Res. Heat	1,350
Schroeweis, H. D	29-3-6-Gage-NE	4.0	546	Crop Dryer	1,210
Selk, George R	36-87-12-Black Hawk-IA	14.0	805	Crop Dryer	1,420
Sell, John	3-107-12-Olmsted-MN	1.2	146	Res. Heat	1,500
Sinning, Michael	9-95-18-Floyd-IA	1.5	140	Res. Heat	1,050
Stanley, Max E	19-85-17-Marshall-IA	6.0	340	Crop Dryer	1,790
Steffensen, Sydney	35-117-26-Carver-MN	3.0	201	Res. Heat	1,250
Stoltenburg, David C	30-48-16-Carlton-MN	3.0	200	Res. Heat	1,700
Strawzell, Steve	28-113-36-Redwood-MN	24.0	989	Crop Dryer	1,420
Swearingen, Robert	4-104-21-Freeborn-MN	20.0	500	Crop Dryer	2,040
Swenson, Arthur L	12-104-11-Fillmore-MN	56.0	2,070	Crop Dryer	2,040
Tellers Brothers	14-115-25-Carver-MN	24.0	888	Crop Dryer	1,340
Thompson, Tom	32-88-12-Black Hawk-IA	35.0	2,010	Crop Dryer	1,860
Tweeten, Hans	31-102-6-Houston-MN	56.0	2,260	Crop Dryer	2,040
Uecker, Glen	2-103-18-Mower-MN	2.0	230	Res. Heat	1,500
Vonlehe, Rudolph H	12-4-2-Washington-KS	10.5	586	Crop Dryer	1,310
Wilson, Robert F	1-96-21-Cerro Gordo-IA	1.5	187	Res. Heat	1,050
Winter, Donald P	19-95-8-Fayette-IA	2.5	300	Brdr. Heat	1,420
Wurzburger, Kenneth	12-103-18-Mower-MN	12.0	545	Crop Dryer	2,040
Cooper, Glen	34-26-18-Edwards-KS	24.0	2,690	Irrigation	1,260
Total Peoples Natural Gas		1,156.4	71,715		89,440
Totals, all projects		1,169.2	72,895		93,920
Total costs, all projects					94,150

Any person desiring to be heard or to make any protest with reference to said application should on or before December 23, 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. 80-37910 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3533-000]

Public Utility District No. 1 of Clallam County, Washington; Application for Preliminary Permit

December 1, 1980.

Take notice that Public Utility District No. 1 of Clallam County, Washington (Applicant) filed on October 6, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3533–000 to be known as Lyre River Project located on the Lyre River in Clallam County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Philip K. Jackson, Manager, Public Utility District No. 1 of Clallam County, P.O. Box 1117, Port Angeles, Washington 98361. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 25-foot high concrete arch diversion dam across the Lyre River; (2) a 7-foot diameter, 3,000-foot long low pressure pipe; (3) a surge tank; (4) a 6-foot diameter, 2,150-foot long penstock; (5) a powerhouse containing a single generating unit with a rated capacity of 6.2 MW; (6) a 1.6-mile long, 69-kV transmission line connecting the powerhouse to the Applicant's existing 69-kV transmission line south of the diversion dam; and (7) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 29 million kWh.

Purpose of Project—Project energy would be utilized to meet Applicant's load growth within the Clallam County.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary designs, results of geological, environmental, and economic feasibility studies. Applicant has indicated that: (1) no new roads would be required for conducting the studies; and (2) test boring and surveying would be done with minimum disturbance of the project area. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by applicant to be $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 6, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before February 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Notice of Intent to File Competing Application", "Competing Application", "Protest", or "Petition to Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3533–000. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-37911 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-127]

R. Dale Norris, d.b.a. One Stop Auto Shop; Accepting Late-Filed Petition for Review

Issued: November 28, 1980.

On September 22, 1980, R. Dale Norris made a late filing of a petition for review of a decision and order issued February 12, 1980, by the Department of Energy's Office of Hearings and Appeals (DOE Case No. 02-BEE-1028). Notice is hereby given that this late-filed petition for review is accepted for filing. A presiding officer will be appointed in this proceeding shortly.

Kenneth F. Plumb,

Secretary.

[FR Doc. 37912 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 2780, 3220]

Solano Irrigation District, Napa County and Napa County Flood Control and Water Conservation District; Rejecting Unauthorized Filings

Issued: November 28, 1980.

Solano Irrigation District (SID) has filed an application for a license for a proposed project at the U.S. Department of Interior's Water and Power Resources Services' Monticello Dam. Napa County and Napa County Flood Control and Water Conservation District (Napa) have filed an application competing with SID's application. Pursuant to Section 4.33(e) of the Commission's Regulations, 18 CFR, 4.33(e) (1980), SID filed, on July 18, 1980, a response to Napa's application. On October 21, 1980 Napa filed comments on the July 18, 1980 response of SID. *Comments of Napa County and the Napa County Flood Control and Water Conservation District on Response of Solano Irrigation District,* Project No. 3220, filed October 21, 1980 (Napa's October 21, 1980 Comments). SID then filed, on November 3, 1980, a response to Napa's October 21, 1980 comments. *Response of Solano Irrigation District to Comments of Napa County and Napa County Flood Control and Water Conservation District,* Project No. 3220, filed November 3, 1980 (SID's November 3, 1980 Response).

Both filings are rejected.

Napa's October 21, 1980 Comments are not authorized by the Regulations. The Regulations do not authorize any further responsive pleading after SID's July 18, 1980 response. Napa's October 21, 1980 Comments are rejected.

SID's November 3, 1980 Response, in fact, urges a rejection of Napa's October 21, 1980 comments. SID, however, "out of an abundance of caution", filed its November 3, 1980 Response. Since Napa's October 21, 1980 Comments were rejected, SID's November 3, 1980 Response is also rejected.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-37913 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-47-000]

Southwest Gas Corp.; Application

December 1, 1980.

Take notice that on November 12, 1980, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP81-47-000 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 one new tap facility, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate one high pressure tap to facilitate natural gas delivery to residential customers in Humboldt County, Nevada. Applicant states that the facilities downstream of the tap would be constructed in an area certificated by the Public Service Commission of Nevada (PSCN). The tap, it is stated, would be located on Applicant's mainline near milepost 55.80. Applicant states that the sale of gas would be pursuant to existing authority from the PSCN.

Applicant states that the cost of this facility would be approximately $850 which would be financed by a customer advance made to Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 23, 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. 80-37914 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-6-000]

State of Pennsylvania, Section 108 NGPA Determination, J & J Enterprises, Inc., Royal Oil & Gas No. 3 Well, John Fenchak No. 1 Well, JD80-13330, JD80-46004; Request for Withdrawal

Issued: December 1, 1980.

Take notice that on November 18, 1980, J & J Enterprises, Inc. filed with the Commission a request to withdraw its application for section 108 well category determinations under the Natural Gas Policy Act of 1978 (NGPA) for the Royal Oil & Gas No. 3 Well and the John Fenchak No. 1 Well. The determinations for these wells became final by operation of § 275.202 of the Commission's regulations prior to the date on which J & J Enterprises, Inc. requested withdrawal.

J & J Enterprises, Inc. (J & J) requests that the determination proceedings be reopened to reflect the fact that the subject wells do not presently qualify as stripper wells under section 108 of the NGPA. The well determinations made by the Pennsylvania Department of Environmental Resources (Pennsylvania), as accepted by this

Commission, were based on information contained in the applicant's FERC Form 121. the Form 121 contained production data based on incorrect metering, and production from the subject wells was in excess of 60 Mcf per day at the time the applications for determination were filed.

On June 20, 1980, J & J notified Pennsylvania of the meter error regarding the Royal Oil & Gas No. 3 Well, and notified Pennsylvania about the meter error for the John Fenchak No. 1 Well on August 29, 1980. J & J stated that it refunded the purchaser, Consolidated Gas Supply Corporation, the full amount overpaid due to the incorrect well determinations.

Any person desiring to be heard or to make any protests to such request should on or before December 19, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol NE., 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 the proceeding must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-37922 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-45-000]

Transwestern Pipeline Co.; Application

December 1, 1980.

Take notice that on November 10, 1980, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-45-000 an application pursuant to Section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon, during the 12-month period commencing January 1, 1981, and operation of various field compression and related metering and appurtenant facilities, 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 enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment under § 157.7(g) would not exceed $3,000,000 and the cost for any single project would not exceed $500,000. Such costs, it is asserted, would be financed from existing corporate funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 23, 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. 80-37923 Filed 12-05-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Conservation and Solar Energy

[Case No. F-001]

Energy Conservation Program for Consumer Products; Petition for Waiver of Consumer Product Test Procedures From the Carrier Corp.

AGENCY: Department of Energy.

SUMMARY: The energy conservation program for consumer products, other than automobiles, was established pursuant to the Energy Policy Conservation Act. The Department of Energy has amended the Department's regulations for the energy conservation program for consumer products by allowing the Assistant Secretary for Conservation and Solar Energy temporarily to waive test procedure requirements for a particular covered product (45 FR 64108, Sept. 26, 1980). Waivers may be granted when characteristics of the product prevent use of the prescribed test procedures or lead to results that provide materially inaccurate comparative data. Pursuant to paragraph (b) of § 430.27 of the Code of Federal Regulations, DOE is required to publish in the **Federal Register** a Petition for Waiver and supporting documents from which confidential information, as determined by DOE, has been deleted in accordance with 10 CFR Part 207 and 10 CFR 1004.11. Also DOE is required to solicit comments, data and information with respect to the determination of the petition.

DATES: DOE will accept comments, data, and information no later than January 5, 1981.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Solar Energy, Case No. F-001, Mail Stop GH-068, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: James A. Smith, U.S. Department of Energy Office of Conservation and Solar Energy, Room GH-065, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9127. Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Room 6B-128, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9510.

SUPPLEMENTARY INFORMATION:

Background

On September 26, 1980, Carrier Corporation filed an "Application for Exception" with the Office of Hearings and Appeals (OHA) of the Department

of Energy (DOE) in accordance with 10 CFR 205.55. The Carrier exception request pertains to the test procedures specified in 10 CFR Part 430, the Energy Conservation Program for Consumer Products; the tests that manufacturers of certain classes of consumer products are required to perform in determining energy efficiency and consumption estimates for those products. This request seems to be more appropriately handled under the provisions of new section 430.27 "Petitions for Waiver" rather than the exception proceedings of OHA. Effective October 27, 1980, the Assistant Secretary for Conservation and Solar Energy is empowered to waive test procedure requirements pursuant to 10 CFR Part 430 for a particular covered product (45 FR 64108, September 26, 1980). Waivers may be granted when design characteristics of the product prevent the use of the prescribed test procedures or lead to results that provide materially inaccurate comparative data. By letter dated October 16, 1980, the deputy Director of OHA has forwarded this request to the Assistant Secretary for Conservation and Solar Energy. Therefore, the "Application for Exception" from the Carrier Corporation, dated September 26, 1980, will henceforth be considered a "Petition for Waiver" (Case No. F-001) requiring appropriate action by the Assistant Secretary of Conservation and Solar Energy in accordance with the provisions of 10 CFR 430.27.

In consideration of the foregoing and in accordance with the provisions of Part 430.27(b) of Chapter II of Title 10, Code of Federal Regulations, DOE is hereby publishing the "Petition for Waiver" in the **Federal Register** in its entirety. The petition and supporting documents contain no confidential information. DOE is hereby soliciting comments, data and information respecting the determination of the petition.

Issued in Washington, D.C., November 28, 1980.

Frank DeGeorge,

Principal Deputy Assistant Secretary Conservation and Solar Energy.

Petition for Waiver

This is an application for exception from the test procedures set forth in Subpart B of Part 430, Chapter II of Title 10, Code of Federal Regulations applicable to the gas-fired furnace described below which BDP Company ("Applicant") plans to manufacture and commence marketing in November, 1980. This furnace is similar in operation to the induced draft gas furnace manufactured by Heil Quaker Corporation for which the DOE granted an exemption on June 20, 1979. Because of the similarity of furnace operation, this request for exemption follows the format of the 1979 Heil Quaker request.

1. General Description of Applicant's Business

Applicant manufactures and distributes residential heating and air conditioning products for the new construction, replacement and remodeling markets under the Bryant, Day and Night and Payne brand names. Applicant also manufactures heating products for distribution in the same markets by Carrier Air Conditioning Company. Applicant is a Division of Carrier Corporation, which is a subsidiary of United Technologies Corporation.

During recent years, applicant has developed an induced draft gas furnace. During that time, many such furnaces have been fabricated and tested at BDP Company, the Research Division of Carrier Corporation, and at the American Gas Association Laboratories. Beginning in November, 1980, applicant plans to market this furnace.

2. Federal Labeling and Testing Requirements

The induced draft gas furnace is a covered product, being an appliance falling within the "Furnace" category as set forth in 16 CFR Part 305, and therefore, subject to the rules for using energy costs and consumption information in labeling and advertising consumer appliances under the energy policy and conservation act ("Act").

Section 305.5 of 16 CFR Part 305 prescribes the procedures for determining the estimated annual operating cost and energy efficiency rating for covered products. These procedures are found in Subpart B, and are referred to herein as the "Test Procedures".

3. BDP Company Induced Draft Furnace Principles of Operation

The BDP Company induced draft gas furnace is fundamentally equivalent in operation to the Heil Quaker induced draft gas furnace granted an exemption June 20, 1979. The BDP Company induced draft furnace differs in that it includes a draft safeguard system described in Attachment "A". This system includes a small passage through which a minute amount of air is drawn into the combustion system. This opening does not function as, and cannot be treated as, a draft diverter since its area is less than 5% of the flow area of BDP Company's smallest draft diverter.

4. Test Procedures Do Not Adequately Handle Applicant's Product

While the test procedures apply to Applicant's induced draft gas furnace as a covered product under the Act, such procedures do not adequately handle the testing and rating of said furnace for the following reasons:

A. The BDP induced draft gas furnace does not utilize a draft diverter that mixes relief air with the products of combustion prior to discharge into the vent system. Because of this fundamental design difference, applicant cannot determine a system number as required in Paragraph 4.2.1 of Appendix N, Subpart B, Part 430, 10 CFR, in order to calculate the annual fuel utilization efficiency.

B. The previously granted exemption for induced draft gas furnaces (Heil Quaker Corporation, June 20, 1979) does not clearly define Test Procedures relative to the presence of the minute passage in the vent connection area of Applicant's product.

5. The Lack of Correct Test Procedures Is Unfair to Applicant

For the reasons described, Applicant submits that the current system of Test Procedures are not fair to Applicant. Should Applicant be required to adhere to the existing Test Procedures either:

A. Applicant would be legally precluded from marketing a product because of a lack of proper Test Procedures, or

B. Applicant would be required to label and advertise an induced draft furnace which does not have a draft diverter using procedures developed for furnaces with draft diverters, causing gross inaccuracies in labeled and advertised information. Said inaccuracies would both deprive Applicant of an equitable market position and frustrate the intent of Congress in passing the Act.

Finally,

C. Should the Test Procedures not allow for, or improperly treat, the draft safeguard system, Applicant would be forced to redesign the product to eliminate an innovative design feature with a significant potential for national energy savings.

6. BDP Company Induced Draft Gas Furnace Testing

Applicant proposes that this furnace be handled in the most direct manner. This is, the BDP Company induced draft gas furnace would be tested as an induced draft gas furnace but with the draft safeguard passage open and the flue collector and inducer housing uninsulated during the testing. This would include the effects of the conditioned air drawn into the furnace system during the burner on cycle by virtue of the steady state CO_2 measurement and during the off cycle as a result of the DP determination from stack properties. Further, due to the low steady state flue temperature and very low off cycle flow rates, insulation of the flue collector and inducer housing are not necessary.

Applicant's representatives have discussed the above Test Procedure with Dr. David Didion and Dr. George Kelly of the National Bureau of Standards who recommended three alternate possible procedures. Tests were conducted on a BDP Company induced draft gas furnace with the four different procedures. AFUE values ranged from 82.9 to 83.3, with the procedure proposed above giving an AFUE value of 83.0. The tests also showed that the difference between insulating and not insulating the flue collector and inducer housing is less than the normal test variance and very much less than the 5% tolerance applied in applicable certification requirements. The NBS representatives have concurred that the test method as proposed in this request provides equivalent accuracy to other possible methods while not adding unnecessary complication. Details of the various proposed procedures and the test results have been communicated to Mr. John Talbott of the Consumer Product Efficiency Branch of DOE.

In summary, Applicant is confident that the DOE Test Procedure (Section 305.5 of 16 CFR Part 305, Subpart B), System #2 tested with the safeguard passage open and with DS=DF=DP is the best method to rate the BDP Company induced draft gas furnace. And further, that so rating the BDP furnace will provide a level of accuracy equivalent to that resulting from the use of the present DOE procedures with either induced draft or conventional gas furnaces.

Very truly yours,

Edward A. Baily,

Director, Government and Industry Relations.

Attachment "A".—Draft Safeguard System Principles of Operation

The BDP Company induced draft gas furnace operates in essentially the same manner as the Heil Quaker induced draft gas furnace which was granted an exemption June 20, 1979. The BDP Company furnace, however, incorporates a design innovation known as a draft safeguard system. The draft safeguard system allows the induced draft furnace to be installed in a common venting system with a natural draft appliance (typically a natural draft water heater).

The National Fuel Gas Code (ANSI Z223.1) does not allow natural draft appliances to be connected to any portion of an induced draft vent system operating at positive pressure. In addition, induced draft vent systems operating at positive pressures must employ gastight construction. The burner and heat exchanger system of the BDP induced draft gas furnace is specifically designed for operation with induced draft. The design is such that the flow energy of the draft inducer is completely expended inside the furnace as velocity resultant pressure losses. Thus with a properly functioning and adequately sized vent system, the BDP induced draft furnace does not impose a positive pressure on the vent. This allows the BDP induced draft gas furnace to be installed in a common vent of conventional construction, with natural draft appliances.

The presence of an adequate and functioning vent system is essential to safe operation of the appliances in this type of installation. The draft safeguard system, see attached figure, proves the adequacy of vent performance by monitoring the temperature in a small passage (draft safeguard passage) connected to the furnace vent connection. If vent performance is adequate, a small amount of ambient temperature air will be drawn through the passage causing the draft safeguard switch to sense low temperatures. If, for whatever reason, the pressure in the furnace vent becomes positive, a flow of flue products is established through the passage. The draft safeguard switch detects the elevated temperature resulting from the presence of flue products and locks the unit off.

The draft safeguard system does not inherently improve the efficiency of an induced draft furnace. It does, however, provide a substantial opportunity for energy conservation. The energy conservation will result from the increased use of this furnace as a preplacement for older, lower efficiency furnaces presently installed in common vents with water heaters. Without the draft safeguard system, it would not be permissible to use the available common chimney and a new vent system would have to be installed for the furnace. The millions of homeowners with common vented gas furnaces and water heaters, when faced with the cost of a completely new vent system, would in many cases, choose to forgo the energy savings of an induced draft furnace.

[FR Doc. 80-37867 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed Week of October 10 through October 17, 1980

During the week of October 10 through October 17, 1980, the appeals and applications for exception or other relief listed in the Appendix of this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: December 2, 1980.

George B. Breznay,

Director, Office of Hearings and Appeals.

Date	Name and location of applicant	Case No.	Type of submission
Oct. 10, 1980	Combined Resources Group, Salt Lake City, Utah	BEE-1493	Allocation Exception. If granted: Combined Resources Group would receive an exception from the provisions of 10 C.F.R., Part 211, which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Oct. 10, 1980	R. H. Engelke, San Antonio, Texas	BXE-1494	Extension of the Relief granted in *R. H. Engelke*, 5 DOE Par. 81,020 (July 28, 1980). If granted: R. H. Engelke would be permitted to continue to sell the crude oil produced from the Bertha Copsey Lease located in Jackson County, Texas at market prices.
Oct. 10, 1980	Site Oil Company and Flash Petroleum Corporation, Washington, D.C.	BRS, BRT-0111.	Request for Stay and Temporary Stay. If granted: Site Oil Company and Flash Petroleum Corporation would receive a stay and temporary stay of its obligation to file a response to the September 26, 1980, Notice of Probable Violation.
Oct. 10, 1980	Davex Engineering Company, San Diego, California	BFA-0495	Appeal of an Information Request Denial. If granted: The October 3, 1980, denial of a request for information issued by the Regional Program Manager, Small-Scale Appropriate Energy Technology Grants Program, would be rescinded and Davex Engineering Company would receive access to certain DOE materials.
Oct. 14, 1980	Deutsche Corporation, Tulsa, Oklahoma	BFA-0494	Appeal of an Information Request Denial. If granted: The September 11, 1980, denial of a request for information issued by the Acting Assistant Administrator for Enforcement Economic Regulatory Administration would be rescinded, and Deutsche Corporation would receive access to certain DOE materials concerning the mandatory petroleum regulations applicable to crude oil producers and resellers.
Oct. 14, 1980	G & G Alcohol Enterprises, Inc., Gresham, Oregon	BEE-1497	Allocation Exception. If granted: G & G Alcohol Enterprises, Inc. would received an exception from the provisions of 10 C.F.R., Part 211, which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Oct. 14, 1980	Leonard L. Kleinman, Cleveland, Ohio	BFA-0493	Appeal of an Information Request Denial. If granted: The denial of a request for information issued by the District Manager, Central Enforcement District, Economic Regulatory Administration, would be rescinded and Leonard L. Kleinman would receive access to certain DOE materials concerning Malco Industries, Inc., Malco Petroleum Corporation and Falcon Oil Company.
Oct. 14, 1980	Marathon Oil Company/Asamera Oil Company, Findlay, Ohio.	BEJ, BED, BES-0144.	Motions for Protective Order and Discovery and Request for Stay. If granted: Discovery would be granted and Marathon Oil company would enter into a Protective Order with Asamera Oil Company in connection with Asamera Oil Company's Application for Exception and Temporary Exception (Case No. BEE-1491 and BEL-1491). A hearing on Asamera Oil Company's temporary exception application would be stayed until Marathon Oil Company receives a complete and undeleted copy of Asamera Oil Company's Application.
Oct. 14, 1980	Mt. Airy Refining Company, Washington, D.C.	BEE-1496	Exception from the Buy/Sell Program. If granted: Mt. Airy Refining Company would receive an exception from the provisions of 10 C.F.R., Section 211.65, regarding the firm's participation in the crude oil Buy/Sell Program.

Date	Name and location of applicant	Case No.	Type of submission
Oct. 14, 1980	Stellar Electric (Shaw), La Jolla, California	BFA-0497	Appeal of an Information Request Denial. If granted: The September 18, 1980, denial of a request for information issued by the Division of Freedom of Information and Privacy Acts Activities would be rescinded and Stellar Electric would receive access to all information regarding contract XS-9-8279-1, J. C. Schumaker Company.
Oct. 15, 1980	Farmers Union Central Exchange/Marathon Oil Company, Washington, D.C.	BEJ-0145	Motion for Protective Order. If granted: Marathon Oil Company would enter into a Protective Order with Farmers Union Central Exchange regarding the release of proprietary information to Marathon Oil in connection with Farmers Union Central Exchange's Applications for Exception and Temporary Exception (Case Nos. BEE, BEL-1340).
Oct. 15, 1980	Frederick Walentynowicz, Washington, D.C.	BRH, BRD-1283.	Motions for Evidentiary Hearing and Discovery. If granted: Discovery would be granted and an Evidentiary Hearing would be convened in connection with the Statement of Objections submitted by Frederick Walentynowicz in response to the Proposed Remedial Order issued to the firm (Case No. BRO-1283).
Oct. 15, 1980	Getty Oil Company/Tosco Corporation	BRJ-0146	Motion for Protective Order. If granted: Getty Oil Company would enter into a Protective Order with Tosco Corporation regarding the exchange of proprietary information in connection with the Statement of Objections filed in response to a Proposed Remedial Order (Case No. DRO-0382) issued to Getty Oil Company.
Oct. 15, 1980	Joe A. Rudberg (Thompson and Knight), Dallas, Texas.	BFA-0496	Appeal of an Information Request Denial. If granted: The September 16, 1980, denial of a request for information issued by the Economic Regulatory Administration would be rescinded and Joe A. Rudberg would receive access to all documents pertaining to the practice by crude oil resellers of "pooling" certifications of crude oil.
Oct. 15, 1980	Wolff Development, Inc., San Diego, California	BEE-1498	Allocation Exception. If granted: Wolff Development, Inc. would receive an exception from the provisions of 10 C.F.R., Part 211, which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Oct. 16, 1980	Fulbright and Jaworski, Houston, Texas	BFA-0498	Appeal of an Information Request Denial. If granted: The September 10, 1980, denial of a request for information issued by the Office of Special Counsel for Compliance would be rescinded and Fulbright and Jaworski would receive access to information regarding benzene toluene incentive regulations.
Oct. 16, 1980	Marathon Oil Company, Washington, D.C.	BRD-1295	Motion for Discovery. If granted: Discovery would be granted to Marathon Oil Company in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. BRO-1295) issued to the firm.
Oct. 16, 1980	Simons and Simons, Washington, D.C.	BFA-0499	Appeal of an Information Request Denial. If granted: The September 9, 1980, denial of a request for information issued by the Deputy Assistant Secretary for International Energy Resources would be rescinded and Simons and Simons would receive access to certain DOE materials.
Oct. 16, 1980	Somerset Refining, Inc., Washington, D.C.	BEE, BEL-1500	Exception and Temporary Exception from the Entitlements Program. If granted: Somerset Refining, Inc. would receive an exception and a temporary exception form the provisions of 10 C.F.R., Section 211.67, which would modify its entitlements purchase obligations.
Oct. 17, 1980	Grannis Petroleum Products, Coeur d'Alene, Idaho.	BEA-0500	Appeal of an Assignment Order. If granted: The April 4, 1979, Assignment Order issued to Osburn Gas Mart by the Economic Regulatory Administration, Region X, would be modified, regarding Grannis Petroleum Products' supply obligations to Osburn Gas Mart.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of October 10 through October 17, 1980]

If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline.

Name	Case No. and date	State
Ray Peppelman, Inc	BEX-0119, 10/14/80	Pa.
Reed, Carl L	BEE-1495, 10/14/80	Md.
Cathey's Valley Mobil Station.	BEE-1499, 10/16/80	Calif.

Notices of Objection Received

[Week of Oct. 10 through Oct. 17, 1980]

Date	Name and location of applicant	Case No.
10/10/80	341 Tract Unit, The, Washington, D.C.	DEE-7746

Notices of Objection Received—Continued

[Week of Oct. 10 through Oct. 17, 1980]

Date	Name and location of applicant	Case No.
10/15/80	Glen Ellyn Standard, Glen Ellyn, Ill.	BEE-0670
10/16/80	Atlantic Richfield Co., Los Angeles, Calif.	BEE-1294

[FR Doc. 80-38030 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed Week of October 3 Through October 10, 1980

During the week of October 3 through October 10, 1980, the appeals and applications for exception or other relief listed in the Appendix of this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: December 2, 1980.

George B. Breznay,

Director, Office of Hearings and Appeals.

Date	Name and location of applicant	Case No.	Type of submission
Oct. 3, 1980	Apex Oil Company, Washington, D.C.	BEE-1485	Exception from the Entitlements Program. If granted: Apex Oil Company would receive an exception from the provisions of 10 C.F.R., Section 211.67, which would modify its entitlements purchase obligations.
Oct. 6, 1980	Champlin Petroleum Company, Fort Worth, Texas	BXE-1487	Extension of relief granted in *Champlin Petroleum Company*, 1 DOE Par. 80,144 (1977). If granted: Champlin Petroleum Company would be permitted to continue to sell the crude oil produced from the Fault Block II, III, and IV Units located in Wilmington Field, California at upper tier ceiling prices.

Date	Name and location of applicant	Case No.	Type of submission
Oct. 6, 1980	Conoco, Inc., Houston, Texas	BEX-0117	Supplemental Order. If granted: Two factual inaccuracies and several clerical errors in the September 25, 1980 Decision and Order issued to Conoco, Inc. (Case No. BFA-0453) would be corrected.
Oct. 6, 1980	Duncan, Allen & Mitchell (Ortman), Washington, D.C.	BFA-0490	Appeal of an Information Request Denial. If granted: The August 29 and September 9, 1980 denials of requests for information issued by the Western Area Power Administration (WAPA) Area Manager and WAPA's Freedom of Information Officer would be rescinded and Duncan, Allen & Mitchell would receive access to documents pertaining to the proposed power rate increase for the Colorado River Storage Project.
Oct. 6, 1980	Tenneco Oil Company, Washington, D.C	BRD-0073	Motion for Discovery. If granted: Discovery would be granted to Tenneco Oil Company in connection with the Statement of Objections submitted in response to the June 23, 1980 Proposed Remedial Order (Case No. BRO-1280) issued to Tenneco Oil Company by the Office of Special Counsel.
Oct. 6, 1980	Wald, Harkrader and Ross, Washington, D.C	BFA-0488	Appeal of an Information Request Denial. If granted: The September 2, 1980 denial of a request for information issued by the Division of Freedom of Information and Privacy Acts Activities would be rescinded and Wald, Harkrader and Ross would receive access to certain DOE material.
Oct. 7, 1980	Asamera Oil (U.S.) Inc., Washington, D.C	BEE-1491 & BEL-1491.	Exception from the Entitlements Programs. If granted: Asamera Oil (U.S.) Inc. would receive an exception and temporary exception from the provisions of 10 C.F.R., Section 211.67, increasing the firm's entitlements sales obligations.
Oct. 7, 1980	BDP Company, Syracuse, New York	BEE-1489	Exception from the Energy Conservation Program for Consumer Products. If granted: BDP Company would receive an exception from the provisions of 10 C.F.R., Part 430, which would permit the firm to modify the energy efficiency test procedures applicable to the gas fired furnace.
Oct. 7, 1980	Energy Action Educational Foundation, Washington, D.C.	BFA-0491	Appeal of an Information Request Denial. If granted: The Energy Action Educational Foundation would receive access to memoranda prepared by the Special Advisor to the Secretary, regarding the financing of the Alaska Natural Gas Transportation System.
Oct. 7, 1980	Idaho Statesman (Rosenwald), Boise, Idaho	BFA-0489	Appeal of an Information Request Denial. If granted: The September 4, 1980, denial of a request for information issued by the Idaho Operations Office of the Department of Energy would be rescinded and the Idaho Statesman would receive access to documents pertaining to alternatives to the use of the underground injection well at the Idaho Chemical Processing Plant.
Oct. 7, 1980	Irwin, R. A. and Buck, J. R., Houston, Texas	BEE-1488	Price Exception. If granted: Irwin, R.A. and Buck, J. R. would be permitted to sell the crude oil produced from the South Texas Development Company, Well #1 located in Matagorda County, Texas at upper tier ceiling prices.
Oct. 7, 1980	R. W. Tyson Producing Company, Jackson, Mississippi.	BER-0065	Request for Modification/Rescission. If granted: The April 10, 1980, Decision and Order (Case No. DEE-3145) issued to R. W. Tyson Producing Company by the Office of Hearings and Appeals would be modified.
Oct. 7, 1980	Thriftway Company, Washington, D.C	BXE-1490	Exception from the Entitlements Program. If granted: Thriftway Company would receive an exception from the provisions of 10 C.F.R., Section 211.67, which would modify its entitlements purchase obligations.
Oct. 8, 1980	Farmland Industries, Inc., Kansas City, Missouri	BEE-1492	Exception from the Entitlements Program. If granted: Farmland Industries, Inc., would receive an exception from the provisions of 10 C.F.R., Section 211.67 which would modify its entitlements purchase obligations.
Oct. 8, 1980	Powerine Oil Company, Los Angeles, California	BES-0109	Request for Stay. If granted: Powerine Oil Company would receive a stay of the September 15, 1980, Decision and Order to the firm by the Office of Hearings and Appeals pending judicial review.
Oct. 8, 1980	Thriftway Company, Washington, D.C	BEX-0118	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Thriftway Company during its fiscal year ended August 1980, to determine whether the level of relief accorded the firm was appropriate.
Oct. 8, 1980	Tri-Service Drilling Company, Midland, Texas	BRS-1293	Request for Stay. If granted: Tri-Service Drilling Company would receive a stay of the obligation to submit a portion of its Statement of Objections (Case No. BRO-1293) to a Proposed Remedial Order pending the Motion for Discovery which the firm has filed.
Oct. 9, 1980	Navajo Refining Company, Dallas, Texas	BEX-0120	Supplemental Order. If granted: Navajo Refining Company would receive a stay of a portion of its entitlements purchase obligations during the period of October 1980 to March 1981, to account for crude oil receipts and runs to stills during the period of August 1980 to January 1981.
Oct. 10, 1980	Stephen M. Shaw, La Jolla, California	BFA-0492	Appeal of an Information Request Denial. If granted: The September 9, 1980, denial of a request for information issued by the Office of Procurement Management would be rescinded, and Stephen M. Shaw would receive access to information regarding Contract No. 954878, field organization FPL-LSA Coors Porcelain, Golden, Colorado.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of Oct. 3 to Oct. 10, 1980]

If granted: The following firm would be granted relief which would increase its base period allocation of motor gasoline.

Name	Case No. and date	State
Moody, Frank	BEE-1486, Oct. 6, 1980.	Minn.

Notices of Objection Received

[Week of October 3 Through October 10, 1980]

Date	Name and location of applicant	Case No.
Oct. 6, 1980	Amerada Hess Corp., New York, N.Y.	BEE-1310

Notices of Objection Received —Continued

[Week of October 3 Through October 10, 1980]

Date	Name and location of applicant	Case No.
Oct. 6, 1980	Mobil Oil Corp., Fairfax, Va.	BEE-1281
Oct. 6, 1980	Tenneco Oil Co., Houston, Tex.	BEE-1401
Oct. 7, 1980	Advanced Sales Corp., St. Petersburg, Fla.	BXE-1348
Oct. 7, 1980	Ashland Oil, Inc., Ashland, Ky.	BEE-1377
Oct. 7, 1980	Gasol, Inc., Hillsboro, Oreg.	BEE-0961
Oct. 7, 1980	Murray Oil Co., Oklahoma City, Okla.	BEE-0507
Oct. 7, 1980	Western Biomass Services, Inc., Bellingham, Wash.	BEE-0471
Oct. 6, 1980	Southwestern Refining Co., Washington, D.C.	BXE-1268
Oct. 8, 1980	First Texarkana Co., Texarkana, Ark.	DEE-4763

Notices of Objection Received —Continued

[Week of October 3 Through October 10, 1980]

Date	Name and location of applicant	Case No.
Oct. 7, 1980	Gasohol Enterprises Co., Encino, Calif.	BEE-0819
Oct. 8, 1980	Chevron, U.S.A., Washington, D.C.	BEE-1359
Oct. 9, 1980	Shell Oil Co., Houston, Tex.	BEE-1309
Oct. 9, 1980	Davison Dawn Donuts, Inc., Washington, D.C.	DEE-7758
Oct. 10, 1980	Standard Oil Co., of Ohio, Cleveland, Ohio.	BEE-1391
Oct. 10, 1980	Atlantic Richfield Co., Los Angeles, Calif.	BEE-1311
Oct. 10, 1980	Sun Oil Co., of Pa., Philadelphia, Pa.	BEE-1349

[FR Doc. 80-38032 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 7G1955/T259A; PH-FRC 16944]

Aldicarb; Renewal of a Temporary Tolerance; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects a document that published in the Federal Register of September 26, 1980 (45 FR 63917) FR Doc. 80–29805. The chemical name appeared incorrectly and the word "expires" was omitted.

FOR FURTHER INFORMATION CONTACT: John A. Richards, Federal Register Staff (TS–788), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. EB–42, 401 M St., SW., Washington, D.C. 20460, (202–426–4232).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of September 26, 1980, that a temporary tolerance had been renewed from the combined residues of the nematocide and insecticide aldicarb. In the 1st and 3rd paragraphs, correct the chemical name to read: "* * * aldicarb (2-methyl-2-(methylthio)/propionaldehyde *O*-methylcarbamoyl)oxime) and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl) propionaldehyde *O*-(methylcarbamoyl)oxime and 2-methyl-2-(methylsulfonyl)-propionaldehyde *O*-(methylcarbamoyl)oxime * * * Also correct the first line in the last paragraph to read: "* * *. This temporary tolerance expires on June 11, 1981* * * ".

Dated: December 21, 1980.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80–37967 Filed 12–5–80; 8:45 am]

BILLING CODE 6560–32–M

[SA-FRL 1694-8]

Science Advisory Board, Sampling Protocol Study Group; Change in Meeting Location

Under Pub. L. 92–463, notice is hereby given that the meeting of the Sampling Protocol Study Group of the Science Advisory Board scheduled for December 11, 1980 and announced in the Federal Register (SA–FRL 1679–2) has changed its location. The new location is Holiday Inn—West, 14707 West Colfax Avenue, Golden, Colorado 80401, in the Windsor Room. Any member of the public wishing further information regarding this change in location or regarding the meeting should contact the U.S. Environmental Protection Agency, Science Advisory Board, Washington, D.C. 20460. Please ask for Mrs. Joanna Foellmer or Dr. Douglas B. Seba. The telephone number is (202) 472–9444.

Dated: December 1, 1980.

Richard M. Dowd, Ph.D.,

Staff Director, Science Advisory Board.

[FR Doc. 80–37968 Filed 12–5–80; 8:45 am]

BILLING CODE 6560–34–M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 80–730, File No. BRCT–348]

Faith Center, Inc., Station WHCT–TV, Hartford, Conn.; Renewal of License

Order and Notice of Apparent Liability

Adopted: November 18, 1980.

Released: December 1, 1980.

By the Commission: Commissioner Fogarty absent; Commissioner Jones concurrning in the result.

1. The Commission has before it for consideration the above-captioned application of Faith Center, Inc. (Faith Center) for renewal of license for Station WHCT–TV, Hartford, Connecticut.[1]

2. In addition to the captioned station, Faith Center is the licensee of Station KVOF–TV, San Francisco, KHOF–TV, San Bernardino and KHOF(FM), Los Angeles, California. By *Order and Notice of Apparent Liability*, FCC 78–674, released October 11, 1978, the Commission designated the renewal application (File No. BRCT–747, Docket 78–326) of Faith Center of KHOF–TV for hearing on issues to determine whether Faith Center had conducted fraudulent over-the-air fundraising and had refused to cooperate with Commission investigators. However, the issues were never resolved. By *Memorandum Opinion and Order*, FCC 80M–459, released March 17, 1980, the Administrative Law Judge dismissed the KHOF–TV application, with prejudice, on the basis of the licensee's failure to prosecute its application. The Judge stated that Faith Center "rendered neither strict compliance nor good faith compliance" with the requirements of his Order, FCC 79M–1466, released December 4, 1979, compelling responses to Broadcast Bureau discovery. The Commission affirmed the Judge's Order by *Memorandum Opinion and Order*, FCC 80–602, released November 3, 1980.

3. In view of the fact that these basic qualification issues remain outstanding against Faith Center, questions are raised as to whether the captioned applicant possesses the qualifications to be or remain the licensee of Station WHCT–TV.[2] Thus, the Commission is unable to find that a grant of the Station WHCT–TV license renewal application would serve the public interest, convenience and necessity. Accordingly, the captioned application must be designated for hearing based upon those issues left unresolved in the KHOF–TV proceeding.[3]

4. Therefore, it is ordered, That the captioned application is designated for hearing pursuant to Section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent Order upon the following issues:[4]

(a) To determine all the facts and circumstances surrounding Faith Center, Inc.'s failure to permit Commission access to certain licensee books, records and employees.

[1] The application was timely filed on December 1, 1977. It has been maintained in "deferred status" pending the outcome of the proceeding in Docket 78–326. On April 25, 1980, Faith Center filed an application for assignment of license to Television Corporation of Hartford. On July 13, 1980, The Department of Communications of the Capitol Region Conference of Churches *et al.* filed a petition to deny the assignment application. Action on the application will be held in abeyance pending resolution of this proceeding. However, should petitioners have information relevant to the issues designated herein, upon an appropriate showing, they may petition to intervene in the proceeding pursuant to Section 1.223 of the Commission's Rules.

[2] Other information pertaining to Faith Center's qualifications was secured by the Broadcast Bureau in the course of a post-designation investigation, and filed in the Docket 78–326 proceeding on February 28, 1980 in a "Contingent Petition to Enlarge Issues." The Administrative Law Judge did not address the substance of the petition in light of his order dismissing the KHOF–TV application. The matters stated in that petition as well as other information pertaining to Faith Center's qualifications may be raised by the Broadcast Bureau in a petition to enlarge issues filed in this proceeding and ruled upon by the presiding Administrative Law Judge.

[3] No separate Bill of Particulars will be issued in this proceeding in that the basis of these issues has been set forth in a Bill of Particulars issued in Docket 78–326.

[4] If Faith Center chooses to act pursuant to the distress sale policy such election should take place within twenty (20) days of the release of this Order. While we do not normally specify a definite day by which the distress sale election should occur, other than prior to commencement of hearing, the circumstances here require departure from our general practice. Faith Center has already been given considerable time to contemplate election of the distress sale option and indicated an intent to sell Station WHCT–TV in the context of the KHOF–TV proceeding. Thus, the 20-day period will not prejudice the applicant. Early election is required here to avoid the same factual situation that occurred in the KHOF–TV proceeding, where discovery continued for over a year, culminating in a late request for distress sale by Faith Center. (See *Memorandum Opinion and Order*, FCC 80–602, released November 3, 1980.) Early election will prevent the unnecessary expenditure of resources for litigation by all parties.

(b) To determine whether Faith Center, Inc., failed to submit information requested by the Commission in the Commission's letter dated June 15, 1978.

(c) To determine whether in its over-the-air fundraising broadcasts, Faith Center, Inc., violated or is in violation of, Title 18, United States Code, Section 1343.

(d) To determine the effect of the foregoing on Faith Center's basic qualifications; and whether grant of the captioned renewal application would be in the public interest, convenience and necessity.

5. It is further ordered, That if it is determined that the hearing record does not warrant an Order denying the captioned application for renewal of license for Station WHCT–TV, it shall also be determined whether the applicant has violated Title 18 U.S.C. § 1343. If so, it shall also be determined whether an Order of Forfeiture pursuant to Section 503(b) of the Communications Act of 1934, as amended, in the amount of $20,000 or some lesser amount, should be issued for any such violations.

6. It is further ordered, That this document constitutes a Notice of Apparent Liability for forfeiture for violation of Title 18 U.S.C. § 1343. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of Section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we *stress* that the inclusion of this notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

7. It is further ordered, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (c), and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a license of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

8. It is further ordered, That to avail itself of the opportunity to be heard, the applicant herein, pursuant Section 1.221(c) of the Commission's Rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this Order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. It is further ordered, That the applicant herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by Section 73.3594(g) of the Rules.

10. It is further ordered, That the Secretary of the Commission send a copy of this Order by Certified Mail, Return Receipt Requested to Faith Center, Inc., licensee of Station WHCT–TV, Hartford, Connecticut.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-37921 Filed 12-5-80; 8:45 am]

BILLING CODE 6712-01-M

Meeting of the Advisory Committee on Radio Broadcasting and Its Technical and Allocations Subgroups

The following open meeting will be held on Tuesday, January 6, 1981, at the time stated below, in Room A–110 of the FCC Annex, 1229 20th Street, N.W., Washington, D.C.:

A. The tenth meeting of the Advisory Committee on Radio Broadcasting, starting at 9:30 a.m. The agenda will be:

1. Call to order by the Chairman;
2. Approval of minutes of previous meeting;
3. Recess for conduct of meetings of the Subgroups on Allocations and Technical Matters;
4. Reconvening of meeting of the Advisory Committee;
5. Receipt of reports by Allocations Subgroups;
6. Receipt of reports by Technical Subgroup;
7. Submission of reports to the FCC;
8. Other business;
9. Future meeting dates;
10. Adjournment.

B. The third meeting of the Subgroup on Radio Spectrum Allocations, starting after Item No. 3 of the Advisory Committee Agenda. The agenda for the subgroup will be:

1. Call to order;
2. Approval of minutes of previous meeting;
3. Reports on tasks performed by members of the Subgroup;
4. Assignment of further tasks to be performed and reported by designated persons;
5. Other business;
6. Next meeting date;
7. Adjournment.

C. The third meeting of the Subgroup on Technical Matters, starting upon conclusion of the third meeting of the Subgroup on Radio Spectrum Allocations. The agenda will be:

1. Call to order;
2. Approval of minutes of previous meeting;
3. Reports on tasks performed by members of the Subgroup;
4. Assignment of further tasks to be performed and reported to the Subgroups;
5. Other business;
6. Next meeting date;
7. Adjourment.

If it should not be possible to complete consideration of an entire agenda on the scheduled date, that meeting will be continued at an announced date and time.

All interested parties are invited to participate and may submit comments, addressed to Mr. Henry L. Baumann, Chairman, Advisory Committee on Radio Broadcasting, Federal Communications Commission, Washington, D.C. 20554.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-37920 Filed 12-5-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

West Texas Fowarding Co., Inc., 1616 Texas Avenue, P.O. Box 815, Lubbock, TX 79408, Officers: Charles Smith, President/Director, Tom Smith, Secretary, Treasurer/Director, Tommie Jo Smith, Vice President/Director

Arrow Express, Inc., 3386 N.W. 78th Avenue, Miami, FL 33122, Officers: Jose Olano, President, Francisco Albalate, Vice President

Accelerated Drawback Services Inc. d.b.a. Accelerated Services, 303 Mercer St., New York, NY 10003, Officers: Richard Weinstock, President, Robert S. Traina, Secretary

Cargoza Forwarding Corporation, 807 SW 25th Avenue, No. 210, Miami, FL 33155, Officers: Francisco Zamora, President/Secretary/Director, Bart C. Vidal, Treasurer/Director

All Shore Forwarders (Brian Alan Weiner, d.b.a.), 1866 Burnett St., Brooklyn, NY 11229

Wilson American Company, Inc. of Illinois, 2601 Greenleaf Avenue, Elk Grove Village, IL 60007, Officers: Fred J. Glantz, President, Edward H. Jordan, Vice President, Paul K. Trensch, Vice President, Wolf R. Thuemmel, Vice President, Bernhard Ryding, Director, Hakan Larsson, Director, Per U. Vranum, Director, Larry I. Serlin, Secretary, Robert C. Pedersen, Controller

Intercorp Forwarders Ltd., 32 Broadway, Suite 1712, New York, NY 10004, Officers: Robert Stettner, President, Serena Stettner, Secretary, Milton Stettner, Treasurer

Latinvan, Inc., 7280 NW 32nd St., Miami, FL 33122, Officers: Manuel E. Rojas, President/General Manager, Libia B. Rojas, Secretary/Treasurer

Dated: December 2, 1980.

By Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-37872 Filed 12-5-80; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 80-81]

Kelco, Division of Merck & Co. v. Johnson Line; Filing of Complaint and Assignment

Notice is given that a complaint filed by Kelco, Division of Merck & Company against Johnson Line was served November 26, 1980. Complainant alleges that it has been subjected to payment of rates for transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Seymour Glanzer. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 80-37873 Filed 12-5-80; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1908]

Sandcaribe, Inc.; Order of Revocation

On November 19, 1980, Sandcaribe, Inc., 8275 W. 12th Avenue, Hialeah, FL 33014, surrendered its Independent Ocean Freight Forwarder License No. 1908 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 1908 issued to Sandcaribe, Inc. be and is hereby revoked effective November 19, 1980, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Sandcaribe, Inc.

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 80-37874 Filed 12-5-80; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, 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 the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 18, 1980. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No.: T-15-5.

Filing Party: Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, P.O. Box 60046, New Orleans, Louisiana 70160.

Summary: Agreement No. T-15-5, between the Board of Commissioners of the Port of New Orleans (Port) and Continental Grain Company (Continental), modifies the parties' basic agreement which provides for Continental's construction and operation of a grain elevator at Westwego, Louisiana. The purpose of the modification is to clarify or delete provisions of the original agreement so as to permit the financing, through the issuance of Industrial Development Revenue Bonds by this Port, of the reconstruction of the grain elevator facility at Westwego, Louisiana, within the limits of the Port of New Orleans, which grain elevator was destroyed by explosion and fire on December 22, 1977.

Dated: December 3, 1980.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-37937 Filed 12-5-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies, Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage de novo (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or

unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than January 2, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. Citicorp, New York, New York (investment and financial advisory services; Southern California): to engage through a *de novo* office of Citicorp Investment Management, Inc. in acting as an investment and financial advisor to the extent of (i) providing portfolio investment advice, including investment management services, to individuals, partnerships, corporations, trusts and other persons, and (ii) furnishing general economic information and advice, general statistical forecasting services and industry studies. Such activities would be conducted from an office to be located in Beverly Hills, California, serving Southern California.

2. Citicorp, New York, New York (consumer finance and insurance activities; California, Nevada, and Arizona): to engage through its indirect subsidiaries, Citicorp Person-to-Person Financial Center, Inc. and Nationwide Financial Corporation of California, in making or acquiring loans and other extensions of credit to finance the purchase of mobile homes, modular homes, or manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loan. These activities would be conducted from two existing offices in the cities of San Diego and Concord, California. Previously approved activities are: purchasing for its own account and servicing sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting personal and real property subject to a security agreement with each of the above named corporations, and to the extent permissible under applicable state insurance laws and regulations; making or acquiring loans and other extensions of credit, secured or unsecured, for consumer and other purposes; and the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes. Credit related life, accident and health insurance will be offered with all the aforementioned credit products of these offices and may be underwritten by Family Guardian Life Insurance Company. The previously approved service area of the San Diego office is comprised of the entire states of California, Nevada and Arizona. The previously approved service area of the Concord office is comprised of the entire states of California and Nevada.

B. *Federal Reserve Bank of Philadelphia* (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

Heritage Bancorporation, Cherry Hill, New Jersey (mortgage banking and insurance activities; Pennsylvania, Florida): to engage, through its subsidiary, Heritage Mortgage Finance Company, in making or acquiring for its own account or for the account of others, loans secured by mortgages on commercial or residential property, construction projects or vacant land; servicing of mortgage loans which will include FHA, VA and commercial loans; and acting as an agent for credit life, accident and health insurance on mortgage loans originated or serviced by its subsidiary. These activities would be conducted from offices in Lancaster, Pennsylvania, and West Palm Beach, Florida, serving Pennsylvania and Flordia.

C. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Harris Bankcorp, Inc., Chicago, Illinois, (financing and insurance activities; Illinois): to engage, through a wholly owned subsidiary known as Harriscorp Finance, Inc., in making or acquiring for its own account first mortgage residential real estate loans, secured and unsecured installment loans and other extensions of credit (including through acceptance of drafts), primarily to individuals, and selling participations in group mortgage and credit life and group mortgage and credit health and accident insurance coverage directly relating to such loans and other extensions of credit. Such activities will be conducted at an office in Bloomingdale, Illinois. The geographic area to be served is the west quadrant of the six-county Chicago SMSA (i.e., Dupage County and Cook County). Comments on this application must be received by December 26, 1980.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, December 1, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-37925 Filed 12-5-80; 8:45 am]

BILLING CODE 6210-01-M

Denver City Bancshares, Inc.; Formation of Bank Holding Company

Denver City Banshares, Inc., Denver City Texas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares (less directors' qualifying shares) of Yoakum County Bancshares, Inc., Denver City, Texas, and thereby, control of Yoakum County State Bank, Denver City, Texas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 1, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-37926 Filed 12-5-80; 8:45 am]

BILLING CODE 6210-01-M

Summit Agency, Inc., Proposal To Continue To Engage in Insurance Activities

Summit Agency, Inc., Minneapolis, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in the activities of acting as broker or agent for the provision of insurance to it and its

subsidiary bank; and acting as broker or agent with respect to insurance related to extensions of credit by its subsidiary bank in Minneapolis, Minnesota, and the geographic area to be served is the Minneapolis/St. Paul metropolitan area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of §225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any person wishing to coment on the application should submit views in writing to the Reserve Bank to be received not later than December 24, 1980.

Board of Governors of the Federal Reserve System, December 1, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-37927 Filed 12-5-80; 8:45 am]

BILLING CODE 6210-01-M

Summit Agency of Richfield, Inc.; Proposal To Continue To Engage in Insurance Activities

Summit Agency of Richfield, Inc., Minneapolis, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to continue to engage in the activities of acting as broker or agent in providing insurance for itself and for its subsidiary bank; and of acting as broker or agent with respect to insurance related to extensions of credit by its subsidiary bank. These activities would be performed from offices of Applicant's subsidiary in Richfield, Minnesota, and the geographic area to be served is the Minneapolis/St. Paul metropolitan area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 24, 1980.

Board of Governors of the Federal Reserve System, December 1, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-37928 Filed 12-5-80; 8:45 am]

BILLING CODE 6210-01-M

Summit Southview Holding Corp.; Proposal To Continue To Engage in Insurance Activities

Summit Southview Holding Corporation, Minneapolis, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in the activities of acting as broker or agent for the provision of insurance to it or its subsidiary bank and of acting as broker or agent with respect to insurance related to extensions of credit by its subsidiary bank. These activities would be performed from offices of Applicant's subsidiary in St. Paul, Minnesota, and the geographic area to be served is the Minneapolis/St. Paul metropolitan area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 24, 1980.

Board of Governors of the Federal Reserve System, December 1, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-37929 Filed 12-5-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 129; Case No. 748]

The Potomac Electric Power Company, the Public Service Commission of the District of Columbia; Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Public Service Commission of the District of Columbia concerning the application of the Potomac Electric Power Company for an increase in its electric rates. GSA represents the interest of the executive agencies of the U.S. Government as users of utility services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Albert A. Vicchiolla, Assistant General Counsel, Transportation and Public Utilities

Division, General Services Administration, 425 I Street, N.W., Washington, DC (mailing address: General Services Administration (LT), Washington, DC 20406), telephone 202–275–6101, on or before January 7, 1981, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4)

Dated: November 12, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80-37877 Filed 12-5-80; 8:45 am]

BILLING CODE 6820-AN-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Work Group on Tuberculosis Therapy; Open Meeting

On January 8 and 9, 1980, the Centers for Disease Control will convene an open meeting of a work group to review and refine a proposed protocol for the chemotherapy of polmonary tuberculosis. The meeting is open to the public, limited only by space available.

The meeting is scheduled to convene at 9:00 a.m. in Classroom 1, Building 2, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia.

Additional information may be obtained from: Dixie E. Snider, Jr., M.D., Chief, Research and Development Branch, Tuberculosis Control Division, Bureau of State Services, Centers for Disease Control, Atlanta, Georgia 30333, Telephones: Commercial: 404/329–2523, FTS: 236–2523.

Dated: December 1, 1980.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 80-37978 Filed 12-5-80; 8:45 am]

BILLING CODE 4110-86-M

Health Resources Administration

Nursing Education Programs, Study of Federal Financial Support; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of October 8, 1980, by the Secretary of Health and Human Services to the Assistant Secretary for Health (45 FR 76517) the Assistant Secretary for Health has delegated to the Administrator, Health Resources Administration, with authority to redelegate, the authority delegated to the Assistant Secretary for Health under Title I, Section 113 of Public Law 96–76 (42 U.S.C. 296 note) providing for a study of Federal financial support for nurse training programs.

The delegation to the Administrator, Health Resources Administration, became effective on October 8, 1980.

Dated: October 8, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

[FR Doc. 80-37887 Filed 12-5-80; 8:45 am]

BILLING CODE 4110-83-M

Nurse Training, Title VIII of the Public Health Service Act; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of October 8, 1980, by the Secretary of Health and Human Services to the Assistant Secretary for Health (45 FR 76517) the Assistance Secretary for Health has delegated to the Administrator, Health Resources Administration, with authority to redelegate, all the authority delegated to the Assistant Secretary for Health under Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.), as amended, pertaining to nurse training.

Previous delegations to the Administrator, Health Resources Administration, of authorities under Title VIII of the Public Health Service Act have been superseded. Provision has been made for delegations to other officials within the Health Resources Administration of authorities under Title VIII of the Public Health Service Act to continue in effect for no longer than 90 days from the effective date of the delegation to the Administrator, Health Resources Administration, provided they are consistent with the delegation to the Administrator, Health Resources Administration.

The delegation to the Administrator, Health Resources Administration, became effective on October 8, 1980.

Dated: October 8, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

[FR Doc. 80-37886 Filed 12-5-80; 8:45 am]

BILLING CODE 4110-83-M

Health Services Administration

Sudden Infant Death Syndrome Program Announcement of Competitive Grant Applications

The Bureau of Community Health Services (BCHS), Health Services Administration, announces that competitive applications for Sudden Infant Death Syndrome (SIDS) Information and Counseling project grants, as described in the Catalog of Federal Domestic Assistance No. 13.292, are now being accepted under the grant program established by section 1121(b) of the Public Health Service (PHS) Act (42 U.S.C. 300c–11). There will be one funding cycle during fiscal year 1981.

Section 1121(b) of the PHS Act authorizes project grants to public and nonprofit private entities for support of SIDS projects for the collection, analysis, and furnishing of information (derived from postmortem examination and other means) relating to the causes of SIDS and the provision of information and counseling to families affected by SIDS.

Regulations applicable to this program are set forth at Subpart E of Part 51a of Title 42, Code of Federal Regulations, "Project Grants for SIDS Information and Counseling," published on June 6, 1975 (40 FR 24436).

Scope of This Program Announcement: This program announcement identifies the general program objectives and funding priorities of the Project Grants for SIDS Information and Counseling Program for fiscal year 1981.

A. Program Purposes: There are approximately 7,000 cases of SIDS in the United States each year. These deaths occur in all geographical areas and socioeconomic classes, as well as in all ethnic and racial groups. The purposes of these project grants are to provide comprehensive, coordinated and humanitarian services to families whose infants have died suddenly and unexpectedly and to learn more about this syndrome. The SIDS program, administered by the Office of Maternal and Child Health in BCHS, currently provides grant funds to 42 organizations in 37 States.

B. Eligible Applicants: Any public or nonprofit private entity is eligible to apply for a grant under this announcement. Individuals are not eligible applicants. Applicants with evidence of active support of the various community resources necessary to provide a comprehensive approach to this serious problem are encouraged.

C. Available Funds: Congressional approval of a fiscal year 1981 appropriation for this program is pending and may not materialize. If funding does becomes available, it is estimated there will be $1,525,000 for new and competing extension grants.

An application for a new grant is a request for financial assistance for a project not currently receiving Federal support and is awarded on a

competitive basis. An application for a competing extension grant is a request for the extension of support for one or more budget periods of a project period which would otherwise expire.

It is expected that approximately 29 new and competing extension grants will be awarded pursuant to this announcement. The range of funds per grant is expected to be from $19,000 to $175,000, with the average award expected to be $75,500. Generally, grants will be awarded for project periods of 1 to 3 years. The funds currently available will sustain the budget of the new and extension projects for a 1-year budget period. Support for subsequent budget periods within the project period depends on: (1) the availability of funds; (2) the Secretary's assessment of the grantee's satisfactory performance on the project for which the grant was awarded, and (3) the likelihood of the grantee's continued contribution to the priorities of the SIDS program.

D. Program Objectives and Priorities for Funding: The applicable regulations require grantees to furnish services, including: (1) encouraging and, as necessary, arranging for or providing autopsies in sudden and unexpected deaths of infants; (2) encouraging the use of SIDS as a cause of death on the death certificate where appropriate; (3) prompt notification of the parents about the cause of death, within a 24-hour period, wherever possible; (4) information and voluntary counseling of families affected by a SIDS loss; (5) consultation and arrangements with official and voluntary community resources for referral of families affected by SIDS; (6) education of such resources to deal with SIDS cases including the provision of general information as well as specific short-term training activities deemed appropriate by the grantee; and (7) collection and dissemination of information on SIDS cases in the project area to appropriate public officials and interested members of the general public in the project area.

Prioirity will be given to applicants:

1. which would serve an area with a population of 1 million or more persons;

2. which would be located in a geopraphic area with an infant mortality rate higher than the national average;

3. which have the available community resources enabling them to meet the requirements of the program (See 42 CFR 51a.505); and

4. which are assured of community support and provide an indication of how continuation of services will be maintained after Federal funding ceases.

E. The Application Process: A-95 Clearinghouse Project Notification and Review; Health Systems Agency Review.

1. *A-95 Clearinghouse Project Notification and Review.* In compliance with the Department of Health and Human Services (HHS) implementation of Office of Management and Budget Circular No. A-95 Revised, applicants which request grant support must, prior to submission of an application, notify both the State and Areawide A-95 Clearinghouses of their intent to apply for Federal assistance. If the application is for a statewide project which does not affect areawide or local planning and programs, the notification need be sent only to the State Clearinghouse (listed at 42 FRF 2210, January 10, 1977).

The clearinghouse must be notified at least sixty (60) days before the deadline for receipt of applications by the Department of Health and Human Services, (HHS). Applications will not be formally reviewed without clearinghouse comments (which should be included with the application), or verification that no comments were made within the applicable period available to the clearinghouse for comment.

2. *Health Systems Agency Review.* Applicants requesting grant support must submit applications to the appropriate health systems agency(s) at least sixty (60) days prior to the deadline for receipt of applications by HHS.

3. *Application Consideration.* Applications which are late, incomplete or otherwise do not conform to this announcement, will not be accepted for review, and applicants will be notified accordingly. All other applications will be subject to a competitive review and evaluation in accordance with the established objective review process.

For additional program information, including technical assistance for the preparation of applications, please write or telephone: Mrs. Geraldine J. Norris, SIDS Program Director, BCHS, Parklawn Building, Room 7-36, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: 301 443-6600.

Once the Secretary has decided (see item F of this notice) to disapprove applications, or if funds are not available to support all approved applications, the affected applicants will be notified.

F. Criteria for Review and Evaluation of Applications: Applications will be reviewed and evaluated in terms of criteria which are set forth in SIDS program regulations (42 CFR Part 51a, Subpart E). Applicants will be furnished with application forms and instructions (see item H of this notice).

G. Closing Date for Receipt of Applications: The closing date for receipt of applications under this program announcement is March 3, 1981. Applications may be mailed or hand delivered. Hand delivered applications are accepted during the hours of 8:30 a.m. and 5:00 p.m.

An application will be considered to have arrived by the closing date if the application is in the Grants Management Branch (see item H, below) on or before the announced closing date.

Applications which are received after the closing date will not be reviewed and evaluated for the program.

H. Availability of Application Forms: Application kits, including all necessary forms, instructions, and information may be obtained from, and completed applications returned to the address below:

Grants Management Branch, BCHS, Room 6-49, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: November 2, 1980.

George I. Lythcott, M.D.,

Administrator.

[FR Doc. 80-37878 Filed 12-5-80; 8:45 am]

BILLING CODE 4110-84-M

Office of Human Development Services

Federal Allotment to States for Social Services Expenditures Pursuant To Title XX of the Social Security Act; Promulgation for Fiscal Year 1982

Promulgation is made of the Federal Allotment for social services for purposes of grants to States under Title XX of the Social Security Act, pursuant to Section 2002(a)(2) of the Act which provides that the Federal Allotment for social services shall be determined and promulgated in accordance with said section. Section 2002(a)(17) of the Act further states that up to 8 percent of the State's limitation shall be available for Child Day Care services at 100 percent. Accordingly, up to $240,000,000.00 of the $3,000,000,000.00 allocated for social services in Fiscal Year 1982 is available for, but not limited to, Child Day Care services reimbursable at 100 percent. Should a State so choose, their portion of the $240,000,000.00 may be used for other services at 75 percent.

For Fiscal Year 1982, the Allotment limits are based on the Bureau of the Census population statistics contained in its publication, "Current Population Reports" (Series P-25, No. 876 issued February 1980) which is the most recent satisfactory data available from the Department of Commerce at this time as

to the population of each State and of all States.

It is hereby promulgated, for purposes of Grants to States for social services under Title XX, that the Federal Allotment to each of the 50 States and the District of Columbia for the Fiscal Year ending September 30, 1982, as determined pursuant to the Act and on the basis of said population data, shall be as set forth below:

Fiscal Year 1982

	Social services	Child day care	Total
Total	$2,760,000,000	$240,000,000	$3,000,000,000
Alabama	47,262,764	4,109,806	51,372,570
Alaska	5,091,187	442,712	5,533,899
Arizona	30,722,678	2,671,537	33,394,215
Arkansas	27,336,914	2,377,123	29,714,037
California	284,579,778	24,746,068	309,325,846
Colorado	34,760,515	3,022,654	37,783,169
Connecticut	39,061,691	3,396,669	42,458,360
Delaware	7,298,204	634,626	7,932,830
District of Columbia	8,226,154	715,318	8,941,472
Florida	111,103,236	9,661,151	120,764,387
Georgia	64,166,508	5,579,696	69,746,204
Hawaii	11,473,980	997,737	12,471,717
Idaho	11,348,581	986,833	12,335,414
Illinois	140,810,184	12,244,364	153,054,548
Indiana	67,715,291	5,888,286	73,603,577
Iowa	36,390,698	3,164,409	39,555,107
Kansas	29,706,949	2,583,213	32,290,162
Kentucky	44,228,117	3,845,923	48,074,040
Louisiana	50,385,192	4,381,321	54,766,513
Maine	13,756,236	1,196,194	14,952,430
Maryland	52,015,375	4,523,076	56,538,451
Massachusetts	72,342,502	6,290,652	78,633,154
Michigan	115,454,570	10,039,528	125,494,098
Minnesota	50,911,866	4,427,119	55,338,985
Mississippi	30,459,341	2,648,638	33,107,979
Missouri	61,031,540	5,307,091	66,338,631
Montana	9,856,337	857,073	10,713,410
Nebraska	19,737,754	1,716,326	21,454,080
Nevada	8,802,988	765,477	9,568,465
New Hampshire	11,122,863	967,206	12,090,069
New Jersey	91,942,317	7,994,984	99,937,301
New Mexico	15,561,977	1,353,215	16,915,192
New York	221,303,601	19,243,792	240,547,393
North Carolina	70,298,504	6,112,913	76,411,417
North Dakota	8,238,694	716,408	8,955,102
Ohio	134,565,330	11,701,333	146,266,663
Oklahoma	36,265,300	3,153,504	39,418,804
Oregon	31,688,248	2,755,500	34,443,748
Pennsylvania	147,105,199	12,791,756	159,896,955
Rhode Island	11,649,538	1,013,003	12,662,541
South Carolina	36,766,895	3,197,121	39,964,016
South Dakota	8,639,969	751,302	9,391,271
Tennessee	54,924,625	4,776,054	59,700,679
Texas	167,783,441	14,589,865	182,373,306
Utah	17,142,000	1,490,609	18,632,609
Vermont	6,182,155	537,579	6,719,734
Virginia	65,169,697	5,666,930	70,836,627
Washington	49,231,524	4,281,002	53,512,526
West Virginia	23,549,873	2,047,815	25,597,688
Wisconsin	59,186,180	5,146,798	64,334,978
Wyoming	5,642,940	490,691	6,133,631

Dated: October 25, 1980.

Barbara J. Sabol,

Director, Office of Program Coordination and Review.

Approved: December 2, 1980.

Cesar A. Perales,

Assistant Secretary for Human Development Services.

[FR Doc. 80-37998 Filed 12-5-80; 8:45 am]

BILLING CODE 4110-92-M

Public Health Service

Technical Assistance Demonstration Grant and Contracts Under Section 340A of the Public Health Service Act; Delegations of Authority

Notice is hereby given that is furtherance of the delegation by the Secretary of Health and Human Services to the Assistant Secretary for Health on September 4, 1980 (45 FR 76517) the following delegation and redelegations have been made regarding Technical Assistance Demonstration Grants and Contacts under section 340A of the Public Health Service Act (42 U.S.C. 256a), as amended.

1. Delegation from the Assistant Secretary for Health to the Administrator, Health Services Administration, with authority to redelegate, of all the authorities delegated by the Secretary to the Assistant Secretary for Health under section 340A of the Public Health Service Act, as amended. The delegation to the Assistant Secretary for Health excluded the authorities to (1) issue regulations, (2) establish the Primary Health Care Advisory Committee, and (3) appoint members to the Primary Health Care Advisory Committee.

2. Redelegation from the Acting Administrator, Health Services Administration, to the Regional Health Adminstrators, with authority to redelegate, of all the authority under section 340A of the Public Health Service Act, as amended, to administer, within their respective regions, technical assistance demonstration grants to public and private entities to assist such entities in meeting their costs of providing technical assistance to entities engaged in the planning, development or operation (or in any combination of such activities) of migrant health centers under section 329 of the Public Health Service Act, as amended, community health centers under section 330 of the Public Health Service Act, as amended, or any other centers for the delivery of primary health care.

3. Redelegation from the Acting Administrator, Health Services Administration, to the Director, Bureau of Community Health Services, Health Services Administration, with authority to redelegate, of all the authorities delegated to the Administrator, Health Services Administration for Technical Assistance Demonstration Grants and Contracts under section 340A of the Public Health Service Act, as amended, except those specifically delegated by the Administrator, Health Services Administration, to the Regional Health Administrators.

The above delegation and redelegations were effective on September 29, 1980.

Dated: September 29, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-80-10-47]

Proposed Amendment to System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed amendment to existing system of records.

SUMMARY: The Department is giving notice that it intends to amend the following Privacy Act system of records: HUD/H-1, Section 8 Lower-Income Rental Assistance Files.

EFFECTIVE DATE: The amendments shall become effective without further notice on January 5, 1981, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-557-0605. this is not a toll free number.

SUPPLEMENTARY INFORMATION: The System location, Storage, Retrievability, Safeguards, Record access procedures, System manager identification, and Contesting record procedures section of the Section 8 Lower-Income Rental Assistance Files (HUD/H-1) are being amended to accurately identify the System Manager and to clarify and to accurately describe the facts that this is not an automated system of records, and that it is located in Field offices but not in Headquarters. Additionally, "Authority for maintenance of the system" is being added and "Categories of individuals covered by the system" is being made more specific by adding the words "except for existing housing and moderate rehabilitation programs" immediately following the words "Tenants in Section 8 Program". Headquarters has been deleted from "System location." The words "Magnetic tape/disc/drum" in the "Storage" section have been replaced by "Paper records in file cabinets." The words "Inquiry capability by HUD management output interface with HPMC Section 8 MIS (occupancy characteristics)" have been deleted from "Retrievability." The words "Computer facilities are secured and accessible only by authorized personnel and all files are stored in a secured area. Technical restraints are employed with regard to accessing the computer and data files" in "Safeguards" have been replaced by the words "Records are maintained in secured areas with access limited to authorized personnel." A new system manager has been named. The words "at Headquarters" in "Record access procedures" have been replaced by the words "at the appropriate location." The words "at the Headquarters location" in "Contesting record procedures" have been replaced by the words "at the appropriate location." Previously, the system was published at 45 FR 67622 (October 10, 198). Appendix A, which lists the addresses of HUD's Field offices was published at 45 FR 67626 (October 10, 1980). The notice describing Section 8 Lower-Income Rental Assistance Files (HUD/H-1) is being amended to read as follows:

HUD/H-1

SYSTEM NAME:

Section 8 Lower-Income Rental Assistance Files.

SYSTEM LOCATION:

Many Field Offices. For a complete list of these offices, with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Tenants in Section 8 Program except for existing housing and moderate rehabilitation programs.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Housing Act of 1937 (P.L. 73-479); Housing and Community Develoment Act of 1974 (P.L. 93-383).

* * * * *

STORAGE:

Paper records in file cabinets.

RETRIEVABILITY:

Name of tenant.

SAFEGUARDS:

Records are maintained in secured areas with access limited to authorized personnel.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Special Assistant to the Director
Office of MF Management and Occupancy (HMH)
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

* * * * *

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Office at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

(5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., December 2, 1980.

Vincent J. Hearing,

Deputy Assistant Secretary for Administration.

[FR Doc. 80-37993 Filed 12-5-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6673-A2]

Alaska Native Claims Selection; Kokhanok Native Corp., Application

On December 11, 1975, Kokhanok Native Corporation, for the Native village of Kokhanok, filed selection application AA-6673-A2 under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Kokhanok.

On January 5, 1980, in accordance with Title 10, Chapter 05 of the Alaska Business Corporation Act, and as authorized by Pub. L. 94-204, Sec. 30 (89 Stat. 1148), Kokhanok Native Corporation and Ugashik Native

Corporation merged into Alaska Peninsula Corporation with Alaska Peninsula Corporation being the surviving corporation.

On December 5, 1975, Bristol Bay Native Corporation filed regional selection application AA–8097–13 pursuant to Sec. 12(c) of ANCSA for the surface and subsurface estates of certain lands in the Kokhanok area. The following described lands have been properly selected by Kokhanok Native Corporation and Departmental regulation 43 CFR 2651.4(d) states:

"Village corporation selections within sections 11(a)(1) and (a)(3) areas shall be given priority over regional corporation selections for the same lands."

Therefore, regional selection application AA–8097–13 is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

T. 8 S., R. 30 W.
Secs. 2, 3, and 4, all;
Secs. 10 and 11, all.
Containing approximately 3,200 acres.

Further action on regional selection application AA–8097–13 as to those lands not rejected herein will take place at a later date.

On November 14, 1978, the State of Alaska filed general purposes grant selection application AA–21708, as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)), for certain lands in the Kokhanok area.

The following described lands have been properly selected by Kokhanok Native Corporation. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select *vacant, unappropriated,* and *unreserved* public lands in Alaska. Therefore, the following State selection application is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State selection AA–21708

T. 8 S., R. 30 W.
Secs. 2, 3, and 4, all;
Secs. 10 and 11, all.
Containing approximately 3,200 acres.

Further action on the subject State selection application as to those lands not rejected herein will be taken at a later date. The State selected lands rejected above were not valid selections and will not be charged against the village corporation as State selected lands.

As to the lands described below, the application submitted by Kokhanok Native Corporation, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(b) of ANCSA, aggregating approximately 3,200 acres, is considered proper for acquisition by Alaska Peninsula Corporation as successor in interest to Kokhanok Native Corporation, and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Unsurveyed)

T. 8 S., R. 30 W.
Secs. 2, 3, and 4, all;
Secs. 10 and 11, all.
Containing approximately 3,200 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Alaska Peninsula Corporation (for the village of Kokhanok) has been reallocated 3,415 acres of land pursuant to Sec. 12(b) of the Alaska Native Claims Settlement Act. To date, approximately 3,200 acres of the 12(b) reallocation have been approved for conveyance. The remaining entitlement of approximately 215 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be granted to the Bristol Bay Native Corporation when conveyance is granted to Alaska Peninsula Corporation as successor in interest to Kokhanok Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies within the described lands considered to be navigable.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Anchorage Times.* Any party claiming a property interest in land affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until January 7, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street; Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501

Alaska Peninsula Corporation, Box 334, King Salmon, Alaska 99613

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 80-37952 Filed 12-5-80; 8:45 am]

BILLING CODE 4310-84-M

[AA-6676-A2]

Alaska Native Claims Selection; Koliganek Natives Ltd., Application

On December 10, 1975, Koliganek Natives Limited, for the Native village of Koliganek, filed selection application AA-6676-A2 under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Koliganek.

On November 14, 1978, the State of Alaska filed general purposes grant selection applications AA-21664 and AA-21665, as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)), for certain lands in the Koliganek area.

The following described lands have been properly selected by Koliganek Natives Limited. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select *vacant, unappropriated,* and *unreserved* public lands in Alaska. Therefore, the following State selection applications are hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA-21664

T. 5 S., R. 46 W.
Secs. 27 and 28, all.
Containing approximately 1,280 acres.

State Selection AA-21665

T. 5 S., R. 48 W.
Sec. 4, all.
Containing approximately 640 acres.
Aggregating approximately 1,920 acres.

Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date. The State selected lands rejected above were not valid selections and will not be charged against the village corporation as State selected lands.

As to the lands described below, the application submitted by Koliganek Natives Limited, as amended, is properly filed and meets the requirements of the Native Alaska Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(b) of ANCSA, aggregating approximately 1,920 acres, is considered proper for acquisition by Koliganek Natives Limited, and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Unsurveyed)

T. 5 S., R. 46 W.
Secs. 27 and 28, all;
Containing approximately 1,280 acres.

T. 5 S., R. 48 W.
Sec. 4, all.
Containing approximately 640 acres.
Aggregating approximately 1,920 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

The village of Koliganek has been reallocated 2,130 acres of land pursuant to Sec. 12(b) of the Alaska Native Claims Settlement Act. To date, approximately 1,920 acres of the 12(b) reallocation have been approved for conveyance. The remaining entitlement of approximately 210 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be granted to the Bristol Bay Native Corporation when conveyance is granted to Koliganek Natives Limited for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies within the described lands considered to be navigable.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Anchorage Times.* Any party claiming a property interest in land affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until January 7, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau

of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501

Koliganek Natives Limited, Koliganek, Alaska 99576

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 80-37951 Filed 12-5-80; 8:45 am]

BILLING CODE 4310-84-M

[AA-6679-A2]

Alaska Native Claims Selection

On December 5, 1975, Manokotak Natives Limited, for the Native village of Manokotak, filed selection application AA-6679-A2 under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the Manokotak area.

On December 5, 1975, Bristol Bay Native Corporation filed regional selection application AA-8097-16 pursuant to Sec. 12(c) of ANCSA for the surface and subsurface estates of certain lands in the Manokotak area. The following described lands have been properly selected by Manokotak Natives Limited and Departmental regulation 43 CFR 2651.4(d) states:

Village corporation selections within sections 11(a)(1) and (a)(3) areas shall be given priority over regional corporation selections for the same lands.

Therefore, regional selection application AA-8097-16 is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

T. 13 S., R. 61 W.
Secs. 19, 20, and 21, all;
Secs. 29, 30, 31, and 32, all.
Containing approximately 4,381 acres.

Further action on regional selection application AA-8097-16 as to those lands not rejected herein will take place at a later date.

On November 14, 1978, the State of Alaska filed general purposes grant selection applications AA-21993 and AA-21994 pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)), for certain lands in the Manokotak area.

The following described lands have been properly selected by Manokotak Natives Limited. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select *vacant, unappropriated,* and *unreserved* public lands in Alaska. Therefore, the following State selection applications are hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA-21993

T. 13 S., R. 61 W.
Secs. 19, 20, and 21, all;
Secs. 29, 30, 31, and 32, all.
Containing approximately 4,381 acres.

State Selection AA-21994

T. 14 S., R. 57 W.
Secs. 31, 32, and 33, all.
Containing approximately 1,900 acres.
Aggregating approximately 6,281 acres.

The State selected lands rejected above were not valid selections and will not be charged against the village corporation as State selected lands. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.

As to the lands described below, the application submitted by Manokotak Natives Limited, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(b) of ANCSA, aggregating approximately 6,893 acres, is considered proper for acquisition by Manokotak Natives Limited and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Unsurveyed)

T. 14 S., R. 57 W.
Secs. 31, 32, and 33, all.
Containing approximately 1,900 acres.

T. 13 S., R. 61W.
Secs. 19, 20, and 21, all;
Secs. 29, 30, 31, and 32, all.
Containing approximately 4,381 acres.

T. 14 S., R. 61 W.
Sec. 6, all.
Containing approximately 612 acres.
Aggregating approximately 6,893 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement map in case file AA-6679-EE, is reserved to the United States. All easements are subject to applicable Federal, State or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 3 C5) An easement for an existing access trail twenty-five (25) feet in width from the village of Dillingham westerly to Manokotak and Twin Hills. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is not provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703, 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

The village of Manokotak has been reallocated 7,349 acres of land pursuant to Sec. 12(b) of the Alaska Native Claims Settlement Act. To date, approximately 6,893 acres of the 12(b) reallocation have been approved for

conveyance. The remaining entitlement of approximately 456 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to the Bristol Bay Native Corporation when conveyance is granted to Manokotak Natives Limited for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There were no inland water bodies considered to be navigable within the above-described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Anchorage Times*. Any party claiming a property interest in land affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after unreasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until January 7, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501

Manokotak Natives Limited, Manokotak, Alaska 99576

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 80-37953 Filed 12-5-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

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 some of its proposed negotiating positions for the third regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora and requests information and comments on them. The Service also announces a public meeting with regard to the proposed negotiating positions and with regard to proposals to amend the lists of species in Appendices I and II of the Convention. The Service reopens several comment periods.

ADDRESSES: Information and comments on proposed negotiating positions and other 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 will be 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 December 11, 1980. The Service will consider information and comments concerning proposed negotiating positions received by December 26, 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, May 9, 1980) accepted some suggestions for additions to the provisional agenda (45 FR 53238, August 11, 1980), published its acceptance of several proposed U.S. negotiating positions (45 FR 58413, September 3, 1980), modified that acceptance (45 FR 74569, November 10, 1980), and published items added to the provisional agenda of the meeting on the suggestions of several parties (45 FR 75005, November 13, 1980). Each of these notices has requested information and comments. Four public meetings have been held in connection with the requests for information and comments. The Service in this notice is publishing some of the proposed negotiating positions in summary form on the items of the provisional agenda, as amended (see 45 FR 75005, November 13, 1980), with the exception of certain proposed negotiating positions still in the process of being develop.

What follows is a summary of the proposed negotiating positions on the items of the provisional agenda, as amended; a summary of the information and comments received in response to the notices previously mentioned; and a summary of the bases of the proposed negotiating positions. This information is presented in the same order as the related items appear in the provisional agenda, as amended.

I. Opening by the Indian Authorities

Proposed Negotiating Position: At this time, the Service believes that no position is needed.

Information and Comments: None received.

Basis of Proposed Negotiating Position: Not applicable.

II. Welcoming Addresses

Proposed Negotiating Position: No position is needed.

Information and Comments: None received.

Basis of Proposed Negotiating Position: Not applicable.

III. Appointment of Credentials Committee

Proposed Negotiating Position: Being developed.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Not applicable.

IV. Adoption of the Agenda and Working Programme

Proposed Negotiating Position: The United States should support the adoption of the provisional agenda as amended (see 45 FR 75005, November 13, 1980) and the provisional working programme.

Information and Comments: None received.

Basis for Proposed Negotiating Position: The provisional agenda, as amended, was developed under a Standing Committee recommendation that limits the number of nonspecies agenda items and requires that any additions to the provisional agenda be submitted approximately five months prior to the meeting to enable the Parties to adequately prepare their positions. Any attemps to add agenda items at the time of the meeting would be contrary to this recommendation.

The provisional working programme, a daily schedule of agenda items and events, was developed in consultation with the Standing Committee. It makes provision for working group meetings in the afternoons to meet the concerns of small delegations. An official copy of the provisional working programme has not yet been received from the Secretariat.

V. Report of the Credentials Committee

Proposed Negotiating Position: Being developed.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Not applicable.

VI. Adoption of Rules of Procedure

Proposed Negotiating Position: The United States supports the adoption the provisional rules of procedure.

Information and Comments: None received.

Basis for Proposed Negotiating Position: The provisional rules of procedure are the same ones used at previous meetings. There have been no problems with them.

VII. Admission of Observers

Proposed Negotiating Position: The United States supports the admission as observers of all representatives of agencies or bodies technically qualified in protection, conservation, or management of wild fauna and flora.

Information and Comments: Most comments supported observer status for all technically qualified agencies or bodies although there were two comments which expressed a preference that the number of nongovernmental observers should be smaller than at previous meetings.

Basis for Proposed Negotiating Position: It is believed that participation of nongovernmental organizations at meetings of the Conference of the Parties is a beneficial one on the whole. The United States has requested that U.S. nongovernmental organizations limit their representation at the meeting on a voluntary basis. So far, there have been fewer requests for observer status than there were for the second regular meeting (San Jose 1979).

VIII. Report of Standing Committee

Proposed Negotiating Position: Being developed.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Not applicable.

IX. Report of the Secretariat

Proposed Negotiating Position: Being developed.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Not applicable.

X. Financing of the Secretariat and of Meetings of the Conference of the Parties

(1) Budget

Proposed Negotiating Position: The United States supports appropriate legal steps to be taken by the parties to provide for interim party funding by extending the current Terms of Reference adopted in San Jose in 1979 for at least two more years. The United States encourages all parties to ratify the financial amendment to CITES adopted in Bonn in 1979 and to make their voluntary contributions as soon as possible. The United States encourages the Secretariat to submit detailed long-range budget plans so that the parties' fiscal obligations are clear and predictable.

Information and Comments: Comments were supportive of the proposed negotiating position. One commenter opposed funding from nongovernmental sources.

Basis for Proposed Negotiating Position: A decrease in UNEP funding of the Secretariat has made party contributions crucial to its effective operation. The parties at San Jose 1979 adopted interim financial Terms of Reference pending entry into force of a treaty amendment adopted at Bonn 1979 which would substitute party funding for UNEP funding of Secretariat operations. Since not enough parties have ratified the amendment for its entry into force, the interim terms will have to be extended. For further information see the **Federal Register** of Wednesday, September 3, 1980 (45 FR 58414).

XI. Relationship with other international agreements and organizations

(1) European Community (E.C.)

Proposed Negotiating Position: The United States would probably support adequate common customs controls for the E.C. and would support E.C. accession to CITES if it is decided by the community that it has competence in this area, and if it is agreed among the parties to CITES that amending the Convention to permit accession would be desirable and feasible.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Current CITES provisions allow EC members to remove customs controls between them and establish a common external customs control. Common controls should be so structured as to provide a degree of effectiveness similar to individual country controls. By definition, only a state can be a party to the Convention. The Convention would have to be amended to enable the EC to accede to it. Proposals to amend the Convention should not be taken lightly given their potential, in many instances, for disharmony.

(2) International Plant Protection Convention (IPPC)

Proposed Negotiating Position: The United States should support appropriate efforts to relate the work of CITES to that of the IPPC.

Information and Comments: None received.

Basis for Proposed Negotiating Position: IPPC controls international plant trade to prevent the spread of plant pests and diseases. The potential exists for mutual assistance between CITES and IPPC.

(3) International Whaling Convention

Proposed Negotiating Position: Being developed.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Not applicable.

XII. Committee Reports and Recommendations

1. Technical Expert Committee on Harmonization of Permit Forms and Procedure

Proposed Negotiating Position: Being developed. Comments on some of the Technical Expert Committee proposals

were transmitted on September 10, 1980 to the Secretariat.

Information and Comments: Several comments were received urging amendment of resolutions drafted by the Technical Expert Committee to assure that obligations of the parties are not characterized otherwise.

Basis for Proposed Negotiating Position: Not applicable.

2. Identification Manual Committee

Proposed Negotiating Position: The U.S. supports the continued development of the identification manual and urges all countries and organizations to do likewise.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Species identification material for port and border officers is limited. Accurate and expeditious identification of specimens is essential to the successful enforcement of CITES.

3. Nomenclature Committee

Proposed Negotiating Position: Being developed. The Service has not been notified of a UNEP response to the Secretariat's request for funding further development of the species nomenclature. The Service has supported this project in the past and will probably favor its continued development.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Not applicable.

4. Ranching Committee

Proposed Negotiating Position: The United States opposes the draft resolution of the ad hoc Committee on Ranching of Appendix I species because it is premature and inappropriate. A more thorough analysis of the problem of trade in Appendix I ranched specimens is necessary. The United States supports the view that geographically separate populations of Appendix I specimens could qualify for downlisting to Appendix II under the "Berne Criteria" and thereby be eligible for commercial trade.

Information and Comments: All comments received from within the United States agree that the ad hoc committee's draft resolution should be opposed; most agree that more study of the issue is necessary.

Basis for Proposed Negotiating Position: The ad hoc committee's paper and draft resolution does not discuss in detail the current extent of ranching and its various methods, its impact on the species and habitats, or on similar species; nor does it explain how commercial trade of Appendix I ranched specimens is possible in light of the necessity for obtaining an import permit based, in part, on a finding that the importation will not be used primarily for commercial purposes. The ad hoc committee's paper and draft resolution does not include a discussion of what criteria should be established for determining whether trade in ranched Appendix I specimens is acceptable.

XIII. Study and Project Reports

1. Guidelines for the preparation and transport of live animals and plants

Proposed Negotiating Position: The United States supports the development of an international reporting system for stressed specimens by the Technical Expert Committee on Harmonization of Permit Forms and Procedures for submission to the fourth regular meeting of the Conference of the Parties.

Information and Comments: All of the several comments received were in favor of such a system. Some suggested details to be added to the report form.

Basis for Proposed Negotiating Position: In order to administer and evaluate the guidelines, Management Authorities need to know whether shipments of live specimens were in fact shipped in accordance with them. This information can best be obtained from the inspecting officials of the country of import. For further discussion see 45 FR 58414, September 3, 1980.

2. Status of subspecies included in the Appendices

Proposed Negotiating Position: Being developed. Awaiting report of the Species Conservation Monitoring Unit of the Survival Service Commission.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Not applicable.

3. Species thought to be extinct included in the Appendices

Proposed Negotiating Position: Being developed. Awaiting the report of the Species Conservation Monitoring Unit of the Survival Service Commission.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Not applicable.

4. Exemptions under Article VII of the Convention

Proposed Negotiating Position: The United States should urge the parties to form a working group immediately after the adoption of the agenda, to study the report of the Secretariat and to make recommendations to the meeting on further steps to be taken to solve the problems associated with Article VII. The United States should support the adoption of the United Kingdom's draft resolution concerning the meaning of the term trans-shipment in Article VII.1 (Transit exception). The United States should seek the adoption of a recommendation which would interpret Article VII.2 (Pre-Convention exception) in such a manner that the date when the Convention applies to a specimen is the date when the species to which it belongs is first included in the appendices, and that the word "acquired" means the initial removal of specimens from the wild or production of specimens in a controlled environment.

Information and Comments: Primarily comments were directed at the problem of abuses of the transit exception by commercial traders claiming the exception while seeking purchasers in several possible countries of destination. Some commenters preferred setting a specific number of days that a trans-shipment would have to enter and leave the country. One commenter urged that the U.S. position developed for the San Jose 1979 meeting concerning the Pre-Convention exception be the one used for this meeting.

Basis for Proposed Negotiating Position: The Secretariat's report on its study of the Article VII exceptions will not in all likelihood contain any recommendations as to how to resolve problems posed by Article VII exceptions. The complexities of the issues make it desirable for a working group to study the Secretariat's report and recommend further action. The United Kingdom's draft resolution concerning the term trans-shipment would require that trans-shipment be uninterrupted, and that country of destination documentation be available on importation. This would tend to eliminate "shopping" for a country of destination by persons claiming the exception. Some further modification of the United Kingdom proposal to take into account national law, the well-being of live specimens, and the availability of transportation and to require presentation of country of destination documentation upon importation to avoid switching destinations may be desirable. The U.S. position on the interpretation of the Pre-Convention exception is essentially the same as the one adopted for the San Jose 1979 meeting.

5. Index of species mentioned in legislation

Proposed Negotiating Position: The United States favors the continued

development of an international index of species mentioned in the legislation.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Readily available information concerning domestic controls on CITES species in other countries would assist in assessing the validity under CITES of importations of such species. Such information would also be helpful in the enforcement of domestic laws similar to the U.S. Lacey Act.

6. Report of IUCN/SSC Threatened Plants Committee

Proposed Negotiating Position: Being developed. A report on which the proposed position will be based has not yet been received.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Not applicable.

7. Technical cooperation, training and implementing legislation

Proposed Negotiating Position: Being developed.

Basis for Proposed Negotiating Position: Not applicable.

XIV. Interpretation and Implementation of the Convention

1. Analysis of national reports under Article VIII, paragraph 7, of the Convention by Tec. [Technical Expert Committee]

Proposed Negotiating Position: The United States supports a proposal to ask the Technical Expert Committee on Harmonization of Permit Forms and Procedures to review the annual national trade statistical reports at the meeting and to report to the plenary session.

Information and Comments: None received.

Basis for Proposed Negotiating Position: A review of the reports could disclose administrative problems which could be brought to the attention of the Parties in the context of the meeting.

2. Effects of Reservation

Proposed Negotiating Position: In general, the United States opposes the taking of reservations concerning species related to Appendices I, II, III. The United States urges those Parties with such reservations to consider the reasons underlying the taking of those reservations and to consider withdrawing them.

Even though a reserving Party (which takes a reservation on the adoption of a proposal to remove a species from the appendices or to change its status from one appendix to another) may view itself as a Party for purposes of that particular species and consider the species as retaining its former status, the other Parties shall treat the reserving Party as a state not a Party to the Convention with respect to trade in that species. The Parties should consider the impacts of trade with nonparties on the effectiveness of the Convention and steps to reduce any impacts.

Parties may take reservations on species contained in amendments to the appendices regarding higher taxa.

Information and Comments: Two commenters urged use of so-called "Pelly Act" trade sanctions against parties with reservations.

Basis for Proposed Negotiating Position: Reservations interfere with effective control of world trade in wildlife and plants under the Convention by creating a loophole where a Party is treated as a nonparty. Reservations make the system more complex to administer and reduce the mutuality of the Convention in that Parties fully control reserved species and reserving Parties don't.

Articles XV and XVI provide that Parties making reservations shall be treated as nonparties with respect to trade in the species concerned.

Listings of higher taxa are impliedly listings of species within such taxa, since Article II (Fundamental Principles) only provides for the inclusion of species in the appendices.

3. Disposal of Appendix I specimens

Proposed Negotiating Position: The United States will oppose any proposal which provides for the trade of confiscated Appendix I specimens which are to be used primarily for commercial purposes. The United States supports the development of systems or mechanisms designed to facilitate international exchange of such specimens for scientific purposes within the terms of the Convention.

Information and Comments: Most comments supported and encouraged the establishment of a process to facilitate international exchange of confiscated dead specimens for scientific purposes.

Basis for Proposed Negotiating Position: Some countries have large stockpiles of confiscated dead Appendix I specimens. Conf. 2.15, a resolution adopted by the San Jose 1979 meeting, recommends that Parties consider the feasibility of a system of international exchange of such specimens for scientific/educational and for enforcement/identification purposes. Facilitation of such exchanges would promote study which could benefit the species.

4. Parts and derivatives of animal species listed on Appendix III and plant species listed on Appendix II or III

Proposed Negotiating Position: The United States supports the adoption of a resolution which, if adopted, evidences agreement of the Parties at the meeting that all readily recognizable parts and derivatives of animal species listed on Appendix III and of plants listed on Appendix II or III be subject to regulation unless otherwise specified.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Plant parts are particulary difficult to distinguish from whole plants. This has led to problems in determining whether certain items are plants or plant parts, a distinction which is important in determining whether particular items are controlled by CITES. By listing only those plant parts of Appendix II and III species which are not subject to CITES controls, the public and border and port officials will know with a greater degree of certainty whether particular plant parts are subject to CITES controls.

5. Regulation of trade in Appendix II wildlife (Australia)

Proposed Negotiating Position: Being developed. Seeking clarification from Australia.

Information and Comments: One commenter opposed this Australian proposal. Two others opposed all items listed on the provisional agenda on the suggestion of Australia.

Basis for Proposed Negotiating Position: Not applicable. For more information on this item, see 45 FR 74569, November 10, 1980.

6. Interpretation of the Convention with regard to the exploitation of wild species (Australia)

Proposed Negotiating Position: Being developed.

Information and Comments: Two commenters opposed all three items listed on the provisional agenda on the suggestion of Australia.

Basis for Proposed Negotiating Position: Not applicable. For more information see 45 FR 74569, November 10, 1980.

7. The treatment of species included in Appendix I or II in order to control trade in other listed species (U.S.)

Proposed Negotiating Position: Scientific Authority advice on nondetriment concerning so called "II 2b," "control" or "lookalike" species should be given with respect to the impact of trade in specimens of such species on the effectiveness of CITES in

controlling trade in the other species they were listed to protect.

Information and Comments: No public comments received. The International Convention Advisory Commission recommended that the United States take the negotiating position being proposed.

Basis of Proposed Negotiating Position: There is little conservation value in giving nondetriment advice on II 2b species which are not considered to be threatened with extinction or likely to become so. The proposed negotiating position is directed at conserving the species listed for conservation purposes.

8. Scientific Authority review of applications for importation of Appendix I specimens (U.S.)

Proposed Negotiating Position: Scientific Authority advice on whether purposes of import will not be detrimental to the survival of the species shoud be given in terms of the impact of the activity of the importer on survival of the species, rather than in terms of whether particular purposes alone are, in themselves, detrimental or not.

Information and Comments: No public comment received. The International Convention Advisory Commission recommended that the United States take the negotiating position here proposed. Basis for Proposed Negotiating Position: Any one purpose is not necessarily deterimental to species survival. A specific evaluation is necessary to determine the effect of an import.

9. Other reports by the Parties

The United States does not plan to make a report. Canada might make a general statement about the philosophy and intent of CITES.

XV. General Matters of Principle relating to the Appendices

1. Ten year review of the Appendices (Canada).

Proposed Negotiating Position: Being developed. Awaiting details of proposal.

Information and Comments: None received.

Basis of Proposed Negotiating Position: Not applicable.

2. Criteria for addition to and deletion from the Appendices of species in accordance with Art. II 2b. (Canada)

Proposed Negotiating Position: Being developed. Awaiting details of proposal.

Information and Comments: None received.

Basis of Proposed Negotiating Position: Not applicable.

3. Reverse listing concept for the Appendices (Australia)

Proposed Negotiating Position: Being developed. Seeking clarification from Australia.

Information and Comments: One commenter felt that reverse listing would result in all species becoming Appendix I species. Two others opposed all three items listed on the provisional agenda on the suggestion of Australia.

Basis for Proposed Negotiating Position: Not applicable. For more information on this item see 45 FR 74569, November 10, 1980.

XVI. Consideration of proposals for amendment of Appendices I and II

This item is not a substantive subject of this notice. The Service has published separate **Federal Register** notices concerning preparation of U.S. positions on proposals to amend Appendices I and II. The last such notice was published in the **Federal Register** of November 6, 1980 (45 FR 73876). See "Public Meeting" below in which the Service announces a public meeting with regard to proposals to amend Appendices I and II.

XVII. Conclusion of the Meeting

1. Election of new members of the Standing Committee

Proposed Negotiating Position: The United States will support Canada to replace the United States as its two year term on the Standing Committee comes to an end.

Information and Comments: None received.

Basis for Proposed Negotiating Position: The Standing Committee is composed of representatives from one Party country from each of six regions of the world, from the last host country of the regular meeting of the Conference of the Parties and from the next host country, and from the depository country (Switzerland). The only two countries in the North American region that are Parties to the Convention are the United States and Canada.

2. Determination of time and venue of next regular meeting of the Conference of the Parties

Proposed Negotiating Position: Being developed.

Information and Comments: None received.

Basis for Proposed Negotiating Position: Not applicable.

3. Closing remarks.

No position being developed.

Request for Information and Comments

The Service invites information and comments on the proposed negotiating positions summarized above. Information and comments were previously requested with regard to items X, XIII.1 and XIV.4 (45 FR 58413, September 3, 1980). The Service reopens the comment period for these items. The comment period is also reopened for a period, the closing date of which will be announced in a future **Federal Register** notice, for those items for which a position is still being developed.

Announcement of Public Meeting

The Service announces that it will hold a public meeting on Thursday, December 11, 1980 from 9:30 a.m.–12:30 p.m. in room 5160 of the main building of the Department of the Interior, 18th and C Streets, N.W., Washington, D.C. for the purposes of receiving information and comments with regard to the proposed negotiating positions summarized above, and with regard to proposals to amend the lists of species in Appendices I and II of the Convention. 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, D.C. 20240 (703/235–2418). Participants without prior appointments will be given an opportunity to speak to the extent time allows following speakers with appointments.

This notice was prepared primarily by Arthur Lazarowitz, Federal Wildlife Permit Office.

Dated: December 2, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-37999 Filed 12-5-80; 8:45 am]

BILLING CODE 4310-55-M

Heritage Conservation and Recreation Service

United States World Heritage Nominations for 1981

AGENCY: Heritage Conservation and Recreation Service, Department of the Interior.

ACTION: Public Notice.

SUMMARY: The Department of the Interior, through the Heritage Conservation and Recreation Service, announces the nomination of three properties—Mammoth Cave National Park, Olympic National Park, Wright Brothers National Memorial—to the World Heritage List for consideration in 1981. The nominations are the result of the Department's annual World Heritage

nomination preparation process, initiated through a January 9, 1980, Federal Register notice (45 FR 1947). The U.S. nominations are submitted to the United Nations Educational, Scientific and Cultural Organization.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Ritsch, Acting Associate Director for Natural Programs, Heritage Conservation and Recreation Service, Department of the Interior, Washington, D.C. 20243 (202–343–4278).

SUPPLEMENTARY INFORMATION: The Convention Concerning the Protection of the World Cultural and Natural Heritage, ratified by the United States and 52 other Nations as of this date, establishes a means by which natural and cultural properties of outstanding universal value to mankind may be recognized and protected.

Sites may be identified and nominated by participating Nations for inclusion on the World Heritage List. The 21-Nation World Heritage Committee then judges the nominations against established World Heritage criteria.

The country nominating a site for inclusion on the World Heritage List assumes responsibility for taking all necessary legal, scientific, technical, administrative and financial measures for the protection, conservation, presentation, rehabilitation, and transmission to future generations of the property it nominates.

In the United States, the Secretary of the Interior is charged with implementing the provisions of the Convention, including preparation of U.S. nominations. Recommendations on the proposed nominations are made to the Secretary by an interagency panel, including members from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the Heritage Conservation and Recreation Service, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Advisory Council on Historic Preservation; and the Department of State. The Interior Department will initiate the annual process for preparing U.S. World Heritage nominations for 1982 through a Federal Register notice in January 1981.

U.S. World Heritage Nominations for 1981.

On behalf of the United States, the Secretary of the Interior nominates the following three properties, arranged alphabetically by State, to the United Nations Educational, Scientific and Cultural Organization for inclusion on the World Heritage List. A brief description of each area's outstanding universal value is provided.

Kentucky

Barren, Edmonson, and Hart Counties

Mammoth Cave National Park. The Park contains the most extensive network of cave passages known to exist on earth, with 225 miles of surveyed passages. Mammoth Cave is the premier example in the world of a karst drainage system, including within it a vast recharge area, a complex network of underground conduits, and springs that discharge water from the recharge area and conduits. It is the most diverse cave ecosystem, with many rare and endemic animal species, and delicate cave formations.

North Carolina

Dare County

Wright Brothers National Memorial. This site is directly and tangibly associated with the event of the flight of the world's first powered and controlled airplane, which was completed by Wilbur and Orville Wright on December 17, 1903. This event revolutionized travel patterns throughout the world. The invention of the airplane has changed the course of human history, as the pace and scope of life has quickened, and human endeavor broadened.

Washington

Clallam, Grays Harbor, Jefferson and Mason Counties

Olympic National Park. The Park contains the largest and best remaining example in the western hemisphere of virgin temperate rainforest. It is a complete and remarkably pristine ecosystem consisting of hundreds of species which are evolving in a relatively natural state. The Park includes in one assemblage a combination of ecosystems ranging from ocean edge, through wet mixed coniferous forests, to glacial peaks. The tract contains 60 glaciers, 80 km (50 m) of roadless ocean coastline, and one of North America's largest areas of subalpine meadows.

Dated: December 3, 1980.

David F. Hales,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 80-38029 Filed 12-5-80; 8:45 am]

BILLING CODE 4310-03-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 80–30928, published at page 66215, on Monday, October 6, 1980, on page 66230 in the third column, the thirty-seventh line, "in IL, IN, KY, MI, MO, NJ, NY, PA, and" should be corrected to read "in CA, to Points in IL, IN, KY, MI, MO, NJ, NY, PA, and".

BILLING CODE 1505-01-M

Motor Carrier Finance Applications; Decision-Notice

Correction

In FR Doc. 34324 appearing at page 73146 in the issue of Friday, November 4, 1980, make the following correction:

On page 73176, in the first column, in the paragraph "MC 138308", application of KLM, Inc., in the seventh line following the word "business" insert the word "houses".

BILLING CODE 1505-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: December 2, 1980.

In our recent decisions, a 13-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 13.8 percent. We are authorizing that the surcharge on this traffic be increased to 13.5 percent and that all owner-operators are to receive compensation at this level.

We are also ordering that the surcharges authorized on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators be increased to 2.4 percent, that for United Parcel service to 1.4 percent, and that for the bus carriers to 5.2 percent.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office

of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m. December 5, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix.—*Fuel Surcharge*

Base date and price per gallon (including tax)

Jan. 1, 1979 ..... 63.5 cents

Date of current price measurement and price per gallon (including tax)

Dec. 1, 1980 ..... 115.5 cents

	Transportation performed by—			
	Owner Operator [1]	Other [2]	Bus Carrier	UPS
	(1)	(2)	(3)	(4)
Average percent: Fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	13.8	2.4	5.2	[3] 2.2
Percent surcharge allowed	13.5	2.4	5.2	[4] 1.4

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 80-37948 Filed 12-5-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

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 it 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–77

The following applications were filed in Region I.

Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

Republication

MC 108006 (Sub-1–1TA), filed October 24, 1980. Applicant: MAISLIN TRANSPORT LTD., 7401 Newman Boulevard, LaSalle, Quebec H8N 1X4. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *General commodities, except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* between ports of entry on the US-CD boundary line at or near Detroit and Port Huron, MI, on the one hand, and on the other, Detroit and Port Huron, MI. Restricted to traffic moving in foreign commerce to or from points in CD. Applicant intends to interline at Detroit and Port Huron, MI. Applicant states that the purpose of the application is to utilize the Michigan ports of entry in lieu of Buffalo, NY, in connection with its Ontario authority. Supporting shipper: Maislin Transport, Ltd., 7401 Newman Blvd., LaSalle, Quebec, CD H8N 1X4.

MC 143127 (Sub-1–30TA), filed November 25, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Linda A. Calvo, 6070 Collett Road, Victor, NY 14564. *(1) Such commodities as are dealt in by grocery and food business houses (except in bulk) and (2) materials, supplies and equipment used in the manufacture and distribution of commodities in (1) (except in bulk),* between Erie County, NY, on the one hand, and, on the other, points in the US in and east of ND, SD, NE, CO, OK and TX. Supporting shipper: Bison Canning Company, Inc., Angola, NY 14006.

MC 151639 (Sub-1–5TA) filed November 26, 1980. Applicant: COMMAND TRANSPORTATION, INC., 280 Eastern Avenue, Chelsea, MA 02150. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. *Alcoholic and non-alcoholic beverages* (except in bulk), from Owensboro, Louisville, Bardstown and Lawrenceburg, KY and Hammonton, Elizabeth and Jersey City, NJ to points in MA. Supporting Shipper: Martignetti Grocery and Liquor Company, 13 Mooney Street, Cambridge, MA 02138.

MC 65491 (Sub-1–4TA) filed November 26, 1980. Applicant: GEORGE W. BROWN, INC., 1475 East 222d Street, Bronx, New York 10469. Representative: William Biederman, 371 Seventh Avenue, New York, New York 10001. *Bars, billets, cakes, cathodes, ingots, pigs and slabs of brass, bronze and copper* between Cleveland, OH, on the one hand and on the other, Philadelphia, PA, New York, NY, Bridgeport, CT, New Haven, CT, Waterbury, CT, and Baltimore, MD. Supporting Shipper: Cero Sales Corporation, 250 Park Avenue, New York, New York 10177.

MC 152823 (Sub-1–1TA) filed November 24, 1980. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *General commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions),* between points in the U.S. Restricted to service for the account of United Freight Inc. of Morrow, GA 30260. Supporting Shipper: United Freight Inc., 1260 Southern Road, Morrow, GA 30260.

MC 152533 (Sub-1–1TA) filed November 25, 1980. Applicant: THE BUDD MOVING COMPANY, INC., Bartley Rd., Flanders, NJ 07836. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Household goods,* between points in the U.S. (except AK, HI, ID, MT, NV, ND, OR, SD, UT, WA, and WY). Supporting Shipper(s): Allied Chemical Corporation, P.O. Box 2245–R, Morristown, NJ 07960; Drew Chemical Company, 1 Drew Chemical Plaza, Boonton, NJ; United States Lines, P.O. Box 710, 27 Commerce St., Cranford, NJ 07016; Puerto Rico Marine Management, Inc. (PRMMI), P.O.

Box 1910, Fleet & Corbin Sts., Elizabeth, NJ 07201.

MC 152823 (Sub-1–2TA) filed November 25, 1980. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Such commodities as are dealt in by a manufacturer of electrical and electronic products,* between points in the U.S. Restriction: Restricted to shipments originating at or destined to the facilities of GTE Electrical Products. Supporting Shipper: GTE Electrical Products, 100 Endicott Street, Danvers, MA 01923.

MC 133590 (Sub-1–3TA), filed November 24, 1980. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier:* irregular routes: *Such commodities as are dealt in by a manufacturer or distributor of cloth, dry goods, or fabrics,* between points in MA and KY on the one hand, and, on the other, points in the US under continuing contract(s) with Pellon Corporation. Supporting shipper: Pellon Corporation, 20 Industrial Avenue, Chelmsford, MA 01824.

MC 152798 (Sub-1–1TA), filed November 24, 1980. Applicant: CHAS. A. LAWLER CO., INC., 320 Twelfth Avenue, New York, NY 10001. Representative: Hylan Cooper, Esq., 225 W. 34th Street, New York, NY 10122. *General commodities, (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, and commodities in bulk)* between New York, NY, and Jersey City, NJ, on the one hand, and, on the other, points in Nassau and Suffolk Counties, NY. Supporting shipper: Lifschultz Fast Freight Inc., Arrow-Lifschultz Freight Forwarders, 386 Park Avenue South, New York, NY 10016.

MC 126693 (Sub-1–2TA), filed November 24, 1980. Applicant: NEWARK INDUSTRIAL SUPPLY, 409 Wallingford Terrace, Union, NJ 07983. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. *Paint (except in bulk)* between the facilities of International Paint Company at Union, NJ, and points in ME, NH, MA, RI, CT, NY, DE, VA, and FL. Supporting shipper: International Paint Co., Morris & Elmwood Ave., Union, NJ 07083.

MC 147308 (Sub-1–1TA), filed November 24, 1980. Applicant: HOBOKEN TANK LINES, INC., 457 12th Street, Hoboken, NJ 07030. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Vegetable oils, in bulk,* in tank vehicles, between Hudson County, NJ on the one hand, and, on the other, points in NY, MD, VA, ME, MA, CT, and PA, and (2) between Berks County, PA, NJ and New York, NY and its Commercial Zone. Supporting shipper: Durkee Foods, Division of SCM Corporation, 100 Merrick Road, Rochville Centre, NY 11570.

MC 143127 (Sub-1–29TA), filed November 25, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Linda Calvo, 6070 Collett Road, Victor, NY 14564. *Foodstuffs (except in bulk),* from Chicago, IL to points in NC and SC. Supporting shipper: Republic Food Products Co., 3327 W. 47th St., Chicago, IL 60632.

MC 142603 (Sub-1–13TA), filed November 24, 1980. Applicant: CONTRACT CARRIER OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Contract carrier:* irregular routes: *Paper, also materials, equipment and supplies used in the manufacture, sales, and distribution of such commodities* between all points in the US under continuing contract(s) with Jay Paper Sales. Supporting shipper: Jay Paper Sales, P.O. Box 706, Havertown, PA 19083.

MC 148803 (Sub-1–1TA), filed November 24, 1980. Applicant: DREW & KENNETT, INC., West Main Street, Conway, NJ 03818. Representative: Bayard W. Kennett, West Main Street, Conway, NH 03818. *Contract carrier:* irregular routes: *Logs, lumber, pallets, skids, boxes, building material and supplies & millwork, bagged ceramics, silicates and binders* between points in RI, CT, ME, MA, NH, NY and VT. Supporting shipper:(s) Kearsarge Metallurgical, Mill Street, Conway, NH; John F. Chick and Son, route 113, Silver Lake, NH.

MC 117676 (Sub-1–3TA), filed November 24, 1980. Applicant: HERMS TRUCKING, INC., 620 Pear Street, Trenton, NJ 08648. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Lawn and garden supplies (except in bulk),* (1) from Columbus and Marysville, OH to Trenton, NJ, (2) from Trenton, NJ to points in DE, MD and PA. Restricted to the transportation of traffic originating at or destined to the facilities used by O. M. Scott & Sons Company. Supporting shipper: O. M. Scott & Sons Co., Marysville, OH 43004.

MC 150987 (Sub-1–4TA), filed November 24, 1980. Applicant: DOWN EAST TRUCKING, INC., MRC 156, Bangor, ME 04401. Representative: R. Emery Clark, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005. *Cedar shingles and wood fencing* from Van Buren, ME, to points in the US (except AK, HI and ME). Supporting shipper: Northern Forest Products, Champlain St., Van Buren, ME 04785.

MC 127955 (Sub-1–4TA), filed November 24, 1980. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Ave. & Aloe St., Pomona, NJ 08240. Representative: Joseph A. Keating, Jr., 121 S. Main Street, Taylor, PA 18517. *Petroleum and petroleum products,* from Philadelphia, PA and Delaware City, DE, to Cape May, Cumberland, Atlantic and Burlington Counties, NJ. Supporting shipper: Ferrari Oil Co., White Horse Pike, Egg Harbor, NJ 08215.

MC 59640 (Sub-1–15TA), filed November 24, 1980. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam, Three Commerce Drive, Cranford, NJ 07016. *Contract carrier:* irregular routes: *(1) Chemicals, toilet preparations, soaps, (except commodities in bulk), (2) Such commodities as are dealt in and sold by department stores, supermarkets, hardware stores and drug stores, (except commodities in bulk), and (3) equipment, materials and supplies used in the manufacture, sale and distribution of (1) and (2) (except commodities in bulk),* (1) between points in CA, CO, NV, OR and UT, (2) between points in TN, MO, NB and KY, (3) between points in NJ, WV, MI, IN, WI, MN and DE, under continuing contract(s) with American Cyanamid Company and Shulton, Inc., a subsidiary of American Cyanamid Company. Supporting shipper: American Cyanamid Company, Shulton, Inc., a subsidiary of American Cyanamid Company, Berdan Avenue, Wayne, New Jersey 07470.

MC 143127 (Sub-1–28TA), filed November 20, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo, 6070 Collett Rd. Victor, NY 14564. *Canned goods,* from Vineland, NJ to points in NY. Supporting shipper: Progresso Quality Foods, 500 Elmer Rd., Vineland, NJ 08360.

MC 148127 (Sub-1–11TA) filed November 20, 1980. Applicant: LINEHAUL EXPRESS CORPORATION, P.O. Box 5078, Manchester, NH 03108. Representative: John A. Sykas, P.O. Box 5078, Manchester, NH 03108. *Petroleum products, industrial products, paints and sundries* between Malden, MA and

Karns City, PA on the one hand, and, on the other points in the US. Supporting shipper: Sterling Clark, Lurton, 184 Commercial, Malden, MA 02148.

MC 2860 (Sub-1–23TA), filed November 24, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Gerald S. Duzinski, 71 West Park Avenue, Vineland, NJ 08360. *General commodities (except Classes A & B Explosives, household goods, as defined by the Commission and commodities in bulk),* between Philadelphia, PA on the one hand, and, on the other, points in the US and east of IL, KY, MS, TN, and WI. Restricted to traffic originating at or destined to the facilities of Food Fair Manufacturing Co. and Footwear Services, Inc. Supporting shipper(s): Food Fair Manufacturing, 2000 Bennett Road, Philadelphia, PA 19116; Footwear Services, Inc., Red Lion & Norcom Roads, Philadelphia, PA 19154.

MC 109725 (Sub-1TA) filed November 21, 1980. Applicant: K. F. CROCKER TRANSPORTATION CO., INC., Jewell Hill Road, Ashby, MA 01431. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Liquid sweeteners in bulk, in tank vehicles,* between Boston, MA and Moline, IL. Supporting shipper: Ingredient Technology Corp., Boston Molasses Division, South Boston, MA 02127.

MC 152792 (Sub-1–1TA), filed November 24, 1980. Applicant: EASTWOOD CARRIERS, INC., P.O. Box 1073, Lockhouse Road, Westfield, MA 01086. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Contract Carrier:* irregular routes: *Lumber and building materials,* between points in CT, MA, ME, NH, NY, RI, VT and points in the contiguous 48 states, under a continuing contract(s) with Furman Lumber, Inc., Boston, MA. Supporting shipper: Furman Lumber, Inc., 108 Massachusetts Avenue, Boston, MA 02115.

MC 119552 (Sub-1–9TA), filed November 17, 1980. Applicant: J.T.L., 49 Rosedale St., Providence, RI 02903. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW., Washington, DC 20036. *Contract carrier:* irregular routes: *General commodities (except household goods as defined by the Commission and Classes A and B explosives)* between St. Louis City and St. Louis County, MO, on the one hand, and, on the other, all points in the US under continuing contract with Lever Brothers Company. Supporting shipper: Lever Brothers Company, 1400 N. Pennsylvania, Pagedale, MO.

MC 141932 (Sub-1–14TA), filed November 21, 1980. Applicant: POLAR TRANSPORT, 176 King Street, Hanover, MA 02339. *Paper and allied products, and materials, equipment and supplies used in the manufacture, sale and distribution of such commodities,* between all points in the U.S. Supporting shipper(s): Miami Paper Corporation, P.O. Box 66, West Carrollton, OH 45449.

MC 147833 (Sub-1–1TA), filed November 17, 1980. Applicant: FLASH TRANSPORTATION & LEASING COMPANY, INC., 82 Landon Street, Buffalo, NY 14208. Representative: Charles C. Flagg (same address as applicant). *General commodities, except household goods as defined by the Commission, and Class A and B explosives, between points in NY* and points in IL. Supporting shipper: Eastman Kodak Co., 2400 Mt. Read Blvd., Rochester, NY 14650.

MC 142048 (Sub-1–1TA), filed November 17, 1980. Applicant: PACIFIC TRANSPORTATION LINES, INC., 443 Delaware Avenue, Buffalo, NY 14202. Representative: William J. Hirsch, Attorney at Law, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Frozen foods,* between points in Cuyahoga County, OH, on the one hand, and, on the other, points in MD and PA. Supporting shipper: General Foods Corporation, 250 North Street, White Plains, NY 10625.

MC 152738 (Sub-1–1TA), filed November 20, 1980. Applicant: GLEN AIR LIMOUSINE SERVICE, INC., 1007 Maple Avenue, Glen Rock, New Jersey 07452. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Passengers and their baggage in the same vehicle with passengers, in special operations, in nonscheduled door to door service, limited to the transportation of not more than nine passengers in any one vehicle, not including the driver thereof,* between New York, NY, Westchester, Nassau, Rockland and Suffolk Counties, NY; Fairfield County, CT, and points in NJ in and north of Mercer and Monmouth Counties. Supporting shippers: Davara International, Ltd., 14 South Central Blvd., South Hackensack, NJ; Greater Paterson Chamber of Commerce, 100 Hamilton Plaza, Patterson, NJ 07505; Fred H. Brevic Services, Inc., 152 Market St., Paterson, NJ.

MC 80428 (Sub-1–3TA), filed November 17, 1980. Applicant: MC BRIDE TRANSPORTATION, INC., PO Box 430, Goshen, NY 10924. Representative: S. Michael Richards, PO Box 225, Webster, NY 14580. *Petrochemical alcohol, in bulk, in tank vehicles,* from Newark and Carteret, NJ to Peekskill, NY. Supporting shipper: Standard Brands, Inc., 9 West 57th St., New York, NY 10019.

MC 138318 (Sub-1–1TA), filed November 18, 1980. Applicant: EMPIRE STEVEDORING CO. LTD., 200 St. James Street, Montreal, Quebec, Canada H2Y 1M1. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. *Contract carrier:* irregular routes: *Woodpulp* from ports of entry on the US-CD boundary line located in ME to Woodland, ME. Restriction: The operations are limited to a transportation service to be performed under contract(s) with Georgia-Pacific Corporation of Portland, OR. Supporting shipper: Georgia-Pacific Corporation, 320 Post Road, Darien, CT 06820.

MC 152320 (Sub-1–1TA), filed November 19, 1980. Applicant: VERSPEETEN CARTAGE LIMITED, 67 Dalton Road, Delhi, Ontario, CD N4B 1B4. Representative: Neill T. Riddell, 900 Guardian Building, Detroit, MI 48226. *Contract carrier:* irregular routes: *General commodities, (except household goods as defined by the Commission and Classes A and B explosives),* between all points in the US, under continuing contracts with AgroSpray Chemicals Limited, of Tillsonburg, Ontario, CD; Delhi Division of General Instrument of Canada, Ltd., of Delhi, Ontario, CD; Taylor Tobacco Enterprises Ont.), Inc., of Delhi, Ontario, CD; and Tripp-Vogt Trottier Limited, of Tillsonburg, Ontario, CD. Supporting shippers: AgroSpray Chemicals Limited, 40 Cedar Street, Tillsonburg, Ontario, CD; Delhi Division of General Instrument of Canada Ltd., 65 Waverly Street, Delhi, Ontario, CD N4B 1E8; Taylor Tobacco Enterprises (Ont.), Inc., 270 Argyle Avenue, Delhi, Ontario, CD N4B 2X1; and Tripp-Vogt Trottier Limited, 45 John Pound Road, P.O. Box 430, Tillsonburg, Ontario, CD N4G 4H8.

MC 144969 (Sub-1–3TA), filed November 20, 1980. Applicant: WHEATON CARTAGE CO., 3rd and "G" Streets, Millville, NJ 08332. Representative: Laurence J. Distefano, Jr., Esquire, 1101 Wheaton Avenue, Millville, NJ 08332. *General commodities (except commodities in bulk, those of unusual value, Classes A and B explosives and household goods as defined by the Commission),* between Davenport, IA; Chatsworth, West Chicago, IL; Rice Lake, WI; Harrisburg, PA; Atlanta, GA; Carrollton, San Antonio and Long View, TX; Hollywood, Tampa, Orlando and Jacksonville, FL, on the one hand, and, on the other,

points in the US. Supporting shipper: Nichols-Homeshield, Inc., 1000 N. Harvester Road, West Chicago, IL 60185.

MC 152832 (Sub-1–1TA), filed November 26, 1980. Applicant: NIEL C. YOUNG d.b.a. DSC TRANSPORTATION, 178 Province Street, Laconia, NH 03246. Representative: Niel C. Young, 178 Province Street, Laconia, NH 03246. *General commodities, (except those in bulk, or in tank vehicles),* between points in NH, ME and MA, interline requested at Concord, Manchester and Nashua, NH, Boston, MA, and Portland, ME. Supporting shippers(s): There are 12 statements in support of this application that may be examined at the Regional Office of the I.C.C. in Boston, MA.

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 116763 (Sub-II–49TA), filed November 17, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *General Commodities* (except commodities in bulk, in tank vehicles, used household furniture, commodities the transportation of which, because of size or weight required the use of special equipment, automobiles, trucks, and buses as described in the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, and explosives), between points in the US in and east of PA and MD. Restricted to the transportation of traffic originating at or destined to the facilities of Deering Ice Cream Corp. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Deering Ice Cream Corp., 135 Walton St., Portland, ME 04104.

MC 145067 (Sub-II–4TA), filed November 18, 1980. Applicant: LAWRENCE E. SPAIDE, INC., P.O. Box 111, Avoca, PA 18640. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Paints, protective coatings and corrosion inhibitors in containers,* From Montgomery Cty and Philadelphia Cty, PA and Baltimore Cty, MD on the one hand to the states of CA, AR, TX, LA & OK, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Krylon Dept., Borden Chem., Ford & Wash. Sts., Norristown, PA 19404.

MC 145067 (Sub-II–5TA), filed November 17, 1980. Applicant: LAWRENCE E. SPAIDE, INC., P.O. Box 111, Avoca, PA 18640. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *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), between points in OH, CT, PA, NY and NJ on the one hand, and on the other, points in the US. Restriction: Restricted to transportation originating at or destined to the facilities utilized by Northeastern Pennsylvania Shipper's Cooperative Association, Inc., or its members and restricted to shipments moving on bills of lading of Northeastern Pennsylvania Shipper's Cooperative Association, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Northeastern Pa. Shippers Coop. Assn., Inc., 1212 O'Neill Hwy., Dunmore, PA 18512.

MC 150567 (Sub-II–7TA), filed November 17, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Avenue, Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Contract, Irregular: *General Commodities,* from Portland, OR (and points within the commercial zone thereof) to Fresno, Los Angeles, San Diego, and San Francisco, CA (and points within the commercial zones thereof). Underlying ETA seeks 120 days authority. Supporting shipper: Seaport Cooperative, Inc., 730 N.W. 11th Avenue, Portland, OR 97209.

MC 150567 (Sub-II–8TA), filed November 18, 1980. Applicant: TRAVIS TRANSPORTATION, Inc., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Contract carrier, irregular routes: *(1) Items distributed in retail grocery, drug and department stores and (2) materials and supplies incidental to the manufacture and distribution thereof;* between St. Louis, MO and Jacksonville, FL; Atlanta, GA; Baltimore, MD; Nashville, TN and Dallas and Houston, TX, under continuing contract with Lever Brothers Company, St. Louis, MO, for 270 days. Underlying ETA seeks 120 days operating authority. Supporting shipper: Lever Brothers Company, 1400 N. Penn Ave., St. Louis, MO 63133.

MC 146551 (Sub-II–5TA), filed November 17, 1980. Applicant: TAYLOR TRANSPORT, INC., P.O. Box 285 Grand Rapids, OH 43522. Representative: Owen B. Katzman, 1828 L Street, N.W., Suite 1111, Washington, DC 20036. *Common-irregular: (1) Such commodities as are dealt in or distributed by grocery, hardware, drug, and retail department stores, (2) cleaning and building maintenance materials and supplies, (3) swimming pool, spa, and hot tub products, (4) chemicals, in containers, and (5) materials, equipment and supplies used in the manufacture, sale, and distribution of the commodities named in (1) through (4) above,* between points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk, and further restricted to the transportation of traffic originating at or destined to the facilities of Purex Corporation, for 270 days. Applicant also seeks 120 days authority. Supporting shipper: Purex Corporation, 6120 North Detroit, Toledo, OH 43612.

MC 117883 (Sub-II–10TA), filed November 20, 1980. Applicant: SUBLER TRANSFER, INC., 1 Vista Dr., P.O. Box 62, Versailles, OH 45380. Representative: Robert Von Aschen (same as applicant). *Frozen Foodstuffs* (except in bulk in tank vehicles) from Brockport, NY on the one hand and on the other hand the states of: CT, DE, DC, IL, IN, IA, KS, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, VA, and WI. for 270 days. An underlying ETA seeks 120 days authority Supporting shipper(s): Brockport Cold Storage Co., Inc., 98 Spring St., P.O. Box C, Brockport, NY 14420.

MC 129625 (Sub–II–2TA), filed November 20, 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 the facilities of International Salt Co. at Retsof, NY to points in Clearfield County, PA for 270 days. An underlying ETA seeks 120 days Supporting shipper: International Salt Co., Morgan Highway, Clarks Summit, PA 18411.

MC 140159 (Sub-25TA), filed November 21, 1980. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Rock salt, in bulk, in dump vehicles,* from Retsof, NY to Schuylkill County, PA. Supporting shipper: International Salt Co., Administrative Headquarters, Clarks Summit, PA 18411.

MC 150501 (Sub-2–5TA), filed November 20, 1980. Applicant: DULANEY INVESTMENTS, INC., Suite 111, 305 W. Chesapeake Ave., Towson, MD 21204. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract: Irregular: (1) Paper and products; (2) plastic and plastic products; (3) soap and soap products and soap dispensers; and (4) materials, equipment and supplies used in the manufacture, sale and distribution of*

(1), (2) and (3) above, between all points within the United States, excluding AK and HI. Supporting shipper: Crown Zellerbach, 1 River St., South Glens Falls, NY 12801.

MC 147454 (Sub-2-2TA), filed November 21, 1980. Applicant: JAMES CONDOSTA, 807 Exeter Ave., W. Pittston, PA 18643. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Scrap Steel and Iron* between NY, CT, RI, MA, NJ, PA, DE, VA, NC, SC, NH, KY, IN, IL, IA, OH, MI, WI, TN, MD, WV, TX and District of Columbia for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: The Mindlin Steel Co., 627 Franklin Ave., Pittsburgh, PA 15221.

MC 143406 (Sub-II-1TA), filed November 21, 1980. Applicant: MICHEL PROPERTIES, INC., Stenersen Lane, Cockeysville, MD 21030. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. *Contract; irregular: general commodities (except household goods and Classes A & B explosives) as defined by the Commission* from Langhorne, PA and its commercial zone to points in CT, DE, GA, IN, KY, ME, MD, MA, MI, NC, NH, NJ, NY, OH, RI, SC, TN, VT, VA, WV and DC for 270 days, under continuing contracts with the R. T. French Co. Supporting shipper: R. T. French Co., One Mustard St., Rochester, NY 14692.

MC 140605 (Sub-II-1TA), filed November 18, 1980. Applicant: OHIO OIL GATHERING CORP., Suite 400, 201 King of Prussia Rd., Radnor, PA 19087. Representative: Micharl A. Park (same as applicant). *Contract; irregular: Petroleum in bulk,* from Tyler, Ritchie and Doddridge counties, WV to points in OH, for the account of Ohio Oil Gathering Corp., for 270 days. Supporting shipper(s): Ohio Oil Gathering Corp. II, Suite 400, 201 King of Prussia Rd., Radnor, PA 19087.

MC 150339 (Sub-2-22TA), filed November 20, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Eastern Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Mr. (same as applicant). *Contract; irregular; Rubber scrap, in bags, and materials used in the manufacture thereof,* between South Bend, IN, on the one hand, and, on the other, pts. in the US (except AK and HI) for 270 days, under continuing contract(s) with Baker Rubber Inc., 700 W. Chippewa Ave., South Bend, IN 46680. An underlying ETA seeks 120 days authority. Supporting shipper: Baker Rubber Inc., 700 W. Chippewa Ave., South Bend, IN 46680.

MC 107403 (Sub-II-35TA), filed November 20, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Liquid chemicals & pulpmill liquids in bulk, in tank vehicles,* between Washington Parish, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, TN & TX for 270 days. Supporting shipper: Crown Zellerbach Corp., P.O. Box 1060, Bogalusa, LA 70427.

MC 117344 (Sub-II-4TA), filed November 17, 1980. Applicant: THE MAXWELL CO., 10300 Evendale Dr., Cincinnati, OH 45241. Representative: John C. Spencer (same as applicant). *Iron Oxide, in bulk, in tank vehicles,* from Boyd County, KY to Ulster County, NY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Armco, Inc., 703 Curtis St., Middletown, OH 45043.

MC 151706 (Sub-II-2TA), filed September 24, 1980. Published in **Federal Register** dated November 5, 1980. Applicant: JAN-AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, 324 Exchange Bldg., La Crosse, WI 54601. *Chemicals or allied products and materials, equipment and supplies used in the manufacture and distribution of the above commodities (except commodities in bulk)* between points in OH, IL and NJ, on the one hand, and, on the other, CT, GA, IL, IN, IA, MA, MI, MN, MO, NJ, NY, OH, PA, TN and WI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Lehn & Fink Products, 225 Summit Ave., Montvale, NJ 07646. The purpose of this republication is to show between points in *OH, IL and NJ,* on the one hand, and on the other, which was omitted.

MC 67646 (Sub-II-4TA), filed November 20, 1980. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same address as applicant). Common, regular—*General commodities, (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment,* (1) between Syracuse, NY and Alexandria Bay, NY, serving all intermediate points, unrestricted, and the off-route point of Massena, NY, restricted to truckload shipments only: from Syracuse over U.S. Hwy 11 or Interstate Hwy 81 to Watertown, NY, then over Interstate Hwy 81 to junction NY Hwy 12 near Fishers Landing, then over NY Hwy 12 to Alexandria Bay, and return over the same routes; (2) between Watertown, NY and Glenfield, NY, serving all intermediate points, and serving the off-route points of Beaver Falls and Corghan, NY; (a) from Watertown over NY Hwy 3 to junction NY Hwy 26, then over NY Hwy 26 to junction NY Hwy 12, then over NY Hwy 12 to Glenfield, and return over the same routes (b) from Watertown over NY Hwy 12 to Glenfield, and return over the same route, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 11 supporting shippers' statement attached to this application which may be examined at the Phila. Regional office.

Note.—Applicant intends to serve the commercial zones of the sought points, will tack the requested routes with one another and with carrier's existing authority in MC 67646 and MC 8600 and with any authority it may acquire in the future. It also intends to interline with other carriers.

MC 152003 (Sub-II-1TA), filed November 19, 1980. Applicant: R. HULL ENTERPRISES, 731 S. Harmony Rd., Newark, DE 19713. Representative: Richard M. Hull (same address as applicant). Contract, irregular—*Cloth, synthetic fiber, woven and non-woven; yarn and fiber, synthetic and waste, synthetic yarn and fiber; plastics, extruded and non-extruded,* between points in NJ, PA, DE, MD, VA, WV, NC, SC, TN, GA and OH. Supporting shipper(s): There are six supporting shippers' statements attached to this application which may be examined at the Phila. Regional office.

MC 68898 (Sub-II-3TA), filed November 19, 1980. Applicant: HANOVER TRANSFER COMPANY, 409 E. Hanover St., Hanover, PA 17331. Representative: Barry Roberts, 888 17th St. NW., Washington, DC 20006. *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 York, Adams, Dauphin and Cumberland Counties, PA and points in Harford, Baltimore, Carroll, Anne Arundel, Howard and Baltimore City Counties, MD, for 270 days. Supporting shipper(s): Florida Texas Freight, Inc., 6330 Erdman Ave., Baltimore, MD 21205; Cross Wiping Materials Corp., 4201 E. Platt St., Baltimore, MD 21224; L. A. Benson Co., 3703 E. Monument St., Baltimore, MD 21205.

MC 143394 (Sub-II-19TA), filed November 18, 1980. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA

17013. Representative: G. Kenneth Bishop (same as applicant). Contract: Irregular: *Foodstuffs,* canned and preserved, between Adams County, PA, and Monroe, Orleans and Wayne Counties, NY, on the one hand and on the other all points in the states of AL, FL, GA, NC, SC, LA, MS and TN under continuing contract(s) with Duffy-Mott Company, Inc., 370 Lexington Ave., New York, NY 10017 for 270 days. Supporting shipper(s): Duffy-Mott Company, Inc., 370 Lexington Ave., New York, NY 10017.

MC 146149 (Sub-II–3TA), filed November 13, 1980. Applicant: KENNEDY FREIGHT LINES, INC., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. *Paper and paper products (except commodities in bulk),* between Fort Edward and Voorheesville, NY; Mobile, AL, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and LA. Supporting shipper(s): Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 8535 (Sub-II–8TA), filed November 14, 1980. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 5, Parkton, MD 21120. Representative: Charles J. McLaughlin (same address as applicant). *Cement plant equipment and materials and supplies used or useful in the construction thereof* between the facilities of Fuller Company at Allentown, Catasauqua and Manheim, PA, on the one hand, and, on the other, Leamington, UT. An underlying ETA seeks 120 days authority. Supporting shipper(s): Fuller Company, P.O. Box 2040, Bethlehem, PA 18001.

MC 80653 (Sub-II–4TA), filed November 14, 1980. Applicant: DAVID GRAHAM COMPANY, P.O. Box 254, Levittown, PA 19059. Representative: Lois T. Philipkosky (same address as applicant). *Automotive and truck parts, requiring the use of special equipment or handling, and materials, equipment and supplies used in the manufacture and distribution thereof,* between the facilities used by Mack Trucks, Inc., on the one hand, and, on the other, points in the US. Supporting shipper(s): Mack Trucks, Inc., P.O. Box 6311, Bridgewater, NJ 08807.

MC 152705 (Sub-II–1TA) filed November 20, 1980. Applicant: Ernest E. Latsha, P.O. Box 2851, Harrisburg, PA 17105. Representative: James W. Hagar, P.O. Box 1166, Harrisburg, PA 17108. *Scrap metals, mill scale, and scrap batteries* between points in PA, on the one hand, and, on the other, points in CT, DE, KY, MD, MA, NJ, NY, NC, OH, SC, VA, WV and DC; and from Claymont, DE to points in MD, NJ, NY, PA, VA and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper(s): There are six supporting shippers' statements attached to this application which may be examined at the Phila. Regional Office.

MC 123218 (Sub-2–1TA) filed November 17, 1980. Applicant: Edward A. Kerwin, R.R. No. 1, Milyko Dr., Washington Crossing, PA 18977. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Tall oil pitch,* in bulk, in tank vehicles, from Franklin, VA to Fairless Hills, PA under a continuing contract, or contracts, with The Kingsford Company. An underlying ETA seeks 120 days authority. Supporting Shipper: The Kingsford Company, 1700 Commonwealth Bldg., P.O. Box 1033, Louisville, KY 40201.

MC 140294 (Sub-II–8TA) filed November 17, 1980. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Middleburg Pike, Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *(1) Cylindrical grinding machines and (2) materials, equipment and supplies used in the manufacture, sale and distribution of (1) above,* between Waynesboro, PA and its commercial zone, on the one hand, and, on the other, Baltimore, MD, and its commercial zone, for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to Tack the authority sought here with its existing authority. Applicant intends to interline at Baltimore, MD and Washington, DC. Supporting Shipper: Landix Tool Co., Div. of Litton Industrial Products, East 6th St., Waynesboro, PA 17268.

MC 148859 (Sub-II–1TA) filed November 21, 1980. Applicant: MID–STATE TRADING CO., P.O. Box 3275, 2525 Trenton Ave., Williamsport, PA 17701 Representative: Sander M. Bieber, 9th Floor, 1100 Connecticut Ave., NW, Washington, DC 20036. *Contract; irregular: Industrial chemical wastes (hazardous material),* between the facilities of Avco Corp., Lycoming Division, at Williamsport, PA, and pts. in NY, OH, DE, MD, and NJ for 270 days, under continuing contract(s) with Avco Corp., Lycoming Division. An underlying ETA seeks 120 days authority. Supporting Shipper: Avco Corp., Lycoming Division, 652 Oliver St., Williamsport, PA 17701.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 144069 (Sub-3–15TA), filed November 21, 1980. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W. T. Trowbridge (same address as applicant). *Building materials* between Lancaster County SC on the one hand and on the other points in and east of MS, TN, KY, IL, and WI. Supporting shipper: Lyman Sales & Surplus, 225 Great Falls Road, Lancaster, SC.

MC 104149 (Sub-3–2TA), filed November 24, 1980. Applicant: OSBORNE TRUCK LINE, INC., 516 North 31st Street, Birmingham, AL 35202. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Hazardous waste material, industrial waste material and debris* categorized as hazardous or potentially hazardous, as defined by Public Law 94–580, known as Resources and Conservation Act of 1967 from points in the states of AL, AR, GA, FL, KY, IL, IN, LA, MS, MO, NC, OH, SC, TN, VA and WVA to Moss Port at or near Cordova, AL and Port Osborne at or near Birmingham, AL. Restricted to shipments having a subsequent movement by water. Supporting shipper: Ashvins, U.S.A., Inc. Suite 531, Bank for Savings Bldg., Birmingham, AL 35203.

MC 144964 (Sub-3–3TA), filed November 24, 1980. Applicant: ESSEX EXPRESS, INCORPORATED, 1200 Hammondville Road, Pompano Beach, FL 33060. Representative: Don A. Allen, Patton, Boggs & Blow, 2550 M Street, N.W., Washington, DC 20037. *Frozen Citrus Concentrate,* from points in Florida to points in Secaucus, NJ. Supporting shipper: White Rose Frozen Food Corporation, 2 Frozen Food Plaza, Secaucus, NJ 07094.

MC 147229 (Sub-3–1TA), filed November 21, 1980. Applicant: GULF COAST DELIVERY, INC., 7850 Airport Blvd., Mobile, AL 36608. Representative: David E. Upchurch, 2 Christine Circle, Mobile, AL 36619. Common Carrier: 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)* between Panama City, Fl and New Orleans, LA: From Pananma City, Fl over U.S. Highway 98, to its junctions with Interstate 10 and U.S. Highway 90, thence over U.S. Highway 90 and/or Interstate Highway 10 to New Orleans, LA and return over the same route serving the points of Ft. Walton Beach and Pensacola, Fl, Mobile, Al, Pascagoula, Gautier, Moss Point, Gulfport, and Biloxi, MS as intermediate or off-route points. There are 13 statements of support attached to this

application which can be examined at the ICC Regional Office at Atlanta, Georgia.

MC 151985 (Sub-3–1TA), filed November 20, 1980. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Highway, Atlanta, GA 30326. Representative: John C. Bach, 1400 Candler Building, Atlanta, GA 30043. *Tea, instant tea, and beverage mixes* between the facilities of Southern Tea Company located in Fulton and Cobb Counties, GA, on the one hand, and, on the other hand, points in FL. Supporting shipper: Southern Tea Company, 1267 Cobb Industrial Drive, Marietta, GA 30066.

MC 75840 (Sub-3–15TA), filed November 20, 1980. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton (same address as above). *General Commodities (except in bulk),* between the facilities owned and utilized by Velsicol Chemical Corporation, on the one hand, and, on the other, points in the U.S. Supporting shipper: Velsicol Chemical Corporation, 341 East Ohio, Chicago, IL 60611.

MC 138882 (Sub-3–30TA), filed November 24, 1980. Applicant: WILEY SANDERS TRUCK LINE, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General Commodities (except household goods, classes A and B explosives, commodities in bulk in tank vehicles, and commodities which because of size and weight require special handling or equipment),* between points in the US (except AK and HI). Restricted to traffic originating at or destined to the facilities used or utilized by the International Paper Company and the Midland Glass Company, Inc. Supporting shipper(s): International Paper Company, 220 E. 42nd St., New York, NY 10017; Midland Glass Comany, P.O. Box 557, Cliffwood, NJ 07721.

MC 152778 (Sub-3–1TA), filed November 21, 1980. Applicant: DUKE TRUCKING CO., INC. 350 Forrest Road, College Park, GA 30349. Representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, GA 30349. *Contract;* irregular; *Department store merchandise,* between the facilities and stores of Richway and all points in the states of AL, GA, FL, NC, SC, and TN under a continuing contract with Richway, Division of Federated Dept. Store, Inc., 45 Broad St., P.O. Box 50359, Atlanta, GA 30302.

MC 52704 (Sub-3–12TA), filed November 21, 1980. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer "H", LaFayette, AL 36862. Representatives: Archie B. Culbreth, John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Cleaning compounds, disinfectants, softeners, and insecticides (other than agricultural NOI, liquid or other than liquid and except in bulk), and (2) Materials, equipment and supplies used in the manufacture and distribution of commodities in (1) above (except in bulk),* between points in and east of ND, SD, NE, KS, OK, and TX; *restricted* to traffic originating at or destined to a facilty of Texize Division of Morton Norwich Products, Inc. Supporting shipper: Texize Division of Morton Norwich Products, Inc., P.O. Box 368, Greenville, SC 29602.

MC 114334 (Sub-3–15TA), filed November 24, 1980. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Iron and steel and iron and steel articles* from Jewett, TX to Memphis, TN. Supporting Shippers: Southern Steel Supply Co., Memphis, TN; Primary Steel, Inc., Memphis, TN; and S & I Steel Supply Co., Memphis, TN.

MC 152777 (Sub-3–1TA), filed November 21, 1980. Applicant: JAMES C. MALIN, d.b.a. MALIN TRUCKING, P.O. Box 333, Lithonia, GA 30058. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Liquid asphalt in bulk, in insulated tankers,* From TN, Al and FL to points in GA. Supporting Shipper: Sheppard Construction Co., Inc., P.O. Box 8088, Station F, 1800 Briarcliff Road, Atlanta, GA 30306.

MC 89617 (Sub-3–2TA), filed November 24, 1980. Applicant: LEWIS TRUCK LINES, INC., P.O. Box 1494, Conway, SC 29526. Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Avenue, NW., Washington, DC 20006. *(1) Glass and glass products and (2) materials, equipment and supplies used in the manufacture, sale or distribution thereof, (except in bulk)* between Laurinburg and Clinton, NC, on the one hand, and, on the other, Norfolk, VA, Wilmington, NC, Savannah, GA, and Jacksonville, FL and pts within the commercial zones of those pts. Supporting Shipper: Libbey-Owens-Ford Company, 811 Madison Avenue, Toledo, OH 43695.

MC 148075 (Sub-3–4TA), filed November 25, 1980. Applicant: CECIL KING TRUCKING, Route 2, Seagrove, NC 27341. Representative: Francis J. Ortman, Esquire, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. *Contract* carrier: irregular: *tire treads and rubber compounds* from Oxford, NC to Chino, CA, Griffin, GA, Muscatine, IA, and Abilene, TX. Supporting shipper: Bandag Incorporated, Highways 61 and 38, Muscatine, IA 52761.

MC 152736 (Sub-3–1TA), filed November 24, 1980. Applicant: LUCY MORNINGSTAR, d.b.a. MORNINGSTAR FREIGHT LINES, 897 Nandino Boulevard, Lexington, KY 40505. Representative: Lucy Morningstar (same address as applicant). *General Commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment);* between Lexington, KY, on the one hand, and, on the other, points in IL; IN; GA; MN; NJ; NY; NC; OH; SC; and PA. Supporting shipper: Foam Design, Inc., 444 Transport Court, Lexington, KY 40581.

MC 142835 (Sub-3–8TA), filed November 25, 1980. Applicant: CARSON MOTOR LINES, INC., P.O. Box 337, Auburndale, FL 33823. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are used in the production and distribution of processed foods,* from the facilities of National Fruit Product Co., Inc. at Winchester and Timberville, VA; Martinsburg, WV; Lincolnton, NC and Kent City, MI to AL, CT, FL, GA, IL, IN, KY, MD, MA, MI, MS, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV and WI. Supporting shipper: National Fruit Product Co., Inc., P.O. Box 2040, Winchester, VA 22601.

MC 31389 (Sub-3–10TA), filed November 21, 1980. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: Daniel R. Simmons P.O. Box 213, Winston-Salem, NC 27102. *Iron and steel articles, and materials, equipment and supplies used in the manufacture thereof,* between the facilities of Keystone Group located at or near Sherman, TX and Crawfordsville, IN.Supporting shipper: Keystone Group, Keystone Consolidated Industires, Inc., 7000 S. Adams St., Peoria, IL 61641.

MC 117577 (Sub-3–1TA), filed November 25, 1980. Applicant: A. C. WILDENHOUSE, INC. P.O. Box 10, Concord, NC 28025. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street NE., Atlanta, GA 30309. *Asphalt, in bulk,* from Wilmington, NC and its commercial zone to Oxford, NC and its commercial zone, restricted to traffic having a prior movement in interstate commerce by water. Supporting shipper:

Chevron U.S.A. Inc., 575 Market Street, San Francisco, CA 94105

MC 150187 (Sub-3–4TA), filed November 25, 1980. Applicant: D & L TRUCKING SERVICES, INC., 2080 S. 9th Street, Louisville, KY 40208. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. (1) *Such commodities as are dealt in or used by wholesale or retail automotive parts and assembly dealers and automotive repair facilities,* from Atlanta, GA, Chicago and Rockford, IL, St. Louis, MO, Cincinnati, Pandora, Ralsford, and Toledo, OH, Texarkana, AR, Kimberton, PA, Nashville, Memphis, and Knoxville, TN, and Congo, WV, to Louisville and Lexington, KY, and (2) *furniture parts,* between Simpsonville, KY, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting Shippers: Eldorado Tire & Rubber of Kentucky, 7321 Preston Highway, Louisville, KY 40219, Simms Wholesale Tire, Inc., 2508 Watterson Trail, Louisville, KY 40229, Bright Oil & Tire Corp., 316 N. Ashland Ave., Lexington, KY 40502, Ken Stephens Oil Co., Inc., 3131 W. Market, Louisville, KY 40212, and Middletown Manufacturing Co., Inc., P.O. Box 367, Simpsonville, KY 40067

MC 126542 (Sub-3–4TA), filed November 25, 1980. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, AL 36201. Representative: John W. Cooper, Attorney P.O. Box 56, Mentone, AL 35984. *Contract carrier,* irregular; (1) *Fire-Clay* from Jacksonville, AL to all points in the U.S. (except AK and HI), and (2) *Machinery, equipment, materials and supplies* from said destination points to Jacksonville, AL, under continuing contract with Dixie Clay Co. of Alabama. Supporting shipper: Dixie Clay Company of Alabama, Jacksonville, AL 36265.

MC 148423 (Sub-3–7TA), filed November 25, 1980. Applicant: AVANT TRUCKING CO., INC., P.O. Box 216, Gray, GA 31032. Representative: R. Napier Murphy, 700 Home Federal Building, Macon, GA 31201. *Fertilizer and fertilizer materials, including agricultural limestone and other soil conditions* between points in GA, AL, FL and SC. Supporting shippers: Pelham Phosphate Co., Inc., P.O. Box 468, Pelham, GA 31779, and Agri-Business Supply Service, Inc., 1102 Third Avenue, Albany, GA 31707.

MC 144740 (Sub-3–3TA), filed November 25, 1980. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Fred Daugherty (same as applicant). Contract carrier, irregular routes, *Foodstuffs and kindred products, except in bulk,* From: Covington, TN, To: Phoenix, AZ, Los Angeles and Hayward, CA, Portland, OR and Seattle, WA, under a continuing contract with Charms Company. Supporting shipper: Charms Company, Halls Mill Rd., Freehold, NJ 07728.

MC 143956 (Sub-3–17TA), filed November 25, 1980. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, 3574 Piedmont Road, Atlanta, Georgia 30305. *Flour, cheese and cheese products* between Topeka, KS and points in MN. Supporting shipper: Franchise Services, Inc., P.O. Box 484, Wichita, KS 67201.

MC 136898 (Sub-3–3TA), filed November 24, 1980. Applicant: BAKER TRANSPORT, INC., P.O. Box 870, Hartselle, AL 35640. Representative: M. Bruce Morgan, Esquire, 100 Roesler Rd., Suite 200, Glen Burnie, MD 21061. Contract Carrier, Irregular Route: *Doors, hollow-core and/or solid core, prefinished hardboard or unfinished plywood faces; Supplies used in the manufacture of such items.* Between the facilities of Young Door Company in AL, IN, and PA and all points in the U.S. Supporting shipper: Young Door Company, P.O. Box 757, Hartselle, AL 35640.

MC 124835 (Sub-3–4TA), filed November 24, 1980. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). *Portland and Masonry Cement, in Bulk and Packages,* from Nashville, TN, to points in AL, GA, KY and NC. Supporting shipper: The Marquette Company—A wholly owned subsidiary of G & W Natural Resources Group, 200 First American Center, Nashville, TN 37238.

MC 140484 (Sub-3–15TA), filed November 24, 1980. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). *Tread rubber* from Griffin, GA to the facilities of Palm Beach Bandag Retreads located at or near Riviera Beach, FL. Supporting shipper: Fort Myers Bandag Retreads, 2203 Alicia Street, Fort Myers, FL 33901.

MC 109708 (Sub-3–14TA), filed November 25, 1980. Applicant: INDIAN RIVER TRANSPORT CO., INC., 2580 Executive Rd., Winter Haven, FL 33830. Representative: Russell E. Haas, (same as above). *Non-exempt food and kindred products;* Between points in Allegheny County, PA; Sandusky County, OH; Ottawa County, MI; Muscatine County, IA; Mecklenburg County, NC and Winchester, VA; and between points in Mecklenburg County, NC on the one hand and points in AL, FL, GA, NC, MS, SC, TN and VA on the other hand. Supporting shipper: Heinz U.S.A., P.O. Box 57, Pittsburgh, PA. 15230.

MC 121598 (Sub-3–4TA), filed November 21, 1980. Applicant: SHELBYVILLE EXPRESS, INC., Old Railroad Ave., Shelbyville, TN 37160. Representative: James G. Caldwell, P.O. Box 100906, Nashville, TN 37210. *Agricultural chemicals, products and supplies used in the manufacture, sale, and distribution thereof (except in bulk),* between points in the U.S. (except AK and HI).

Note.—Applicant intends to tack with MC 121598 and interline at Memphis, Nashville, TN, Greeneville, MS, Monroe and Shreveport, LA.

Supporting shipper: Helena Chemical Company, Suite 3200, 5100 Poplar Avenue, Memphis, TN 38137.

MC 144827 (Sub-3–23TA), filed November 21, 1980. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, P.O. Box 18423, Memphis, Tennessee 38118. Representative: Robert L. Baker, 618 United American Bank Building, Nashville, Tennessee 37219. (1) *Such merchandise as is dealt in by catalogue showroom stores and (2) materials, equipment, fixtures and supplies used in the business of a catalogue showroom company,* between points in the U.S. (except AK and HI). Restriction: Restricted to shipments originating at or destined to the facilities of Service Merchandise Company, Inc. Supporting shipper: Service Merchandise Company, Inc., 2968 Foster Creighton Drive, Nashville, TN 37204.

MC 145957 (Sub-3–1TA), filed November 21, 1980. Applicant: PETTIS TRUCKING CO., INC., Route 4, Box 249–B, Brewton, AL 36426. Representative: Thomas M. Pettis (same address as applicant). *Agriculture lime and related lime products,* from points in AL, to points in MS, FL, and GA. Restricted to transportation in open top dump vehicles. Supporting shipper: DoLime Minerals Co.

Note.—Tacking with existing authority is requested MC 145957 (Sub-2F).

MC 69492 (Sub-3–4TA), filed November 21, 1980. Applicant: HENRY EDWARDS TRUCKING CO., INC., P.O. Box 97, Clinton, KY 42031. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. *Compressors, materials, supplies and equipment used in manufacturing and distribution of compressors,* between the facilities used by Ingersoll Rand Co., at or near Mayfield, KY, on the one hand, and, on

the other, points in the U.S. (except AK and HI). Supporting shipper: Ingersoll Rand Co., R. 45 So., Mayfield, KY 42066.

MC 69492 (Sub-3–5TA), filed November 21, 1980. Applicant: HENRY EDWARDS TRUCKING CO., INC., P.O. Box 97, Clinton, KY 42031. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville TN 37219. *Electrodes, materials, supplies and equipment used in the manufacturing and distribution of electrodes* between the facilities used by Sigri Carbon Corporation at or near Hickman, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Sigri Carbon Corporation, Hickman, KY 42053.

MC 133221 (Sub-3–4TA), filed November 21, 1980. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, GA 30245. Representative: W. D. Beaver (same as applicant). (1) *Scrap rubber, scrap plastic*, from points in the U.S. (except AK and HI) to Trenton, NJ and Houston, TX, and (2) *Plastic* from Trenton, NJ, Houston, TX and Parkersburg, WV to points in the U.S. (except AK and HI). Supporting shipper: Koenig Plastic Co., Inc., 163 Hewitt Avenue, Trenton, NJ 08611.

MC 59150 (Sub-3–10TA), filed November 21, 1980. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202. *Pulp, paper and paper products, lumber and wood products, materials, equipment, supplies, and such products as are dealt in by Champion International Corporation*, between points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Champion International Corporation. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020.

MC 128720 (Sub-3–15TA), filed November 21, 1980. Applicant: MERCHANTS FREIGHT LINE, INC., 1185 Omohundro Drive, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. *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)*, between Simpson County, KY, on the one hand, and points in IL, on the other.

Supporting shipper(s): There are 47 certificates of support submitted with this application which may be examined at the Interstate Commerce Commission offices in Atlanta, GA.

Note.—Applicant intends to tack with its existing authority under MC 128720 and subs at Simpson County, KY and interline at Hickory Flats, KY, Chattanooga, Nashville, Memphis and Knoxville, TN, Rockford, Chicago, Joliet, Kankakee, Peoria, Decatur, Springfield, Jacksonville, East St. Louis, Effingham, Carbondale, Cairo, and Mt. Vernon, IL.

MC 18088 (Sub-3–1TA), filed November 21, 1980. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., P.O. Drawer 8, Sycamore, AL 35149. Representative: Charles Ephraim, 406 World Center Building, 918 16th Street, N.W., Washington, D.C. 20006. *Contract carrier;* irregular; *General commodities (except household goods as defined by the Commission and classes A and B explosives);* between points in the United States under continuing contracts with Hoechst Fibers Industries: Kimberly-Clark Corporation; Monsanto Company; Fibers and Plastics Company, Allied Chemical Corporation; and Kerr-McGee Corporation; and their subsidiaries and affiliates. Supporting shippers: Hoechst Fibers Industries, P.O. Box 5887, Spartanburg, SC 29304; Kimberly-Clark Corporation, 1414 West Larsen Road, Neenah, WI 54956; Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, MO 63766; Fibers and Plastics Company, Allied Chemical Corporation, P.O. Box 1788, Columbia, SC 29202; and Kerr-McGee Corporation, Kerr-McGee Center, Oklahoma City, OK 73125.

MC 128720 (Sub-3–16TA), filed November 21, 1980. Applicant: MERCHANTS FREIGHT LINE, INC., 1185 Omohundro Drive, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *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)*, between Simpson County, KY, on the one hand, and, points in IN, on the other. Supporting shipper(s): There are 30 certificates of support submitted with this application which may be examined at the Interstate Commerce Commission Offices in Atlanta, GA.

Note.—Applicant intends to tack with its existing authority under MC 128720 and subs at Simpson County, KY and interline at Hickory Flats, KY, Chattanooga, Nashville, Memphis and Knoxville, TN, Gary, South Bend, Elkhart, Fort Wayne, Lafayette, Kokomo, Anderson, Muncie, Indianapolis, Richmond, Terre Haute, Columbus, Bloomington, Evansville and Jeffersonville, IN.

MC 152763 (Sub-3–1TA), filed November 20, 1980. Applicant: EXPRESSCO, INC., 105 Rhine St., Nashville, TN 37215. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tennessee 37219. *General commodities, except household goods as defined by the Commission, and Classes A & B explosives*, between points in the U.S. (except AK and HI), under a continuing contract(s) with IKG Industries, Inc., Division of Harsco Corporation. Supporting shipper: IKG Industries, Division of Harsco Corporation, P.O. Box 479, Nashville, TN 37202.

MC 138882 (Sub-3–29TA), filed November 20, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Non-exempt food or kindred products*, between points in Mecklenburg County, NC, on the one hand, and, on the other, points in the US east of and including MT, WY, UT, and AZ. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, PIttsburgh, PA 15230.

MC 145738 (Sub-3–3TA), filed November 24, 1980. Applicant: EAST-WEST MOTOR FREIGHT, INC., P.O. Box 607, Highway 45 South, Selmer, Tennessee 38375. Representative: Sonny Curtner (same address as applicant). *General commodities* between Nashville, Lebanon, Millersville, Greenbriar, Cookeville, Murfreesboro and McMinnville, TN, and points in their commercial zones to points in CA, or, WA, CO, NV, UT, AZ, ID, WY restricted to shipments moving on bills of lading of Mid-South Shippers Association, Inc., 230 Willow Street, Nashville, TN 37210. Supporting shipper: Mid-South Shippers Association, Inc., Nashville, TN 37210.

MC 149218 (Sub-3–15TA), filed November 21, 1980. Applicant: SUNBELT EXPRESS, INC., Highway 78 West, P.O. Box 604, Bremen, GA 30110. Representative: Pat H. Carden (same address as applicant). *(1) Containers, container closures, container components and packaging products; and (2) materials and supplies used in the manufacture, sale and distribution of (1) above (except commodities in bulk, building materials and commodities which because of their size and weight require special equipment* between points in AL, AR, FL, GA, IL, IN, KY, LA, MO, MS, NC, OH, SC, TN, VA and WV. Supporting shippers: Sirco Systems Inc., P.O. Box 367, Birmingham, AL 35201. The Sherwin-Williams

Company, P.O. Box 6875, Cleveland, OH 44101.

MC 31675 (Sub-3–27TA), filed November 21, 1980. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, N.C. 28234. Representative: Jay R. Hanson (same as above). *Iron, Steel and Aluminum Articles* from Cleveland and Cincinnati, Ohio, to points and places in IL, VA, MI, IN, KY, TN, CT, WI, MN, PA, MO and NY. Supporting shipper(s): Edgecomb Metals, 16500 Rockside Road, Maple Heights, Ohio 44137.

MC 145220 (Sub-3–5TA), filed November 19, 1980. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 5, Box 242, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Nonexempt food or kindred products,* between points in Allegheny County, PA; Sandusky County, OH; Ottawa County, MI; Muscatine County, IA; Mecklenburg County, NC and Winchester, VA; and between points in Mecklenburg County, NC on the one hand, and, on the other, points in VA, TN, NC, SC, GA, AL, MS and FL. Supporting shipper: Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 134105 (Sub-3–8TA), filed November 19, 1980. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Avenue, Chattanooga, TN. 37408. Representative: James E. Elgin (same address as applicant). *Meat, Meat Products, Meat By-Products and other items produced by meat packing companys (except hides)* from the plantsite and storage facilities of Vernon Calhoun Packing Co. at or near Palestine, TX to points in the U.S. except TX, AK and HI. Supporting shipper: Vernon Calhoun Packing Co. P.O. Box 709 Palestine, Texas 75801.

MC 75840 (Sub-3–14TA), filed November 21, 1980. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, Malone Freight Lines, Inc., 3400 Third Avenue South, Birmingham, AL 35222. *Chemicals or Allied Products,* between Cortland County, NY, on the one hand, and, on the other, points in the states of TX, LA, AR, and FL. Supporting shipper: R. H. Miller Division Pennwalt Corporation, 43 James Street, Homer, New York 13077.

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 30844 (Sub-5–40TA), filed November 24, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, Tulsa, OK 74121. Representative: Larry L. Strickler, P.O. Box 5000, Waterloo, IA 50704. *General commodities, except those of unusual value, Class A and B explosives; household goods as defined by the Commission, commodities in bulk, and those requiring special equipment* from Rosemont, IL to Des Moines, IA; Minneapolis, MN; Milwaukee, WI; Columbus, OH; Indianapolis, IN and Grand Rapids, MI, restricted to the transportation originating at the facilities of American Cyanamid Co. Supporting shipper: American Cyanamid Company, Wayne, NJ 07470.

MC 30844 (Sub-5–41TA), filed November 24, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, Tulsa, OK 74121. Representative: Larry L. Strickler, P.O. Box 5000, Waterloo, IA 50704. *Coffee and tea* between New York, NY; Houston, TX; Miami, FL; Jacksonville, FL; Los Angeles, CA; San Francisco, CA; New Orleans, LA; Philadelphia, PA; Cleveland, OH; Lansing, MI; Chicago, IL; Barrington, IL; Birmingham, AL; Oklahoma City, OK; St. Louis, MO; Independence, MO; Kansas City, KS; Norfolk, VA; Baltimore, MD; Savannah, GA and Atlanta, GA, restricted to the transportation of traffic originating at or destined to the facilities of Sprague & Rhodes, Inc. Supporting shipper: Sprague & Rhodes, Inc., 99 Wall Street, New York, NY 10005.

MC 41116 (Sub-5–27TA), filed November 24, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman (same as applicant). Contract, Irregular. *General commodities (except household goods as defined by the Commission and Class A and B explosives),* between points in the U.S. (except AK and HI), under continuing contract(s) with ConAgra, Inc. and Chase Bag Company. Supporting shippers: ConAgra, Inc., 200 Kiewit Plaza, Omaha, NE 68131; Chase Bag Company, 814 Commerce Drive, Oak Brook, IL 60521.

MC 52460 (Sub-5–19TA), filed November 24, 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. *Malt Beverages,* from San Antonio, TX on the one hand and to Baton Rouge and Lake Charles, LA on the other. Supporting shipper: Beverage Sales, Inc., P.O. Box 3026, Lake Charles, LA 70601. Quality Beverage, Inc., 7723 Commerce, Baton Rouge, LA 70815.

MC 61396 (Sub-5–10TA) filed November 24, 1980. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68101. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. *Vegetable oils and refined animal fats (in bulk),* between points in the U.S. Restriction: Restricted to traffic originating at or destined to the facilities of Grindsted Products, Inc., Division of Grindsted Products A/S. Denmark. Supporting Shipper(s): Grindsted Products, Inc., 201 Industrial Parkway, Industrial Parkway, KS 66031.

MC 112713 (Sub-5–22TA) filed November 24, 1980. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records, P.O. Box 7270, Shawnee Mission, KS 66207 *Foodstuffs,* between Bells, Humboldt, Rossville and Memphis, TN, on the one hand, and, on the other, points in AR, TX and FL. Supporting Shipper: Winter Garden, Inc., P.O. Box 119, Bells, TN 38006.

MC 114274 (Sub-5–5TA) filed November 24, 1980. Applicant: VITALIS TRUCK LINES, INC., 137 N. E. 48th St. Pl., P.O. Box 1703, Des Moines, IA 50306. Representative: William H. Towle, 180 North La Salle St., Suite 3520; Chicago, IL 60601, 312–332–5106. *Foodstuffs (except commodities in bulk, in tank vehicles)* from the plant site of Adams Packing Assoc., Inc. at or near Memphis, TN to points in the U.S. except AK and HI. Supporting Shipper: Adams Packing Association, Inc., P.O. Box 37, Auburndale, FL 33823.

MC 114274 (Sub-5–6TA) filed November 24, 1980. Applicant: VITALIS TRUCK LINES, INC., 137 N. E. 48th St. Pl., P.O. Box 1703, Des Moines, IA 50306. Representative: William H. Towle, 180 North La Salle St., Suite 3520; Chicago, IL 60601, 312–332–5106. *Furniture,* from the facilities used by Continental Warehouse Group, LTD. at Des Moines, IA to Omaha, NE and from Neosha, MO to the facilities used by Continental Warehouse Group, LTD. at Des Moines, IA and Omaha, NE. Supporting Shipper: Continental Warehouse Group, LTD., 2800 Dixon, Des Moines, IA 50316.

MC 119399 (Sub-5–35TA) filed November 24, 1980. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Bakery goods and related items (except commodities in bulk and commodities requiring refrigeration),* from Jasper County, MO to points in AR, AZ, CO, IL, IN, KS, NE, OK, TN andd TX. Supporting

Shipper: Diane's Foods Incorporated, Overland Park, KS 66207.

MC 120302 (Sub-5–2TA), filed November 24, 1980. Applicant: KNOX TRUCK LINES, P.O. Box 12226, Grand Prairie, TX 75051. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Oil field pipe;* between points in TX, on the one hand, and, on the other, points in CO, LA, NM, OK and TX. Restricted to traffic originating at or destined to the facilities of Tex Isle. Supporting shipper: Tex Isle, P.O. Box 19261, Houston, TX

MC 121517 (Sub-5–6TA), filed November 24, 1980. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., P.O. Box 15672, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Sawdust,* from Malvern, AR to Stroud, OK. Supporting shipper: Allied Materials Corporation, 5101 N. Pennsylvania, Oklahoma City, OK.

MC 123285 (Sub-5–2TA), filed November 24, 1980. Applicant: CLETEX TRUCKING, INC., P.O. Box 812, Cleburne, TX 76031. Representative: A. William Brackett, 1108 Continental Life Building, Fort Worth, TX 76102. *Flyash and line, in bulk,* from Johnson County and Freestone County, TX to points in AR. Supporting shipper: Woodbine Corporation, 2510 Decatur, Fort Worth, TX 76106.

MC 123476 (Sub-5–6TA), filed November 24, 1980. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit, (same address as applicant). *Oilwell Production equipment,* between Tulsa County, OK on the one hand, and on the other all points in the U.S. in or east of ND, SD, NB, KS, OK, and TX. Supporting shipper: Trico Industries, Inc., 5555 S. Garnett, Tulsa, OK 74145.

MC 124813 (Sub-5–23TA), filed November 24, 1980. Applicant: UMTHUN TRUCKING CO., 918 South Jackson Street, Eagle Grove, IA 50523. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. (1) *Plastic slats,* from Rosemont and Hastings, MN to Waterloo, IA and Topeka, IN, and (2) *Vinyl covered fiberboard,* from Elkhart, IN to Waterloo, IA. Supporting shipper(s): Farmstead Industries, 2975 Airline Circle, Waterloo, IA 50701.

MC 124988 (Sub-5–2TA), filed November 24, 1980. Applicant: TRUCK SERVICE COMPANY, 2169 E. Blaine, Springfield, MO 65803. Representative: John L. Alfano, Esq., Alfano & Alfano, P.C., 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract;* Irregular *(1) Plastic materials (except foam) and lavatory fixtures,* from the facilities of E. I. du Pont de Nemours & Co., Inc., at or near Buffalo, NY, to points in CA, NV, and WA; and *(2) Paint and Paint Products,* from the facilities of E. I. du Pont de Nemours & Co., Inc. at or near Moberly, MO, to points in the US in and west of AR, IA, LA, MN, and MO, under continuing contract(s) with E. I. du Pont de Nemours & Co., Inc. of Wilmington, DE. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898.

MC 126822 (Sub-5–36TA), filed November 24, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *Foodstuffs* between points in the US, restricted to shipments for G. S. Suppiger Co. Supporting shipper: G. S. Suppiger Co., 910 Spruce Street, St. Louis, MO 63102.

MC 135678 (Sub-5–14TA), filed November 24, 1980. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Paper and Plastic Articles, paper and plastic cups, containers, dishes, plates, napkins, glass products, paper or pulpboard,* Between points in AR, OK, TX, KS, MO, CA, NV, NM, AZ AND CO. Supporting Shipper: American Can Company, 4411 Midland Blvd., Fort Smith, AR.

MC 136786 (Sub-5–42TA), filed November 24, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry D. Knox or Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309. *(1) Plastic bags and containers; and (2) such commodities as are dealt in or used by manufacturers and distributors of the commodities in (1) and materials, equipment, and supplies used in the manufacture of the commodities in (1),* between points in Essex County, MA; McDonough County, IL; Lawrence County, TN; and Montgomery County, AL, on the one hand, and, on the other, points in the US (except AK and HI). Supporting shipper: Webster Industries, Inc., 58 Pulaski Street, Peabody, MA 01960.

MC 139190 (Sub-5–3TA), filed November 24, 1980. Applicant: KOCH TRUCK LINE, INC., 619 Iowa, Sabetha, KS 66534. Representative: Eugene W. Hiatt, Hiatt, Hiatt & Carpenter, Chartered, 207 Casson Building, 603 Topeka Boulevard, Topeka, KS 66603, Phone (913) 232–7263. Contract; Irregular. *Aggregate and Clay—Bulk and Bag.* From Kansas City, KS, Des Moines, NM, Invite, NV, Riverside, TX, to and between AZ, CA, CO, ID, IA, KS, MN, MO, NE, NM, ND, OK, SD, TX, UT and WY. Supporting Shipper: Resources Group, Inc., 6000 Cornhusker Hwy, Lincoln, NE 68507.

MC 143701 (Sub-5–8TA), filed November 24, 1980. Applicant: HODGES FREIGHT LINES, INC., P.O. Box 20247, Kansas City, MO 64079. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Commodities such as are dealt in by wholesale and retail grocery and food business houses,* Between points and places in the U.S. restricted to suppliers, packers, customers, shippers and associate members of Topco and and Associates, Inc. Supporting shipper(s): Topco and Associates, Inc., 7711 Gross Point Road, Skokie, IL 60077.

MC 145441 (Sub-5–34TA), filed November 24, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, AR 72119. *General commodities, (except commodities in bulk),* between the facilities of Foremost McKesson, Inc., on the one hand, and on the other, points in the U.S. Supporting shipper: Foremost McKesson, Inc., One Post Street, San Francisco, CA 94104.

MC 145557 (Sub-5–2TA), filed November 24, 1980. Applicant: LIBERTY TRANSPORT, INC., P.O. Box 9182, Kansas City, MO 64168. Representative: George Butler, P.O. Box 9182, Kansas City, MO 64168. *Food Stuffs.* From Commercial Distribution, Independence, MO, in Jackson County to IN, AR, LA, MS, AL, KY, MI, OH, PA, VA, WV, MD, NC, SC, GA, NY, ME, RI, NH, CN, MA, TN, DE. Supporting shipper: Commercial Distribution Center, Inc., Independence, MO 64051.

MC 145655 (Sub-5–1TA), filed November 24, 1980. Applicant: TYSON FOODS, INC., P.O. Drawer E, 2210 Oaklawn, Springdale, AR 72764. Representative: Michael H, Mashburn, 111 Holcomb Street, P.O. Box 869, Springdale, AR 72764. Contract; Irregular. *Such products as are dealt in by retail grocery houses and retail grocery chain stores,* from Chicago, IL and Hammond, IN to Dallas, TX; Atlanta, GA; Kansas City, MO and New Orleans, LA; from St. Louis, MO to Dallas, TX; Atlanta, GA; New Orleans, LA; and the states of AR, TN, and MS; and from Kansas City, MO to the states of OK and KS. Supporting shipper: Lever Brothers Company, Inc., 1400 North

Pennsylvania Avenue, St. Louis, MO 63133.

MC 148833 (Sub-5–7TA), filed November 24, 1980. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Plastic pipe and materials and supplies used in the manufacture of plastic pipe (except commodities in bulk)* between Grinnell, IA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Robin-Tech, Box 685, Grinnell, IA 50112

MC 148886 (Sub-5–2TA), filed November 24, 1980. Applicant: A & A TRUCKING, INC., P.O. Box 538, Stephens, AR 71764. Representative: Joe D. Woodward, P.O. Box 727, Magnolia, AR 71753. *Roofing and roofing materials and supplies used in the manufacture of roofing and roofing materials,* between the plant site and storage facilities of the Elk Corporation located at Stephens, AR, on the one hand and all points in AL, KY, LA, MO, OK, TN, TX, and MS on the other hand. Supporting shipper: Elk Corporation, P.O. Box 37, Stephens, AR 71764.

MC 150425 (Sub-5–11TA), filed November 24, 1980. Applicant: TRANS-CONTINENTAL EXPRESS, INC., P.O. Box D, Clarksville, TX 75426. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Malt beverages,* (1) from Ft. Worth, TX and Belleville, IL (and their commercial zones) to Greene and Mississippi Counties, AR and (2) from Ft. Worth, TX (and its commercial zone) to Pulaski County, AR. Supporting shipper: Ed Roleson, Jr., Inc., P.O. Box 16, Paragould, AR 72450; Twin City Beverage Co., 1515 E. 4th St., Little Rock, AR 72202.

MC 150645 (Sub-5–4TA), filed November 24, 1980. Applicant: TILEWAYS, INC., 7834 Hawn Freeway, Dallas, TX 75217. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75217. Contract; irregular; *such merchandise as is sold by wholesale, retail, and discount stores;* between all points in the U.S. (except AK and HI), under continuing contract(s) with Gibson Co-op Warehouse. Supporting shipper: Gibson Co-op Warehouse, 12344 E. Northwest Highway, Dallas, TX 75228.

MC 150783 (Sub-5–20TA), filed November 24, 1980. Applicant: SCHEDULED TRUCKWAYS, INC., Post Office Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth, Post Office Box 757, Rogers, AR 72756. *Such commodities as are dealt in by health and beauty aid distributors and wholesalers.* From the facilities of Supreme Distribution Company at or near Detroit, MI to AZ, CT, DE, DC, FL, ID, MA, MD, NH, NJ, NM, NV, ND, OR, RI, SC, SD, UT, VT, VA, WV, WA, and WY. Supporting shipper: Supreme Distribution Company, 6501 E. McNichols, Detroit, MI 48212.

MC 151644 (Sub-5–2TA), filed November 24, 1980. Applicant: WILDCAT TRUCKING COMPANY, 6810 Dollarway Road, Pine Bluff, AR 71602. Representative: M. Douglas Wood, Attorney at Law, 2500 McCain Blvd., Suite 103, North Little Rock, AR 72116, (501) 758–1058. *Forest products/ building materials* between Jefferson County and Grant County, AR on the one hand and on the other hand points and places in AL, AZ, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, MA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, WV, and WY, and return. Supporting shipper: Arkansas Oak Flooring Company, 2200 W. 5th Avenue, Pine Bluff, AR 71601, and Rawick Mfg. Co., P.O. Box 5070, Pine Bluff, AR 71611.

MC 151753 (Sub-5–2TA), filed November 24, 1980. Applicant: M. W. CYCLE HAULER, INC., 11909 Santa Fe Drive, Lexena, KS 66215. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Plastic food containers and lids,* Between the Kansas City, KS/Kansas City, MO Commercial Zone on the one hand and the Chicago, IL Commercial zone and the Commercial zones of Sherman, Dallas and Ft. Worth, TX on the other hand. Supporting shipper: Sunset Plastic Products, Inc., 11800 W. 85th, Lenexa, KS 66215.

MC 152263 (Sub-5–2TA), filed November 24, 1980. Applicant: L & W TRANSPORTATION, INC., Route 3, Box 195, Sedalia, MO 65301. Representative: Charles J. Fain, Fain & Fain, Attorneys, 333 Madison, Jefferson City, MO 65101. Contract, irregular *Wood stoves, supplies, and incidental equipment* from the facilities of Alaska-Kodiac South-Central, Inc., St. Louis, Missouri, to points in MI, OK, IN, KY, TN, WI, and IL. Supporting shipper: Alaska-Kodiac South-Central, Inc., 500 Prospect Avenue, St. Louis, MO 63113.

MC 152773 (Sub-5–1TA), filed November 24, 1980. Applicant: LEROY V. HILL and ROBERT E. HILL, a partnership, d.b.a. L.V. HILL TRUCKING, 123 North Second, Iola, KS 66749. Representative: Charles H. Apt, Attorney, 104 South Washington, Iola, KS 66749. *Sand, Scrap Iron, Foundry Castings and Products,* between all points and places in KS. on the one hand and all points and places in OK. on the other. Supporting shipper: Walton Foundry, Inc., P.O. Box 505, Iola, KS 66749.

MC 152774 (Sub-5–1TA), filed November 24, 1980. Applicant: LEO GLYNN d.b.a. EMERALD DISTRIBUTION CO., 3101 Mercer No. 262, Kansas City, MO 64111. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Contract* Irregular *General commodities (except household goods as defined by the Commission and Classes A and B explosives)* between Sedgwick County, KS, on the one hand, and, on the other, points in MO on and West of U.S. Hwy 63. Supporting shipper: The Fox-Vliet Drug Co., 1919 Northern, P.O.B. 7701, Wichita, KS 67277.

MC 152790 (Sub-5–1TA), filed November 24, 1980. Applicant: D. J. TRANSFER COMPANY, INC., 8213 West 58th Street, Merriam, KS 66202. Representative: Erle W. Francis, 719 Capitol Federal Bldg., Topeka, KS 66603. *General commodities, except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, and commodities requiring special equipment,* between the Kansas City, MO–KS commercial zone on the one hand and on the other, points and places in AR, IA, KS, MO, NE and OK. Restricted to traffic having a prior or subsequent movement by rail piggy back. Supporting shippers: Paulssen & Guice Ltd., N. Kansas City, MO 64116. James A. Green, Jr., & Company, Kansas City, KS 66117.

MC 152791 (Sub-5–1TA), filed November 24, 1980. Applicant: MERCURY TRANSPORTATION, INC., 8502 Miller Road No. 3, Houston, TX 77049. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. Contract; Irregular. *Precast concrete products and equipment, materials, and supplies used in the manufacture or installation of precast concrete products (except commodities in bulk)* between points in the U.S., under continuing contract(s) with Petra, Inc., Channelview, TX. Supporting shipper: Petra, Inc., P.O. Box 599, Channelview, TX 77530.

MC 152793 (Sub-5–1TA), filed November 24, 1980. Applicant: AMERICAN MOVING SERVICES, INC., 3100 Justin Drive, Urbandale, IA 50332. Representative: Jim Pitzer, 15 S. Grady Way—Suite 321, Renton, WA 98055. *Household Goods and Unaccompanied Baggage* between Offutt A.F.B., NE and points in IA. Supporting shipper: Offutt Air Force Base, Transportation Office,

3902 ABW/LGTT Offutt A.F.B., NE 68113.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-37950 Filed 12-5-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permnent Authority Decisions; Decision-Notice

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 January 22, 1981 (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.

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".

Volume No. OP1-091

Decided: November 28, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman. Member Liberman not Participating.

MC 90870 (Sub-43F), filed November 21, 1980. Applicant: RIECHMANN, ENTERPRISES, INC., Route 1—Box 1284, Granite City, IL 62040. Representative: Patrick B. Northup, 1100 Des Moines Bldg., Des Moines, IA 50307. 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 114211 (Sub-482F), filed November 18, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 144961 (Sub-3F), filed November 18, 1980. Applicant: REED TRANSPORTATION, a Corporation, 2290 West Renvana, Mills, WY 82644. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. 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 148380 (Sub-3F), filed November 20, 1980. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. Transporting *general commodities* (except used household goods hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 152771F, filed November 10, 1980. Applicant: VIP MESSENGER & TRUCKING SERVICE, INC., 61 Voorhis Lane, Hackensack, NJ 07601. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Transporting *shipments weighing 100 pounds of less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 152780F, filed November 18, 1980. Applicant: AUSTIN'S TRUCK BROKERAGE, INC., P.O. Box D, Twin Falls, ID 83301. Representative: Austin Hall (same address as applicant). As a *broker*, at Twin Falls, Idaho Falls, and Boise, ID, Yakima, WA, Portland, OR, Sparks, NV, and Fresno, CA, is arranging for the transportation of general commodities (except household goods), between points in the U.S.

Volume No. OP2-107

Decided: November 24, 1980.

By the Commission, Review Board: Number 2, Members Chandler, Eaton, and Liberman.

MC 58923 (Sub-59F), filed November 12, 1980. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S.E., Atlanta, GA 30315. Representative: Fritz R. Kahn, Suite 1100, 1660 L Street, NW. Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between Shelby, AL, on the one hand, and, on the other, points in the U.S.

Note.—The purposes of this application is to substitute motor carrier for abandoned rail carrier service. Applicant intends to tack this authority with its existing regular-route authority.

MC 139923 (Sub-82F), filed November 18, 1980. Applicant: MILLER TRUCKING COMPANY, INC., 105 South 8th St., Stroud, OK 74079. Representative: Edward L. Handlin (same address as applicant). Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceed 100 pounds, between points in the U.S.

MC 152183 (Sub-1F), filed November 12, 1980. Applicant: FLAMINGO TRANSPORT, INC., P.O. Box 890, Adairsville, GA 30103. Representative: Frank Linn (same address as applicant). Transporting *general commodities*, between Rushville, IL, Wyatt, MO, Barneveld, Cuba City, Dodgeville, Fennimore, Green Lake, Lancaster, Platteville, and Princeton, WI, and Deephaven, Excelsior, Manitou, Victoria, Waconia, and Young America, MN, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

Volume No. OP3–093

Decided: November 25, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 141024 (Sub-3F), filed November 7, 1980. Applicant: CLARK TRUCKING, INC., 711 Clymer Rd., P.O. Box 207, Marysville, OH 43040. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. Government, between points in the U.S., and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds between points in the U.S.

MC 152265F, filed October 31, 1980. Applicant: CASMAR ASSOCIATES, INC., P.O. Box 593, 5415 Detroit Avenue, College Park, MD 20740. Representative: Marie Taccino (same address as applicant). Transporting (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. Government, between points in the U.S.; and (2) *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OP4–133

Decided: November 26, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 152556F, filed November 3, 1980. Applicant: MASS AIR FREIGHT, INC., 32 Railroad St., Revere, MA. 02151 Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. As a *broker* to arrange for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 152557F, filed November 3, 1980. Applicant: THAD E. POWELL, Rt. 2, Box 152A, Carthage, TX 75633. 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,* by the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

MC 152587F, filed November 7, 1980. Applicant: COMMERCIAL TRANSPORTATION MANAGEMENT SERVICES, INC., 12487 Plaza Dr., Parma, OH 44130. Representative: Jack H. Miner (same address as applicant). As a *broker* to arrange for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 152737F, filed November 12, 1980. Applicant: STOFFELS TRUCKING, 102 West Eddy St., Muenster, TX 76252. Representative: Stephen Stoffels (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,* by the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

Volume No. OP4–141

Decided: December 1, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 144616 (Sub-14F), filed September 22, 1980. Applicant: TRUCKS, INC., P.O. Box 79113, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OP5–067

Decided: November 26, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 112989 (Sub-133F), filed October 31, 1980. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John A. Anderson, Suite 1600, One Main Place, 101 S.W. Main St., Portland, OR 97204. 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 152128 (Sub-3F), filed November 6, 1980. Applicant: STATE TRANSPORT SERVICE, INC., 13029 Market St., Houston, TX 77015. Representative: C. W. Ferebee, 720 North Post Oak, Suite 230, Houston, TX 77024. Transporting *shipments weighing 100 pounds* or less, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the US.

MC 152429 (Sub-4F), filed November 5, 1980. Applicant: C R & S TANK LINES, INC., P.O. Box 871, Benicia, CA 94510. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Washington, DC 20036. To arrange for the transportation of *general commodities* (except household goods) between points in the US.

[FR Doc. 80-37947 Filed 12-4-80; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 384]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: November 25, 1980.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between any of the involved points.

Person unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation

may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified 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, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV United States Code, and the Commission's regulation. Except where specifically 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 those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject othe right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed on or before January 7, 1981 (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 notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices on or before January 7, 1980, or the application shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 31389 (Sub-302F), filed June 2, 1980. (Republication.) Applicant: MCLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. Transporting *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 Little Rock, AR and Springfield, MO, over U.S. Hwy. 65 intermediate points between Little Rock and Conway, AR, serving Bear Creek Springs, AR for purposes of joinder only; and serving Springfield, MO as an intermediate point in conjunction with existing regular route operations: (2) between Springfield, MO and Gateway, AR,: from Springfield over U.S. Hwy. 60 to Monett, MO, then over MO Hwy 37 to the MO/AR state line, then over AR Hwy. 37 to Gateway, and return over the same route, serving no intermediate points, (3) between Bear Creek Springs, AR and Tulsa, OK, from Bear Creek Springs over U.S. Hwy. 62 to junction Muskogee Tpk., then over the Muskogee Tkp. to Tulsa, and return over the same route, serving all intermediate points between Rogers and Fayetteville, AR inclusive, the off-route point of Bentonville, AR, and the intermediate point of Muskogee, OK: (4) between Muskogee, OK and Little Rock, AR, from Muskogee over U.S. Hwy. 64 (also from Mukogee over the Muskogee Tpk. to the junction of U.S. Hwy. 64) to Little Rock, and return over the same route, serving all intermediate points between Ft. Smith, and Little Rock, AR inclusive: (5) between Fayetteville, AR and Texarkana, TX, over U.S. Hwy. 71 serving Ft. Smith, AR as an intermediate point, and the junction of U.S. Hwys. 71 and 270 and U.S. Hwys. 59 and 71 for purposes of joinder only: (6) between Wynne, AR and Forest City, AR, over AR Hwy. 1 serving Colt, AR as an intermediate point: (7) between Memphis, TN and Little Rock, AR, from Memphis over U.S. Hwy. 64 to junction U.S. Hwy. 67, then over U.S. Hwy. 67 to Little Rock, and return over the same route, serving Wynne, Augusta and Searcy, AR as intermediate and off-route points: and (8) between Blytheville, AR and junction Interstate Hwys. 55 and 57 near Sikeston, MO, from Blytheville over U.S. Hwy. 61 to junction Interstate Hwy. 55, then over Interstate Hwy. 55 to junction Interstate Hwy. 57, and return over the same route, serving Caruthersville, Kennett and Hayti, MO as intermediate and off-route points, serving Joplin, MO, Siloam Springs, AR, Paragauld, AR and Newport, AR as intermediate and off-route points in conjunction with applicant's regular route operations.

This republication corrects an error in part (6) and an omission in part (8).

[FR Doc. 80-37946 Filed 12-5-80; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80-82)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National

Aeronautics and Space Administration announces the following meeting:

Name of Committee: Aerospace Safety Advisory Panel.
Date and Time: January 15, 1981, 2:00 p.m. to 4:00 p.m.
Address: NASA Headquarters, Review Center Room 7002, 400 Maryland Avenue, SW., Federal Building 6, Washington, DC 20546.
Type of Meeting: Open.
Purpose of Meeting: The Panel will present its annual report to the Administrator of NASA. This is pursuant to carrying out its statutory duties for which the Panel reviews, evaluates, and advises on those program activities, systems, procedures and management policies that contribute to risk and the identification and assessment of these for management. Priority is given to those programs that involve the safety of manned flight. The major subject will be the Space Shuttle Program with a period devoted to aeronautical research projects.

FOR FURTHER INFORMATION CONTACT: Gilbert L. Roth, Staff Director, Aerospace Safety Advisory Panel, National Aeronautics and Space Administration, Code LB–4, Washington, DC 20546, (202/755–8380).

SUPPLEMENTARY INFORMATION: The Panel is charatered by Congress (Pub. L. 90–67), and chaired by Herbert E. Grier. This meeting is open to the public up to the seating capacity of the room (approximately 40 persons, including Panel members). Visitors will be requested to sign a visitor's register. To assure adequate seating for all, members of the public planning to attend the meeting should contact Gilbert L. Roth on 202/755–8380.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

December 1, 1980.

[FR Doc. 80–37883 Filed 12–5–80; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–3 and 50–247]

Consolidated Edison Company of New York, Inc.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Provisional Operating License No. DPR–5, and Amendment No. 65 to Facility Operating License No. DPR–26, issued to the Consolidated Edison Company of New York (the licensee), which revised the licenses for operation of the Indian Point Station Unit No. 1 and Indian Point Nuclear Generating Unit No. 2 (the facilities) located in Buchanan, Westchester County, New York. The amendments are effective as of the date of issuance.

The amendments add license conditions to include the Commission-approved Safeguards Contingency Plan and Guard Training and Qualification Plan as part of the licenses.

The licensee's filings 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 amendments. Prior public notice of the amendments were not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments 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 the amendments.

The licensee's filings dated March 22, 1979, revised August 13, 1979, March 7, 1980 and April 29 1980, and August 17, 1979, revised August 18, 1980, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action see, (1) Amendment No. 28 to License No. DPR–5, (2) Amendment No. 65 to License No. DPR–26, and (3) the Commission's related letter dated November 18, 1980. 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, Maryland, this 18th day of November, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 80–37931 Filed 12–5–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–329 OM and 50–330 OM; Construction Permit Modification]

Consumers Power Co., (Midland Plant, Units 1 and 2); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit modification proceeding: Richard S. Salzman, Chairman, Dr. John H. Buck, Christine N. Kohl.

Dated: December 1, 1980.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 80–37932 Filed 12–5–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–334]

Duquesne Light Co., Ohio Edison Co., and Pennsylvania Power Co; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 35 to Facility Operating License No. DPR–66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications related to operation and surveillance of control rod indicator channels.

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 application for amendment dated November 14, 1980, (2) Amendment No. 35 to License No. DPR–66 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 B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. 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, Maryland, this 15th day of November, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 80-37933 Filed 12-5-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-389]

Florida Power and Light Co., St. Lucie Nuclear Power Plant, Unit No. 2; Issuance of Director's Decision Under 10 CFR 2.206

On February 14, 1980, the Atomic Safety and Licensing Appeal Board denied a motion filed by the intervenors in the St. Lucie Unit 2 construction permit proceeding and referred the motion to the Director, Office of Nuclear Reactor Regulation, for consideration at a request for action under 10 CFR 2.206, See ALAB–579, 11 NRC 223 (1980). The motion requested actions with regard to the consideration of the environmental consequences of "Class 9" accidents at the St. Lucie Unit 2 facility. Upon evaluation of the motion and related information in light of the Commission's new guidance on accident considerations at nuclear power plants (45 FR 40101), I have determined not to grant the requested relief. Accordingly, the request for action is denied under 10 CFR 2.206.

The reasons for this decision are stated fully in a "Director's Decision under 10 CFR 2.206", which is available for public inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555, and in the local public document room at the Indian River Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450. A copy of the decision will also be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), this decision will become the final action of the agency 20 days after issuance, unless the Commission institutes review of this decision by its own motion within that time.

Dated at Bethesda, Maryland this 28th day of November 1980.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80-37934 Filed 12-5-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Facility Operating License No. DPR–65, issued to Northeast Nuclear Energy Company, Connecticut Light and Power Company, Hartford Electric Light Company and Western Massachusets Electric Company (the licensee), which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2 (the facility), located in the town of Waterford, Connecticut. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to clarify the meaning and actions to be taken regarding the use of the term OPERABLE in the Definitions, Limiting Conditions for Operation, and Bases.

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 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 the amendment.

For further details with respect to this action, see (1) the application for the amendment dated May 21, 1980, (2) Amendment No. 62 to License No. DPR–65, and (3) the Commission's letter to the licensee dated November 19, 1980. 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 Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. 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, Maryland, this 19th day of November 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 80-37935 Filed 12-5-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR–40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

This amendment changes the Technical Specifications to incorporate additional fire protection requirements.

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 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 the issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittals dated October 4, 1978, January 22, May 30, and October 9, 1979, and August 20, 1980, as supplemented, (2) Amendment

No. 53 to License No. DPR-40, 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 W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska. 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, Maryland, this 17th day of November 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 80-37936 Filed 12-5-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 30 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District, which revised Technical Specifications for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of its date of issuance.

This amendment revises the Safety Limits and Limiting Safety System Settings Section of the Technical Specifications to permit plant operation at a flux-to-flow ratio of 1.08.

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 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 licensee's application dated August 11, 1980, (2) Amendment No. 30 to License No. DPR-54, 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 Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. 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, Maryland, this 21st day of November 1980.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 80-37937 Filed 12-5-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised the Technical Specifications for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to reflect modifications of the Fire Detection Instrumentation recently completed at the facility. These Technical Specification revisions delete the old Fire Detection System and incorporate the new Fire Detection System in the Limiting Conditions for Operation and the Surveillance Requirements.

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 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 the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 7, 1980, (2) Amendment No. 34 to License No. NPF-3, and (3) the Commission's letter dated November 18, 1980. 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 Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio. 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, Maryland, this 18th day of November 1980.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 80-37938 Filed 12-5-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-338]

Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. NPF-4 issued to the Virginia Electric and Power Company (the licensee) for operation of the North Anna Power Station, Unit No. 1 (the facility) located in Louisa County, Virginia. The amendment is effective as of its date of issuance and is to be implemented as soon as practicable but not later than June 30, 1982.

The amendment revises a license condition to require that certain Barton Lot 1 Transmitters inside containment be modified or replaced as soon as practicable but not later than June 30, 1982.

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 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 the issuance of this amendment.

For further details with respect to this action see (1) Virginia Electric and Power Company letter dated July 22, 1980; (2) Amendment No. 21 to Facility Operating License No. NPF–4; and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) amd (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 19th day of November 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 80-37939 Filed 12-5-80; 8:45 am]

BILLING CODE 7590-01-M

Evaluation of Agreement State Radiation Control Programs; Proposed General Statement of Policy; Extension of Comment Period

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed general statement of policy; extension of comment period.

SUMMARY: On October 3, 1980, Commission published for comment in the **Federal Register** (45 FR 65726) a proposed general statement of policy to adopt the recently revised "Guide for Evaluation of State Radiation Control Programs Under Agreement with the U.S. Nuclear Regulatory Commission Pursuant to Section 274 of the Atomic Energy Act of 1954, As Amended," February 1, 1980. This revised Guide, which was prepared by the NRC staff, incorporates new criteria and guidelines for acceptable practice by Agreement States. The October 3, 1980 notice specified that comments on the proposed general statement of policy were due on or before November 17, 1980. The Commission hereby extends the comment period to December 22, 1980.

DATE: The comment period is extended to December 22, 1980.

ADDRESSES: All interested persons who desire to submit written comments on this proposed statement of policy should send them to the Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of public comments on this proposed policy statement may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John R. McGrath, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (Phone 301–492–7767).

Dated at Washington, DC, this 2nd day of December, 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-37977 Filed 12-5-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

December 3, 1980.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

The number of forms in the request for approval;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the

reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201.

New

- Animal and Plant Health Inspection Service
- Request for Reimbursable Overtime Services
- PPQ 192
- On occasion
- Businesses or other institutions
- Any per., firm, or corp. having OW, custody of plant
- Sic: 018 514 515 519 526 599 799 842
- Small Businesses or organizations
- Agricultural research and services, 2,000 responses, 166 hours; $3,649 Federal cost, 1 form

Charles A. Ellett, 202–395–7340

Information from persons or firms requesting the services of an inspector on a reimbursable overtime basis. Data used to estabish a valid request for reimbursable overtime services and for assignment and scheduling of personnel.

Revisions

- Economics and Statistics Service

Tobacco Surveys
Other—see SF83
Farms
Tobacco growers
SIC: 0 13
Small businesses on organizations
Agricultural research and services, 20,200 responses, 3,367 hours; $127,000 Federal cost, 4 forms
Charles A. Ellett, 202–395–7340

Provides data to estimate acreage, yield, production, price value and carryover for 21 different types of tobacco. A number of specialized questionnaires are used to reflect differences in cultural practices and time periods when markets are open. Estimates are used by tobacco industry in marketing decisions.

- Economics and Statistics Service

Tree Nut Survey
Other—see SF83
Businesses or other institutions/farms
Tree nut grower and processors
SIC: 0 17 203
Small businesses or organizations
Agricultural research and services, 9,020 responses, 1,121 hours; $56,000 Federal cost, 6 forms
Charles A. Ellett, 202–395–7340

Provides data to estimate production, disposition and crop value of pecans, walnuts and filberts. Estimates used by nut industry in marketing decisions.

- Economics and Statistics Service

Vegetable Grower Survey
Quarterly
Farms
Vegetable and strawberry growers
Small businesses or organizations
Agricultural research and services, 24,400 responses, 4,246 hours; $188,000 Federal cost, 10 forms
Charles A. Ellett, 202–395–7340

Provides data for quarterly estimates of fresh market supplies for 19 vegetables, 3 melon crops and strawberries in all States having significant commercial production. Two forecast of production are published for onions and one for strawberries. Celery acreage estimated monthly in 5 States. Estimates used by vegetable industry in making production and marketing decision.

- Food and Nutrition Service

Application for Registration SFSPC Food Service
Management companies
FNS–189
Annually
Businesses or other institutions
Food Service management companies
SIC: 943
Public assistance and other income supplements, 500 responses, 2,000 hours; $940 Federal cost, 1 form
Charles A. Ellett, 202–395–7340

To register food service management companies and determine their eligibility to participate in the summer food service program for children.

- Forest Service

Northeastern Woodland Ownership Study
Nonrecurring
Individuals or households/farms/businesses or other institutions
Owners of privately owned forestland in Maine
SIC: 0 85
Conservation and land management, 2,500 responses, 1,250 hours; $31,075 Federal cost, 1 form
Charles A. Ellett, 202–395–7340

To provide estimates of timber volume and acreage of timber that might be available for harvesting, describe attitudes of typical owners toward forest land ownership, management, timber harvest and recreation. Uses: Planning, economic development. Respondents are forest-land owners in Maine. Approximately one-half of the sample-will be mailed questionnaires in 1981 and the remainder will be mailed in 1982.

- Economics and Statistics Service

Milk Production
Monthly, quarterly
Farms
Milk producers
SIC: 0 24
Small businesses or organizations
Agricultural research and services, 120,000 responses, 13,040 hours; $800,000 Federal cost, 3 forms
Charles A. Ellett, 202–395–7340

Provides data to estimate total milk production, numbers of milk cows, production per cow, plus amounts and value of feed fed to milk cows at State and national level. Estimates are used by dairy industry planning, pricing and projecting supplies of milk and milk products.

Extensions (Burden Change)

- Economics and Statistics Service

Hop Inquiries (Acreage, Production and Prices)
Other—SEE SF83
Farms
Hop Growers
SIC: 013
Small Businesses or Organizations
Agricultural Research and Services, 160 responses, 13 hours, $650 Federal cost, 1 form
Charles A. Ellett, 202–395–7340

Provides data to estimate hop yields in California, Idaho, Oregon and Washington. Hop acreage reported under Federal market order. Yield estimate times reported acreage used to forecast August and September production. Estimates used by grower and brewers in making production and marketing decisions. Also used in administration Federal market order on hops.

- Economics and Statistics Service

Pasture and Livestock Survey
Monthly, Annually
Farms
Pasture and cattle operations
SIC: 013 021
Small businesses or organizations
Agricultural Research and Services, 488 responses, 81 hours; $2,300 Federal cost, 2 forms
Charles A. Ellett, 202–395–7340.

Provides monthly information on condition of pasture and livestock in Hawaii. Data used to keep livestock industry abreast of local conditions. Included in this docket is survey of persons operating Kansas Bluestem pastures. Data obtained on lease prices

and acreage available for leasing to establish leasing policies.

Reinstatements

• Food and Nutrition Service
Application for Donated Commodities (Commodity Only Schools)
FNS–127
Annually
Businesses or Other Institutions
School Food Authorities
Public Assistance and Other Income Supplements, 10 responses, 10 hours; $45 Federal cost, 1 form
Charles A. Ellett, 202–395–7340

Application for school participation in the USDA donated commodity program. Submitted to FNS by the school food authority in cases where the program is to be directly administered by FNS.

• Food and Nutrition Service
Agreement for Use of Donated Commodities (Commodities-only Schools)
FNS–129
Annually
Businesses or Other Institutions
School Food Authorities
SIC: 943
Public Assistance and Other Income Supplements, 10 responses, 5 hours; $45 Federal cost, 1 form
Charles A. Ellett, 202–395–7340

Agreement document submitted to FNS by the school food authority. The FNS–129 includes a summary of all requirements pertaining to the operation of the donated commodity program.

• Food and Nutrition Service
Administrative Review Report—Summer Food Service Program for Children (Site)
FNS 19–1 & 19–2
On Occasion
State or Local Governments
State Agencies, Sponsors and Sites
SIC: 943
Public Assistance and other income supplements, 6,150 responses, 47,400 hours; $46,290 Federal cost, 2 forms
Charles A. Ellett, 202–395–7340

Forms 19–1 and 19–2 are needed to monitor the administrative, operative and nutritive aspects of the SFSP. Form 19–1 is used by administering agencies to monitor sponsors' meal service, income, costs, training and reviews. Form 19–2 gathers information on civil rights and meal pattern compliance at sites. Both reviews are necessary in order for states to ensure that they are meeting the department's standards as called for in Pub. L. 95–627.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• Bureau of the Census
Business Forms, Binders, Carbon Paper, and Inked Ribbons
MA–27A
On Occasion
Businesses or Other Institutions
Manufacturers of Office Supplies
SIC: 276 278 395
Small Businesses or Organizations
Other Advancement and Regulation of Commerce, 750 responses, 750 hours; $25,000 Federal cost, 1 form
Office of Federal Statistical Policy & Standard, 202–673–7974

This new survey will provide the only data available on the shipments of office supplies, government analysts will use these data to review trends in the types of supplies shipped to better predict the procurement needs of the government. Industry analysts will use these data to monitor market share and shifts in product types.

• Maritime Administration
Relative cost of Shipbuilding in the Various Coastal Districts of the United States
Schedules I–V
Annually
Business or Other Institutions
Shipyards
SIC: 373
Water Transportation, 22 responses, 176 hours; $30,700 Federal cost, 1 form
William T. Adams, 202–395–4814

This annual report to Congress is submitted in accordance with the requirements of section 213(c) of the Merchant Marine Act of 1936, as amended which provides that: "The relative cost of construction or reconditioning of comparable ocean vessels in shipyards in the various coastal districts of the United States, together with recommendations as to how such shipyards may compete for work on an equalized basis."

Revisions

• Bureau of the Census
Plastics Bottles (Production)
M30E
Monthly, annually
Businesses or Other Institutions
Plastics Bottles Manufacturers
SIC: 307
Small Businesses or Organizations
Other Advancement and Regulation of Commerce, 1,070 responses, 357 hours; $3,315,000 Federal cost, 1 form
Off. of Federal Statistical Policy & Standard, 202–673–7974

This report provides the only available information on the plastics bottles industry, a large and rapidly growing industry. Government and industry analysts use these data to determine changes in product types share of market, and availability of products.

• Bureau of the Census
Steel Mill Products
MA–33B
Annually
Businesses or Other Institutions
Manufacturers of Steel Mill Products
SIC: 331
Small Businesses or Organizations
Other Advancement and Regulation of Commerce, 575 responses, 431 hours; $3,315,000 Federal cost, 1 form
Off. of Federal Statistical Policy & Standard, 202–673–7974

Beginning in 1949, this survey has provided measures of shipments of steel for use by government agencies, business firms, trade associations, and private research and consulting organizations.

Reinstatements

• Economic Development Administration
Quarterly Report on Guaranteed Loans
ED 700
Quarterly
Businesses or Other Institutions
Domestic Banks With Loans Guaranteed by EDA
SIC: Multiple
Area and Regional Development, 800 responses, 300 hours; $2,100 Federal cost, 1 form
William T. Adams, 202–395–4814

The ED–700 cites those disbursements and repayments made during the quarter and the amount of outstanding loan balances for EDA guaranteed loans, which is used to determine the amount of EDA contingent liability, and to calculate and bill the lending institution for the guaranty fee. This information is recorded into the accounting system.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—William A. Wooten—202–426–5030

New

• Office of Vocational and Adult Education
Survey of Younger Adult Workers
ED 797
Nonrecurring
Individuals or Households
Repre. Sample of Memb. of the Civil. Labor Force 20–34 yrs
Elementary, Secondary, and Vocational Education, 1,500 responses, 675 hours; $125,160 Federal cost, 1 form

Laverne V. Collins, 202–395–6880

Information is needed on the longer-term effects of participation in secondary level vocational education. Existing data bases have various limitations which weaken their utility for examining longer-term effects. The data to be collected will enable an assessment of such effects.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

Reinstatements

• Food and Drug Administration
Medical Responsibility Statement for Use of Methadone in a Treatment Program
FD 2633
Nonrecurring
Individuals or Households
Respondents
Small Businesses or Organizations
Consumer and Occupational Health and Safety, 200 responses, 100 hours; 1 form
Richard Eisinger, 202–395–6880

This is an agreement signed by a physician that he understands and will perform the minimal requirements of the methadone regulation during his participation in the treatment of narcotic addiction by an approved methadone treatment program.

• Food and Drug Administration
Application for Approval of Use of Methadone in a Treatment Program
FD 2632
On Occasion
Businesses or Other Institutions
Respondents
Small Businesses or Organizations
Consumer and Occupational Health and Safety, 50 responses, 250 hours; 1 form
Richard Eisinger, 202–395–6880

This is an application and commitment by a person or organization who has applied for registration by the Drug Enforcement Admin. to treat narcotic addits with methadone according to standards established by the Secretary under the Drug Abuse Prevention and Control Act of 1970 and the Narcotic Addict Treatment of 1970.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Office—Robert G. Masarsky—202–755–5184

New

• Community Planning and Development
Small Multifamily Rental Property Rehab Demonstration Program
Nonrecurring
State or Local Governments
Staff Personnel From Community development block Grant Ent
SIC: 911
Community development, 150 responses, 3,000 hours; $6,000 Federal cost, 1 form
Richard Sheppard, 202–395–6880

Although more than $1.5 billion has been budgeted for publicly sponsored rehabilitation, virtually all of the financing has been directed to over-occupied properties. This demonstration is designed to stimulate long-term investment in the neglected multifamily sector. In order to elicit responses from interested localitie it is necessary to determine (1) their interest in the program (2) characteristics of their proposed program/neighborhood.

Reinstatements

• Community Planning and Development
Comprehensive Planning Assistance (Section 701)
Program Application Package
HUD–7026.3, HUD–7026.2, 7026.3 SF–424
Annually
State or Local Governments
States, Met. A–95 Clrnghs., Council of Gov., Indian Tribes
Sic: 953
Community Development, 400 responses, 40,000 hours; $393,600 Federal cost, 2 forms
Richard Sheppard, 202–395–6880

P.L. 83–560, section 701(d)(1) require HUD to impose a very detailed application (now the identified three forms and a narrative statement) in order to apply for the comprehensive planning assistance (section 701) grants. The narrative (the overall program design, or OPD) originally had OMB clearance was dropped from the OMB computer listing.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William L. Carpenter—202–343–6191

New

• National Park Service
Backcountry Use Permit
10–404 10–404A
On occasion
Individuals or Households
Recrea. Vist. Entering Certain Lands in Approx. 50 NPSU
Recreational Resources, 125,000 responses, 6,250 hours; $77,000 Federal cost, 2 forms
Erika Jones, 202–395–7340

The permit is used to implement a backcountry reservation system or provide access into backcountry zones where user limits are imposed. The information gathered is used to monitor and modify existing backcountry plans. Where permits, registration or reservation systems are not mandatory, the permit provides data base information retrievable through ADP.

Extensions (No Change)

• Office of the Solicitor and Office of the Secretary
State Program Reporting Form—Young Adult Corps
Work Accomplishment
YACC Form 5
Quarterly
State or Local Governments
YACC State Program Camp Directors and/or St. Prgrm. Agents
Sic: 944 951
Other natural resources, 1,400 responses, 926 hours; $11,600 Federal cost, 1 form
Erika Jones, 202–395–7340

Form is used by State grant YACC camp directors to report quarterly the value of work accomplished by resource category. Funds expended are also reported enabling a comparison of benefits vs. costs. Work hours are reported by resource category so that the value produced per hour worked can be determined.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—202–633–3526

Reinstatements

• Immigration and Naturalization Service
Alien Address Report Card
I–53
Annually
Individuals or Households
Aliens in the U.S.
Federal Law Enforcement Activities, 5,300,000 responses, 530,000 hours; $575,000 Federal cost, 1 form
Andy Uscher, 202–395–4814

Section 265 of the I&N Act requires every alien who is within the U.S. on the 1st day of January to report his or her address within 30 days. Report is used to insure compliance and for compilation of statistical data on the alien population.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6341

New

• Employment and Training Administration
Use of Non-Profit Institutions for PSE Expansion and Transition
MT–301
Nonrecurring
State or Local Governments

CETA Prime Sponsor Staff, NPO Staff, MPC Members
Sic: 944
Training and Employment, 154 responses, 116 hours; $212,927 Federal cost, 1 form
Arnold Strasser, 202–395–6880

To document and analyze the use of non-profit agencies as services deliverers for PSE placements and assess the potential these agencies offer as alternative service deliverers.

• Employment Standards Administration
Migrant Field Coordination Survey
AR–13A
Annually
Businesses or other institutions
Migrant Farm Worker Organizations and Grower Organizations
Sic: 864 861
Small Businesses or Organizations
Other Labor Services, 100 responses, 50 hours; $250 Federal cost, 1 form
Arnold Strasser, 202–395–6880

Telephone Survey will be used to assess ESA coordination with non-DOL organizations concerned with migrant workers. The information is needed to evaluate the effectiveness of program activities in connection with the Farm Labor Contractor Registration Act and the Fair Labor Standards Act, and to identify possible program improvements.

• Employment Standards Administration
Survey of Technical Assistance to State Workers' Compensation Programs
AR–16A
Annually
State or Local Governments
State Workers' Compensation Agencies
SIC: 944
Income Security, 100 responses, 50 hours; $250 Federal cost, 1 form
Arnold Strasser, 202–395–6880

Telephone surveys to assess the State Workers' Compensation Standards Program conducted by the Office of Workers' Compensation Programs. Information is needed to evaluate the quality and quantity of service provided to State agencies and recommend program improvements.

Revisions

• Departmental Management
Petition for Adjustment Assistance
ILAB 20 (Revised), ILAB 20–1 (Spanish)
On occasion
Individuals or Households/Businesses or Other Institutions
Individual Workers/Officers of Firms/Businesses
SIC: Multiple
Other Labor Services, 3,200 responses, 3,200 hours; $3,200 Federal cost, 2 forms
Arnold Strasser, 202–395–6880

Petition used by American workers applying to the U.S. Department of Labor for eligibility to receive worker trade adjustment assistance in accordance with the provisions of the Trade Act of 1974. The petition initiates action on part of the Department to determine if the worker is eligible.

Reinstatements

• Employment and Training Administration
Placement Validation
ETA–RC 30
On occasion
Individuals or Households/Businesses or Other Institutions
Employment and Job Seekers Using State Job Service Agencies
SIC: All
Small Businesses or Organizations
Training and Employment, 3,750 responses, 375 hours; $11,250 Federal cost, 1 form
Arnold Strasser, 202–395–6880

The special national validation efforts are designed to augment existing State and regional validation efforts. The performance of these special validation surveys will underscore the Department's intention of maintaining the integrity of the ESARS reporting system.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor, Acting—202–426–1887

• Federal Aviation Administration
Construction Contractor's Civil Rights Data—FAR 152
FAA 5190–11
Annually
Businesses or Other Institutions
Primary Construction Contractors and Subcontractors
SIC: All
Small Businesses or Organizations
Air Transportation, 5,400 responses, 10,800 hours; $104,866 Federal cost, 1 form
Corrinne Hayward, 202–395–7340

Airport and Airway Development Act of 1970, section 30 (49 U.S.C. 1730) authorizes issuance of affirmative action regulations governing nondiscrimination in federally funded programs. 14 CFR 152, subpart E, prescribes requirements for affirmative action plans. Information collected will be used to determine compliance. Start November 1980.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

Extensions (Burden Change)

• Loan Service Report
26–6808
On occasion
Individuals or Households
VA Loan Service Representative With Mortgagor
Veterans Housing, 55,000 responses, 27,500 hours; $325,223 Federal cost, 1 form
Laverne V. Collins, 202–395–6880

Form Records Office, phone and field interviews between VA loan service representatives and obligors of defaulted guaranteed and insured home loans and loans sold under VAR 4600. Data collected forms the basis for VA contacts with holders concerning forbearance, for determinations by VA in refunding loans (38 U.S.C. 1816, VAR 4318) or repurchase of loans (VAR 4600D).

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164

Reinstatements

¢ Agency Information Security Program Data
SF–311
Annually
Federal Government
Federal Agencies
General Property and Records Management, 58 responses, 58 hours; $280,910 Federal cost, 1 form
Kenneth B. Allen, 202–395–3785

The SF 311 provides data for ensuring effective implementation of the Government's Information Security Program. This includes information on the number of classification authorities, number of personnel granted clearances, volume of materials, and other actions.

C. Louis Kincannon,
Deputy Assistant Director For Reports Management.

[FR Doc. 80–38021 Filed 12–5–80; 8:45 am]
BILLING CODE 3110–01–M

PENSION BENEFIT GUARANTY CORPORATION

Date of Pension Plan Termination

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice.

SUMMARY: This notice is to inform interested persons of the Pension Benefit Guaranty Corporation's policy regarding requests for the retroactive termination

of a pension plan covered by Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1301 *et seq.*

FOR FURTHER INFORMATION CONTACT: Frank H. McCulloch, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, 202–254–4873.

SUPPLEMENTARY INFORMATION: Section 4041(a) of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1341(a), requires that a plan administrator of a defined benefit pension plan notify the Pension Benefit Guaranty Corporation (PBGC) at least ten days prior to the proposed effective date that the pension plan is to be terminated. Pursuant to Section 4048(1) of ERISA, 29 U.S.C. 1348(1), such a proposed date will become the date of plan termination once it is agreed to by PBGC.

Despite the clear language of ERISA, plan administrators have filed a significant number of notices proposing that PBGC agree to plan termination dates that occurred before the notices were filed. Plan administrators are reminded that PBGC regulations provide that late filing of a notice of intent to terminate a plan constitutes a violation of the provisions of Title IV of ERISA. 29 CFR 2604.3(f).

The termination date proposed in a notice that is timely filed in accordance with Section 4041(a) is presumed to be acceptable; PBGC will ordinarily agree to make it the termination date under Section 4048(1). However, a late filing eliminates the presumption in favor of the plan administrator's proposed date. It is the plan administrator's responsibility to anticipate termination and to follow Title IV provisions in effecting the termination. Plan administrators may be liable to PBGC or participants for losses caused by delay in filing a Notice.

It should be noted that on occasion PBGC will agree to a particular date as the appropriate termination date, notwithstanding the fact that a Notice of Intent to Terminate was not filed ten or more days before that date. However, such instances will be limited to highly unusual cases, such as those in which it is necessary to prevent unreasonable loss to the PBGC.

This policy is consistent with the principles applied in a recent decision of the U.S. Court of Appeals for the Third Circuit, the first appellate decision dealing with the question of an appropriate date of plan termination for purposes of Title IV. *Pension Agreements Between Heppenstall Company and the United Steelworkers of America* (Civil Action No. 79–2225, July 30, 1980). The issuance of this decision therefore provides an appropriate occasion for reminding plan administrators and those acting on their behalf of their obligation under Section 4041(a) of ERISA to file a 10-day Notice in advance of the date of proposed plan termination. They should also anticipate that PBGC will adhere to the policy described above with respect to agreeing to earlier dates of termination. Retroactive dates of termination based upon the claimed unfamiliarity of plan administrators with the requirements of Section 4041(a) are no longer warranted. Similarly, failure to file a Notice before the proposed date because all required data is not available will not warrant a retroactive termination date.

Plan administrators are reminded that they need not defer the filing of a Notice of Intent to Terminate because of delay in assembling any of the information required by the regulation (29 CFR 2604.4(b)). Where such delays are anticipated, the plan administrators should file a timely Notice with the information then available, and request an extension of time to complete the filing as provided in 29 CFR 2604.4(d).

Issued in Washington, D.C., on November 28, 1980.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 80-38028 Filed 12-5-80; 8:45 am]

BILLING CODE 7708-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0309]

Alta Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On September 9, 1980, a notice was published in the **Federal Register** (45 FR 59465) stating that Alta Capital Corporation, 175 Federal Street, Boston, Massachusetts 02110 has filed an Application with the Small Business Administration, pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate as a small business investment company.

Interested parties were given until the close of business on September 24, 1980, to submit written comments on the Application to the SBA.

Notice is hereby given that no written comments were received, and having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 01/01–0309 on November 24, 1980, to Alta Capital Corporation, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 1, 1980.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 80-37984 Filed 12-5-80; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 04/04-0199]

Venture Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107. 102 (1980)), under the name of Venture Capital Corporation, 1700 North Dixie Highway, West Plam Beach, Florida 33407, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et. seq.).

The proposed officers, directors, and major stockholders are as follows:

Richard A. Osias, Bay Colony, 71 Compass Island, Fort Lauderdale, Florida 33308–President, Director and 50 percent Stockholder

Alexander S. C. Osias, Bay Colony, 71 Compass Island, Fort Lauderdale, Florida 33308—Vice President, Secretary, Director and 50 percent Stockholder

James P. Hauser, Sr., 16 Paddock Circle, Tequista, Florida—Director

The Applicant does not intend to use the services of an investment adviser but will provide consulting services to its clients and other small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed management and owner, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any person may not later than 15 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, DC. 20416.

A copy of this notice shall be published in a newspaper of general circulation in West Palm Beach, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small business Investment Companies)

Dated: December 1, 1980.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 80-37985 Filed 12-5-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 731]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its October 1980 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV(c)(4) of the guidelines published in the **Federal Register** on August 24, 1978.

Dated: November 7, 1980.

John W. Kimball,

Director, Office of International Conferences.

United States Delegation to the Twenty-Third (Ordinary) Session of the Triennial Assembly of the International Civil Aviation Organization (ICAO), Montreal, Canada, September 16 to October 7, 1980

Chief Delegate

The Honorable Langhorne M. Bond (Chairperson), Administrator, Federal Aviation Administration

Delegates

The Honorable George E. Dalley (Vice Chairperson), Member, Civil Aeronautics Board

The Honorable John E. Downs (Vice Chairperson), U.S. Representative to the International Civil Aviation Organization, Montreal

James Ferrer, Jr. (Vice Chairperson), Director, Office of Aviation, Bureau of Economic and Business Affairs, Department of State

Louis N. Cavanaugh, Jr., Assistant Representative to the International Civil Aviation Organization, Montreal

Douglas V. Leister, Assistant Director for Negotiations, Bureau of International Aviation, Civil Aeronautics Board

Romeny E. Pattison, Chief, Air Navigation Branch, Office of International Aviation Affairs, Federal Aviation Administration

John T. Stewart, Assistant Chief Counsel, International Affairs and Legal Policy Staff, Office of the Chief Counsel, Federal Aviation Administration

Charles Swinburn, Deputy Assistant Secretary for Policy and International Affairs, Office of the Secretary, Department of Transportation

Alternate Delegates

Edward A. Corboy, Bureau of International Aviation, Civil Aeronautics Board

Joan S. Gravatt, Aviation Programs and Policy Division, Bureau of Economic and Business Affairs, Department of State

Herbert S. Thomas, III, Agency Directorate, Transportation and Communications, Bureau of International Organization Affairs, Department of State

Private Sector Adviser

Thomas V. Lydon, Manager, International Services, Air Transport Association of America, Washington, D.C.

United States Delegation to the World Tourism Conference (WTO), Manila, September 27–October 10, 1980

Representative

Constantine Warvariv, Director, Agency Directorate for Transportation and Communications, Department of State

Alternate Representative

Jeanne Westphal, Acting Assistant Secretary for Commerce for Tourism, Department of Commerce

Advisers

Jean O'Brien, Senior Policy Analyst, U.S. Travel Service, Department of Commerce

Leaonard Sandman, Labor Attache, United States Embassy, Manila

Private Sector Advisers

Chuck Y. Gee, Dean, School of Travel Industry Management, University of Hawaii

James Alexander Henderson, Executive Vice President, American Express Company

James A. F. Montgomery, Senior Vice President, Pan American World Airways

United States Delegation to the International Rubber Study Group, 26th Assembly (Commodities), Kuala Lumpur, September 29–October 4, 1980

Representative

Fred Siesseger, Director, Resources Policy Division, Department of Commerce

Alternate Representative

James Todd, Chief, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

Adviser

James McGlinchey, United States Embassy, Kuala Lumpur

Private Sector Advisers

Eric P. Bierrie, President, Rubber Trade Association of New York, Inc., New York, New York

Thomas E. Cole, Vice President, Rubber Manufacturers Association, Washington, D.C.

Warren Heilbron, President, Alan L. Grant Rubber Division, Imperials Commodities Corp., New York, New York

Donald F. Ress, Director of Corporate Subsidiary Operations, B.F. Goodrich Company, Akron, Ohio

J. J. Riedl, General Manager, Plantation Operations, Goodyear Tire and Rubber Company, Akron, Ohio

Robert M. Sanders, President, ACLI Rubber Company, White Plains, New York

United States Delegation to the International Telecommunication Union (ITU/CCIR) Study Group 10, Geneva, September 29–October 16, 1980

Chairman

Neal K. McNaughten, Office of Science and Technology, Federal Communications Commission

Advisers

Lewis L. Bradley, Spectrum Plans and Policies, National Telecommunications and Information Administration, Department of Commerce

Charles H. Breig, Broadcast Bureau, Federal Communications Commission

Howard H. Hupe, Office of Telecommunications Applications, National Telecommunications and Information Administration, Department of Commerce

George Knouse, Office of Applications, National Aeronautics and Space Administration

Edward F. Miller, Lewis Research Center, National Aeronautics and Space Administration, Cleveland, Ohio

John E. Miller, Office of Communications, NASA Headquarters

Warren G. Richards, Voice of America, U.S. International Communications Agency

Steven D. Selwyn, Office of Science and Technology, Federal Communications Commission

Thomas S. Tycz, Office of Science and Technology, Federal Communications Commission

Private Sector Advisers

George W. Bartlett, Vice President, National Association of Broadcasters, Washington, D.C.
Richard G. Gould, President, Telecommunications Systems, Washington, D.C.
Bronwen L. Jones, CBS Technology Center, CBS, Inc., Stamford, Connecticut
Edward F. Perry, Jr., President, Educational FM Associates, Duxbury, Massachusetts
Edward E. Reinhart, Technical Director for CCIR, Communications Satellite Corporation, Washington, D.C.
Peter H. Sawitz, Senior Scientist, Operations Research, Inc., Silver Spring, Maryland
Emil L. Torick, CBS Technology Center, CBS, Inc., Stamford, Connecticut
Arvydas Vaisnys, Jet Propulsion Laboratory, California Institute of Technology, Pasadena, California
Lewis D. Wetzel, Director of Engineering, National Association of Broadcasters, Washington, D.C.

United States Delegation to the International Telecommunication Union (ITU/CCIR) Study Group 11, Geneva, September 29–October 17, 1980

Chairman

Neal K. McNaughten, Office of Science and Technology, Federal Communications Commission

Advisers

Charles H. Breig, Broadcast Bureau, Federal Communications Commission
Howard H. Hupe, Office of Telecommunications Applications, National Telecommunications and Information Administration, Department of Commerce
George Knouse, Office of Applications, National Aeronautics and Space Administration
Edward F. Miller, Lewis Research Center, National Aeronautics and Space Administration, Cleveland, Ohio
John E. Miller, Office of Communications, NASA Headquarters
Thomas S. Tycz, Office of Science and Technology, Federal Communications Commission

Private Sector Advisers

George W. Bartlett, Vice President, National Association of Broadcasters, Washington, D.C.
James F. Butterfield, Technical Director, 3D Technology Corp., North Hollywood, California
Richard G. Gould, President, Telecommunications Systems, Washington, D.C.
Richard R. Green, Director, Advanced Television Technology Division, CBS Technology Center, Stamford, Connecticut
Robert A. O'Connor, Engineering and Development Division, CBS, Inc., New York, New York
Edward E. Reinhart, Technical Director for CCIR, Communications Satellite Corporation
John P. Rossi, Manager, Digital Television Development, CBS Technology Center, Stamford, Connecticut
Peter H. Sawitz, Senior Scientist, Operations Research, Inc., Silver Spring, Maryland
John Serafin, Engineering Department, American Broadcasting Company, New York, New York
Arvydas Vaisnys, Jet Propulsion Laboratory, California Institute of Technology, Pasadena, California
Lewis D. Wetzel, Director of Engineering, National Association of Broadcasters, Washington, D.C.

United States Delegation to the International Telecommunication Union (ITU/CCIR) Study Group CMTT, Geneva, September 30–October 17, 1980

Chairman

Leonoard S. Golding, Vice President, M/A–COM, Inc., Germantown, Maryland

Private Sector Advisers

Ronald Garlow, COMSAT Laboratories, Communications Satellite Corporation, Clarksburg, Maryland
Milton Gerdine, Supervisor, TV and Program Audio, Bell Laboratories, American Telephone and Telegraph Company, Holmdel, New Jersey
Joseph M. McNulty, Staff Manager, Program, Audio and Television, American Telephone and Telegraph Company, Basking Ridge, New Jersey
Robert A. O'Connor, Director, Transmission Engineering, CBS Television Network, New York, New York
John Serafin, Engineering Department, American Broadcasting Company, New York, New York
Roman Z. Zaputowycz, Director, Video Systems Planning, Western Union Telegraph Company, Upper Saddle River, New Jersey

United States Delegation to the High Level Conference on Information, Computer and Communications Policies, Committee for Scientific and Technological Policy Organization for Economic Cooperation and Development (OECD), Paris, October 6–8, 1980

Representative

The Honorable Matthew Nimetz, Under Secretary for Security Assistance, Science and Technology, Department of State

Alternate Representative

Richard H. Howarth, Office of International Communications Policy, Bureau of Economic and Business Affairs, Department of State

Advisers

The Honorable David Bazelon, U.S. Court of Appeals, District of Columbia
Arthur A. Bushkin, Special Assistant for Information Policy, National Telecommunications and Information Administration, Department of Commerce
William Edgar, Director, Office of International Trade, Bureau of Economic and Business Affairs, Department of State
William Fishman, National Telecommunications and Information Administration, Department of Commerce
Lucy A. Hummer, Deputy Assistant Legal Adviser for Management, Department of State
Kenneth Leeson, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Harry DeMaio,
IBM Corporation,
Armonk, New York
Hugh Donaghue,
Control Data Corporation,
Arlington, Virginia
Kay Riddle,
Chase Manhattan Bank,
Washington, D.C.

Congressional Staff Adviser

Christopher Vizsas,
Subcommittee on Government, Information and Individual Rights,
Committee on Government Operations,
U.S. House of Representatives

United States Delegation to the Third Working Group Meeting on Cotton Development International (CDI), United Nations Development Program (UNDP), Rome, October 6–11, 1980

Representative

John A. Barcas,

Office of International Commodities,
Bureau of Economic and Business Affairs,
Department of State

Alternate Representative

Roger P. Lewis,
Office of International Organization Affairs,
Department of Agriculture

Adviser

Geron Rathell,
Foreign Agriculture Service,
Department of Agriculture

Private Sector Advisers

Carl Campbell,
Special Projects Representative,
National Cotton Council of America,
Washington, D.C.
David W. Cox,
Vice President for Economic Research and Development,
Cotton, Incorporated,
Raleigh, North Carolina
Buford Brandis,
Senior Adviser International,
American Textile Manufacturers Institute, Inc.,
Washington, D.C.

United States Delegation to the Twenty-Second Session of the harmonized System Committee, Customs Cooperation Council (CCC), Brussels, October 6–24, 1980

Representative

Paul G. Giguere (October 13–24),
Deputy Director,
Classification and Value Division,
U.S. Customs Service,
Department of the Treasury

Alternate Representative

Eugene L. Rosengarden (October 6–17),
Director,
Office of Nomenclature, Valuation and Related Activities,
International Trade Commission

Advisers

Leonard A. Mobley (October 13–24),
Director, Industry Assessment Division,
Office of Textiles and Apparel,
Department of Commerce
Sterling J. Nicholson,
Bureau of the Census,
Department of Commerce
Dennis C. Sequeira,
Customs Attache,
U.S. Mission to the European Communities,
Brussels
Dale O. Torrence
U.S. Customs Service
Department of the Treasury

Private Sector Adviser

Donald J. May,
Assistant Director of International Trade,
American Textile Manufacturers Institute, Inc.,
Washington, D.C.

United States Delegation to the Fourteenth Session, Hague Conference on Private International Law, The Hague, October 6–24, 1980

Representative

Peter H. Pfund, Office of the Legal Adviser, Department of State

Alternate Representative

Jamison M. Selby, Office of the Legal Adviser, Department of State

Congressional Staff Adviser

Patricia Hoff, Legislative Assistant to Senator Wallop, United States Senate

Advisers

James G. Hergen, Office of Foreign Litigation, Department of Justice
Willis L. Reese, Director, Parker School of Foreign and Comparative Law, New York, New York
Arthur T. von Mehren, Harvard Law School, Cambridge, Massachusetts

Private Sector Adviser

Lawrence H. Stotter, American Bar Association, San Francisco, California

United States Delegation to the International Tin Council, 20th Session, Commodities, London, October 13–16, 1980

Representative

Ralph R. Johnson, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Frederick McEldowney, Office of the Deputy United States Trade Representative, Geneva

Advisers

Timothy Dulaney, Office of Raw Materials and Ocean Policy, Department of the Treasury
Paul Pilkauskas, American Embassy, London
William Sugg, International Commodities Division, Department of Commerce

Private Sector Advisers

George B. Keagle (October 13, 14, 16), General Manager—Purchasing, Materials and Energy, United States Steel Corporation, Pittsburgh, Pennsylvania
Daniel J. McEvoy (October 13, 15, 16), Vice President, Amalgamet Corporation, New York, New York
Malcolm Owings (October 14, 15, 16), Vice President, Continental Can Company, Chicago, Illinois

United States Delegation to the 28th Meeting of the International Lead and Zinc Study Group, Commodities, Geneva, October 16–24, 1980

Representative

Anthony Macone, Acting Director, Office of Commodity Policy, Department of Commerce

Alternate Representatives

Anthony Cammorata, Chief, Lead and Zinc Unit, Bureau of Mines, Department of the Interior
Ralph Johnson, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

Adviser

Edward L. Williams, American Embassy, London

Private Sector Advisers

Richard J. Bauer (October 22–23), President, Eastern Alloys, Maybrook, New York
Vincent Dorman (October 16–18), Vice President, Marketing, AMAX Lead and Zinc Company, Clayton, Missouri
Edward Elmore (October 16–17), Gould Incorporated, Edmunds, Washington
Robert Herzog (October 20–21), Vice President, Ethyl Corporation, Baton Rouge, Lousiana
Werner T. Meyer (October 20–23), President, Zinc Institute Incorporated and Lead Industries Association, Incorporated, New York, New York
Kurt Reinsberg (October 20–21), Senior Vice President, Associated Metals and Minerals Corporation, New York, New York
Alvan Sage (October 20–23), Vice President, Planning, St. Joe Lead Company, Clayton, Missouri
Arnold Scharf (October 16–18), Group Vice President, Philipps Brother, National Zinc, New York, New York

United States Delegation to the International Telecommunication Union (ITU/CCIR) Study Group 4, Geneva, October 16–November 4, 1980

Chairman

James B. Potts, Assistant Vice President, Communications Satellite Corporation

Advisers

Donald M. Jansky, Deputy Associate Administrator, National Telecommunications and Information Administration, Department of Commerce
Leo B. LaBanca, Satellite Communications Agency, Department

of the Army, Fort Monmouth, New Jersey
William G. Long, Jr., Space Systems Engineering, Defense Communications Agency, Department of Defense
Harold J. Ng, Spectrum Analysis Branch, National Telecommunications and Information Administration, Department of Commerce, Annapolis, Maryland
Richard D. Parlow, Spectrum Engineering Division, National Telecommunications and Information Administration, Department of Commerce, Annapolis, Maryland
Thomas S. Tycz, Office of Science and Technology, Federal Communications Commission

Private Sector Advisers

Perry G. Ackerman, Space and Communications Group, Hughes Aircraft Company, Los Angeles, California
Ahmed F. Ghais, International Communications Division, Communications Satellite Corporation
Richard G. Gould, President, National Telecommunications Systems, Washington, D.C.
Robert E. Greenquist, Assistant Vice President, Technical Policy and Standards, Western Union Telegraph Company, Upper Saddle River, New Jersey
Robert C. Harris, Long Lines Division, American Telephone and Telegraph Company, Bedminster, New Jersey
Robert A. Hedinger, Spacecraft Systems Department, Bell Laboratories, American Telephone and Telegraph Company, Holmdel, New Jersey
Michael Mitchell, Senior Engineer, Regulatory Engineering, Satellite Business Systems, McLean, Virgina
Peter H. Sawitz, Senior Scientist, Operations Research, Inc., Silver Spring, Maryland
Howard L. Weinberger, Space and Communications Group, Hughes Aircraft Company, Los Angeles, California
Hans J. Weiss, Systems Studies Division, Communications Satellite Corporation, Washington, D.C.
Leland B. Zahalka, GTE-Satellite Corporation, General Telephone and Electronics Corporation, Stamford, Connecticut

United States Delegation to the Assembly of Parties, International Telecommunications Satellite Consortium (INTELSAT), Venice, October 20–24, 1980

Representative

B. Boyd Hight, Deputy Assistant Secretary for Transportation and Telecommunications, Department of State

Advisers

Melvin Barmat, National Telecommunications and Information Administration, Department of Commerce
Willard V. Demory, Common Carrier Bureau, Federal Communications Commission
Henry Geller, Assistant Secretary for Communications and Information, Department of Commerce
Robert Greenburg, Common Carrier Bureau, Federal Communications Commission
William Lowell, Office of International Communications Policy, Department of State

Private Sector Adviser

Andrea D. Maleter, Communications Satellite Corporation, Washington, D.C.

United States Delegation to the Second Session of the Joint Working Committee for the Integrated Global Ocean Station System (IGOSS), United Nations Educational, Scientific and Cultural Organization (UNESCO/IOC), and the World Meteorological Organization (WMO), Geneva, October 20–29, 1980

Representative

Bertrand J. Thompson, Chief, Ocean Services Branch, National Weather Service, National Oceanographic and Atmospheric Administration, Department of Commerce

Alternate Representative

Mitchell Shank, Director, Fleet Applications Department, United States Naval Oceanographic Office, St. Louis, Mississippi

Adviser

William Gemmill, National Meteorological Center, National Weather Service, Camp Springs, Maryland

Private Sector Adviser

Warren B. White, Scripps Institute for Oceanography, La Jolla, California

United States Delegation to the International Telecommunication Union (ITU/CCIR) Study Group 9, Geneva, October 20–November 6, 1980

Chairman

Alex C. Latker, Common Carrier Bureau, Federal Communications Commission

Private Sector Advisers

John F. Beckerich, Collins Radio Group, Rockwell International, Richardson, Texas
Adolph J. Giger, Bell Laboratories, American Telephone and Telegraph Company, North Andover, Massachusetts
Michael J. Pagones, Bell Laboratories, American Telephone and Telegraph Company, Holmdel, New Jersey

United States Delegation to the International Telecommunication Union (ITU/CCIR) Study Group 3, Geneva, October 20–29, 1980

Chairman

Jean E. Adams, Spectrum Utilization Division, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado

Adviser

Thijs de Haas, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado

Private Sector Adviser

Lloyd M. Luke, RF Communications Division, Harris Corporation, Rochester, New York

United States Delegation to the Steel Committee, Working Party Organization for Economic Cooperation and Development (OECD), Paris, October 27–28, 1980

Representative

John D. Darroch, Director, Office of Basic Industries, Department of Commerce

Advisers

Diane Cook, Office of International Trade, Department of the Treasury
Dennis Finnerty, Special Trade Activities Division, Bureau of Economic and Business Affairs, Department of State
Joseph Papovich, Office of Foreign Economic Policy, Department of Labor

Private Sector Advisers

Frank Fenton, Vice President, American Iron and Steel Institute, Washington, D.C.
David Schryver, Director, International Trade and Legislation, Republic Steel Corporation, Cleveland, Ohio
John Sheehan, Director, Legislative Affairs, United Steelworkers of America, Washington, D.C.

United States Delegation to the International Plutonium Storage Study Meetings, International Atomic Energy Agency (IAEA), Vienna, October 27–31, 1980

Representative

Allen Sessoms, Office of Nuclear Technology and Safeguards, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Advisers

Gary Bray, Nuclear Energy Office, Non-Proliferation Bureau, Arms Control and Disarmament Agency
Frederick McGoldrick, Deputy Director, Office of International Affairs, Department of Energy

Private Sector Adviser

William Frankhouser, Systems Planning Corporation, Arlington, Virginia

United States Delegation to the United Nations Cocoa Conference, United Nations Conference on Trade and Development (UNCTAD), Geneva, October 27–November 7, 1980

Representative

The Honorable Michael B. Smith, Deputy U.S. Trade Representative, Geneva

Alternate Representative

Donald Phillips, Director of Commodity Policy, Office of the U.S. Trade Representative, Excecutive Office of the President

Advisers

John A. Barcas, Tropical Products Division, Bureau of Economic and Business Affairs, Department of State
Donald Crafts, Office of Raw Materials, Department of the Treasury
Ralph Ives, Office of Commodity Policy, Department of Commerce
Frederick L. McEldowney, Office of the Deputy U.S. Trade Representative, Geneva

Private-Sector Advisers

Travers J. Bell (November 3–7), Chairman of the Board, Cocoline Chocolate Company, Brooklyn, New York
Harold J. Gettinger (October 27–31), Vice President, Commercial, M&M/Mars, Inc., Hackettstown, New Jersey
Joanna Moss, Economist, Public Interest Economics Foundation, San Francisco, California
Robert W. Paulson (October 27–31), Vice President, Westway Merkuria, Inc., New York, New York
William J. Shaughnessy (November 3–7), Manager Commodity Analysis, Hershey Foods, Hershey, Pennsylvania
Daniel Tulig (November 3–7), Vice President, Internacio, Inc., New York, New York

United States Delegation to the 38th Meeting of the Inter-American Tropical Tuna Commission (IATTC), Washington, D.C., October 28–31, 1980

Commissioners

Wymberly Coerr, United States Commissioner, Inter-American Tropical Tuna Commission
Jack Gorby, United States Commissioner, Inter-American Tropical Tuna Commission
Robert Macdonald, United States Commissioner, Inter-American Tropical Tuna Commission

Alternate Commissioner

Gerald Howard, United States Commissioner, Inter-American Tropical Tuna Commission

Advisers

Carmen Blondin, Assistant Director for International Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Morris D. Busby, Deputy Assistant Secretary for Oceans and Fisheries Affairs, Department of State
Charles Finan, Fisheries Attache, United States Embassy, Mexico City
David A. Fitch, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Alan Ford, Director Southwest Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Brian Hallman, Office of Oceans and Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Mary McLeod, Office of the Legal Adviser, Department of State
Barbara Rothschild, Office of International Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Gary Sakagawa, Southwest Fisheries Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Adviser

Milton Kaufman, President, Monitor International, Washington, D.C.

[FR Doc. 80-37876 Filed 12-5-80; 8:45 am]
BILLING CODE 4710-19-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Second FAA/Commuter Airline Symposium

AGENCY: Federal Aviation Administration, DOT.
ACTION: Notice.

The Department of Transportation hereby announces the Second FAA/Commuter Airline Symposium which will be held on January 15–16, 1981, at the Sheraton National Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia 22204.

The purpose of this symposium is for the Federal Aviation Administration and the Commuter Airline industry to discuss areas of mutual concern, review implementation of policies and procedures, and provide a vehicle for consideration of user views.

This one and one-half day meeting will commence with registration from 8:00–9:00 a.m. on January 15. The morning session will include remarks by FAA Administration Langhorne Bond, "Looking at the Future for Commuter Service." Mr. Duane Ekedahl, President, Commuter Airline Association of America, will discuss "Forging a Solid Foundation for Growth." Following these presentations, there will be a panel discussion on Regional Perspectives on Commuter Issues by five FAA Regional Directors. The afternoon session will consist of two working sessions. Working Session I will focus on simulation, fitness, and safety analysis; and Working Session II will focus on airports/airways.

On the second day of the symposium, there will be a an overview of human factors relating to the commuter industry, followed by a Working Session on Human Factors.

All sessions will include a question and answer period, and audience participation will also be encouraged during the wrap-up session. It is also planned to have a prominent luncheon speaker on the first day of the conference.

Although the meeting is open to the public, the hotel levies a per day rate which covers the cost of the use of its conference rooms, lunch, and coffee breaks. This rate is covered by a registration fee of $35.00.

Further information concerning the symposium may be obtained from the Federal Aviation Administration, Office of Aviation Policy and Plans, APO-320, 800 Independence Avenue, SW, Room 939, Washington, D.C. 20591, telephone (202) 426-8444.

Issued in Washington, D.C., December 3, 1980.

Walter S. Luffsey,

Associate Administrator for Aviation Standards.

[FR Doc. 80-37980 Filed 12-5-80; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration Safety, Bumper, and Consumer Information Programs; Public Meetings

The National Highway Traffic Safety Administration (NHTSA) will hold a meeting on January 28, 1981, to answer questions from the public and industry regarding the Agency's safety, bumper, and consumer information programs. The meeting will begin at 10:30 a.m., run until 1:00 p.m., and reconvene at 2:00 p.m., if necessary. It will be held in the Conference Room of the Environmental Protection Agency's Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

At the January meeting, representatives of DOT will answer questions received in writing from the industry and the public relating to NHTSA's vehicle safety, bumper, or consumer information programs which are technical, interpretative or procedural in nature. The questions may relate to the research and development, rulemaking, or enforcement (including defects) phases of these activities. (Questions regarding the Agency's fuel economy program will continue to be addressed at the EPA's meetings on vehicle emissions).

Questions for the January 28 meeting must be submitted in writing by January 14 to Michael M. Finkelstein, Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street, SW., Washington, D.C. 20590. Every effort will be made to answer appropriate questions received. Questions received after the January 14 date may be answered at the meeting, if sufficient time is available. The individual, group, or company submitting a question does not have to be present for the question to be answered. A consolidated list of questions submitted by January 14 will be available at the meeting and this list will serve as the agenda.

A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington, D.C., within four weeks after the meeting. Copies of the transcript will be available in four or five weeks at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon receipt to NHTSA, Technical Reference Section, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590.

Succeeding meeting will be held on April 15, 1981.

Issued in Washington, D.C., on December 2, 1980.

Michael M. Finkelstein,

Associate Administrator, Rulemaking.

[FR Doc. 80-37981 Filed 12-5-80; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

Fair Housing Lending Enforcement; Public Meeting

AGENCY: Comptroller of the Currency.

ACTION: Notice of Public Meeting.

SUMMARY: Settlement of *National Urban League, et al.*, v. *Office of the Comptroller of the Currency, et al.*, (Civil Action No. 76-0718) provides that a semi-annual meeting will be held to review the fair housing lending enforcement program of the Office of the Comptroller of the Currency. Members of the Public are invited to attend this meeting.

DATE: January 7, 1981, 1:30 PM.

ADDRESS: 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Individuals who plan to attend this meeting should be present at the 3rd Floor Conference Room "A" prior to 1:30 PM.

FOR FURTHER INFORMATION CONTACT: Marianne Freeman, Customer Program Specialist, Office of the Comptroller of the Currency, Washington, D.C. 20219, telephone 202/287-4265.

SUPPLEMENTARY INFORMATION: Settlement of *National Urban League, et al.* v. *Office of the Comptroller of the Currency, at al.*, (Civil Action No. 76-0718) provides that a semi-annual meeting will be held to review the fair housing lending enforcement program of the Office of the Comptroller of the Currency. Representatives of the Comptroller of the Currency will discuss their fair housing program and any changes made or proposed therein and will receive and consider suggestions from the National Urban League.

Members of the Public are invited to attend this meeting and will be given an opportunity to make comments and suggestions with respect to the enforcement program of the Comptroller of the Currency.

Dated: November 21, 1980.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 80-37987 Filed 12-5-80; 8:45 am]

BILLING CODE 4810-33-M

Office of the Secretary

[Supplement to Department Circular, Public Debt Series—No. 35-80]

Series Y-1982 Notes; Interest Rate

December 1, 1980.

The Secretary announced on November 25, 1980, that the interest rate on the notes designated Series Y-1982, described in Department Circular—Public Debt Series—No. 35-80, dated November 19, 1980, will be 13⅞ percent. Interest on the notes will be payable at the rate of 13⅞ percent per annum.

Gerald Murphy,

Deputy Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 80-37918 Filed 12-5-80; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 237
Monday, December 8, 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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1

FEDERAL COMMUNICATIONS COMMISSION.

The following item has been deleted at the request of Office of Chief, Scientist Bureau from the list of agenda items for consideration at the December 4, 1980, Open Meeting, and previously listed in the Commission's Public Notice of November 26, 1980 (#04300).

Agenda, Item Number and Subject

General—3—*Title:* Petition filed by Clairol Incorporated for a waiver of Section 2.805 of the rules to permit the marketing of an ultrasonic denture cleaner. *Summary:* The Commission considers a petition from Clairol for waiver of the Commission's marketing rules. The waiver would permit Clairol to market an ultrasonic denture cleaner which does not comply with the technical requirements of Part 18 of the rules.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: December 4, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-2229-80 Filed 12-4-80; 2:42 pm]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

The following item has been deleted at the request of the Broadcast Bureau from the list of agenda items scheduled for consideration at the December 4, 1980, Open Meeting, and previously listed in the Commission's Public Notice of November 26, 1980 (#04300).

Agenda, Item Number, and Subject

Aural—2—*Title:* Applications by the Far East Broadcasting Company, Inc. to license AM Station KSAI, Susupe, Saipan and H. Scott Killgore d/b/a Micronesian Broadcasting Corporation to license Stations WSZE(AM), WSZE-FM, and WSZE-TV, Navy Hill (Rapagan), Saipan. *Summary:* The Commission will consider applications to license broadcast facilities in the Northern Mariana Islands Commonwealth.

Additional information concerning this item may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: December 4, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-2230-80 Filed 12-4-80; 2:42 pm]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

The following item has been deleted at the request of Commissioners Washburn and Quello from the list of agenda items scheduled for consideration at the December 4, 1980, Closed Meeting, and previously listed in the Commission's Public Notice of November 26, 1980.

Agenda, Item Number, and Subject

Hearing—10—Draft Decision in the KGGM-TV, Albuquerque, New Mexico, renewal proceeding (Docket No. 20540).

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: December 4, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-2231-80 Filed 12-4-80; 2:42 pm]

BILLING CODE 6712-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

December 3, 1980.

TIME AND DATE: 10 a.m., December 10, 1980.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Item listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—471st Meeting, December 10, 1980, Regular Meeting, 10 a.m.

CAP-1. Project No. 2670, Northern States Power Co. of Eau Claire, Wis.;
CAP-2. Project No. 3288, Hume Lake Project (Mr. Lewis Evans);
CAP-3. Project Nos. 3108, 3109, 3110, 3111 and 3112, Eugene Water & Electric Board.
CAP-4. Docket No. ER78-409, Philadelphia Electric Co.;
CAP-5. Docket No. ER80-492, Idaho Power Co.;
CAP-6. Docket No. EL79-8, Central Power & Light Co., Public Service Co. of Oklahoma, Southwestern Electric Power Co. and West Texas Utilities Co.;
CAP-7. Docket No. EL79-20, Buckeye Power, Inc.

Miscellaneous Agenda—471st Meeting, December 10, 1980, Regular Meeting

CAM-1. Docket No. QF80-26, Argonne National Laboratory;
CAM-2. Docket No. QF80-27, Quaker Oats Co.;
CAM-3. Docket No. QF80-25, Granite City Steel;
CAM-4. Docket No. GP80-2, Spradling Drilling Co.;
CAM-5. Docket No. GP80-113, U.S. Geological Survey, New Mexico, section 108 NGPA determination, El Paso Natural Gas Co., Ballard No. 17 well, FERC No. JD80-34000, USGS No. NM9213-79;
CAM-6. Docket No. RA80-77, Warrior Asphalt Co. of Alabama, Inc.;
CAM-7. Docket No. RA80-56, Duffy's Car Wash, Inc.;
CAM-8. Docket No. RA81-6-000, Self-Serve Chevron; Docket No. RA81-7-000, Ron Cromwell Chevron.

Gas Agenda—471st Meeting, December 10, 1980, Regular Meeting

CAG-1. Docket No. TA80-1-59-002 (PGA80-1a), Northern Natural Gas Co.
CAG-2. Docket No. TA81-1-59-000 (PGA81-1, IBR81-1, GRI81-1, R&D81-1 and LFUT81-1), Northern Natural Gas Co.
CAG-3. Docket No. RP73-65 (PGA79-1a) (PGA79-1b), Columbia Gas Transmission Corp.
CAG-4. Docket Nos. RP73-97 and RP76-93 (PGA79-1), Kentucky-West Virginia Gas Co.

CAG–5. Docket No. RP80–141, Locust Ridge Gas Co.
CAG–6. Docket Nos. RP77–107 and RP78–68, United Gas Pipe Line Co.
CAG–7. Docket No. RP75–96 and RP76–100, Michigan Wisconsin Pipe Line Co.
CAG–8. Docket No. RP75–84, et al., Southern Natural Gas Co.
CAG–9. Docket No. SA80–138, Gulf Oil Corp.; Docket Nos. SA80–143 and SA80–144, Diamond Shamrock Corp.; Docket No. RI–80–15, Amoco Production Co.
CAG–10. FERC Gas Rate Schedule Nos. 818, et al., Amoco Production Co., et al.; FERC Gas Rate Schedule No. 230, Arco Oil & Gas Co.
CAG–11. FERC Gas Rate Schedule Nos. 483, 342, 418, and 42, Gulf Oil Corp.; Docket No. C180–424, Exxon Corp.
CAG–12. Docket No. CI72–724, Sun Oil Co.; Docket No. CI73–110, Texas Oil and Gas Corp.; Docket Nos. G–14711, et al., Amerada Hess Corp., et al.; Docket No. CI71–822, Superior Oil Co.; Docket No. CI72–462, Transocean Oil, Inc.; Docket No. CI73–710, Highland Resources, Inc.; Docket No. CI74–534, Helmerich & Payne, Inc.; Docket No. CI80–424, Exxon Corp.; Docket No. CI71–207, Cities Service Co.; Docket No. CI80–513, Alminex U.S.A., Inc.; Docket No. CI80–514, Canadian Superior Oil (U.S.) Ltd.; Docket No. CI72–545, Mitchell Energy Corp.; Docket No. CI72–527, Kerr McGee Corp.; Docket No. CI74–334, Chevron U.S.A. Inc.; Docket Nos. CS72–1191, et al., Kanopolis Gas Co., Inc., et al.; Docket No. CI75–734, Diamond Shamrock Corp.; Docket No. CI73–218, Amoco Production Co. (Operator), et al.;
CAG–13. Docket No. RP75–79 (Phase II), Lehigh Portland Cement Co. v. Florida Gas Transmission Co.; Docket No. CP77–44, Abitibi Corp. v. Florida Gas Transmission Co.
CAG–14. Docket No. CP80–541, Texas Gas Transmission Corp.
CAG–15. Docket Nos. CP80–283–002 and CP80–305–002, Texas Eastern Transmission Corp.
CAG–16. Docket No. CP76–474, Columbia Gas Transmission Co.
CAG–17. Docket No. CP80–480, Michigan Wisconsin Pipe Line Co.
CAG–18. Docket Nos. CP80–353 and CP80–396, Southwest Gas Corp.
CAG–19. Docket No. CP80–103, Northern Natural Gas Co., Division of Internorth, Inc.
CAG–20. Docket No. CP75–17, Transwestern Pipeline Co.
CAG–21. Docket No. CP66–121 (CP66–110, et al.) and CP79–161, Midwestern Gas Transmission Co.
CAG–22. Docket No. CP80–435, Alaskan Northwest Natural Gas Transmission Co.

Power Agenda—471st Meeting, December 10, 1980, Regular Meeting

I. Licensed Project Matters

P–1. Project Nos. 67 and 2868, Southern California Edison Co. Project No. 2904, Cities of Anaheim and Riverside, Calif.

II. Electric Rate Matters

ER–1. Docket Nos. ER81–46–000, ER81–47–000 and ER81–48–000, Indiana and Michigan Electric Co.
ER–2. Docket No. ER81–31–000, Green Mountain Power Corp.
ER–3. Docket No. ER80–204, GR National Corp.
ER–4. Docket No. ER77–533 (Phase II), Louisiana Power & Light Co.
ER–5. Docket Nos. ER77–488 and ER78–520 (Phase II), El Paso Electric Co.

Miscellaneous Agenda—471st Meeting, December 10, 1980, Regular Meeting

M–1. (A) Docket No. RM79–54, Small Power Production and Cogeneration Facilities—Qualifying Status. (B) Docket No. QF80–17, Vermont Marble Co.
M–2. Reserved.
M–3. Reserved.
M–4. Docket No. RM80–60, ex parte and separation of functions.
M–5. Docket No. RM80–33, final rules for part 270, subpart B, sections 270.201, 270.202 and 270.204.
M–6. (A) Docket No. RM79–76 (New Mexico–1), High-Cost Gas Produced From Tight Formations. (B) Docket No. RM79–76 (Colorado–6), High-Cost Gas Produced From Tight Formations. (C) Docket No. RM79–76 (Colorado–4); High-Cost Gas Produced From Tight Formations.
M–7. Docket No. RM81– , Redesignation of Oil Pipeline Regulations.
M–8. Docket No. RA80–17, New Jersey Highway Authority.
M–9. Docket No. RO79–8, North American Production Co.

Gas Agenda—471st Meeting, December 10, 1980, Regular Meeting

I. Pipeline Rate Matters

RP–1. Docket No. RP79–64, Florida Gas Transmission Co.
RP–2. Docket No. RP78–49, Alabama-Tennessee Natural Gas Co.
RP–3. Docket No. RP78–12, East Tennessee Natural Gas Co.
RP–4. (A) Docket No. RP72–133 (PGA75–1), (PGA75–3), (PGA76–1), (PGA77–1), (PGA77–1a), (PGA77–2), (PGA78–1), (PGA78–2), and (PGA79–1), United Gas Pipe Line Co. (B) Docket No. RP71–125 (PGA78–2), Natural Gas Pipeline Co. of America.
RP–5. Docket Nos. IS80–76 and IS80–47, et al., Buckeye Pipe Line Co.
RP–6. Docket No OR78–1 (Phase II), Trans Alaska Pipeline System.

II. Producer Matters

CI–1. Docket No. CI77–329, Texaco Inc. Docket Nos. CP77–304 and CP84–97, Sabine Pipe Line Co.

Note.—Item CI–1 will be considered as the first item on Wednesday, December 10th)

III. Pipeline Certificate Matters

CP–1. Docket No. CP74–314, El Paso Natural Gas Co. Docket No. CP76–327, Northwest Pipeline Corp. Docket No. CP77–526, Sun Oil Co., et al.
CP–2. Docket No. CP78–340, Trunkline Gas Co. Docket Nos. CP79–70, CP80–217, CP80–218, and CP80–236, Transcontinental Gas Pipe Line Corp. Docket No. CP80–82, Michigan Wisconsin Pipe Line Co., Texas Eastern Transmission Corp., and Transcontinental Gas Pipe Line Corp. Docket Nos. CP80–227, CP80–251, CP80–286, and CP80–384, Michigan Wisconsin Pipe Line Co. Docket No. CP80–267, Columbia Gulf Transmission Co. and Southern Natural Gas Co. Docket No. CP80–375, Consolidated Gas Supply Corp., Northern Natural Gas Co., Division of Internorth, Inc., Michigan Wisconsin Pipe Line Co., and El Paso Natural Gas Co.
CP–3. Docket No. CP74–83, Utah Gas Service Co., Docket No. CP74–158, Northwest Pipeline Corp.
CP–4. Docket No. CP80–495, the Superior Oil Co.
CP–5. Docket No. CP80–292, Consolidated Gas Supply Corp. Docket No. CP80–327, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CP–6. Docket No. CP80–372, Transcontinental Gas Pipe Line Corp., Docket No. CP80–521, Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.
CP–7. (A) Docket No. CP78–123, et al., Northwest Alaskan Pipeline Co. Docket No. CP78–124, Northern Border Pipeline Co. Docket No. CP79–60, Pacific Gas Transmission Co. (B) Delegation to the Federal inspector of certain authority under sections 4, 5, 7 and 8 of the Natural Gas Act.
CP–8. Docket Nos. CP78–123, et al., Northwest Alaskan Pipeline Co., et al.
CP–9. Docket No. CP78–123, et al., Alaskan Northwest Natural Gas Transportation Co., et al.

Kenneth P. Plumb,

Secretary.

[S–2226–80 Filed 12–4–80; 9:30 am]

BILLING CODE 6450–85–M

5

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 45, Issue No. 234, Page No. 80248. Date Published, December 3, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, December 4, 1980, 11 a.m.

PLACE: 1700 G Street, N.W., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Marshall (202–377–6677).

CHANGES IN THE MEETING:

The following items have been added to the open meeting:

Increase in Accounts of an Insurable type (Merger) Cancellation of Membership and Insurance and Transfer of Stock, Willamette Savings and Loan Association, Milwaukee, Oregon into American Savings and Loan Association, Salt Lake City, Utah.

Final Amendments Concerning Director and Officer Management Interlocks Branching, Policy Statement and Technical Amendment.

Md. 427, December 3, 1980.

[S-2227-80 Filed 12-4-80; 10:51 am]

BILLING CODE 6720-01-M

6

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., December 10, 1980.

PLACE: Hearing Room One, 1100 Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions Open to the Public

1. Gemini International Co.—Application for Independent Ocean Freight Forwarder License, and Gemini Transportation Inc.
2. Agreement No. 9548–18: Modification of the North Atlantic Mediterranean Freight Conference to provide for substituted service.
3. Agreement No. 10374–1: Modification of the Hapag-Lloyd/ICT/CGM Service Agreement to clarify the parties' options to charter vessels.
4. Docket No. 80–37: Used Household Goods—Tariff Filing Regulations Applicable to Carriers in the Foreign and Domestic Offshore Commerce of the United States—Comments received in response to notice of proposed rulemaking.
5. Proposed Rules Implementing the Maritime Labor Agreements Act of 1980.
6. Docket No. 80–68: U.S. Cargo Over Canada—Petition for Declaratory Order—Consideration of the record.

Portion Closed to the Public

1. Docket No. 80–31—Billie Ione Crtalic, Virgo International Corporation and Mercury International Corporation: Possible Violations of Section 44(a)/Billie Ione Crtalic; Independent Ocean Freight Forwarder License Application—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

[S-2225-80 Filed 12-3-80; 4:32 pm]

BILLING CODE 6730-01-M

7

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, December 2, 1980.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Discussion of Response to Congressional Request for the Commission's views on its Section 5 Authority over Unfair Acts or Practices; Discussion of Legal Interpretations of Commission Enforcement Authority.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523–3830; Recorded Message: (202) 523–3806.

[S-2232-80 Filed 12-4-80; 3:06 pm]

BILLING CODE 6750-01-M

8

RAILROAD RETIREMENT BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Volume 45, Page 80249, Wednesday, December 3, 1980.

TIME AND DATE: 9 a.m., December 11, 1980.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois 60511.

CHANGES IN THE MEETING: Additional items to be considered at the portion of the meeting which will be closed to the public:

(D) Appeal from referee's denial of disability annuity, Fred J. Armer.
(E) Appeal from referee's denial of disability annuity, Harvey J. Craig.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board, COM No. 312–751–4920, FTS No. 387–4920.

[S-2228-80 Filed 12-4-80; 12:51 pm]

BILLING CODE 7905-01-M

12/9

Billing Code 4810-27-M

CHRYSLER CORPORATION LOAN
GUARANTEE BOARD

NOTICE OF CLOSED BOARD MEETING

The Chrysler Corporation Loan Guarantee Board will hold a meeting closed to the public on December 8, 1980 at 11:00 a.m., in Room 4426, U.S. Treasury Department, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C.

The Board expects to meet with Chrysler Corporation to review the Company's Operating and Financing Plans.

Discussions of the above matters are closed to the public under applicable exemptions under the Government in the Sunshine Act. The discussions at the meeting will involve significant amounts of non-public financial and commerical information received from Chrysler Corporation, relating to anticipated productivity, profitability and market positions.

An open meeting is likely to disclose (1) confidential commercial and financial information, which is exempt under 5 U.S.C. §552b(c)(4); and (2) information the premature disclosure of which would be likely to signficantly frustrate implementation of Board action, which is exempt under 5 U.S.C. §552b(c)(9)(B).

Board members voting to close the meeting are Secretary of the Treasury Miller, Federal Reserve Chairman Volcker, and Comptroller General Staats.

Those persons expected to attend the meeting, or portions thereof, include the Board members, the Executive Director, General Counsel, and Secretary of the Board, and members of the respective staffs of each Board member.

Those persons desiring further information should contact Bruce D. Bolander, Secretary of the Board, at (202) 566-2278.

This notice is given as a result of a court order. The position of the Board is that it is not subject to the Government in the Sunshine Act.

Dated: December 5, 1980

BRUCE D. BOLANDER
Secretary of the Board

THE NATIONAL ARCHIVES AND RECORDS SERVICE
FILED AND MADE AVAILABLE FOR PUBLIC INSPECTION
Dec 5 3 45 PM '80
IN THE OFFICE OF THE FEDERAL REGISTER

CHRYSLER CORPORATION LOAN
GUARANTEE BOARD

TIME AND DATE: December 8, 1980 at 11:00 A.M.

PLACE: Department of the Treasury
15th Street and Pennsylvania Avenue, N.W.
Room 4426
Washington, D.C. 20220

STATUS Closed to the public.

MATTERS TO BE DISCUSSED: The Board expects to meet with Chrysler Corporation to review the Company's Operating and Financing Plans.

CONTACT PERSON FOR MORE INFORMATION: Bruce D. Bolander, Secretary of the Board (202) 566-2278.

This notice is given as a result of Court order. The position of the Board is that it is not subject to the Government in the Sunshine Act.

Dated: December 5, 1980

Bruce D. Bolander
Secretary of the Board

[S-2241-80 Filed 12-5-80; 3:45 pm]
BILLING CODE 4810-27-C

federal register

Monday
December 8, 1980

Part II

Department of Transportation

Federal Aviation Administration

Increase in Approved Takeoff Weights and Passenger Seating Capacities; Additional Requirements

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21, 23, 36, 91, 121, 135, and 139

[Docket No. 18315; SFAR No. 41B]

Increase in Approved Takeoff Weights and Passenger Seating Capacities; Amendment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment specifies the additional requirements for airplane designs certificated under Special Federal Aviation Regulation No. 41 (SFAR 41) that are necessary to comply with the airworthiness standards of International Civil Aviation Organization (ICAO), Annex 8. Manufacturers or modifiers of these airplanes may voluntarily elect to comply with these additional requirements to facilitate international operations. SFAR 41 was issued on September 7, 1979, and amended on April 7, 1980, to clarify its applicability. SFAR 41 prescribes additional airworthiness standards applicable to existing propeller-driven multiengine small airplanes to allow their type and airworthiness certification at weights in excess of 12,500 pounds maximum certificated takeoff weight, or with an increase in the number of passenger seats, or both.

DATES: Effective date—December 8, 1980. Comments must be received on or before March 9, 1981.

ADDRESS: Comments on this amendment may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 18315, 800 Independence Avenue, SW., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. All comments must be marked: Docket No. 18315. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Eli S. Newberger, Regulatory Projects Branch (AVS–24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 755–8716.

SUPPLEMENTARY INFORMATION:

Background

SFAR 41 was issued to provide for increased availability and utility of existing small multiengine propeller-driven airplanes in U.S. domestic commuter service by permitting type and airworthiness certification at weights above the limitation of 12,500 pounds maximum certificated takeoff weight. The SFAR permits an increase in the maximum certificated takeoff weight above 12,500 pounds, or an increase in passenger seating, or both, provided the maximum zero fuel weight does not exceed 12,500 pounds. Aircraft eligible for compliance with the SFAR must have been certificated to Federal Aviation Regulations Part 23 (FAR 23) prior to October 17, 1979, and an application for certification to SFAR 41 for the airplane must be filed prior to October 17, 1981. The production of airplanes certificated above 12,500 pounds, however, will be limited to 10 years after the effective date of SFAR 41, that is, until October 17, 1989.

No limitation has been establish for the operational life of individual aircraft that were manufactured in conformance to a design approved under SFAR 41 prior to October 17, 1989.

Discussion

Certification under SFAR 41, as that regulation is presently worded, requires an endorsement on the airworthiness certificate to indicate that the airplane at weights in excess of 5,700 kg (12,566 pounds) does not meet ICAO Annex 8, *"International Standards, Airworthiness of Aircraft, to the Convention on International Civil Aviation."* In the public rulemaking process followed before adoption of SFAR 41, technical differences were acknowledged to exist between SFAR 41 and ICAO Annex 8. After issuance of the SFAR, it was called to the FAA's attention that certain airplanes certificated to SFAR 41 could also be shown to comply with ICAO Annex 8. As written, however, SFAR 41 specifically requires all individual airworthiness certificates issued for aircraft type certificated under SFAR 41 to be specifically annotated otherwise. The purpose of this amendment is to eliminate this contradiction and allow those aircraft which do comply with ICAO Annex 8 to be free of statements to the contrary on their airworthiness certificates.

Article 33 of the Convention on International Civil Aviation (Chicago Convention) provides for the recognition of airworthiness certificates between contracting States when the airworthiness standards established by the Convention are met. The airworthiness standards established by the Convention are contained in ICAO Annex 8. Part III of ICAO Annex 8 sets forth objective standards applicable to airplanes of over 5,700 kg (12,566 pounds), maximum certificated takeoff weight intended for the carriage of passengers or cargo or mail in international air navigation. Noncompliance with these standards could seriously inhibit the international operations of affected airplanes.

The FAA, in the period since issuance of SFAR 41, has compared the airworthiness standards in Part III of ICAO Annex 8 with the airworthiness standards in FAR 23 plus SFAR 41. In this connection, the FAA has determined which specific FAR 25 airworthiness requirements must be met to ensure compliance with ICAO Annex 8, and they are listed in the body of the rule. It should be emphasized that the election to seek a more flexible international operations capability for airplanes already certificated to SFAR 41 by complying with these additional requirements is voluntary.

When an applicant elects to comply with the additional requirements of this amendment, the type certification basis statement on the type certificate data sheet or supplemental type certificate will indicate that the design meets the requirements of ICAO Annex 8. Aircraft covered under these certificates are excepted from the airworthiness certificate endorsement required by section 4(b) of SFAR 41. Applications for certification under SFAR 41 must be on file before October 17, 1981. However, applications for certification under the additional standards contained in this amendment may be made at any time for aircraft already certificated to SFAR 41. Since the additional standards of this amendment reflect specific standards of FAR 25 which may change after this amendment, the standards cited are those in effect on October 17, 1979, the effective date of SFAR 41.

Request for Comments

Interested persons are invited to submit comments on only this amendment. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. This amendment may be changed in the 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.

Notice and Public Procedure

The FAA recognizes that although the objective of SFAR 41 was met to increase the utilization of certain FAR 23 aircraft in U.S. domestic commuter service, difficulties may be encountered with the operation of such aircraft in foreign countries to the extent that the FAA precludes these aircraft from meeting the standard of ICAO Annex 8. In view of this, the FAA has determined those standards that will permit the voluntary compliance by persons seeking to undertake international operations with airplanes certificated under SFAR 41. Since this action is necessary to avoid imposing an undue burden on the international operations of these airplanes and since the FAA had no intention to preclude voluntary compliance with ICAO Annex 8 when SFAR 41 was issued, I find that notice and public procedure are impractical and contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days. Accordingly, this amendment is effective on December 8, 1980.

Adoption of Amendment

In consideration of the foregoing, SFAR 41 of the Federal Aviation Regulations (14 CFR SFAR 41) is amended effective December 8, 1980 as follows:

Special Federal Aviation Regulation No. 41

1. By amending section 4(b) by inserting the words "Except as provided in paragraph (c) of this section," at the beginning of current section 4(b), and by changing the first word "The" in current section 4(b) to the lower case.

2. By adding new section 4(c) to read as follows:

4. *Restrictions*

* * * * *

(c) An applicant is entitled to type certificate amendment or a supplemental type certificate that shows compliance with ICAO Annex 8 if the airplane meets SFAR 41 and the following requirements prescribed by the Administrator in effect on October 17, 1979:

(1) At each weight, altitude, and temperature within the operational limits selected by the applicant—

(i) For approach climb performance, comply with §§ 25.121(d) and 25.1533(a)(2).

(ii) For takeoff performance, comply with §§ 25.105(d), 25.111, 25.113(a), and 25.115.

(2) For gust loads design at rough air gust speed V_B, comply with §§ 25.335(d), 25.341(a)(1), and 25.351(b).

(3) For smoke evacuation design, comply with § 25.831(d).

(4) For engine rotation and restarting design, comply with §§ 25.903(c) and (e).

(5) For engine cooling design, comply with § 25.1521(e).

(Sec. 313(a), 601, 603, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 2424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves an amendment which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 as implemented by Department of Transportation Policies and Regulatory Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1485). As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on December 2, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-37919 Filed 12-5-80; 8:45 am]

BILLING CODE 4910-13-M

federal register

Monday
December 8, 1980

Part III

Architectural and Transportation Barriers Compliance Board

Procedures for Obtaining Information; Final Rules

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1120

Information Availability; Procedures

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Final rule.

SUMMARY: The Architectural and Transportation Barriers Compliance Board is issuing a final rule to implement section 552 of Title V, United States Code, commonly known as the "Freedom of Information Act" (FOIA). The rule informs the public of procedures for obtaining information from the Board.

EFFECTIVE DATE: December 8, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Allison, Office of Public Information, Architectural and Transportation Barriers Compliance Board, 330 C Street SW., Washington, D.C. 20202. (202/245–1591, Voice or TDD.)

SUPPLEMENTARY INFORMATION: Under 5 U.S.C. 552, each Federal agency is required to make available to the public information about its operations, rules, and proceedings as well as other records. This final regulation calls for the fullest possible disclosure of Board records consistent with the requirements of confidentiality and administrative necessity which are recognized in the Act itself. The Board's policy is to make information available to the greatest extent possible without violating the rights of individuals or organizations or impeding the Board's ability to perform its functions.

On June 25, 1980, the A&TBCB issued an interim rule with request for comments in the **Federal Register** 45 FR 42608 (1980). The rule has been in effect on an interim rule basis until a final rule is issued.

The A&TBCB received one comment from a federal agency. The comment contained helpful suggestions. Most of them are technical. One significant suggestion related to the meaning of "agency record." The courts have integrated the phrase of "agency record" as a record under the "control" of the agency. *Goland* v. *CIA* 607 F.2d 339 (1979); and *Ryan* v. *Department of Justice,* 474 F.Supp. 735 (1979). Accordingly, in §§ 1120.2 (b) and (d), 1120.34(a)(1), and 1120.41(a), where the term "agency record" is utilized the word "custody" is substituted for "control."

Therefore, Title 36, CFR, Part 1120, is hereby added as follows:

CHAPTER XI—ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

PART 1120—PUBLIC AVAILABILITY OF INFORMATION

Subpart A—General

Sec.

1120.1 Purpose and scope of this part.
1120.2 Definitions.
1120.3 Existing records.

Subpart B—Published Information

1120.5 Information published in the **Federal Register**.
1120.6 Information in A&TBCB publications.

Subpart C—Records Available for Public Inspection and Copying; Documents Published and Indexed

1120.11 Records available for inspection.
1120.12 Indexes to certain records.
1120.13 Effect of non-availability.

Subpart D—Information Available on Request

1120.21 Policy on disclosure of records.
1120.22 Requests to which this subpart applies.
1120.23 Where requests for agency records must be filed.
1120.24 Misdirected written requests; oral requests.
1120.25 Form of requests.
1120.26 Deficient descriptions.
1120.31 A&TBCB receipt of requests; responsibilities of Freedom of Information Officer.
1120.32 A&TBCB action on requests.
1120.33 Time allowed for initial action on requests.
1120.34 Initial denials of requests.
1120.36 Appeals from initial denials.
1120.37 A&TBCB action on appeals.
1120.38 Time allowed for action on appeals.
1120.41 Exempt documents.
1120.42 Release of exempt documents.
1120.51 Charges for services, generally.
1120.52 Computerized records.
1120.53 Payment of fees.

Authority: 5 U.S.C. 552, the Freedom of Information Act, as amended.

PART 1120—PUBLIC AVAILABILITY OF INFORMATION

Subpart A—General

§ 1120.1 Purpose and scope of this part.

This part contains the general rules of the Architectural and Transportation Barriers Compliance Board for public access to Board records. These regulations implement 5 U.S.C. 552, the Freedom of Information Act, as amended, and the policy of the Board. It is the Board's policy to disseminate information on matters of interest to the public and to disclose on request all information contained in records in its custody insofar as is compatible with the discharge of its responsibilities and consistent with the law. This part sets forth generally the categories of records accessible to the public, the types of records subject to prohibitions or restrictions on disclosure, and the places and procedures to obtain information from records in the custody of the A&TBCB.

§ 1120.2 Definitions.

For the purposes of this part:

(a) "A&TBCB" or "Board" means the Architectural and Transportation Barriers Compliance Board.

(b) "A&TBCB record" or "record" means any document, writing, photograph, sound or magnetic recording, drawing or other similar thing by which information has been preserved, from which the information can be retrieved and copied, and which is, was, or is alleged to be under the control of the A&TBCB.

(1) The term includes—

(i) Informal writings such as handwritten notes and drafts;

(ii) Information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans;

(iii) Records which were created or acquired by the A&TBCB, its members, its employees, its members' employees, or persons acting on behalf of its members, by use of A&TBCB funds or in the course of transacting official business for the A&TBCB.

(2) The term does not include—

(i) Materials which are legally owned by an A&TBCB member, employee, or member's employee or representative in his or her purely personal capacity; and

(ii) Materials published by non-Federal organizations which are readily available to the public, such as books, journals, standards, and periodicals available through reference libraries, even if such materials are in the A&TBCB's possession.

(c) The terms "agency," "person," "party," "rule," "rulemaking," "order," and "adjudication" have the meanings given in 5 U.S.C. 551, except where the context demonstrates that a different meaning is intended, and except that for purposes of the Freedom of Information Act the term "agency" as defined in 5 U.S.C. 551 includes any executive department, military department, Government corporation, Government controlled corporation, the United States Postal Service, or other establishment in the executive branch of the Government (including the Executive Office of the President) or any independent regulatory agency.

(d) A government record "under the control of the A&TBCB" means that the record is subject to the free disposition of the A&TBCB. This includes keeping the record available for governmental use as required and protecting, preserving, and exercising such control over it as may be necessary for that purpose. Control of a record is not synonymous with, and does not require, actual physical possession of the record.

(e) "Request" means a request to inspect or obtain a copy of one or more records.

(f) "Requestor" means any person who submits a request to the A&TBCB.

(g) "Public member" means a member appointed by the President from among members of the general public.

§ 1120.3 Existing records.

All existing A&TBCB records are subject to routine destruction according to standard record retention schedules.

Subpart B—Published Information

§ 1120.5 Information published in the "Federal Register."

(a) *General.* In accordance with the provisions of 5 U.S.C. 552(a)(1), basic information concerning the organization, operations, functions, substantive and procedural rules and regulations, officials, office locations, and allocation of responsibilities for functions and programs of the A&TBCB is published in the **Federal Register** for the guidance of the public. This information includes—

(1) Description of the A&TBCB's organization and the established places at which, the employees from whom, and the methods whereby the public may obtain information, make submittals or requests, or obtain decisions;

(2) Statements of the general course and method by which the A&TBCB's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the A&TBCB, and

(5) Each amendment, revision, or repeal of the foregoing. Indexes to the **Federal Register** are published in each daily issue and compiled currently on a monthly, quarterly, and annual basis. Copies of the **Federal Register** and its indexes are available in many libraries and may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. No formal request to examine documents in the **Federal Register** is necessary to inspect them at the place where they are kept. Materials incorporated by reference in the **Federal Register** are available for inspection in A&TBCB offices.

(b) *Code of Federal Regulations.* Title 36 of the *Code of Federal Regulations*, which is republished and updated annually, contains a compilation of documents published by the A&TBCB in the **Federal Register** which set forth substantive and procedural rules and regulations of the A&TBCB and statements of general policy or interpretations of general applicability formulated and adopted by the Board. Copies of the *Code of Federal Regulations* are available in many libraries and may be purchased from the Superintendent of Documents. Reference copies maintained in offices of the A&TBCB are available for examination without formal request.

(c) *Effect of nonpublication.* Except to the extent that a person has actual and timely notice of its terms, no person may in any manner be required to resort to, or be adversely affected by, any procedure or matter required to be published in the **Federal Register**, but not so published. For the purposes of this paragraph, material that is reasonably available to the class of persons affected by it is considered to be published in the **Federal Register** if it has been incorporated by reference in the **Federal Register** with the approval of the Director of the Federal Register.

§ 1120.6 Information in A&TBCB publications.

(a) *General.* Copies of information material shall be available upon oral or written request so long as an adequate supply exists. These informational materials include press releases, pamphlets, and other materials ordinarily made available to the public without cost as part of a public information program, and reprints of individual parts of the *Code of Federal Regulations* or **Federal Register** relating to programs affecting substantial segments of the general public. Copies of informational publications of the A&TBCB which may be purchased from the Superintendent of Documents may be inspected in those offices of the A&TBCB in which reference copies are available. Compliance with the formal procedures provided in this part for obtaining access to A&TBCB records is not necessary for access to the materials described in this paragraph.

(b) *Published indexes.* The informational publications available from the A&TBCB may include indexes to materials published or contained in its records. They will include the current indexes required by the Freedom of Information Act to be maintained and made available for inspecting and copying, except as otherwise provided by published order, as noted below. These indexes provide identifying information for the public as to—

(1) Final opinions and orders made in the adjudication of cases;

(2) Statements of policy and interpretations adopted but not published in the **Federal Register**; and

(3) Administrative staff manuals and instructions to staff that affect a member of the public.

As promptly as possible after adoption of this part, these indexes will be made available to members of the public. Thereafter, updated indexes or supplements shall be published at least quarterly. However, the Board may determine by order published in the **Federal Register** that publication of an index is unnecessary and impracticable. In that case the Board shall provide copies of the index on request at a cost not to exceed the direct cost of duplication.

Subpart C—Records Available for Public Inspection and Copying, Documents Published and Indexed

§ 1120.11 Records available for inspection.

Except for those categories of materials listed in paragraph (a) of this section, subparagraphs (1)–(9) of § 1120.41(a) the following materials are available for public inspection and copying during normal business hours at the Washington office of the A&TBCB:

(a) Final opinions and orders made in the adjudication of cases;

(b) Statements of policy and interpretations which have been adopted under the authority of the A&TBCB and are not published in the **Federal Register**;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) A record of the final votes of each member of the Board in every Board proceeding;

(e) Current indexes providing identifying information for the public as to the materials made available under paragraphs a–d of this section.

(f) All papers and documents made a part of the official record in administrative proceedings conducted

by the A&TBCB in connection with the issuance, amendment, or revocation of rules and regulations or determinations having general applicability or legal effect with respect to members of the public or a class of the public.

(g) After a final order is issued in any adjudicative proceeding conducted by the A&TBCB, all papers and documents made a part of the official record of the proceeding. (The official docket is kept in the office of the administrative law judge hearing the case until a final order is issued.)

§ 1120.12 Indexes to certain records.

Current indexes are normally available to the public in published form as provided in § 1120.11. These indexes, whether or not published, are made available for inspection and copying on request. If published copies of a particular index are at any time not available or if publication of the index has been determined to be unnecessary and impracticable by order published in the **Federal Register**, copies of the index will be furnished on request. (See 1120.6(b), *Published indexes.*)

§ 1120.13 Effect of nonavailability.

Any material listed in paragraph (a) of this section that is not indexed as required by § 1120.11(e) and § 1120.12, may not be cited, relied on, or used as precedent by the Board to adversely affect any member of the public unless the person against whom it is cited, relied on, or used has had actual and timely notice of the material.

Subpart D—Information Available Upon Request

§ 1120.21 Policy on disclosure of records.

(a) It is the policy of the A&TBCB to make information available to the public to the greatest extent possible in keeping with the spirit of the Freedom of Information Act. Therefore, all records of the A&TBCB, except those that the A&TBCB specifically determines must not be disclosed in the national interest, for the protection of private rights, or for the efficient conduct of public business to the extent permitted by the Freedom of Information Act, are declared to be available for public inspection and copying as provided in this part. Each member and employee of the A&TBCB is directed to cooperate to this end and to make records available to the public promptly and to the fullest extent consistent with this policy. A record may not be withheld from the public solely because its release might suggest administrative error or embarrass a member or employee of the A&TBCB.

(b) Subject to § 1120.51, any nonexempt A&TBCB record is available to the public upon request regardless of whether the requestor shows any justification or need for the record.

(c) An A&TBCB office may waive the procedures on this subpart in favor of the requestor, for reasons of the public interest, simplicity, or speed.

(d) If a requested record contains both exempt and nonexempt material, the nonexempt material shall be disclosed, after the exempt material has been deleted in accordance with § 1120.42.

§ 1120.22 Requests to which this subpart applies.

(a) This subpart applies to any written request (other than a request made by another Federal agency) received by the A&TBCB, whether or not the request cites the Freedom of Information Act, 5 U.S.C. 552, except with respect to records for which a less formal disclosure procedure is provided specifically in this part.

(b) Any written request to the A&TBCB for existing records prepared by the A&TBCB for routine public distribution, *e.g.*, pamphlets, copies of speeches, press releases, and educational materials, shall be honored. No individual determination under § 1120.32 is necessary in these cases, since preparation of the materials for routine public distribution itself constitutes that a determination that the records are available to the public.

(c) This subpart applies only to records that exist at the time the request for information is made. (See § 1120.3, *Existing records.)*

§ 1120.23 Where requests for agency records must be filed.

A written request for records must be filed with the A&TBCB Freedom of Information Officer, Room 1010, 330 C Street, SW., Washington, D.C., 20201. Requests may be mailed to that address or filed in person at that address during the A&TBCB's normal business hours.

§ 1120.24 Misdirected written requests; oral requests.

(a) The A&TBCB cannot assure that a timely for satisfactory response under this subpart will be given to written requests that are addressed to A&TBCB offices, members, or employees other than the Freedom of Information Officer listed in § 1120.23. Any A&TBCB member or employee who receives a written request for inspection or disclosure of A&TBCB records must promptly forward a copy of the request to the Freedom of Information Officer, by the fastest practicable means, and must, if appropriate, commence action under § 1120.32.

(b) While A&TBCB members and employees will attempt in good faith to comply with oral requests for inspection or disclosure of A&TBCB records, by telephone or otherwise, these requests are not required to be processed in accordance with this subpart.

§ 1120.25 Form of requests.

A request must be in writing, must reasonably describe the records sought in a way that will permit their identification and location, and must be addressed to the address set forth in § 1120.23, but otherwise need not be in any particular form. Each request under the Freedom of Information Act should be clearly and prominently identified by a legend on the first page, such as "Freedom of Information Act Request." The envelope in which the request is sent should be prominently marked with the letters "FOIA." It is helpful, but not necessary, for the requestor to include his or her phone number and the reason for the request. A request may state the maximum amount of fees which the requester is willing to pay. Under § 1120.32(d), the failure to state willingness to pay fees as high as are anticipated by the A&TBCB will delay running of the time limit and delay processing of the request, if the responsible official anticipates that the fees chargeable may exceed $25.00.

§ 1120.26 Deficient descriptions.

(a) If the description of the records sought in the request is not sufficient to allow the A&TBCB to identify and locate the requested records, the office taking action under § 1120.32 must notify the requestor (by telephone when practicable) that the request cannot be further processed until additional information is furnished.

(b) The A&TBCB must make every reasonable effort to assist the requestor in formulating his or her request. If a request is described in general terms (*e.g.*, all records having to do with a certain area), the A&TBCB office taking action under § 1120.32 may communicate with the requestor (by telephone when practicable) with a view toward reducing the administrative burden of processing a broad request and minimizing the fee payable by the requestor. Such attempts must not be used as a means to discourage requests, but rather as a means to help identify with more specificity the records actually sought.

§ 1120.31 A&TBCB receipt of requests; responsibilities of freedom of information officer.

(a) Upon receipt of a written request, the Freedom of Information Officer must

mark the request with the date of receipt and must attach to the request a control slip indicating the Request Identification Number and other pertinent administrative information. The Freedom of Information Officer must immediately forward the request and control slip to the A&TBCB office which the FOIA Officer believes to be responsible for maintaining the records requested. The Freedom of Information Officer must retain a full copy of the request and control slip and must monitor the handling of the request to ensure a timely response.

(b) The Freedom of Information Officer must maintain a file concerning each request received. The file must contain a copy of the request, initial and appeal determinations, and other pertinent correspondence and records.

(c) The Freedom of Information Officer must collect and maintain the information necessary to compile the reports required by 5 U.S.C. 552(d).

§ 1120.32 A&TBCB action on requests.

(a) The FOIA Officer is delegated the authority to issue initial determinations concerning records which he or she believes are in the custody of a Board member, an employee of a member's agency, or an employee of a public member. When the FOIA Officer receives such a request, he or she shall forward it to the member, employee of a member agency, or employee of a public member whom the FOIA Officer believes to have custody of the records, requesting the records. The person to whom the request is forwarded shall, within three days of receipt of the FOIA Officer's request, either furnish the records requested to the FOIA Officer or inform the FOIA Officer of the time when they will be furnished. The FOIA Officer shall then determine whether or not to disclose the documents. For purposes of such requests and their processing under this subpart. the FOIA Officer is considered the office handling the requests.

(b) Heads of staff offices are delegated the authority to issue initial determinations, other records which are in their respective custody.

(c) Whenever an A&TBCB office receives a request forwarded by the FOIA Officer, the office should:

(1) Take action under § 1120.26, if required, to obtain a better description of the records requested;

(2) Locate the records as promptly as possible, or determine that:

(i) The records are not known to exist; or

(ii) They are located at another A&TBCB office; or

(iii) They are located at another Federal agency and not possessed by the A&TBCB.

(3) When appropriate, take action under § 1120.53(b) to obtain payment or assurance of payment;

(4) Determine which of the requested records legally must be withheld, and why (see § 1120.42(b), *Release of exempt documents*);

(5) Of the requested records which are exempt from mandatory disclosure but which legally may be disclosed (see § 1120.42(a)), determine which records will be withheld, and why;

(6) Issue an initial determination within the allowed period (see § 1120.31), specifying (individually or by category) which records will be disclosed and which will be withheld, and signed by a person authorized to issue the determination under paragraph (a) of this section (see § 1120.33, *Initial denials of requests*);

(7) Furnish the Freedom of Information Officer a copy of the determination; and

(8) If the determination denies a request, furnish the Freedom of Information Officer the name of the A&TBCB member(s) or employee(s) having custody of the records and maintain the records in a manner permitting their prompt forwarding to the General Counsel upon request if an appeal from the initial denial is filed. (See also § 1120.34.)

(d) If it appears that some or all of the requested records are not in the possession of the A&TBCB office which has been assigned responsibility for responding to the request but may be in the possession of some A&TBCB office, the responding office must so inform the Freedom of Information officer immediately.

(e) An initial determination to disclose documents must provide the requested documents or provide the opportunity to inspect and/or obtain copies of the documents.

§ 1120.33 Time allowed for initial action on requests.

(a) Except as otherwise provided in this section, as soon as possible and not later than the tenth working day after the day on which the Freedom of Information Officer receives a request for records, the A&TBCB office responsible for responding to the request must issue a written determination to the requestor stating which of the requested records, will, and which will not, be released and the reason for any denial of a request.

(b) The period of 10 working days is measured from the date the request is first received and logged in by the Freedom of Information Officer.

(c) There is excluded from the period of 10 working days (or any extension) any time which elapses between the date that a requestor is notified by the A&TBCB under § 1120.26 that his or her request does not reasonably identify the records sought, and the date that the requestor furnishes a reasonable identification.

(d) There is excluded from the period of 10 working days (or any extension) any time which elapses between the date that a requestor is notified by an A&TBCB office under § 1120.53(b) that prepayment of fees is required, and the date that the requestor pays (or makes suitable arrangements to pay) the charges.

(e) The A&TBCB office taking action under § 1120.31 may extend the basic 10-day period established under paragraph (a) of this section by a period not to exceed 10 additional working days if—

(1) The office notifies the Freedom of Information Officer;

(2) The office notifies the requestor in writing within the basic 10-day period stating the reasons for the extension and the date by which the office expects to be able to issue a determination;

(3) The extension is reasonably necessary to properly process the particular request; and

(4) One or more of the following unusual circumstances require the extension:

(i) There is a need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) There is a need to search for, collect, and/or appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) There is need for consultation with another agency having a substantial interest in the determination of the request or among two or more components of the A&TBCB. The office must conduct the consultation with all practicable speed.

(f) Should the A&TBCB fail to issue a determination within the 10-day period or any authorized extension as to an initial request, or during the period for consideration of an appeal, the requestor shall be deemed to have exhausted his or her administrative remedies with respect to such.

In the latter situation, the requestor may commence an action in an appropriate Federal district court to obtain the records.

§ 1120.34 Initial denials of requests.

(a) An initial denial of a request may be issued only for the following reasons:

(1) The record is not under the A&TBCB's control;

(2) The record has been published in the Federal Register or is otherwise published and available for sale;

(3) A statutory provision, provision of this part, or court order requires that the information not be disclosed;

(4) The record is exempt from mandatory disclosure under 5 U.S.C. 552(b) and the responding office has decided not to disclose it under §§ 1120.41 and 1120.42;

(5) The record is believed to be in the A&TBCB's custody but has not yet been located. (See paragraph (f) of this section.)

(b) Each initial denial of a request shall—

(1) Be written, signed, and dated;

(2) Contain a reference to the Request Identification Number;

(3) Identify the records that are being withheld (individually or, if the denial covers a large number of similar records, by described category); and

(4) State the basis for denial of each record of category of records or any reasonably segregable portion(s) thereof being withheld.

(c) If the issuance of the determination to deny a request was directed by some A&TBCB officer or employee other than the person signing the determination letter, that other person's identity and position must be stated in the determination letter.

(d) Each initial determination which denies, in whole or in part, a request for one or more existing, located A&TBCB records must state that the requestor may appeal the initial denial by sending a written appeal to the address shown in § 1120.23 within 30 days of receipt of the determination. (See § 1120.36.)

(e) A determination is deemed issued on the date the determination letter is placed in A&TBCB mailing channels for first class mailing to the requestor, delivered to the U.S. Postal Service for mailing, or personally delivered to the requestor, whichever date first occurs.

(f) When a request must be denied because the record has not yet been located (although it is believed to be in the A&TBCB's possession), the A&TBCB office responsible for maintaining the record must continue to search diligently until it is located or it appears that the record does not exist or is not in the A&TBCB's possession, and must periodically inform the requestor of the office's progress.

§ 1120.36 Appeals from initial denials.

(a) Any person whose request has been denied in whole or in part by an initial determination may appeal that denial by addressing a written appeal to the address shown in § 1120.23.

(b) Any appeal must be mailed or filed in person at the address shown in § 1120.23—

(1) In the case of a denial of an entire request, generally not later than 30 calendar days after the date the requestor received the initial determination on the request; or

(2) In the case of a partial denial, generally not later than 30 calendar days after the requestor receives all records being made available pursuant to the initial determination.

An appeal which does not meet the requirements of this paragraph may be treated either as a timely appeal or as a new request, at the option of the Freedom of Information Officer.

(c) The appeal letter must contain—

(1) A reference to the Request Identification Number (RIN);

(2) The date of the initial determination;

(3) The name and address of the person who issued the initial denial;

(4) A statement of which of the records to which access was denied are the subjects of the appeal; and

(5) If the applicant wishes, such facts and legal or other authorities as he or she considers appropriate.

§ 1120.37 A&TBCB action on appeals.

(a) The General Counsel must make one of the following legal determinations in connection with every appeal from the initial denial of a request for an existing, located record:

(1) The record must be disclosed;

(2) The record must not be disclosed because a statute or a provision of this part so requires; or

(3) The record is exempt from mandatory disclosure by legally may be disclosed as a matter of agency discretion.

(b) Whenever the General Counsel has determined under paragraph (a)(3) of this section that a record is exempt from mandatory disclosure but legally may be disclosed, the matter must be referred to the Executive Director. If the Executive Director determines that an important purpose would be served by withholding the record, the General Counsel shall issue a determination denying the appeal. If the Executive Director determines that no important purpose would be served by withholding the record, the General Counsel must disclose the record.

(c) The General Counsel may delegate his or her authority under this section to any other attorney employed by the A&TBCB in connection with any cateogory of appeals or any individual appeals.

(d) A determination denying an appeal from an initial denial must—

(1) Be in writing;

(2) State which of the exemptions in 5 U.S.C. 552(b) apply to each requested existing record;

(3) State the reason(s) for denial of the appeal;

(4) State the name and position of each A&TBCB officer or employee who directed that the appeal be denied; and

(5) State that the person whose request was denied may obtain de novo judicial review of the denial by complaint filed with the district court of the United States in the district in which the complainant resides, or in which the agency records are situated, or in the District of Columbia, pursuant to 5 U.S.C. 552(a)(4).

§ 1120.38 Time allowed for action on appeals.

(a) Except as otherwise provided in this section, as soon as possible and not later than the twentieth working day after the day on which the Freedom of Information Officer receives an appeal from an initial denial of a request for records, the General Counsel shall issue a written determination stating which of the requested records (as to which appeal was made) will and which will not be disclosed.

(b) The period of 20 working days shall be measured from the date an appeal is first received by the Freedom of Information Officer.

(c) The General Counsel may extend the basic 20-day period established under paragraph (a) of this section by a period not to exceed 10 additional working days if—

(1) He or she notifies the Freedom of Information Officer;

(2) He or she notifies the requestor in writing within the basic 20-day period stating the reasons for the extension and the date by which he or she expects to be able to issue a determination;

(3) The extension is reasonably necessary to properly process the particular request; and

(4) One or more of the following unusual circumstances require the extension:

(i) There is a need to search for and collect the records from field facilities or other establishments that are separated from the office processing the appeal;

(ii) There is a need to search for, collect, and/or appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) There is a need for consultation with another agency or among two or more components of the A&TBCB. The General Counsel must conduct the consultation with all practicable speed.

(d) No extension of the 20-day period may be issued under paragraph (c) of this section which would cause the total of all such extensions and of any extensions issued under § 1120.33(c) to exceed 10 working days.

§ 1120.41 Exempt documents.

(a) Generally, 5 U.S.C. 552(b) establishes nine exclusive categories of matters which are exempt from the mandatory disclosure requirements of 5 U.S.C. 552(a). No request under 5 U.S.C. 552 for an existing, located, unpublished record in the A&TBCB's control may be denied by any A&TBCB office or employee unless the record contains (or its disclosure would reveal) matters that are—

(1) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and which are in fact properly classified pursuant to the Executive Order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would—

(i) Interfere with enforcement proceedings;

(ii) Deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Constitute an unwarranted invasion of personal privacy;

(iv) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;

(v) Disclose investigative techniques and procedures; or

(vi) Endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) The fact that the applicability of an exemption permits the withholding of a requested record (or portion of a record) does not necessarily mean that the record must or should be withheld. (See § 1120.42 *Release of exempt documents.)*

§ 1120.42 Release of exempt documents.

(a) An A&TBCB office may, in its discretion, release requested records despite the applicability of one or more of the exemptions listed in § 1120.41 (a)(2), (a)(5), or (a)(7). Disclosure of such records is encouraged if no important purpose would be served by withholding the records.

(b) Though the policy of the A&TBCB is to honor all requests, as indicated in § 1120.21(a), there are circumstances when the A&TBCB will not disclose a record if one or more of the FOIA exemptions applies to the record. The exemptions usually in such circumstances are exemptions (2), (3), (4), (6), (8) and (9). In these cases, where the A&TBCB has withheld a requested record, or portions thereof, the A&TBCB will disclose the exempted record when ordered to do so by a Federal court or in exceptional circumstances under appropriate restrictions with the approval of the Office of General Counsel.

Subpart E—Copies of Records and Fees for Services

§ 1120.51 Charges for services, generally.

(a) Fees will be charged requestors for searching for and/or reproducing requested records in accordance with the following schedule:

(1) Record search time (A&TBCB employees)—$2.50 per half hour.

(2) Computer programming time (A&TBCB employees)—$4.50 per half hour.

(3) Reproduction of documents (paper copy of paper original)—$0.20 per page.

(4) Other costs of searching for or duplicating records (including such items as computer system time; contractor computer programming time; reproduction of photographs, microforms, or magnetic tape; computer printouts; and transportation of records)—actual direct cost to the A&TBCB.

(b) No charge shall be made:

(1) For examination and evaluation of records which have been located and which are known to be among those requested;

(2) For the cost of preparing or reviewing letters of response to a request or appeal;

(3) If the total fee in connection with a request is less than $10.00, or if costs of collecting the fee would otherwise exceed the amount of the fee;

(4) For search time or computer programming time by A&TBCB employees, if less than one half hour of such time was required in connection with the request;

(5) For responding to a request for one copy of the official personnel record of the requestor;

(6) For furnishing records requested by either House of Congress, or by a duly authorized committee or subcommittee of Congress, unless the records are requested for the benefit of an individual Member of Congress or for a constituent;

(7) For furnishing records requested by and for the official use of other Federal agencies; or

(8) For furnishing records needed by an A&TBCB contractor or grantee to perform the work required by the A&TBCB contract or grant.

(c) Requestors may be charged for unsuccessful or unproductive searches.

§ 1120.52 Computerized records.

(a) Information available in whole or in part in computerized form which is disclosable under the Freedom of Information Act is available to the public as follows:

(1) When there is an existing printout from the computer which permits copying the printout, the material will be made available at the per page rate stated in § 1120.51(a) for each 8½ by 11 inch page.

(2) When there is not an existing printout of information disclosable under the Freedom of Information Act, a printout shall be made if the applicant pays the cost to the A&TBCB as stated in paragraph (a)(3) of this section.

(3) Obtaining information from computerized records frequently involves a minimum computer time cost of approximately $100 per request. Multiple requests involving the same subject may cost less per request. Services of personnel in the nature of a search shall be charged for at rates prescribed in § 1120.51(a). A charge shall be made for the computer time involved based upon the prevailing level of costs to Government organizations

and upon the particular types of computer and associated equipment and the amounts of time on such equipment that are utilized. A charge shall also be made for any substantial amounts of special supplies or materials used to contain, present, or make available the output of computers based upon the prevailing levels of costs to Government organizations and upon the type and amount of the supplies and materials that are used.

(b) Information in the Board's computerized records which could be produced only by additional programming of the computer, thus producing information not previously in being, is not required to be furnished under the Freedom of Information Act. In view of the usually heavy workloads of the computers used by the Board, such a service cannot ordinarily be offered to the public.

§ 1120.53 Payment of fees.

(a) *Method of payment.* All fee payments shall be in the form of a check or money order payable to the order of the "U.S. Architectural and Transportation Barriers Compliance Board" and shall be sent (accompanied by a reference to the pertinent Request Indentification Number(s)) to the address in § 1120.23.

(b) *Advance payment or assurance.* If an A&TBCB office determines or estimates that the unpaid fees attributable to one or more requests by the same requestor exceed or will exceed $25.00, that office need not search for, duplicate, or disclose records in response to any request by that requestor until the requestor pays, or makes acceptable arrangements to pay, the total amount of fees due (or estimated to become due) under this subpart. In this case, the A&TBCB office shall promptly inform the requestor (by telephone, if practicable) of the need to make payment or arragements to pay. (See also § 1120.32(d), *Time allowed for initial action on request.)*

(c) *Standard fee not charged in certain circumstances.* The fee chargeable under this subpart may be reduced or waived by the A&TBCB if the public interest would be served thereby because furnishing the information can be considered as primarily benefitting the general public. Reduction or waiver of fees shall be considered (but need not necessarily be granted) in connection with each request from a representative of the press or other communications medium or from a public interest group. A request for reduction or waiver of fees shall be addressed to the Freedom of Information Officer at the address shown in § 1120.23. The A&TBCB office which is responding to the request for records shall initially determine whether the fee shall be reduced or waived and shall so inform the requestor. The initial determination may be appealed by letter addressed to the address shown in § 1120.23. the General Counsel or his or her designee shall decide such appeals.

Dated: December 2, 1980.

Max Cleland,

Chairperson, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 37973 Filed 12-5-80; 8:45 am]

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federal register

Monday
December 8, 1980

Part IV

Department of Agriculture

Federal Grain Inspection Service

Delay Effective Date of Requirement for Change in Mode of Operation

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 802

Delay Effective Date of Requirement for Change in Mode of Operation

AGENCY: Federal Grain Inspection Service.

ACTION: Emergency final rule.

SUMMARY: On March 11, 1980 (45 FR 15682), the Federal Grain Inspection Service (FGIS) issued official performance and procedural requirements for grain-weighing equipment and related grain handling systems (codified in 7 CFR Part 802). Section 802.2(r) of the requirements provides that effective January 1, 1981, all grain-weighing automatic hopper scales shall be designed so that the mode of operation, and each change in mode of operation, is indicated on the printed record in a prescribed manner. FGIS is delaying the effective date of this provision until January 1, 1983, for scales installed on or before January 1, 1981; for scales installed after January 1, 1981, the previously established effective date remains unchanged.

DATES: Effective December 8, 1980. Comments must be received on or before February 6, 1981.

ADDRESS: Comments must be submitted in writing, in duplicate, to the Issuance and Coordination Staff, USDA, FGIS, Room 1127 Auditors Building, Washington, D.C. 20250, telephone (202) 447–3910, where they will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: George T. Lipscomb, Director, Weighing Division, USDA, FGIS, Room 3117 Auditors Building, Washington, D.C. 20250; telephone (202) 447–4851.

SUPPLEMENTARY INFORMATION: This emergency final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified as not significant. Because this action merely delays an effective date, without imposing additional burdens on the economy or on individuals, no impact statement has been prepared.

Dr. L. E. Bartelt, FGIS Administrator, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period, because of the need to inform grain elevator operators and other affected parties that previously installed automatic hopper scales will not have to be modified by January 1, 1981, to meet the requirements of 7 CFR 802.2(r).

Under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register**. Comments are being solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

FGIS has received several requests from the trade to delay implementation of this requirement. These requests have cited unavailability of modified equipment or plans for the installation of new weighing equipment as justification for delaying this requirement.

Therefore, 7 CFR Part 802 is amended by revising § 802.2(r) to read as follows:

§ 802.2 General requirements.

* * * * *

(r) *Change in mode of operation.* All grain weighing automatic hopper scales shall be designed so that the mode of operation and each change in mode of operation is indicated on the printed record by a symbol, number, or word which clearly designates the mode in which the scale is operated (i.e., A—automatic, M—manual, SA—semiautomatic, 1—automatic, 2—manual, 3—semiautomatic). This requirement becomes effective January 1, 1981, for scales installed after that date; for scales installed on or before January 1, 1981, this requirement becomes effective January 1, 1983.

(Pub. L. 94–582, 90 Stat. 2867, as amended by Pub. L. 95–113, 91 Stat. 1024 (7 U.S.C. 71, et seq.))

Done in Washington, D.C. on: December 3, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80–38036 Filed 12–5–80; 8:45 am]

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federal register

Monday
December 8, 1980

Part V

Department of Education

Teacher Centers Program

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

34 CFR Part 240

Teacher Centers Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary is issuing final regulations to implement the changes in the Teacher Centers Program that were made by the Education Amendments of 1978 and the Education Amendments of 1980. In general, teacher centers provide elementary and secondary school teachers with opportunities for training and curriculum development which meet their needs and enable them to serve better their students.

EFFECTIVE DATE: These final regulations are expected to take effect 45 days after they are transmitted to the Congress. Regulations are usually transmitted to the Congress several days before they are published in the Federal Register. The effective date is changed if the Congress takes certain adjournments. If you want to know the effective date of these final regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION, CONTACT: Dr. A. Bruce Gaarder, Room 2010, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 472-5502.

SUPPLEMENTARY INFORMATION:

A. Statute as Originally Enacted

Section 532 of the Higher Education Act of 1965 (the Act) as enacted by the Education Amendments of 1976 (Pub. L. 94-482), authorized the Commissioner of Education (now the Secretary) to make grants to local educational agencies (LEAs) to assist them in planning, establishing and operating teacher centers.

The statute also authorized the Commissioner (now the Secretary) to use ten percent of the program's funds to make grants to institutions of higher education (IHEs) to operate teacher centers.

The program statute defined "teacher center" as a site which serves teachers from public and nonpublic schools of a State, or an area or community within a State, in which teachers with the assistance of such consultants and experts as may be necessary, may develop and produce curricula, utilize research findings, and provide training to improve the skills of teachers to enable them to meet better the educational needs of their students.

A key innovative feature of the statute is the provision that each teacher center shall be operated under the supervision of a teacher center policy board. The majority of the policy board must be representative of the elementary and secondary classroom teachers to be served by the center and to fairly reflect the make-up of all school teachers, including special education and vocational education teachers. The statute also provided that the teacher center policy board shall include individuals representative of, or designated by, the school board of the LEA served by the center and at least one person representative of or designated by the IHE (with departments or schools of education) located in the area.

The statute specifies that each applicant must submit his application through the State educational agency (SEA) of the State in which the applicant is located. Only applications recommended by the appropriate SEA may be approved by the Commissioner (now the Secretary).

A notice of proposed rulemaking for the Teacher Centers Program, inviting public comment, was published in the Federal Register on June 13, 1977. On January 11, 1978, the U.S. Office of Education published final regulations to implement the program (43 FR 1762).

Those January 11, 1978 final regulations—

- Broadly defined the term "site."
- Described the allowable activities of a teacher center.
- Clarified the teacher center's obligation to serve nonpublic school teachers.
- Listed the eligible categories of participants in teacher center activities.
- Broadly stated the teacher center policy board's authority in a definition of the term "supervision" and by a provision requiring the board to participate fully in the preparation of, and to approve, the application.
- Defined "teacher" narrowly, with respect to the selection of teacher representatives constituting the majority of the teacher center policy board, to include only regular, fulltime classroom teachers engaged in teaching elementary and secondary school students.
- Indicated that the teacher representatives on the policy board must fairly reflect the makeup of all teachers in the area to be served.
- Provided options for selecting the teacher representatives to the policy board.

B. Statutory Changes

1. *Education Amendments of 1978.*— As enacted by the Education Amendments of 1976 (Pub. L. 94-482), the original version of the Teacher Centers Program statute provided that an applicant that was dissatisfied with the recommendation of the SEA regarding its application under the Teacher Centers Program could petition the Commissioner (now the Secretary) to request further consideration of the application by the SEA. However, the Commissioner was not compelled to request further consideration and the SEA was not compelled to honor such a request.

Section 532(c)(2) of the Teacher Centers Program statute, as amended by the Education Amendments of 1978 (Pub. L. 95-561), significantly changed the appeal process. Under the present statute the Secretary must—upon receipt of a petition from a dissatisfied applicant—request that the SEA give further consideration of the application. In addition, Section 532(c)(3) of the current statute specifies that the SEA must then transmit the application to the Secretary along with the comments and evaluation of the SEA.

2. *Education Amendments of 1980.*— The Education Amendments of 1980 (Pub. L. 96-374) recently amended the Teacher Centers Program statute to provide that—

- At least one applicant in each State must receive a grant for the establishment of at least one teacher center.
- Institutions of higher education—which were previously eligible only for grants to operate teacher centers—are eligible for grants to plan, establish or operate teacher centers.
- Educational service agencies are eligible for grants to plan, establish or operate teacher centers.
- Teacher centers must be developed "where desirable in collaboration with one or more institutions of higher education which serve teachers."
- "The use of technology and telecommunications" is included as an allowable area of curriculum development.
- "Testing" is included as an allowable focus of inservice training.
- Each teacher center policy board must include, "where appropriate, a teacher of bilingual education."

C. Overview of These Regulations

These new regulations for the Teacher Centers Program are issued to implement the changes in the program that were made by the Education Amendments of 1978 and the Education Amendments of 1980.

The regulations are being issued at this time in order to have up-to-date regulations in place prior to inviting

applications for fiscal year 1981 grants under the program.

These final regulations differ from the final regulations that were published on January 11, 1978 in the following respects:

- They are organized in conformance with the Department's standard format for regulations for discretionary grant programs.
- Section 240.22 of these regulations implements the new appeal process that was added by the Education Amendments of 1978.
- Section 240.32 of these regulations implements the requirement, added by the Education Amendments of 1980, that at least one applicant in each state must receive a grant for the establishment of at least one teacher center.
- Several other provisions in these regulations (e.g., § 240.2, § 240.5, § 240.12, § 240.13, and § 240.14) contain new language implementing changes resulting from the Education Amendments of 1980.
- The evaluation criteria in § 240.31 reflect the applicability of standard evaluation criteria in the Education Division General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs).

D. Waiver of Proposed Rulemaking

In accordance with Section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1332(b)(2)(A)), it is the practice of the Department of Education to publish regulations in proposed form and to offer interested parties the opportunity to comment on those proposed regulations.

However, these new regulations for the Teacher Centers Program do not differ in any substantive way from the final regulations for the Teacher Centers Program published on January 11, 1978, with the exception of the few places where they implement changes in the Teacher Centers Program that were made by the Education Amendments of 1978 and the Education Amendments of 1980. The only other difference between the final regulations that were published on January 11, 1978 and these regulations is that these regulations are organized in conformance with the Department's standard format for discretionary grant regulations. These new regulations are being published at this time so that regulations implementing the statutory changes will be in effect in time to avoid delays in selecting teacher center projects for funding during fiscal year 1981. Thus, while these regulations implement the statutory changes in the Teacher Centers Program, they do not reflect any changes in the Department's policies or administrative practices concerning the program.

For the reasons discussed above, the publication of these new regulations for the Teacher Centers Program as a notice of proposed rulemaking would be impractical and contrary to the public interest, under 5 U.S.C. 553(b), if grants are to be made in a timely manner for fiscal year 1981. Therefore, these regulations—which do not differ substantially from the final regulations for the Teacher Centers Program that were published on January 1, 1978, except to reflect statutory changes—are published as final regulations.

On November 14, 1980, the Secretary published a notice in the **Federal Register** of the Department's intent to publish regulations necessary to implement the Education Amendments of 1980. In that notice, the Department listed the existing regulations affected by the new law and requested comments whether those regulations required information that is already being gathered by or is available from any other agency or authority of the United States. The regulations in this document are based on regulations listed in the November 14 notice. Based on any comments received and the Department's own review, it has been determined that the regulations in this document do not require information that is already being gathered by or is available from any other agency or authority of the United States.

The Department may publish proposed regulations for the Teacher Centers Program within the next few months. Unlike these final regulations, those proposed regulations: (1) would not apply to grants that are made for fiscal year 1981; (2) would include policy and administrative changes designed to improve the program; and (3) would be subjected to public comment. We are interested in receiving suggestions from interested persons concerning how these regulations may be improved and whether there is a need for revised regulations in the future. These suggestions should be sent to Dr. A. Bruce Gaarder at the address given at the beginning of this preamble.

E. Citations of Legal Authority

A citation of statutory authority is placed in parentheses on the line following each substantive provision of these regulations. References to "section" in the citations of authority following the provisions of the regulations refer to sections of the Higher Education Act of 1965, as amended.

Dated: December 2, 1980.

Shirley M. Hufstedler,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.006, Teacher Centers Program)

The Secretary revises Part 240 of Title 34 of the Code of Federal Regulations to read as follows:

PART 240—TEACHER CENTERS

Subpart A—General

Sec.

240.1 What is the purpose of the teacher centers program?
240.2 Who is eligible to receive grants?
240.3 Who is eligible to be served by a teacher center?
240.4 What regulations apply to this program?
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Subpart B—What Kinds of Projects Are Assisted Under This Program?

240.10 What types of projects are assisted?
240.11 What area is served by a teacher center?
240.12 What activities may a teacher center perform?
240.13 How is the teacher center policy board formed?
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Subpart C—How Does One Apply for a Grant?

240.20 Where and to whom must an applicant submit its application?
240.21 What is the role of SEAs reviewing applications?
240.22 What are the procedures for appealing the SEA's recommendation?
240.23 What information must be included in an application?

Subpart D—How Does the Secretary Make a Grant?

240.30 How does the Secretary evaluate an application?
240.31 What are the evaluation criteria?
240.32 Is at least one teacher center supported in each State?
240.33 For what services are SEAs compensated?
240.34 What amount of compensation do SEAs receive?

Authority: Section 532 of Title V–B, of the Higher Education Act of 1965, as enacted by Section 153 of the Education Amendments of 1976 (Pub. L. 94–482), and amended by Section 1321 of the Education Amendments of 1978 (Pub. L. 95–561) and by Section 503–504 of the Education Amendments of 1980 (Pub. L. 96–374).

Subpart A—General

§ 240.1 What is the purpose of the teacher centers program?

The Teacher Centers Program is designed to assist local educational agencies (LEAs), educational service

agencies, and institutions of higher education (IHEs) to plan, establish, and operate teacher centers designed to meet the professional needs of teachers as defined by teacher center policy boards, in order to enable teachers to meet better the educational needs of their students.

(Section 532; 20 U.S.C. 1119a)

§ 240.2 Who is eligible to receive grants?

The following agencies and institutions are eligible to apply for and receive grants:

(a) Local educational agencies (LEAs).

(b) Educational service agencies.

(c) Institutions of higher education (IHEs)

(d) A combination of either or any of the above agencies and/or institutions.

(Section 532; 20 U.S.C. 1119a)

§ 240.3 Who is eligible to be served by a teacher center?

In addition to teachers as defined in § 240.5 of this part, the persons to be served by a teacher center may be determined by the teacher center policy board to include paraprofessionals, teacher aides, preschool teachers, teachers of adults below the college level, counselors, principals, other administrators, supervisors, curriculum specialists, librarians, media specialists, elementary and secondary school students, the parents of elementary and secondary school students, substitute teachers, part-time teachers, teachers who are unemployed or former teachers employed in other capacities who intend to return to teaching, and intern teachers assigned to teach in a school where the teachers are being served by a teacher center assisted under the Act.

(Section 532(a); 20 U.S.C. 1119a(a))

§ 240.4 What regulations apply to this program?

The following regulations apply to the Teacher Centers Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (General).

(b) The regulations in this part.

(20 U.S.C. 1221e-3(a)(1))

§ 240.5 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms in this part are defined in 34 CFR Part 77.

Applicant
Application
Department
EDGAR
Grant
Grantee
Local educational agency (LEA)
Nonpublic school
Project
Project period
Public
Secretary
State
State educational agency (SEA)

(20 U.S.C. 1232)

(b) The following terms apply specifically to this part: "Act" means Section 532 of the Higher Education Act of 1965 as enacted by Pub. L. 94-482 and amended by Pub. L. 95-561 and Pub. L. 96-374.

(Section 532; 20 U.S.C. 1119a)

"Educational service agency" means an intermediate school district, county school district or board of cooperative education services, officially recognized by a State, which performs administrative or service functions for local educational agencies (LEAs), including but not limited to handicapped education programs, inservice and preservice training, computer services and curriculum development.

(Section 532; 20 U.S.C. 1119a)

"Institution of higher education" means an educational institution as defined in Section 1201(a) of the Higher Education Act of 1965, as amended.

(Section 1201(a); 20 U.S.C. 1141(a))

"Site" means the location or locations where the curriculum development and training activities of the teacher center take place.

"Supervision" means the setting of policy and any appropriate managerial or supervisory activities not prohibited by State or local law (e.g., the employment of operating staff, consultants or experts, budgeting and expenditure of funds, and the formulation of recommendations for subcontracting to secure technical and other kinds of assistance).

(Section 532(b); 20 U.S.C. 1119a(b))

"Teacher" means only a regular full-time classroom teacher engaged in teaching elementary or secondary school students, including a teacher of special education, vocational education, or bilingual education.

(Section 532(b); 20 U.S.C. 1119a(b))

"Testing" means the knowledge and procedures needed for complete understanding of the theory, production and use of any means, informal or formal, for measuring the achievement of students or other effects upon students resulting from school attendance.

(Section 532(a)(2)(B); 20 U.S.C. 1119(a)(2))

Subpart B—What Kinds of Projects Are Assisted Under This Program?

§ 240.10 What types of projects are assisted?

The Secretary makes grants, to plan, establish, or operate teacher centers.

(Section 532(f); 20 U.S.C. 1119a(f))

§ 240.11 What area is served by a teacher center?

A teacher center serves teachers employed in both public and nonpublic schools (if nonpublic schools are located in the area to be served and choose to participate in the teacher center) of—

(a) A portion of a single school district;

(b) An entire school district; or

(c) Any number of school districts in a State.

(Section 532; 20 U.S.C. 1119a)

§ 240.12 What activities may a teacher center perform?

The teachers served by a teacher center are afforded the opportunity, where desirable in collaboration with one or more IHEs that serve teachers, to—

(a) Develop and produce curricula (including the modification or adaptation of existing curricula and the use of technology and telecommunications) designed to meet the educational needs of the students served by the teachers;

(b) Use educational research findings or new or improved methods, practices, and techniques in the development of the curricula;

(c) Provide training designed to—

(1) Enable the teachers to meet better the special educational needs of the students they serve (including training to enable teachers to implement specific curricula effectively); and

(2) Familiarize the teachers with developments in curriculum and educational research, including testing and the use of research to improve teaching skills.

(Section 532(a)(2); 20 U.S.C. 1119a(a)(2))

§ 240.13 How is the teacher center policy board formed?

(a) *Composition.* Each teacher center must be operated under the supervision of a teacher center policy board composed as follows:

(1) The majority of the members of the policy board shall be representative of all the teachers in the area to be served by the center, including—

(i) Teachers who provide special education for handicapped and exceptional children;

(ii) Teachers of vocational education; and

(iii) Where appropriate, teachers of bilingual education.

(2) The policy board must include two or more persons representative of, or designated by, the school board(s) of the LEA (or LEAs) served by the center.

(3) The policy board must also include at least one representative designated by the institution (or institutions) of higher education (with departments or schools of education) in the area to be served by the center.

(4) If the area to be served includes more than one LEA or more than one IHE with a department or school of education, each agency or institution must be represented on the teacher center policy board under paragraphs (a) (2) or (3) of this section. A person designated to the teacher center policy board under paragraph (a)(3) of this section may represent more than one IHE.

(b) *Representativeness.* (1) Each grantee must assure that the majority of the board is representative of teachers by—

(i) Making the categories of teachers (e.g, vocational education teachers, special education teachers, where appropriate bilingual education teachers, and other teachers at both elementary and secondary levels) fairly reflect the categories of teachers in the area to be served, including equitable representation of nonpublic school teachers (if there are nonpublic schools in the area to be served which choose to participate in the teacher center); and

(ii) Selecting the teacher members composing the majority of the board by one of the following options:

(A) Agreement between the LEA and the teachers' collective bargaining agent—

(*1*) As to the specific teacher representatives; or

(*2*) As to the procedures for selecting the teacher representatives.

(B) Appointment of the teacher representatives by the teachers' collective bargaining agent.

(C) Appointment of the teacher representatives by the teachers' organization with the largest number of members.

(D) Voting in which all teachers in the area to be served by the center have an opportunity to participate, either through a general or school-by-school election.

(E) Another method which permits teachers generally, either directly or through their teachers' organization, to nominate or select the teacher representatives on the board.

(F) A combination of two or more of the options in paragraphs (b)(1)(ii) (A) through (E) of this section.

(2) The options described in paragraph (b)(1)(ii) of this section apply both to teacher centers serving teachers within a single LEA and to teacher centers serving teachers in more than one LEA.

(3) In case of a teacher center serving an entire State, in addition to the options under paragraph (b)(1)(ii) of this section, the teacher members composing the majority of the board can be appointed by one or more State-level teachers' organizations.

§ 240.14 How are the funds distributed among applicants?

(a) The Secretary sets aside 10 pecent of the amount appropriated under the Teacher Centers Program to fund applications from IHEs to plan, establish, or operate teacher centers: *Provided,* that there are sufficient applications from IHEs that receive the 50 point minimum to be considered for funding under the evaluation criteria in § 240.31.

(b) After setting aside funds for grants to IHEs under paragraph (a) of this section and funds for compensating SEAs for their activities under § 240.34, the Secretary uses the remaining funds for grants to LEAs and educational service agencies.

(c) In the case of a joint grant to a combination of one or more IHEs and one or more LEAs or educational service agencies, the amount of the grant charged to the 10 percent set-aside for IHEs is determined—

(1) According to the amount budgeted in the approved application for IHEs; or

(2) If separate amounts for applicants are not budgeted in the application, according to the ratio of IHEs to all recipients of the grant.

(Section 532; 20 U.S.C. 1119a)

§ 240.15 What costs are allowable?

In addition to the costs specified as allowable in EDGAR, the following costs are allowable under the Teacher Centers Program:

(a) Release time or payment for substitutes to enable teachers to participate in activities of the teacher center.

(b) Expense of the teacher center policy board, including payment of released time or substitutes to enable its teacher members to participate in activities of the board, but not including the expenses of preparing an application for a grant under the Teacher Centers Program.

(Section 532(a)(2) and (e); 20 U.S.C. 1119a(a)(2) and (e))

Subpart C—How Does One Apply for a Grant?

§ 240.20 Where and to whom must an applicant submit its application?

(a) Each applicant for a grant under the Teacher Centers Program must submit an application to the Secretary through the SEA of the State in which the applicant is located.

(b) The Secretary publishes a notice annually in the **Federal Register** of the dates, schedule, and other information relating to the submission of applications.

(Section 532; 20 U.S.C. 1119a)

§ 240.21 What is the role of SEA's in reviewing applications?

The Secretary will not approve an application unless—

(a) The SEA of the State in which the applicant is located has reviewed the application, made comments thereon, recommended that the application be approved, and transmitted the application to the Secretary for approval; and

(b) The appropriate SEA has given an assurance that it will provide technical assistance to each center, and will adequately disseminate information derived from the center, including information on how the SEA will carry out the technical assistance and dissemination and a projected budget for those activities.

(Section 532(d); 20 U.S.C. 1119a(d))

§ 240.22 What are the procedures for appealing the SEA's recommendation?

(a) Any LEA educational service agency, or IHE that is dissatisfied with the recommendation of the SEA regarding its application may petition the Secretary to request further consideration of the application by the SEA.

(b) In the event of such an appeal, the Secretary requests further consideration by the SEA.

(c) After the SEA receives a request for further consideration from the Secretary, the SEA shall transmit the application to the Secretary along with the SEA's comments and evaluation.

(Section 532(c)(2) and (f); 20 U.S.C. 1119a(c)(2) and (f))

§ 240.23 What information must be included in an application?

(a) Each application must include—

(1) Designation of the specific area, school district(s), and schools, both public and nonpublic, to be served by the center;

(2) Documentation that a teacher center policy board—

(i) Has been established, including information on the membership of the board and the method of its selection, and

(ii) Has participated fully in the preparation of the application and has approved it as submitted;

(3) A statement of the means for assuring equitable participation by nonpublic school teachers on the teacher center policy board and in receiving the center's services, or documentation that there is no nonpublic school in the area to be served, or that nonpublic schools in the area to be served have chosen not to participate;

(4) A one-page abstract of the proposed project;

(5) A plan of operation which must include—

(i) A statement of the special educational needs of the students to be served by teachers participating in the center, and an explanation of how those needs were determined;

(ii) Information that provides a basis for evaluating the application under each of the criteria in § 240.31. Failure of an application to contain information responding to a particular criterion in § 240.31 will mean that the applicant will not earn points attached to that criterion.

(b) With respect to an application to operate an existing teacher center, the application, in addition to meeting the requirements in paragraph (a) of this section, must contain the following:

(1) A description of the activities of the center during the preceding year and the cost thereof;

(2) Identification of the sources of funding of the center during the preceding year; and

(3) A statement of the kinds of activities that will be undertaken to improve the existing center by use of the Federal assistance requested.

(c) An IHE shall include in its application, in addition to other applicable information required by paragraphs (a) and (b) of this section, evidence that arrangements have been made with those LEAs with teachers to be served by the project for the participation of the teachers in center activities and in the activities of the teacher center policy board.

(Section 532(f); 20 U.S.C. 1119a(f))

Subpart D—How Does the Secretary Make a Grant?

§ 240.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 240.31.

(b) The Secretary awards up to 100 points for these criteria.

(c) The maximum possible score for each criterion is indicated in parentheses at the beginning of that criterion.

(d) An application must receive a minimum of 50 points to be considered for funding.

§ 240.31 What are the evaluation criteria?

In evaluating an application the Secretary considers:

(a) *Plan of operation.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons;

(D) The elderly; and

(vi) For grants made after October 1, 1980, a clear description of how the applicant will provide for participation of teachers employed at nonprofit private schools that choose to participate in the teacher center.

(b) *Quality of key personnel.* (7 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel who will be used on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraph (b)(2) (i) and (ii) of this section will be required to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications for a position, the Secretary considers evidence of past experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Authority of policy board.* (10 points)

The Secretary reviews each application for information that shows the extent of the teacher center policy board's authority and responsibility for supervision of the project.

(g) *Potential for increasing teacher effectiveness.* (20 points)

The Secretary reviews each application for information that shows the potential of the proposed teacher center for increasing the effectiveness of the teachers served, in terms of the learning needs of their students.

(h) *Adequacy of dissemination.* (3 points)

The Secretary reviews each application for information that shows the adequacy of provisions for dissemination of the results of the project.

(i) *Size, scope, and duration.* (5 points)

The Secretary reviews each application for information that shows the appropriateness of size, scope, and duration of the project so as to secure productive results.

(j) *Potential impact on inservice training.* (15 points)

The Secretary reviews each application for information that shows the potential of the teacher center to impact upon and improve the grantee's overall program of inservice training for teachers.

(k) *Representativeness of policy board.* (10 points)

The Secretary reviews each application for information that shows the representativeness of the teacher center policy board required under § 240.13.

(l) *Support of new or expanded activities.* (5 points)

The Secretary reviews each application for information that shows the extent to which Federal funds will support new or expanded activities rather than supporting activities which are already being paid for from other resources.

(Section 532; 20 U.S.C. 1119a)

§ 240.32 Is at least one teacher center supported in each State?

In selecting projects for funding, the Secretary ensures that, in each fiscal year for which funds are appropriated under the Teacher Centers Program, at least one teacher center in each State receives funds under the program if at least one applicant in that State submits an approvable application. If necessary to meet this requirement, the Secretary may waive the 50 point minimum in § 240.31.

(Section 531; 20 U.S.C. 1119)

§ 240.33 For what services are SEAs compensated?

The Secretary compensates SEAs for the cost of the following services performed in connection with the Teacher Centers Program:

(a) Reviewing and commenting on applications.

(b) Submitting applications to the Secretary after approval.

(c) Providing technical assistance to funded centers. Allowable technical assistance expenses of the SEA may include—

(1) Consulting services rendered at the teacher center site;

(2) Workshops and conferences to provide information to centers (including an exchange of information among teacher centers); and

(3) Activities of the SEA to obtain information incidental and necessary to the provision of technical assistance to funded centers in its State.

(d) Disseminating information resulting from activities of funded centers.

(Section 532 (c) and (d); 20 U.S.C. 1119a (c) and (d))

§ 240.34 What amount of compensation do SEAs receive?

(a) The Secretary sets aside one-tenth of the amount appropriated for the Teacher Centers Program for the compensation of SEAs, to be disbursed according to the following stipulations:

(1) Compensation for the combined services noted in paragraphs (a) and (b) of § 240.33 is at a rate per application set by the Secretary not to exceed prevailing rates for similar services.

(2) The remainder of the sum reserved for SEAs is made available to carry out functions described in paragraphs (c) and (d) of § 240.33.

(3) An SEA is compensated for the technical assistance it provides to, and the dissemination of information from, each funded teacher center in an amount for each center no more than that which bears the same ratio to the total funds available for these functions as the amount of the grant award to the center bears to the total funds awarded to teacher centers in the fiscal year.

(Section 532(d); 20 U.S.C. 1119a(d))

[FR Doc. 80-37975 Filed 12-5-80; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Teacher Centers Program; Closing Dates for Transmittal of Applications

AGENCY: Department of Education.

ACTION: Notice of Closing Dates for the Transmittal of Applications for New Projects and Applications for Noncompeting Continuations Under the Teacher Centers Program.

Applications are invited for new projects and for noncompeting continuation projects under the Teachers Centers Program.

Authority for this program is contained in Section 532, Title V–B, of the Higher Education Act of 1965, as enacted by the Education Amendments of 1976 (Pub. L. 94–482) and amended by the Education Amendments of 1978 (Pub. L. 95–561) and the Education amendments of 1980 (Pub. L. 96–374). (20 U.S.C. 1119a)

This program makes awards to local educational agencies, educational service agencies, and institutions of higher education to assist them in planning, establishing, and operating teacher centers.

Closing Date for Transmittal of Applications to State Educational Agencies: To be assured of consideration for funding, applications for new awards and non-competing continuation awards must be mailed or hand delivered to the appropriate State educational agency by February 17, 1981.

If applications are late, the State educational agency may lack sufficient time to review them and may decline to accept them.

All applications must be submitted to the State educational agency of the State in which the applicant is located, for review by the agency. The State educational agency must then transmit to the U.S. Department of Education those applications that it recommends for consideration and approval by the Secretary of Education. State educational agencies may set their own criteria for the review of applications. Applicants may wish to take these criteria into consideration. The State criteria (if any) can be obtained by writing to the appropriate State educational agency (see the list of addresses of Chief State School Officers at the end of this notice).

Applications Delivered by Mail: An application that is sent by mail must be addressed to the Chief State School Officer of the appropriate State educational agency at the address below. The envelope should be clearly marked: Attention: CFDA 84.006—Teacher Centers Program application. State review required. Five copies of the application (3 for the U.S. Department of Education) must be included.

Applications Delivered by Hand: An application that is hand delivered must be taken to the office of the appropriate Chief State School Officer, during the office's regular business hours.

Closing Date for Transmittal of Applications to U.S. Department of Education: Applications for new and non-competing continuation awards must be mailed or hand delivered to the U.S. Department of Education by March 10, 1981.

Applications Delivered by Mail: Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.006, 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 Postal 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 evidence 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 for a new project 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, S.W., 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 for a new project that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

If a noncompeting continuation 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.

Appeals to the Secretary: Applicants whose applications are not transmitted to the U.S. Department of Education by the appropriate State educational agency may appeal to the U.S. Secretary of Education to request further consideration by the State educational agency. In the event of such an appeal, the Secretary must request further consideration and the State educational agency must then transmit the application to the Secretary. Such an appeal, signed by an authorized official for the applicant, must be received at the address given below under "Further Information" by March 17, 1981. A copy of the appeal should be sent simultaneously to the appropriate State educational agency. Applicants who wish to appeal are encouraged to make their intent known by telephone at the number given below under "Further Information" prior to submitting a written appeal.

The Secretary requests further consideration, by the appropriate State educational agency, of any and all applications for which an appeal is taken, and further requests the State educational agencies to transmit those applications together with the State Educational Agencies comments and evaluation to the U.S. Department of Education Application Control Center by March 24, 1981.

(Although the amended Teacher Centers Program statute allows the State educational agency to wait 30 days before transmitting its nonrecommended applications for which appeals have been made, transmittal by the date suggested above will facilitate timely review by the U.S. Department of Education.)

Project Duration: An applicant may request funds for a multi-year project

which generally does not exceed 36 months. Projects selected for funding will receive funding for an initial budget period not to exceed 12 months. Funding in the second and third years are subject to the availability of funds, satisfactory performance, submission of reports, and a determination that the continuation of the project is in the best interest of the Federal Government. (Education Division General Administrative Regulations (EDGAR) 34 CFR 75.117 and 75.253).

Amendments of the Program Statue: The Education Amendments of 1978 and the Education Amendments of 1980 made several significant changes in the Teacher Centers Program statute. All of these changes are reflected in the new final regulations for the program, (34 CFR Part 240) published in this issue of the **Federal Register.**

Available Funds: Approximately $6,375,000 will be available for grants to *new* projects. Approximately $6,495,000 will be available for grants to about *46 non-competing continuation* projects at an average cost of $140,000.

These estimates do not bind the U.S. Department of Education except as may be required by the applicable statute and regulations.

Application Forms: Application forms and program information packages are expected to be ready for mailing by December 31, 1980. They may be obtained by writing to the Division of Teacher Centers, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 819, Riviere Building), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Secretary strongly urges that applicants not submit information that is not requested.

Applicable Regulations: The regulations applicable to this program are:

(a) The new regulations governing the Teacher Centers Program (34 CFR Part 240) that are published in this issue of the **Federal Register;** and

(b) The Education Division General Administrative Regulations (EDGAR) 34 CFR Parts 75 and 77).

Further Information: For further information contact Dr. Allen Schmieder, Teacher Centers Program, Division of Teacher Centers, U.S. Department of Education, Room 2010, 400 Maryland Avenue, S.W., Washington, D.C. 20202. telephone (202) 472-5550.

(20 U.S.C. 1119a)

Dated: November 20, 1980.

(Catalog of Federal Domestic Assistance No. 84.006, Teacher Centers Program)

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Assistant Secretary for Elementary and Secondary Education.

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federal register

Monday
December 8, 1980

Part VI

Department of Education

Office of the Secretary

Statement of Organization, Functions, and Delegations of Authority

DEPARTMENT OF EDUCATION

Office of the Secretary

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Department of Education.

ACTION: Notice of Statement of Organization, Functions, and Delegations of Authority.

SUMMARY: The Secretary of Education issues a Notice of Organization, Functions, and Delegations of Authority for the Department of Education (ED).

FOR FURTHER INFORMATION CONTACT: John Seal, Deputy Assistant Secretary for Evaluation and Program Management, Switzer Building, Room 4052, 330 C Street, S.W., Washington, D.C. 20202, Telephone number (202) 245-0122.

SUPPLEMENTARY INFORMATION: This is the initial Statement of Organization, Functions, and Delegations of Authority for the Department of Education (ED), which was activated by Presidential Order as of may 4, 1980. The statement provides information about all top-level organizations administered by principal officers in accordance with the Department of Education Organization Act (Pub. L. No. 96-88, October 17, 1979). However, it does not include information about subordinate organizations under each principal officer. A statement concerning these organizations will be published later.

Dated: November 20, 1980.

Shirley M. Hufstedler,

Secretary of Education.

Statement of Organization, Functions, and Delegations of Authority

This is the initial Statement of Organization, Functions, and Delegations of Authority for the Department of Education (ED), which was activated by Presidential Order as of May 4, 1980. The statement provides information about top-level organizations administered by principal officers in accordance with the Department of Education Organization Act (Pub. L. No. 96-88, October 17, 1979). However, it does not include information about subordinate organizations under each principal officer. A statement concerning these organizations will be published later.

The Department of Education (Mission)

The mission of the Department of Education is to ensure equal educational opportunities for all individuals; strengthen Federal support of State and local efforts to meet education needs; encourage increased involvement of parents, students, and the general public in Federal education programs; enhance the quality of education through research, information-sharing, and program evaluations; and improve coordination, management, and accountability in the administration of Federal education programs.

The Department of Education (Organization)

The Department of Education, under the supervision and direction of the Secretary of Education (the Secretary), includes:

A. Office of the Secretary
Secretary
Under Secretary
Deputy Under Secretary (Intergovernmental)
Deputy Under Secretary (Interagency)
Executive Secretariat
B. Office for Civil Rights
C. Office of the General Counsel
D. Office of the Inspector General
E. Office of Legislation
F. Office of Management
G. Office of Non-Public Education
H. Office of Planning and Budget
I. Office of Public Affairs
J. Office of Bilingual Education and Minority Languages Affairs
K. Office of Education for Overseas Dependents
L. Office of Educational Research and Improvement
M. Office of Elementary and Secondary Education
N. Office of Postsecondary Education
O. Office of Special Education and Rehabilitative Services
P. Office of Vocational and Adult Education

The Department of Education (Functions)

The Department of Education performs those functions necessary to accomplish its mission. These are specified in more detail below.

A. Office of the Secretary

Secretary

The Secretary is responsible for the overall direction, supervision, and coordination of all activities of the Department and is the principal adviser to the President on Federal policies, programs, and activities related to education in the United States.

Under Secretary

The Under Secretary assists the Secretary in the discharge of Secretarial duties and responsibilities and serves as Acting Secretary in the absence of the Secretary.

Deputy Under Secretary (Intergovernmental Affairs)

The Deputy Under Secretary (Intergovernmental Affairs) assists the Secretary and Under Secretary in Departmental policy development and management issues and is the principal adviser to the Secretary and the Under Secretary on Departmental relations with State and local governments and other non-Federal organizations. In addition, the Deputy Under Secretary (Intergovernmental Affairs) performs the following functions:

1. Serves as the Department's principal liaison with State and local governments and other non-Federal organizations.
2. Provides staff support for the Intergovernmental Advisory Council on Education (IACE), coordinates Departmental contacts with the IACE, and advises the Secretary and Under Secretary on IACE recommendations.
3. Is responsible for cordinating Administration and Secretarial initiatives related to intergovernmental and other non-Federal relations.
4. Serves as the Departmental liaison with the regional offices for intergovernmental, public affairs, and administrative support activities.
5. Establishes methods for ensuring Departmental coordination among regional operating components.

Deputy Under Secretary (Interagency Affairs)

The Deputy Under Secretary (Interagency Affairs) assists the Secretary and Under Secretary in Departmental policy development and management issues and serves as principal adviser and Assistant to the Secretary and Under Secretary on interagency affairs and liaison matters. In addition, the Deputy Under Secretary (Interagency Affairs) performs the following functions:

1. Is responsible for the coordination and implementation of Administration and Secretarial initiatives as they pertain to interagency affairs.
2. Provides staff support and Departmental direction to activities of the Fedral Interagency Committee on Education (FICE) on behalf of the Secretary.
3. Is responsible for the management and selection of members of Departmental advisory councils and committees.
4. Is responsible for the conduct of international educational affairs and liaison activities at the Secretarial level.
5. Develops special projects and oversees their accomplishment at the direction of the Secretary and Under Secretary.

Executive Secretariat

The Executive Secretary advises the Secretary and Under Secretary on the policy development and decision-

making processes for the Department and provides overall staff support to the Secretary and Under Secretary. In addition, the Executive Secretariat performs the following functions:

1. Identifies and presents to the Secretary and Under Secretary issues requiring resolution or decision.
2. Coordinates the participation of Departmental senior officers and staff in decisions requiring action by the Secretary and Under Secretary.
3. Reviews all materials submitted to the Secretary and Under Secretary for conformance with Departmental policies.
4. Is responsible for communicating requests and decisions made by the Secretary and Under Secretary and monitoring their implementation.
5. Is responsible for the management of communications addressed to the Secretary and Under Secretary.
6. Prepares briefing materials for the Secretary and Under Secretary.

B. Office for Civil Rights

The Assistant Secretary for Civil Rights serves as principal adviser to the Secretary on civil rights matters. In order to ensure that all eligible persons are offered equal opportunities to be admitted and to participate in Departmentally-administered programs, the Office performs the following functions:

1. Administers and enforces the provisions of legislation and Departmental policy prohibiting discrimination on the basis of race, color, national origin, sex, handicap, or age.
2. Coordinates information-gathering and collects and analyzes data.
3. Develops and recommends the adoption of regulations and policies of general applicability regarding civil rights.
4. Conducts investigations and negotiations to secure voluntary compliance and conducts administrative enforcement proceedings to secure compliance with legislative and regulatory civil rights requirements.
5. Conducts research and surveys on civil rights issues and on the participation of minorities, women, the aged, and handicapped persons in Federally-assisted education programs.
6. Assists other Departmental offices in developing and implementing plans to meet civil rights objectives.

C. Office of the General Counsel

The General Counsel serves as principal adviser to the Secretary on all legal matters affecting Departmental programs and activities. The Office performs the following functions:

1. Provides legal advice and services to the Secretary, Under Secretary, Principal Officers of the Department, or any other person authorized to request such advice or services.
2. Prepares or reviews for legal form and effect public documents, rules, and regulations issued by the Department, and legal instruments entered into by the Department.
3. Represents the Secretary, the Department, or any of its officers or units before administrative boards and similar tribunals and courts.
4. Serves as liaison to other Federal agencies in connection with legal matters involving the Department.
5. Drafts legislative proposals originating in the Department, and reviews the legal aspects of proposed or pending legislation.
6. Prepares or reviews pleadings, briefs, memoranda and other legal documents for proceedings involving the Department or requested by other Government agencies for use in proceedings.

D. Office of the Inspector General

The Inspector General serves as the principal adviser to the Secretary on matters related to inefficiency or problems in the administration of Departmental programs and operations. The Office performs the following functions:

1. Conducts and supervises independent audits and investigations to determine the integrity of Departmental programs and operations.
2. Informs the Secretary and the Congress about problems needing corrective action and recommends ways to promote economies and prevent fraud and abuse in Departmental programs and operations.

E. Office of Legislation

The Assistant Secretary for Legislation serves as the principal adviser to the Secretary on matters concerning the Departmental legislative program and Congressional relations. The Office performs the following functions:

1. Manages, coordinates, and directs the presentation of the Department's legislative program to Congress.
2. Coordinates the collection of and provides information, including testimony, to Congress about Departmental policies, appropriations, programs, and organization and assures the Department's responsiveness to Congressional requests for information.

F. Office of Management

The Assistant Secretary for Management serves as the principal adviser to the Secretary on Departmental administrative matters. The Office performs the following functions:

1. Conducts evaluations and assessments of Departmental programs and internal management practices.
2. Develops and oversees Departmental systems such as management-by-objectives, quality control, work measurement, organizational development, and management directives.
3. Manages the Department's financial, grant-making, procurement, and automated data processing activities.
4. Develops and manages the Departmental Salaries and Expenses Budget.
5. Provides personnel and training services to Departmental offices.
6. Provides resource management services including facilities management, administrative support, and audio-visual communications.
7. Develops administrative policy and provides support services for advisory committees.
8. Develops and manages the Departmental Affirmative Action Program.

G. Office of Non-Public Education

The Assistant Secretary for Non-Public Education serves as the principal adviser to the Secretary on Departmental matters relating to the education of students enrolled in non-public (private) schools. The Office performs the following functions:

1. Fosters the maximum participation by non-public school students in all Federal educational programs for which they are eligible.
2. Recommends to the Secretary changes in law, regulations, or policies that would increase the availability of educational services to non-public school students.
3. Reviews departmental programs and procedures to ensure that services for non-public school students are provided as required by law.

H. Office of Planning and Budget

The Assistant Secretary for Planning and Budget serves as the principal adviser to the Secretary on all matters related to Departmental program plans and budgets. The Office performs the following functions:

1. Directs and coordinates the formulation, presentation, and execution of Departmental program budgets and coordinates the justification of the Department's budget submission before the Office of Management and Budget

and Congressional Appropriations Committees.

2. Coordinates planning, budgeting, and policy discussions with the Office of Management and Budget and the Executive Office of the President and testifies before Congressional Appropriations Committees on matters relating to budget requests.

3. Directs analytical studies on the economic and social impact of existing and proposed education policies and provides advice on the formulation of Departmental policies, legislative proposals, and program operations.

4. Develops, coordinates, and monitors a planning system for supporting the Department's long-term program strategies and financial plans.

I. Office of Public Affairs

The Assistant Secretary for Public Affairs serves as the principal adviser to the Secretary on activities designed to inform the general public and the Nation's educational community about Departmental programs and activities. The Office performs the following functions:

1. Assists in the implementation of Departmental programs through the production of articles, Secretarial speeches, official Departmental statements to the public, a variety of other written materials, and special projects.

2. Assists other Departmental offices in producing publications and audio-visual materials which inform the public.

3. Publishes the Departmental journal *American Education.*

4. Disseminates news to both print and broadcast media.

5. Represents the Department in relationships with other Federal agencies in matters of information and publication policy.

6. Assures that requests to the Department for information are processed in accordance with the provisions of the Freedom of Information Act, the Privacy Act, and the Ethics in Government Act.

J. Office of Bilingual Education and Minority Languages Affairs

The Director of the Office of Bilingual Education and Minority Languages Affairs serves as the principal adviser to the Secretary on Departmental matters related to the education of persons of limited proficiency in English. The Office directs, coordinates, and recommends policy for programs that are designed to:

1. Increase and promote improvements in educational services, including State and local educational services, and in curricular materials for persons of limited proficiency in English and for minority language populations.

2. Collect and disseminate information about bilingual education and related programs and activities.

3. Strengthen the capabilities of institutions of higher education and other related agencies to provide bilingual education training courses.

4. Provide financial assistance to persons who are preparing to become trainers of bilingual education teachers.

K. Office of Education for Overseas Dependents

The Administrator of Education for Overseas Dependents serves as the principal adviser to the Secretary on Departmental matters related to the education of minor dependents of Department of Defense military and civilian personnel stationed overseas. Responsibility for directing the operations of the overseas dependent schools will be transferred from the Department of Defense to the Department of Education after September, 1981. Prior to the transfer of this function and its attendant staff and budget, the interim organization in the Department of Education performs the following functions:

1. Oversees all activities relating to the transfer of overseas dependent schools.

2. Develops and monitors policies and procedures which assure the continuation of educational programs of high quality from kindergarten through the secondary level for overseas dependents.

3. Plans for the establishment of educational goals and objectives and the development of curricula and professional standards for teachers and administrators.

4. Plans for the provision of educational, administrative, and logistical support for school operations.

5. Develops plans for and carries out regular consultations with parents, students, teachers, and military commanders on policy and operational matters.

L. Office of Educational Research and Improvement

The Assistant Secretary for Educational Research and Improvement serves as the principal adviser to the Secretary on Departmental research, development, demonstration, and dissemination activities. The Office performs the following functions:

1. Seeks to improve the quality of education available and to ensure access to equal educational opportunity for all individuals.

2. Conducts basic and applied research on the teaching and learning process and the economic, social, and policy contexts of education.

3. Collects and analyzes data on the present condition of education, projects educational trends, and fosters activities designed to reduce unnecessary and duplicative paperwork burdens and constraints on Federal funds recipients.

4. Demonstrates, disseminates, and adapts new knowledge and practices to various educational settings.

5. Supports informal learning opportunities through libraries, museums, and educational television and other technologies.

6. Provides technical assistance in support of programs generated by the Office's activities.

7. Advances the practice of education as a profession through the demonstration of and dissemination of information about exemplary professional development activities.

8. Promotes coordination between the Department's educational research and development programs and the related activities of other Federal agencies through, as appropriate, joint support, assessment, and dissemination.

M. Office of Elementary and Secondary Education

The Assistant Secretary for Elementary and Secondary Education serves as principal adviser to the Secretary on all matters related to elementary and secondary education. The Office directs, coordinates, and recommends policy for programs designed to:

1. Assist State and local educational agencies to improve the educational achievement of elementary and secondary students and to assure equal access to services leading to such improvements for all children, particularly children who are economically disadvantaged, Alaskan Native, American Indian, or children of migrant workers.

2. Strengthen the management capabilities of State educational agency personnel, and foster educational improvement at the State and local level.

3. Provide financial assistance to local educational agencies whose local revenues are adversely affected by Federal activity.

4. Assist State and local education agencies in the process of school desegregation.

5. Assist elementary and secondary teachers in improving the quality of their teaching.

6. Assist State and local agencies to install career education programs.

N. Office of Postsecondary Education

The Assistant Secretary for Postsecondary Education serves as the principal adviser to the Secretary on Departmental matters related to postsecondary education. The Office directs, coordinates, and recommends policies for programs that are designed to:

1. Provide financial assistance to eligible students enrolled in postsecondary educational institutions.
2. Improve postsecondary educational facilities and programs through the provision of financial support to eligible institutions.
3. Recruit and prepare disadvantaged students for the successful completion of postsecondary educational programs.
4. Promote the domestic study of foreign languages and international affairs and to support international educational research and exchange activities.

O. Office of Special Education and Rehabilitative Services

The Assistant Secretary for Special Education and Rehabilitative Services serves as the principal adviser to the Secretary on Departmental matters related to special education and rehabilitative services. The Office directs, coordinates, and recommends policy for programs that are designed to:

1. Meet the needs and develop the full potential of handicapped children through the provision of special educational programs and services.
2. To reduce dependency and enhance the productive capabilities of handicapped persons through the provision of independent living and vocational rehabilitation services.
3. To increase knowledge about, foster innovation in, and improve the delivery of services for handicapped persons through the performance or rehabilitative and special education research and demonstration activities.
4. Disseminate information about services, programs, and laws affecting handicapped persons.

P. Office of Vocational and Adult Education

The Assistant Secretary for Vocational and Adult Education serves as the principal adviser to the Secretary on Departmental matters related to vocational, adult, and community education. The Office administers, coordinates, and recommends policy for improving programs that are designed to:

1. Prepare students, including adults, for employment through the provision of vocational education and other employment-related education.
2. Increase the access of adults to basic education.
3. Promote coordination among vocational, adult, and community education programs and activities with other programs within the Department and with other agencies.
4. Improve the quality of vocational, adult, and community education through the performance of research and the demonstration of exemplary educational practices.
5. Ensure the equal access of minorities, women, handicapped, and disadvantaged persons to vocational, adult, and community educational programs.
6. Foster a unified Federal approach to vocational, adult, and community education in rural areas.

Delegations of Authority

The Secretary has delegated the following authorities subject to certain reservations:

Office of Bilingual Education and Minority Languages Affairs

1. Title VII of the Elementary and Secondary Education Act, as amended, 20 U.S.C. § 3221 (Bilingual Education Act)
2. Subpart 3, Part B of Title I of the Vocational Education Act of 1963, as amended, 20 U.S.C. § 2411 *et seq.* (Bilingual Vocational Training)
3. Indochina Refugee Children Assistance Act, as amended, 20 U.S.C. 1211b note

Office of Educational Research and Improvement

1. Section 405 of the General Education Provisions Act, as amended, 20 U.S.C. § 1221e (Activities of the National Institute of Education)
2. Section 1203 of the Education Amendments of 1978, Pub. L. No. 95–561, 20 U.S.C. § 1221–1 note (School Finance Study)
3. Museum Services Act, Pub. L. No. 94–462, 20 U.S.C. 961 *et seq.*
4. Section 404 of the General Education Provisions Act, as amended, 20 U.S.C. § 1221d (Fund for the Improvement of Postsecondary Education)
5. Section 406 of the General Education Provisions Act, as amended, 20 U.S.C. § 1221–1 (National Center for Education Statistics)
6. Section 400A of the General Education Provisions Act, as amended, 20 U.S.C. § 1221–3 (Federal Education Data Acquisition Council)
7. National Science Foundation Act, as amended, 42 U.S.C. § 1861 *et seq.* (The Pre-College Teacher Development in Science and the Minority Institute Science Improvement Programs)
8. Parts A, B, C, D, E, F, G, H, I, K, and M of Title III of the Elementary and Secondary Education Act, as amended, 20 U.S.C. § 2941 *et seq.* (Discretionary Projects; Metric Education; Arts in Education; Preschool Partnership; Consumer Education; Law Related Education; Environmental Education; Health Education; National Diffusion; and Population Education)
9. Alcohol and Drug Abuse Education Act, as amended, 21 U.S.C. §1001 *et seq.*
10. Title II of the Elementary and Secondary Education Act, as amended, 20 U.S.C. § 2881 *et seq.* (Basic Skills Improvement)
11. Parts B, C, D, and E of Title IX of the Elementary and Secondary Education Act, as amended, 20 U.S.C. § 3311 *et seq.* (Educational Proficiency Standards; Women's Educational Equity; Special Grants for Safe schools; and Ethnic Heritage)
12. Part A of Title V of the Higher Education Act, as amended, 20 U.S.C. § 1101 *et seq.* (Teachers Corps)
13. Section 1525 of the Education Amendments of 1978, Pub. L. No. 95–561 (Territorial Teacher Training Assistance)
14. Section 611 of the Elementary and Secondary Education Act, as amended, 20 U.S.C. § 3201 (Educational Television and Radio)
15. Subpart A, Part IV of Title III of the Communications Act of 1934, 47 U.S.C. § 390 *et seq.* (Telecommunications Demonstration)
16. Part B, Title IV of the Elementary and Secondary Education Act, as amended, 20 U.S.C. § 3101 *et seq.* (Instructional Materials and School Library Resources)
17. Library Services and Construction Act, as amended, 20 U.S.C. § 351 *et seq.*
18. Title II of the Higher Education Act, as amended, 20 U.S.C. § 1021 *et seq.* (College Library Assistance and Library Training and Research)
19. Section 1527 of the Education Amendments of 1978, Pub. L. No. 95–561. (Television Program Assistance)

Office of Elementary and Secondary Education

1. Title I of the Elementary and Secondary Education Act, as amended, 20 U.S.C. § 2701 *et seq.* (Financial Assistance to Meet Special Educational Needs of Children) except Sections 146–147, 20 U.S.C. §§ 2771–2772 (Programs for Handicapped Children)
2. Part B of Title V of the Economic Opportunity Act, as amended, 42 U.S.C. § 2929 *et seq.* (Follow Through Programs)

3. Section 303(c)(2) of the Comprehensive Employment and Training Act, as amended, 20 U.S.C. § 873(c)(2) (The High School Equivalency Program and the College Assistance Migrant Program)

4. Part B, Title V of the Higher Education Act, as amended, 20 U.S.C. § 1119 *et seq.* (Teacher Training Programs)

5. Career Education Incentive Act, 20 U.S.C. § 2601 *et seq.*

6. Indian Education Act, as amended, Pub. L. No. 92–318

7. Title V of the Elementary and Secondary Education Act, as amended, 20 U.S.C. § 3141 *et seq.* (State Leadership)

8. Pub. L. No. 81–874, 20 U.S.C. § 236 *et seq.* (Impact Aid)

9. Pub. L. No. 81–815, 20 U.S.C. § 631 *et seq.* (School Construction in Areas Affected by Federal Activity)

10. Section 426A of the General Education Provisions Act, 20 U.S.C. § 1231c–1 (Equalization Assistance)

11. Pub. L. No. 92–506 (1972) (Allen J. Ellender Fellowship Program)

12. Section 1524 of the Education Amendments of 1978, Pub. L. No. 95–561 (General Assistance for the Virgin Islands)

13. Title VI of the Elementary and Secondary Education Act, as amended, 20 U.S.C. § 3191 *et seq.* (Emergency School Aid Act) except section 611, 20 U.S.C. § 3201 (Educational Television and Radio)

14. Section 1522 of the Education Amendments of 1978, Pub. L. No. 95–561 (Racially Isolated School Districts)

15. Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c *et seq.* (Training and Advisory Services)

16. Parts C and D of Title IV of the Elementary and Secondary Education Act, as amended, 20 U.S.C. § 3081 *et seq.* (Improvement in Local Educational Practice and Guidance Counseling and Testing)

17. Part D, Title III of the Education Amendments of 1976, Pub. L. No. 94–482, 20 U.S.C. § 2531 *et seq.* (Guidance and Counseling)

Office of Postsecondary Education

1. Title IV of the Higher Education Act, as amended, 20 U.S.C. § 1070 *et seq.* (Student Assistance)

2. Title IX of the Higher Education Act, as amended, 20 U.S.C. § 1134 *et seq.* (Graduate Programs)

3. Section 705 (b), (c), and (f) of the Justice System Improvement Act of 1979, as amended (42 U.S.C. § 3775 (b), (c), and (f)) (The Law Enforcement Education Program and the Law Enforcement Intern Program)

4. Part L, Title III of the Elementary and Secondary Education Act, as amended, 20 U.S.C. § 3051 *et seq.* (Biomedical Sciences)

5. Title III of the Higher Education Act, as amended, 20 U.S.C. § 1051 *et seq.* (Strengthening Developing Institutions)

6. First and Second Morrill Acts, 7 U.S.C. § 301 *et seq.* and 7 U.S.C. § 321 *et seq.*

7. Title VIII of the Higher Education Act, as amended, 20 U.S.C. § 1133, *et seq.* (Cooperative Education)

8. Title X of the Higher Education Act, as amended, 20 U.S.C. § 1135, *et seq.* (Establishment and Expansion of Community Colleges)

9. Title IV of the Housing Act of 1950, as amended, 42 U.S.C. § 1749, *et seq.* (College Housing Loan Program)

10. Title VII of the Higher Education Act, as amended, 20 U.S.C. § 1132a, *et seq.* (Construction, Reconstruction, and Renovation of Academic Facilities)

11. Title I of the Higher Education Act, as amended, 20 U.S.C. § 1001, *et seq.* (Community Services and Continuing Education Programs)

12. Title XI of the Higher Education Act, as amended, 20 U.S.C. § 1136, *et seq.* (Law School Clinical Experience Programs)

13. Section 525 of the Education Amendments of 1976, Pub. L. No. 94–482, 20 U.S.C. § 2565 (Wayne Morse Chair of Law and Politics)

14. Pub. L. No. 95–270, 20 U.S.C. § 2566 *et seq.* (Hubert H. Humphrey Institute and Everett Dirksen Center)

15. 20 U.S.C. § 121 *et seq.* (Howard University)

16. Section 1201 of the Higher Education Act, as amended, 20 U.S.C. § 1141 (Recognition of Accrediting Agencies)

17. Section 1203 of the Higher Education Act, as amended, 20 U.S.C. § 1142b (State Postsecondary Education Commissions)

18. Title VI of the National Defense Education Act, as amended, 20 U.S.C. § 511 *et seq.* (Foreign Studies and Language Development)

19. Mutual Education and Cultural Exchange Act of 1961, as amended, 22 U.S.C. § 2451 *et seq.* (Higher Education Programs in Modern Foreign Language Training and Area Studies)

20. International Education Act of 1966, 20 U.S.C. § 1171 *et seq.*

21. Act for International Development, Pub. L. No. 87–195 as amended.

Office of Special Education and Rehabilitative Services

1. Education of Handicapped Act, as amended, 20 U.S.C. § 1401 *et seq.*

2. Section 146–147 of Title I of the Elementary and Secondary Education Act, as amended, 20 U.S.C. §§ 2771–2772 (Programs for Handicapped Children)

3. Part A, Title IX of the Elementary and Secondary Education Act, as amended, 20 U.S.C. § 3311 *et seq.* (Gifted and Talented Children)

4. Rehabilitation Act of 1973, as amended 29 U.S.C. § 701 *et seq.*

5. The Randolph-Sheppard Act, 20 U.S.C. § 107 *et seq.*

6. National Technical Institute for the Deaf, 20 U.S.C. § 681 *et seq.*

7. American Printing House for the Blind, 20 U.S.C. § 102 *et seq.*

8. Gallaudet College and the Model Secondary School for the Deaf, Pub. L. No. 83–420, as amended, Pub. L. No. 89–694 and Pub. L. No. 91–587.

Office of Vocational and Adult Education

1. Title I of the Vocational Education Act of 1963, as amended, 20 U.S.C. § 2301, *et seq.* (except for Part B, Subpart 3 of the Act, Bilingual Vocational Training)

2. Vocational Education Act of 1917, as amended, 20 U.S.C. § 11 *et seq.*

3. Parts F and J of Title III of the Elementary and Secondary Education Act, as amended, 20 U.S.C. § 2941 *et seq.* (Youth Employment and Correction Education)

4. Adult Education Act, as amended, 20 U.S.C. § 1201 *et seq.*

5. Section 206 of the Department of Education Organization Act, Pub. L. No. 96–88, 20 U.S.C. § 3416 (Unified Approach to Rural Education)

6. Title VIII of the Elementary and Secondary Education Act, as amended, 20 U.S.C. § 3281, *et seq.*

Office for Civil Rights

1. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*

2. Section 606(c) of the Elementary and Secondary Education Act, as amended, 20 U.S.C. § 3191, *et seq.*

3. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 *et seq.*

4. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

5. The Age Discrimination Act 42 U.S.C. § 6101 *et seq.*

6. Section 606 of the Education of the Handicapped Act, 20 U.S.C. § 1405.

The Department of Education (Reservations of Authority)

In general, unless provided otherwise by law, the Secretary has reserved the authority to promulgate regulations, enter into agreements with entities outside the Department, appoint members of advisory councils and submit reports to Congress or the President. The Secretary has also

delegated, in general, the authority to award contracts and discretionary grants to the Assistant Secretary for Management. However, in some instances the Secretary has departed from these general principles. The appropriate Assistant Secretary can provide information regarding reservations and delegations of authority for particular programs.

The Department of Education (Order of Secretarial Succession)

The Under Secretary acts as Secretary during the absence or disability of the Secretary. During the absence or disability of the Secretary and Under Secretary, the line of succession shall be as follows:

General Counsel
Assistant Secretary for Planning and Budget
Assistant Secretary for Management

In the event that all of the above principal officers are absent or disabled, the line of succession shall follow the order of seniority of the remaining principal officers, as determined by date of appointment.

For a planned period of absence, the Secretary may specify a different order of succession.

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federal register

Monday
December 8, 1980

Part VII

Department of Energy

Economic Regulatory Administration

Gasoline; Semi-Annual Adjustment of Fixed Cents per Gallon Markups; Final Rule

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-80-42]

Gasoline; Semi-Annual Adjustment of Fixed Cents per Gallon Markups

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy DOE) hereby announces that the fixed cents per gallon markups for gasoline resellers, reseller-retailers, and retailers are increased to 8.6 cents for resales and 17.7 cents for retail sales to reflect inflation as measured by the GNP deflator.

EFFECTIVE DATE: December 15, 1980.

FOR FURTHER INFORMATION CONTACT:

William Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4055

Chuck Boehl (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 2134, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3202

William Mayo Lee or William Funk (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-6754 or 252-6736

SUPPLEMENTARY INFORMATION:

I. Adjustments Adopted.
II. Procedural Matters.

I. Adjustments Adopted

On July 16, 1979 (44 FR 42541, July 19, 1979), DOE issued final regulations concerning the price rules for sales of motor gasoline by independent retailers. The rules adopted a different and much simplified method for retailers to calculate the maximum lawful selling price of each type or grade of gasoline. The DOE adopted similar rules for resellers and reseller-retailers effective May 1, 1980 (45 FR 29546, May 2, 1980). In effect, the new price rules state that the maximum lawful selling price for each type or grade of gasoline is the acquisition cost, plus a fixed cents per gallon markup, plus applicable taxes.

Independent retailers were permitted a 15.4 fixed cents per gallon markup and resellers and reseller-retailers were permitted a 7.7 fixed cents per gallon markup in resales of gasoline. These figures are adjusted semi-annually to reflect the GNP deflator. Reseller-retailers which made no dealer tank wagon sales in the most recently preceding 30-day period were permitted a 23.8 fixed cents per gallon markup for retail sales.

DOE obtained the fixed cents per gallon markups by applying a standard measure of inflation to the average national margins and the maximum permitted passthrough of increased costs in gasoline sales at the particular level of distribution in the first quarter of 1974. The standard measure of inflation was derived from the GNP deflator as projected for the appropriate quarter in which the fixed cents per gallon markups were adopted.

DOE has calculated the adjusted markups in the same manner using the standard measure of inflation derived from the first revision of the GNP deflator for the third quarter of 1980 to project inflation for the fourth quarter. DOE's calculations yield a retail fixed cents per gallon markup of 17.7 cents per gallon, a resale fixed cents per gallon markup of 8.6 cents per gallon and a 26.3 cents per gallon fixed cents per gallon markup for reseller-retailers which do not sell at dealer tank wagon. These markups are hereby adopted as the fixed cents per gallon markups for gasoline retailers and most resellers and reseller-retailers, effective December 15, 1980.

II. Procedural Matters

Under section 501(e) of the Department of Energy Organization Act (DOE Act) DOE is not bound by the prior notice and hearing requirements of subsections (b)-(d) with respect to a rule upon DOE's determination that no substantial issue of law or fact exists and that the rule is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Where no such substantial issue or impact is foreseen, the proposed rule may be promulgated in accordance with section 553 of the Administrative Procedure Act (APA).

DOE has made such a determination with respect to our action concerning the markups for gasoline retailers, resellers, and reseller-retailers because this action is purely ministerial in nature. Sections 212.83(c) and 212.93 (a) and (b) require us to adjust the markups on a semi-annual basis and further require us to base these adjustments on the GNP deflator.

Section 555(b) of the APA provides that the notice requirements contained therein are inapplicable when the agency for good cause finds that notice and public procedure on a rule are impracticable, unnecessary or contrary to the public interest. DOE finds that the notice and public procedures of section 553(b) are unnecessary in this case, given the nature of DOE's action, as described above.

Subsection (d)(1) of section 553 of the APA provides that the required publication of a rule be made at least 30 days before the effective date of the rule unless the rule relieves a restriction. DOE's action relieves a price restriction and therefore fits the exemption in section 553(d)(1).

Executive Order 12044 (43 FR 12661, March 23, 1978) requires a public comment period of sixty days and the preparation of a regulatory analysis. In view of the ministerial nature of today's action, DOE has determined that the requirements of the Executive Order are not applicable to today's final rule.

(Emergency Petroleum Allocation Act of 1973, (15 U.S.C. 751 *et seq.*), Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, (15 U.S.C. 787 *et seq.*), Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-619, and Pub. L. 96-30; Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*), Pub. L. 95-91, Pub. L. 95-509, Pub. L. 95-619, Pub. L. 95-620, and Pub. L. 95-621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Part 212 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective December 15, 1980.

Issued in Washington, D.C., December 3, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

1. Section 212.83(c)(1)(i)(C) is revised to read as follows:

§ 212.83 Price rule.

* * * * *

(c) *Allocation of increased costs.*

* * *

(1) *Allocation of increased costs incurred in the period "t"* —. * * *

(i) * * *

(C) Notwithstanding any other provision of this subpart, a refiner which sells gasoline to independent retailers at dealer tank wagon prices, may not charge a price in retail sales of gasoline at a retail outlet which exceeds the refiner's most recent dealer tank wagon price to the nearest independent retailer to that retail outlet, plus 17.7 cents per gallon, plus tax cost as defined in § 212.92. Beginning December 15, 1979, DOE shall adjust semi-annually the

fixed cents per gallon amount to reflect the GNP deflator.

* * * * *

2. Section 212.93(a)(2) is amended to read as follows:

§ 212.93 Price rule.

* * * * *

(a) * * *

(2)(i) With respect to retail sales of gasoline by retailers, a retailer may not charge a price in a sale of any type or grade of gasoline which exceeds the most recent acquisition cost, plus 17.7 cents per gallon, plus tax cost attributable to sales of that type or grade of gasoline. Beginning December 15, 1979, DOE shall adjust semi-annually the fixed cents per gallon amount to reflect the GNP deflator.

(ii) Except as provided in subparagraph (5) of this paragraph, a reseller-retailer may not charge a price in a retail sale of any type or grade of gasoline which exceeds its most recent dealer tank wagon price charged to the nearest independent retailer in the most recently preceding 30-day period, plus 17.7 cents per gallon, plus tax costs attributable to sales of that type or grade of gasoline. If the reseller-retailer has no dealer tank wagon sales to an independent retailer in the most recently preceding 30-day period, the price may not exceed the reseller-retailer's acquisition cost, plus 26.3 cents per gallon, plus tax costs attributable to sales of that type or grade of gasoline. Beginning June 15, 1980 the DOE shall adjust semi-annually the fixed cents per gallon amount to reflect the GNP deflator.

* * * * *

3. Section 212.93(a)(4) is revised to read as follows:

§ 212.93 Price rule.

* * * * *

(a) * * *

(4) Except as provided in subparagraph (5) of this paragraph, with respect to reseller sales of gasoline by resellers and reseller-retailers, a seller may not charge a price in a sale for any type or grade of gasoline which exceeds the most recent acquisition cost, plus 8.6 cents per gallon, plus tax costs attributable to sales of that type or grade of gasoline. Beginning June 15, 1980, the DOE shall adjust semi-annually the fixed cents per gallon amount to reflect the GNP deflator.

* * * * *

4. Section 212.93(b)(1)(v) is revised to read as follows:

§ 212.93 Price rule.

* * * * *

(b) * * *

(1) * * *

(v) With respect to retail sales of gasoline by reseller-retailers which sell gasoline to independent retailers at dealer tank wagon prices, a reseller-retailer may not charge a price in retail sales of gasoline at a retail outlet which exceeds the most recent dealer tank wagon price the reseller-retailer charged to the nearest independent retailer to that retail outlet, plus 17.7 cents per gallon, plus tax costs. Beginning December 15, 1979, DOE shall adjust semi-annually the fixed cents per gallon amount to reflect the GNP deflator.

* * * * *

[FR Doc. 80-37959 Filed 12-5-80; 8:45 am]

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Monday
December 8, 1980

Part VIII

Department of Energy

Economic Regulatory Administration

Standby Procedures for Emergency Purchases and Emergency Allocation of Natural Gas During a Declared Emergency; Proposed Rulemaking

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 599

[Docket No. ERA-R-80-41]

Proposed Rulemaking Regarding Standby Procedures for Emergency Purchases and Emergency Allocation of Natural Gas During a Declared Emergency

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Economic Regulatory Administration of the Department of Energy is publishing for public comment a proposed rule providing standby procedures for the authorization of emergency natural gas purchases and for emergency natural gas allocations under Sections 302 and 303 of the Natural Gas Policy Act of 1978 (NGPA) and standby procedures for emergency prohibitions on the burning of natural gas by electric powerplants and major fuel-burning installations under Section 607 of the Public Utility Regulatory Policies Act of 1978 (PURPA). The rule would be activated by a declaration by the President of a natural gas supply emergency under Section 301 of the NGPA or Section 607 of the PURPA. Under the proposed rule, some emergency purchase transactions would be self-executing. Other emergency transactions and prohibitions would be accomplished or required by orders, on a case-by-case basis.

DATES: Written comments are due by February 6, 1981, 4:30 p.m. Requests to speak are due by January 5, 1981, 4:30 p.m. Hearing to be held on January 13, 1981, at 9:30 a.m., and continued if necessary at the same location on the next business day.

ADDRESSES: All written comments and requests to speak at the public hearing should be sent to the Office of Public Hearings Management, Economic Regulatory Administration, Docket No. ERA-R-80-41, Room B-210, RG-33, 2000 M Street NW., Washington, D.C. 20461.

Hearing location: Room 2105, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Cynthia A. Ford (Public Hearings Division), Economic Regulatory Administration, 2000 M Street NW., Room B-210, Washington, D.C. 20461, (202) 653-3971

William L. Webb (Office of Public Information), Economic Regulatory Administration, 2000 M Street NW., Room B-110, Washington, D.C. 20461, (202) 653-4055

Gary Barch (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street NW., Room 7108, Washington, D.C. 20461, (202) 653-3286

James Beste (Office of General Counsel), Department of Energy, 1000 Indedpendence Ave. SW., Room 5E074, Washington, D.C. 20585, (202) 252-2900

SUPPLEMENTARY INFORMATION:

I. Background
II. Description of the Proposal
III. Discussion of Comments
IV. Public Comment and Hearing Procedures
V. Environmental and Regulatory Analyses

I. Background

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is proposing for consideration regulations to implement the emergency purchase and allocation authority in Sections 302 and 303 of the Natural Gas Policy Act of 1978 (NGPA, Pub. L. 95-621, 92 Stat. 3350) and to implement the authority to order emergency conversions of utilities and other facilities in Section 607 of the Public Utility Regulatory Policies Act of 1978 (PURPA, Pub. L. 95-617). The authorities provided in those sections, other than the authority to delcare an emergency, were delegated from the President to the Secretary of Energy in Executive Order 12235, published in the Federal Register on Friday, September 5, 1980. These authorities were redelegated to the Administrator of ERA (Administrator) in DOE Delegation Order No. 0204-77 (45 FR 80576), December 5, 1980.

On March 13, 1979, ERA issued a Notice of Inquiry, "Review of Natural Gas Curtailment Priorities and Certain Other Related Gas Issues Under the Natural Gas Act and the Natural Gas Policy Act" (Docket No. ERA-R-79-10) to afford the opportunity for comment concerning how best to implement the emergency authorities in the Natural Gas Act and Natural Gas Policy Act of 1978. A discussion of the comments received follows in Section III.

Under Sections 301 of the NGPA and 607(a) of the PURPA, the President may declare a natural gas supply emergency or extend a previously declared emergency if he makes certain findings. He must find that a severe natural gas shortage, endangering the supply of natuaral gas for high-priority users, exists or is imminent in the United States or in any region of the United States. Further, he must find that the exercise of the emergency natural gas purchase authority under Section 302 of the NGPA, the emergency allocation authority under Section 303 of the NGPA, or the emergency conversion authority of Section 607 of the PURPA is reasonably necessary, having exhausted other alternatives to the maximum extent practicable, to assist in meeting natural gas requirements for high-priority uses. The emergency purchase and allocation authorities are similar to those contained in the Emergency Natural Gas Act of 1977 (ENGA, Pub. L. 95-2). The emergency terminates on the date on which a finding by the President is made that a shortage either no longer exist or is not imminent or 120 days after the date of the emergency declaration, whichever is earlier.

After the declaration by the President of a natural gas supply emergency, the provisions of this proposed rule dealing with emergency purchase transactions under Section 302 of the NGPA would become effective. Once the emergency purchase authority in Section 302 has been utilized to the maximum extent practicable, the proposed provisions implementing Section 607 of the PURPA may be implemented. These authorize the Administrator to prohibit the burning the natural gas by major fuel-burning installations and electric powerplants.

If additional efforts to assist in meeting natural gas requirements for high-priority uses of natural gas are necessary, the Administrator may exercise the NGPA Section 303 authority to allocate supplies to interstate pipeline companies, local distribution companies served by interstate pipelines and others. Boiler fuel gas, the use of which has been prohibited pursuant to authority under Section 607 of the PURPA, shall be allocated before other emergency supplies. If additional allocations are necessary to assist in meeting the requirements of high-priority uses, the natural gas supplies of interstate pipeline companies and supplies owned by end-users and transported by an interstate pipeline shall be allocated, in that order.

II. Description of the Proposal

This proposed rule establishes standby emergency procedures for authorizing emergency natural gas purchases, for ordering allocations of certain supplies of natural gas, and for prohibiting the burning of natural gas by electric powerplants and major fuel-burning installations. The rule would be activated by a Presidential declaration of a natural gas supply emergency under Sections 301 of the NGPA, 607(a) of the PURPA, or both. After the regulations have been activated some emergency purchase transactions would be self-executing. Other emergency transactions and prohibitions would be accomplished or required by orders, in

most instances issued on a case-by-case basis. The Administrator could limit the applicability or waive and portion of the regulations, if necessary, by issuing specific orders to that effect during the emergency. The order in which the various provisions of this Part are to be implemented is described in Subpart A. Subpart A also includes a list of definitions.

Subpart B sets forth procedures to implement the standby emergency purchase authority provided in Section 302 of the NGPA. These provisions are similar to the emergency purchase provisions contained in Section 6 of ENGA. Any interstate pipeling company or local distribution company served by any interstate pipeline company would be able to contract for emergency supplies of natural gas without prior notification to or authorization by the Administrator where the rates and charges do not exceed the price levels set forth in § 599.11 (a) and (b) and where the transactions are in accordance with terms and conditions set forth by the Administrator either in these regulations or in specific orders issued after the declaration of an emergency. Under § 599.11 emergency purchases could be made without prior notification where, for sales by producers, the rates and charges do not exceed the maximum lawful price applicable at that time to first sales of the particular natural gas sold under the NGPA. Where the seller is an intrastate pipeline company, local distribution company or any other person, self-executing purchases may be made where the rates and charges do not exceed the higher of (1) the price of new natural gas under Section 102 of the NGPA, (2) the cost of any alternate fuel used to replace the volumes of natural gas sold plus seven percent, or (3) the overall replacement cost to the seller of the natural gas sold plus applicable transportation and storage costs, if any. For all other emergency purchase transactions, the interstate pipeline company or local distribution company may apply for authorization by the Administrator.

The natural gas purchased under Subpart B must be demonstrated to be reasonably necessary to serve high-priority uses. That term is defined in the regulation to mean use of natural gas in a residence or in a commercial establishment in amounts less than 50 Mcf on a peak day or any use of natural gas the curtailment of which would endanger life, health, or maintenance of physical property, including uses of natural gas for minimum commercial and plant protection (when operations are shut down), sanitation, correctional facilities, and police and fire protection.

While the application of this subpart is limited to the use of emergency gas supplies for high-priority uses, the uncertainty and sometimes volatile change associated with managing a natural gas supply emergency poses difficulties for actual compliance in each instance. We recognize that a natural gas company seeking supplemental gas supplies to protect high-priority load, in the interest of good management planning, may seek those volumes somewhat in advance of when they will be required. At the time of application or contractual arrangement, a gas company may still be serving some lower priority load with the expectation that when the supplemental volumes being applied for or contracted for are available, it will no longer be serving any low-priority users. In addition, because assumptions concerning weather and temperature are critial, especially in the short-term, to a company's evaluation of gas demand, an abrupt change in the weather could greatly alter the level of need for emergency gas, perhaps leaving a company with emergency gas to sell and insufficient high-priority demands.

It is not the intent of this rule to penalize gas companies who in good faith have secured emergency supplies of natural gas and, due to circumstances beyond their control, i.e., abrupt changes in weather or temperature, are saddled with unwanted emergency supplies of natural gas that they are otherwise precluded by this rule from selling or consuming for other than high-priority uses. Hence, § 599.11(d) states that the Administrator cannot subsequently require a refund or reduce the sales price for emergency purchases if the transaction at the time of contracting complies with end-use limitations and pricing provisions of Subpart B.

Under Section 302(a) of the NGPA, emergency natural gas purchases may be authorized either by rule or order. In the interest of expedition and administrative ease, we are proposing to implement the emergency purchase authority through a rule. For the same reasons, we have adopted a self-executing mechanism for certain transactions. A similar mechanism was utilized under ENGA and was considered successful. Additionally, such an approach will facilitate maximum voluntary use of the emergency purchase authority and minimize the need in an emergency to resort to more stringent steps, such as prohibiting the burning of natural gas in electric powerplants and major fuel-burning installations.

Subpart C implements Section 607 of the PURPA. During a natural gas supply emergency declared under Section 607(a) of PURPA, the Administrator may prohibit the burning of natural gas in any electric powerplant or major fuel-burning installation. The authority of this Subpart is to be exercised after utilization of the emergency sales authority of Subpart B, but before resorting to the allocation authorities of Subpart D. Prior to issuing a prohibition order, the Administrator must find that (1) on September 1, 1977, or at any time thereafter, the powerplant or installation had the capability to burn petroleum products without damage to its facilities or equipment or interference with production processes, (2) significant quantities of natural gas which would otherwise be burned by the powerplant or installation can be made available to persons served by an interstate pipeline for use by such person in a high-priority use, and (3) petroleum products will be available for use by the powerplant or installation throughout the period the other is in effect. The Administrator is required to exempt from the prohibition order the burning of natural gas which he determines is necessary to alleviate any imminent and substantial endangerment of human health within the meaning of Section 303 of the Clean Air Act and the burning of natural gas for the necessary processes of ignition, start-up, testing, and flame stabilization by any electric powerplant or major fuel-burning installation.

Under Subpart D, which restructures the emergency allocation authority contained in Section 4 of ENGA, the Administrator, after making certain findings, may allocate, by order, certain supplies of natural gas (1) to any interstate pipeline company, (2) to any local distribution company (i) which is served by any interstate pipeline company, (ii) which is providing natural gas only for high-priority uses, and (iii) which is in need of deliveries of natural gas to assist in meeting natural gas requirements for high-priority uses of natural gas, and (3) to any other person for meeting requirements of high priority uses of natural gas. The emergency purchase authority is Subpart B and the authorities in Subpart C must be utilized to the maximum extent possible before the allocation provisions in Subpart D may be exercised.

The proposed Subpart D establishes a priority system for sources from which natural gas may be allocated during times of emergency. The Administrator first may allocate natural gas freed from

boilers under Subpart C. After natural gas freed from boilers has been allocated to the maximum extent practicable and if the Administrator is notified by a Governor of any State that a shortage of natural gas supplies available to the State exists or is imminent, that the shortage or imminent shortage endangers the supply of natural gas for high-priority uses and that further measures under State laws are insufficient to protect high-priority uses, the Administrator may allocate supplies of certificated natural gas from any interstate pipeline company. "Certificated natural gas" is defined as gas transported by an interstate pipeline company pursuant to a certificate issued under Section 7(c) of the Natural Gas Act. The term does not include gas sold to an end-user by a producer, unless the gas is used for the generation of electricity. Finally, the Administrator may allocated all other gas owned by an end-user and transported by an interstate pipeline company pursuant to a transportation certificate issued by the Federal Energy Regulatory Commission (FERC).

The Administrator shall prescribe the amount of compensation to be paid for emergency deliveries and for any other expenses incurred in delivering or transporting the gas, if the parties to any order issued under this Subpart D fail to agree upon the terms of compensation or transportation. The Administrator may direct that compensation be paid in kind and that it be provided by a specified date.

Section 303(g)(2)(A) of the NGPA specifies that in calculating the amount of compensation for certain boiler fuel gas, the compensation may not exceed the just compensation prescribed in Section 607 of PURPA. Section 607 of PURPA, however, does not contain a provision prescribing just compensation. The Senate amendment to PURPA originally specified that the level of just compensation was to be determined in the same manner as was provided in the companion Section 606 of the PURPA, dealing with the voluntary conversion of industrial users of natural gas to heavy petroleum fuel. In the absence of a "just compensation" provision contained in Section 607 of PURPA, we are using the "just compensation" provision contained in Section 606(e)(2) of PURPA. We specifically request comments on the appropriateness of this definition.

III. Discussion of Comments

Interested persons were afforded the opportunity to comment on how best to implement the emergency authorities in the NGPA and PURPA in a Notice of Inquiry, "Review of Natural Gas Curtailment Priorities and Certain Other Related Gas Issues Under the Natural Gas Act and the Natural Gas Policy Act" (Docket No. ERA–R–79–10) issued March 13, 1979 (44 FR 16,954, March 20, 1979). Due consideration has been given to the comments received in response to the notice.

Several of the commenters believed that the ERA should wait until the declaration of an emergency to issue any rule or order at all. Most of the commenters, however, preferred the issuance of a standby generic procedural rule now which would be activated upon the declaration of an emergency. Specific transactions could be reviewed on a case-by-case basis during the course of the emergency.

Certain commenters suggested that emergency purchases under Section 302 of the NGPA should be directed to high-priority uses only. In Title III of the NGPA, Section 303 specifically limits emergency allocations to serve high-priority uses, while Section 302 does not impose a similar limitation on emergency purchases. However, Section 302 gives the President authority to impose the terms and conditions on these sales considered necessary, including the discretion to enact those measures necessary to ensure an effective, uniform program. The conference report says "he may, for example, prohibit purchases from being made under this authority while the purchasing pipeline has not curtailed deliveries for low priority uses during the period in which the emergency purchase gas would be consumed." Since the purpose of the emergency authorities is to assist in meeting natural gas requirements for high-priority uses, emergency purchases under section 302 of the NGPA have been restricted in the proposed rule to those supplies reasonably necessary to serve high-priority uses.

The State of Wisconsin pointed out that the definition of high-priority uses under Sections 303(k) of the NGPA and 607(h) of PURPA does not include schools, hospitals or similar institutions and is, therefore, inconsistent with the definition for high-priority user established under Section 401 of the NGPA for natural gas curtailment priorities. However, under the statutory definition of high-priority use in Section 303(k) of the NGPA and Section 607 of PURPA, the Administrator has been given the discretion to add to the residential and small commercial uses only those uses the curtailment of which would endanger life, health or maintenance of physical property. We have, therefore, defined that category to include, but not be limited to, the use of natural gas for minimum commercial and plant protection (when operations are shutdown), sanitation, correctional facilities and police and fire protection. Comments are invited as to whether this definition should be made more specific and whether a different definition of high-priority uses should apply to Subpart B emergency purchases.

A number of commenters suggested that where standards are adhered to the parties should be free to agree to price and other terms without advance approval of ERA or exposure to a subsequent refund order. These commenters urged that sales in excess of the guideline price should be permitted upon proper showing that the price was not excessive in light of the costs and risks borne by the seller. The Process Gas Consumers Group and Georgia Industrial Group suggested that fair and equitable prices be keyed to the price of new natural gas at the time of the emergency, or the price of alternative fuels, plus a reasonable margin for the additional cost of using alternative fuels. Connecticut Natural Gas Corp. contended that emergency procedures should clearly state that the beneficiaries of reallocated supplies must pay suppliers for the replacement value of emergency gas supplies. These recommendations have been incorporated in § 599.11 of the proposed rule.

Kaiser and the Process Gas Consumers Group and Georgia Industrial Group also urged ERA expressly to exclude from the scope of the reallocation regulations gas from userowned reserves, whether the gas is produced by the user himself or a wholly owned subsidiary. We have not adopted this recommendation in the proposed rule, but we invite further comments on this issue.

IV. Public Comment and Hearing Procedures

A. Written Comments

You are invited to participate in any aspect of this rulemaking by submitting data, views, or arguments with respect to the proposals set forth in today's rulemaking. Where the comments are critical of the proposed rule, alternative language should be provided wherever possible. The rationale and any data in support of the changes should also be provided.

Written comments must be submitted by 4:30 p.m. February 6, 1981, to the address indicated in the "Addresses" section of this preamble and should be identified on the outside envelope and on the document with the designation:

"Emergency Natural Gas Standby Regulations (Docket No. ERA–R–80–41)." Fifteen copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room 1E–190, James Forrestal Building, 1000 Independence Ave., SW, Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. All comments received by 4:30 p.m., February 6, 1981, and all other relevant information will be considered by DOE before final action is taken on this proposed regulation.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

B. Public Hearings

1. *Procedures for Requests to Make Oral Presentation.*—The time and place for the hearing are indicated in the "Dates" and "Hearing Location" sections of this preamble.

If you have any interest in the matters discussed in this proposed rulemaking, or represent a group or class of persons that has an interest, you may make a written request to Lorrain Hall, Public Hearings Division, Economic Regulatory Administration, 2000 M Street, NW, Room B–210, RG–33, Washington, D.C. 20461, (202) 653–3984, for an opportunity to make oral presentation at the hearing by 4:30 p.m., January 5, 1981. You should provide a telephone number where you may be contacted through the day before the hearing.

If you are selected to be heard, you will be so notified before 4:30 p.m., January 7, 1981. One hundred copies of your statement are requested the day prior to this hearing and should be delivered to the address indicated in the "Addresses" section. In the event any person wishing to testify cannot meet the 100 copy requirement, alternative arrangements can be made with the Public Hearings Division in advance of the hearing by so indicating in a letter requesting an oral presentation or by calling the Public Hearings Division at (202) 653–3971.

2. *Conduct of the Hearings.*—We reserve the right to schedule participants' presentations and to establish the procedures governing the conduct of the hearing. We may limit the length of each presentation based on the number of persons requesting to be heard. We encourage groups that have similar interests to choose one appropriate spokesperson qualified to represent the views of the groups.

An ERA official will be designated to preside at the hearing. This will not be a judicial type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

If you wish to have a question asked at the hearing, you may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer. The question will be asked of the witness by the presiding officer. Any further procedural rules needed will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the ERA and made available for inspection at the DOE Freedom of Information Office, Room 1E–190, James Forrestal Building, 1000 Independence Ave., SW, Washington, D.C. 20585, and the ERA Office of Public Information, Room B–110, 2000 M Street, NW, Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

V. Environmental and Regulatory Analyses

After reviewing this proposed regulation pursuant to DOE's responsibilities under the National Environmental Policy Act of 1969, Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4321), DOE has determined the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, DOE has determined no environmental impact statement is required for the proposed regulation.

DOE has determined that this rulemaking is significant as that term is used in Executive Order 12044 and DOE Order 2030, but is not likely to have a major impact as defined in these two documents. This rule establishes standby procedures to be implemented only after a declaration of a natural gas supply emergency and its promulgation in and of itself is not expected to affect important national energy policy concerns, have adverse effects with respect to employment, economic growth, the ability of consumers to have adequate energy supplies at reasonable prices, or have more than a minimal effect on State and local governments. Hence, the preparation of a regulatory analysis is not required.

(Natural Gas Policy Act of 1978, Pub. L. 95–621, 92 Stat. 3350, (15 U.S.C. 3301 *et seq.*); Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617, 92 Stat. 3117, (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95–91, (42 U.S.C. 7101, *et seq.*); E.O. 12235, 45 FR 58803; DOE Delegation Order No. 0204–77, 45 FR 80576, December 5, 1980)

In consideration of the foregoing, it is proposed that a Part 599 be added to Subchapter G of Chapter II, Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., December 1, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

Subchapter G of Chapter II of Title 10, Code of Federal Regulations is amended by adding a Part 599 to read as follows:

SUBCHAPTER G—NATURAL GAS (ECONOMIC REGULATORY ADMINISTRATION)

* * * * *

PART 599—NATURAL GAS EMERGENCY AUTHORITIES

Subpart A—General Provisions

Sec.

599.01 Purpose and scope.
599.02 Definitions.

Subpart B—Standby Emergency Natural Gas Purchases

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599.11 Prices.
599.12 Duration.
599.13 End use limitation.
599.14 Related Transportation and facilities.
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Subpart C—Standby Emergency Conversion of Utilities and Other Facilities

599.20 Prohibitions.
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599.30 Emergency allocations.
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599.33 Allocation of user-owned gas.
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599.35 Industry assistance.
599.36 Related transportation and facilities.
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Subpart E—Administration

Sec.
599.50 General filing requirements.
599.51 Effective date of orders.
599.52 Service.
599.53 Addresses for filing documents with the Administrator.

Authority: Secs. 302–304, Pub. L. 95–621, 92 Stat. 3382–3388 (15 U.S.C. 3362–3364); sec. 607, Pub. L 95–617, 92 Stat. 3171, (15 U.S.C. 717Z); sec. 644, Pub. L. 95–91, 91 Stat. 599, (42 U.S.C. 7254); E.O. 12235, 45 FR 58803; DOE Delegation Order No. 0204–77, 45 FR 80576, December 5, 1980.

Subpart A—General Provisions

§ 599.01 Purpose and scope.

(a) This part establishes standby procedures to be utilized under Section 302, Emergency Purchase Authority, and Section 303, Emergency Allocation Authority, of the Natural Gas Policy Act of 1978 (NGPA) and Section 607, Emergency Conversion of Utilities and Other Facilities, of the Public Utility Regulatory Policies Act of 1978 (PURPA), in the event that a natural gas supply emergency is declared or extended by the President under Section 301 of the NGPA, Section 607(a) of the PURPA, or both. The authority to implement these sections was delegated by the President to the Secretary of Energy in Executive Order 12235 and then redelegated to the Administrator of the Economic Regulatory Administration in Department of Energy Delegation Order 0204–77.

(b) Under Section 301(a) of the NGPA, the President may declare a natural gas supply emergency for a period of 120 days or extend a previously declared emergency if the finding is made that (1) a severe natural gas shortage endangering the supply of natural gas for high-priority uses exists or is imminent in the United States or any region thereof, and (2) the exercise of the emergency purchase authority or emergency allocation authority under Sections 302 and 303 of the NGPA is reasonably necessary, having exhausted other alternatives to the maximum extent practicable, to assist in meeting natural gas requirements for such high-priority uses.

(c) Under Section 607(a) of the PURPA, the President may declare a natural gas supply emergency for a period of 120 days or extend a previously declared emergency if the finding is made that (1) a severe natural gas shortage endangering the supply of natural gas for high priority uses exists or is imminent in the United States or in any region thereof, and (2) the exercise of the emergency conversion authority under Section 607 is reasonably necessary, having exhausted other alternatives, including those under Section 302 of the NGPA but excluding those under Section 303 of the NGPA, to the maximum extent practicable to assist in meeting natural gas requirements for such high-priority uses.

(d) After a natural gas supply emergency has been declared under Section 301 of the NGPA, the Administrator may authorize standby emergency natural gas purchases under Section 302 of the NGPA. After utilizing the authorities contained in Section 302 of the NGPA, the authority for emergency conversion of utilities and other facilities under Section 607 of PURPA may be utilized. Finally, the authority to allocate emergency natural gas supplies under Section 303 of the NGPA may be implemented.

(e) Subparts B and D of this rule will become activated upon the declaration by the President of a natural gas supply emergency under Section 301 of the NGPA. Subpart C of this part will become activated upon the declaration by the President of a natural gas supply emergency under Section 607(a) of the PURPA. Upon activation of any of the Subparts of this rule, the Administrator may set forth further terms and conditions, if warranted at that time. The Administrator may further limit the applicability or waive any portion of this rule, if he or she deems it necessary, by issuing specific orders to that effect during the emergency.

§ 599.02 Definitions.

For the purposes of this Part 599:

(a) "Administrator" means the Administrator of the Economic Regulatory Administration.

(b) "Alternate Fuel" means any fuel used to replace natural gas.

(c) "Alternate Fuel Capability" means a situation where fuels other than natural gas can be utilized (1) whether or not the facilities for such use have been actually installed; (2) where such fuel is economically practicable to use; and (3) where such fuel is reasonably available.

(d) "Certificated natural gas" means natural gas transported by any interstate pipeline in a facility for which there is in effect a certificate issued under Section 7(c) of the Natural Gas Act. Such term does not include natural gas sold to an end-user by a producer and transported pursuant to a certificate which is specifically issued under Section7(c) of the Natural Gas Act for the transportation of that natural gas for such user, unless such natural gas is used for the generation of electricity.

(e) "Electric powerplant" and "powerplant" means any stationary electric generating unit, consisting of a boiler, a gas turbine, or a combined cycle unit, which produces electric power for purposes of sale or exchange and (1) has the design capability of consuming any fuel (or mixture thereof) at a fuel heat imput rate of 100 million Btu's per hour or greater; or (2) is in a combination of two or more electric generating units which are located at the same site and which in the aggregate have a design capacity of consuming any fuel (or mixture thereof) at a fuel heat input rate of 250 million Btu's per hour or greater.

(f) "Eligible seller" means any willing producer, intrastate pipeline company, local distribution company, or any other willing seller of natural gas.

(g) "High-priority use" means any (1) use of natural gas in a residence; (2) use of natural gas in a commercial establishment in amounts less than 50 Mcf on a peak day; or (3) any use of natural gas the curtailment of which would endanger life, health, or maintenance of physical property, including but not limited to the use of natural gas for minimum plant protection (when operations are shutdown), sanitation facilities, correctional facilities, and police and fire protection.

(h) "Interstate pipeline company" means any person engaged in natural gas transportation subject to the jurisidction of the Federal Energy Regulatory Commission (FERC) under the Natural Gas Act.

(i) "Intrastate pipeline company" means any person engaged in natural gas transportation (not including gathering) which is not subject to the jurisdiction of the FERC under the Natural Gas Act (other than any such pipeline company which is not subject to the jurisdiction of the FERC solely by reason of Section 1(c) of the Natural Gas Act).

(j) "Local distribution company" means any person, other than any interstate pipeline company or any intrastate pipeline company, engaged in the transportation or local distribution of natural gas and the sale of natural gas for ultimate consumption, including any pipeline company which is not subject to the jurisdiction of the FERC solely by reason of Section 1(c) of the Natural Gas Act.

(k) "Major fuel-burning installation" means a stationary unit consisting of a boiler, gas turbine unit, combined cycle unit, or internal combustion engine which (1) has a design capability of consuming any fuel (or mixture thereof) at a fuel heat input rate of 100 million Btu's per hour or greater; or (2) is in a combination of two or more such units which are located at the same site and which in the aggregate have a design

capability of consuming any fuel (or mixture thereof) at a fuel heat input rate of 250 million Btu's per hour or greater (except that any unit which has a design capability to consume any fuel (including any mixture thereof) that does not equal or exceed 100 million Btu's per hour is excluded from this latter category). Not included in this definition is (i) any electric powerplant, or (ii) any pump or compressor used solely in connection with the production, gathering, transmission, storage, or distribution of gases or liquids, if there is certification to the Administrator of such use.

(l) "Mcf," when used with respect to natural gas, means 1,000 cubic feet of natural gas measured at a pressure of 14.73 pounds per square inch (absolute) and a temperature of 60 degrees Farenheit.

(m) "NGPA" means the Natural Gas Policy Act of 1978 (Pub. L. 95–621).

(n) "Natural gas" means either natural gas unmixed, or any mixture of natural gas and artificial gas.

(o) "Outer Continental Shelf" has the same meaning as the term has under Section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

(p) "Person" includes, but is not limited to, the United States, any State, and any political subdivision, agency, or instrumentality of the foregoing.

(q) "Petroleum products" means crude oil or any product derived from crude oil other than propane.

(r) "Pipeline company" means any interstate or intrastate pipeline company.

(s) "Producer" means a firm or that part of a firm which produces natural gas or owns natural gas when it is produced.

(t) "PURPA" means the Public Utility Regulatory Policies Act of 1978 (Pub. L. 95–617).

(u) "State" means any state of the United States and the District of Columbia.

Subpart B—Standby Emergency Gas Purchases

§ 599.10 Emergency purchase authorizations.

During any natural gas supply emergency declared by the President pursuant to Section 301 of the NGPA, and subject to any additional terms and conditions specified by the Administrator, any interstate pipeline company, or local distribution company served by an interstate pipeline company, may contract for the purchase of emergency supplies of natural gas from:

(a) Any producer of natural gas (other than a producer who is affiliated with the purchaser, as determined by the Administrator) if:

(1) Such natural gas is not produced from the Outer Continental Shelf, and

(2) The sale or transportation of such natural gas was not pursuant to a certificate issued under the Natural Gas Act immediately before the date on which such contract was entered; or

(b) Any intrastate pipeline company, local distribution company or any other person (other than an interstate pipeline company or a producer of natural gas).

§ 599.11 Prices.

(a) With respect to producer sales authorized under § 559.10(a) of this Subpart B, emergency purchases may be made without prior notification to or authorization by the Administrator where the rates and charges for such sales do not exceed the maximum lawful price applicable at that time to first sales of the natural gas sold under Title I of the NGPA.

(b) With respect to sales by intrastate pipeline companies, local distribution companies or other sellers authorized under § 599.10(b) of this Subpart B, emergency purchases may be made without prior notification to or authorization by the Aministrator where the rates and charges for such sales do not exceed the higher of, (1) the maximum lawful prices applicable to sales of new gas under Section 102 of the NGPA; or (2) the cost, plus 7 percent, of any alternate fuel required by the seller to replace the volumes of natural gas sold; or (3) the overall cost plus applicable transportation and storage costs, if any, of the seller's replacement of volumes of natural gas sold with additional natural gas volumes.

(c) Purchases of emergency supplies of natural gas above the applicable prices set forth in §§ 599.11 (a) and (b) may not be made without prior authorization by the Administrator. The Administrator may authorize a purchase upon a showing that the natural gas in question is not otherwise available and that the purchase of the natural gas will promote the objectives of the NGPA and is fair and equitable in the particular circumstances.

(d) No subsequent action by the Administrator may require a refund of any monies collected or the reduction of prices in any transaction complying with (1) §§ 599.11 (a) and (b), (2) the prices authorized by the Administrator under § 599.11(c) and (3) the end use limitations in § 599.13.

§ 599.12 Duration.

The duration of any contract authorized under this subpart may not exceed 120 days unless renewed by the Administrator. Renewals may be authorized during the period of a natural gas supply emergency upon application to the Administrator.

§ 599.13 End use limitation.

No interstate pipeline company or local distribution company served by an interstate pipeline company is authorized under this section to contract for the purchase of emergency supplies of natural gas unless the gas is necessary to serve high-priority uses as defined in § 599.02(g).

§ 599.14 Related transportation and facilities.

(a) The Administrator may, by order, require any pipeline company to transport gas and to construct and operate such facilities for the transportation of natural gas as he or she determines necessary to carry out any contract authorized under § 599.10;

(b) The costs of construction or transportation ordered under this subpart shall be paid by the purchaser of the natural gas under the contract with respect to which the order is issued. No order to transport natural gas under this subpart shall require any pipeline company to transport natural gas in excess of the pipeline's available capacity.

§ 599.15 Reporting requirements.

(a) Within 72 hours of the commencement of deliveries of any emergency purchase under § 599.11 (a) or (b), the purchaser of the natural gas shall advise the Administrator of the following information in a sworn written statement:

(1) The company name, mailing address, telephone number, and name of a person to contact for information;

(2) The estimated volumes to be delivered on a daily basis and in the aggregate stated in Mcf;

(3) The sales price (on a cents per Mcf basis) and the basis on which such price is derived;

(4) The name, business address and telephone number of the seller or sellers;

(5) The identity of any intrastate pipeline company or local distribution company transporting such natural gas for the purchaser and the compensation (on a cents per Mcf basis) to be paid by the purchaser for such transportation services;

(6) The amount and method of determination of any broker's fees, commissions, or finders fees paid by the purchaser in relation to the transaction.

(7) A demonstration that the natural gas is necessary to serve high priority users including identification of all types of end-uses, including high-priority uses, being served directly or indirectly by the purchaser and its customers during the period that the emergency natural gas was purchased. Types of high-priority uses shall be identified by using the categories provided in § 599.02(g) of this rule;

(8) Any other information requested by the Administrator.

(b) On the second Wednesday following commencement of deliveries of any emergency purchase under this subpart, and on each Wednesday thereafter, the purchaser shall provide the Administrator with the following additional information:

(1) The total volumes (stated in Mcf) actually received,

(2) The total price paid to the sellers (on a cents per Mcf Basis) and the basis for the determination of that price,

(3) The heat content of the gas,

(4) The amounts paid for the transportation of such gas and the basis for the determination of those charges, and,

(5) If applicable, the total volumes of emergency purchase gas (in Mcf) used for other than high-priority uses accompanied by an explanation why the gas was used for other than high-priority uses.

(c) Within ten (10) days after termination of any purchase and/or transportation under this subpart, a final report containing information requested in § 599.15(b) shall be submitted to the Administrator.

(d) Any intrastate pipeline company or local distribution company making sales under this subpart shall maintain and make available to the Administrator upon request full and adequate records concerning transactions under this subpart.

(e) Any person selling gas pursuant to §§ 599.11 (b)(2) or (b)(3), shall within 15 days of the commencement of deliveries, and on the first day of each month thereafter, file with the Administrator a statement setting forth either:

(1) The details of its conversion to alternate fuel which made available the gas sold under the order. Such statement shall contain a computation of the amounts and prices of the alternate fuel and any other information relevant to the calculation of the price being charged for the natural gas from the cost of alternate fuel; or

(2) A statement setting forth its overall replacement costs for gas and the method of calculation of the price charged for the sale of gas under the order from such replacement costs.

§ 599.16 Applications for authorizations of emergency purchases.

(a) An interstate pipeline company or local distribution company served by an interstate pipeline company which intends to make an emergency purchase pursuant to § 599.11(c) may apply for authorization by filing a sworn written application which contains the following information:

(1) The company name, mailing address, telephone number, and name of a person to contact for information;

(2) The geographic location of, and the volumes of natural gas (stated in Mcf) assigned to each customer which will receive the natural gas in question;

(3) The names and addresses and telephone numbers of the seller or sellers;

(4) The total volumes (stated in Mcf and on both a daily basis and in the aggregate) to be purchased under the authority of this section;

(5) The rates and charges (on a cents per Mcf basis) for the receipt and purchase of the natural gas;

(6) A demonstration that the natural gas is necessary to serve high-priority uses, including identification of all types of end-uses, including high-priority uses, being served directly or indirectly by the purchaser and its customers during the period that the emergency gas will be purchased. Types of high-priority uses shall be identified by using the categories provided in § 599.02(g) of this rule;

(7) The identity of any pipeline or local distribution company which will transport such natural gas for the purchaser and the compensation (on a cents per MCF basis) to be paid by the purchaser for such transportation services;

(8) The amount and method of determination of any broker's fees, commissions or finder's fees to be paid by the purchaser in relation to the transaction.

(9) A description of any facilities which will have to be constructed to transport the natural gas.

(b) An applicant may be required to supply additional information. Upon authorization of a purchase, the Administrator shall issue an order or orders stipulating the terms and conditions of the purchase and any requirements for the transportion of gas and/or construction and operation of such facilities for the transportation of such gas. The applicant shall be notified in writing of the Administrator's determination.

§ 599.17 Charges considered to be just and reasonable.

For the purposes of sections 4 and 5 of the Natual Gas Act, any amount paid in any sale authorized under this subpart shall be considered to be just and reasonable if such amount does not exceed the fair and equitable price established under § 599.11 (a) and (b) or authorized under § 599.11(c) and applicable to such sale.

§ 599.18 Special limitation.

No purchase under any emergency purchase contract under this Subpart for emergency supplies of natural gas for sale and delivery from any intrastate pipeline company which is operating under court supervision as of January 1, 1977, may take effect unless the court approves.

Subpart C—Standby Emergency Conversion of Utilities and Other Facilities

§ 599.20 Prohibitions.

(a) The authority contained in this Subpart may not be exercised until the emergency purchase authority in Subpart B of this part has been utilized to the maximum extent practicable. This authority shall be exercised before resorting to the allocation authorities contained in Subpart D of this part.

(b) During a natural gas supply emergency declared by the President under Section 607(a) of the PURPA, the Administrator may prohibit, by order, the burning of natural gas, in whole or in part, by any electric powerplant or major fuel-burning installation if he determines that:

(1) The powerplant or major fuel-burning installation had on September 1, 1977 (or at any time thereafter) the capability to burn petroleum products without damage to its facilities or equipment and without interference with operational requirements,

(2) Significant quantities of natural gas which would otherwise be burned by such powerplant or installation could be made available before the termination of such emergency to any person served by an interstate pipeline company for use by such person in a high-priority use; and

(3) Petroleum products will be available for use by such powerplant or installation throughout the period the order is in effect.

(c) The Administrator may prohibit the burning of natural gas under this subpart either upon his or her own initiative or in response to a petition filed pursuant to § 599.23 by any interstate pipeline company, state, local

distribution company, or any other person.

(d) The Administrator may specify in any order issued under this Subpart the periods of time during which such order will be in effect and the quantity (or rate of use) of natural gas that may be burned by an electric powerplant or major fuel-burning installation during such period, including the burning of natural gas by an electric powerplant to meet peak load requirements. No such order may continue in effect after the termination or expiration of the natural gas supply emergency.

§ 599.21 Exemptions.

(a) The Administrator shall exempt from any order issued under this Subpart the burning of natural gas for ignition, startup, testing, and flame stabilization by any electric powerplant or major fuel-burning installation.

(b) The Administrator shall exempt any electric powerplant or major fuel-burning installation, in whole or in part, from any order issued under this subpart for such period and to such extent as the Administrator determines necessary to alleviate any imminent and substantial endangerment to the health of persons within the meaning of Section 303 of the Clean Air Act.

§ 599.22 Transfer and allocation of prohibited gas.

The Administrator may (a) allocate the prohibited boiler fuel natural gas under the provisions of Subpart D if requisite findings are made, (b) allow the gas to be sold voluntarily under existing FERC regulations, or (c) allow the gas to be sold voluntarily under the emergency purchase provisions of Subpart B of this part. Any voluntary sale may be the subject of a transfer of contractual interests under section 606 of the PURPA.

§ 599.23 Filing requirements to petition for a prohibition order.

Interstate pipeline companies, states, local distribution companies, and other persons may file a petition for a prohibition order under this subpart by applying to the Administrator. In its application, the petitioner should make a full and complete statement of all relevant facts pertaining to the specific action sought, including a description of all facilities to be covered by the order.

§ 599.24 Reporting requirements.

Any electric powerplant or major fuel-burning installation subject to prohibition under this subpart shall, on the second Wednesday following the issuance of the prohibition order, and on each Wednestday thereafter, advise the Administrator in writing of the volume of natural gas being used, if any, and the purpose for which the gas is being use (e.g., peaking turbines for electric generation, ignition, startup, and flame stabilization).

Subpart D—Standby Emergency Allocations

§ 599.30 Emergency allocations.

(a) The authorities contained in this subpart may not be exercised until after the declaration by the President of a natural gas supply emergency under Section 301 of the NGPA and after the emergency authorities in Subparts B and C of this Part have been utilized to the maximum extent practicable.

(b) In order to assist in meeting natural gas requirements for high-priority uses during any natural gas supply emergency declared under Section 301 of the NGPA, the Administrator may, by order, allocate supplies of natural gas as described in this subpart to:

(1) Any interstate pipeline company,

(2) Any local distribution company—

(i) Which is served by any interstate pipeline company;

(ii) Which is providing natural gas only for high-priority uses; and

(iii) Which is in need of deliveries of natural gas to assist in meeting natural gas requirements for high-priority uses of natural gas; and

(3) Any other person for meeting requirements of high-priority uses of natural gas.

(c) The Administrator shall allocate supplies of natural gas in the following order:

(1) Boiler fuel gas, the use of which has been prohibited pursuant to Subpart C

(2) General pipeline supply gas

(3) User-owned gas

(d) The Administrator may, by order, allocate supplies of natural gas either on his or her own initiative or upon application pursuant to the procedures set forth in § 599.38 by any interstate pipeline company, local distribution company served by an interstate pipeline company or any other person requesting natural gas to meet requirements of high-priority uses.

§ 599.31 Allocation of certain boiler fuel gas.

The Administrator may, by order, allocate supplies of natural gas, the use of which has been prohibited under Subpart C of this part, if he or she finds that:

(a) To maximum extent practicable, emergency purchase authority under Subpart B has been utilized to assist in meeting natural gas requirements for high-priority uses of natural gas;

(b) Emergency purchases of natural gas supplies under Subpart B of this part are not likely to satisfy the natural gas requirements for such high-priority uses;

(c) The exercise of authority under this Section is reasonably necessary to assist in meeting natural gas requirements for such high-priority uses, and

(d) Any interstate pipeline company or local distribution company receiving such natural gas has ordered the termination of all deliveries of natural gas for other than high-priority uses and has attempted to the maximum extent practicable to terminate such deliveries.

§ 599.32 Allocation of general pipeline supply.

(a) The Administrator may, by order, allocate supplies of certificated natural gas from any interstate pipeline company if he or she finds that:

(1) To the maximum extent possible, allocation of supplies of natural gas under § 599.31 has been utilized to assist in meeting natural gas requirements for high-priority uses of natural gas;

(2) The exercise of such authority is not likely to satisfy the natural gas requirements for such high-priority uses;

(3) The exercise of authority under this Section is reasonably necessary to assist in meeting natural gas requirements for such high-priority uses;

(4) Any interstate pipeline company or local distribution company receiving such natural gas has ordered the termination of all deliveries of natural gas for other than high-priority uses and has attempted to the maximum extent practicable to terminate such deliveries;

(5) Such allocation will not create, for the interstate pipeline company delivering certificated natural gas, a supply shortage which will cause such interstate pipeline company to be unable to meet the natural gas requirements for high-priority uses of natural gas served, directly or indirectly, by such interstate pipeline company; and

(6) Such allocation will not result in a disproportionate share of deliveries and resulting curtailments of natural gas being experienced by such interstate pipeline company when compared to deliveries and resulting curtailments which are experienced as a result of orders issued under this Section applicable to other interstate pipeline companies (as determined by the Administrator).

(b) Required notification from States—

(1) The Administrator shall not allocate supplies of natural gas under this section unless notified by the Governor of any State that:

(i) A shortage of natural gas supplies available to such State exists or is imminent;

(ii) Such shortage or imminent shortage endangers the supply of natural gas for high-priority uses in such State; and

(iii) The exercise of authority under State law is inadequate to protect high-priority uses of natural gas in such State from an interruption in natural gas supplies.

(2) To the maximum extent practicable, the Governor will submit, together with any notification under subparagraph (1), information upon which he or she has based his or her findings including:

(i) Volumes of natural gas required to meet the natural gas requirements for high-priority uses of natural gas in such State;

(ii) Information received from persons in the business of producing, selling, transporting, or delivering natural gas in such State as to the volumes of natural gas supplies available to such State;

(iii) Information on the authority under State law which will be exercised to protect high-priority uses, and;

(iv) Such other information which the Administrator requests or which the Governor determines appropriate to apprise the Administrator of emergency deliveries and transportation of interstate natural gas needed by such State.

(c) In issuing any order under this Section, the Administrator shall consider the relative availability of alternate fuel to natural gas users supplied directly or indirectly by the interstate pipeline company ordered to make deliveries pursuant to this section.

§ 599.33 Allocation of user-owned gas.

(a) The Administrator may, by order, allocate supplies of natural gas sold to the user by a producer and transported pursuant to a certificate which is specifically issued under section 7(c) of the Natural Gas Act for the transportation of that natural gas for such user, unless such natural gas is used for the generation of electricity, if he or she finds that:

(1) To the maximum extent practicable, allocation of supplies of general pipeline supply gas under § 599.32 has been utilized to assist in meeting natural gas requirements for high-priority uses of natural gas;

(2) The exercise of such authority is not likely to satisfy the natural gas requirements for such high-priority uses;

(3) The exercise of authority under this Section is reasonably necessary to assist in meeting natural gas requirements for such high-priority uses;

(4) Any interstate pipeline company or local distribution company receiving such natural gas has ordered the termination of all deliveries of natural gas for other than high-priority uses and has attempted to the maximum extent practicable to terminate such deliveries, and;

(5) Such allocation will not create, for the person who owns and would otherwise use such natural gas, a supply shortage which will cause such person to be unable to satisfy such person's natural gas requirements for high-priority uses.

(b) In issuing any order under this section, the Administrator shall consider the economic feasibility of using alternate fuels available to the user which owned the natural gas subject to an order under this Section.

§ 599.34 Limitation.

No order may be issued under this subpart unless the Administrator determines that such order will not require transportation of natural gas by any pipeline company in excess of its available transportation capacity.

§ 599.35 Industry assistance.

The Administrator may request that representatives of pipeline companies, local distribution companies, and other persons meet with and provide assistance to the Administrator in carrying out the authority under this subpart.

§ 599.36 Related transportation and facilities.

The Administrator may, by order, require any pipeline company to transport natural gas and to construct and operate such facilities for the transportation of natural gas as he or she determines necessary to carry out any allocation orders issued under this subpart. Compensation for the costs of any construction or operation of facilities or transportation ordered shall be paid by the person to whom supplies of natural gas are ordered allocated.

§ 599.37 Compensation.

(a) If the parties to any order regarding allocation, transportation or facility construction or operation issued by the Administrator under this subpart fail to agree upon the terms of compensation for natural gas deliveries, transportation or construction or operation of facilities required pursuant to such order, the Administrator, after a hearing held either before or after such order takes effect, shall by supplemental order, prescribe the amount of compensation to be paid for such deliveries, transportation or construction or operation of facilities and for any other expenses incurred in delivering or transporting the natural gas.

(b) Compensation for Certain Boiler Fuel Natural Gas—For purposes of any supplemental order issued under paragraph (a) of this section with respect to emergency deliveries of certain boiler fuel gas allocated under § 599.31, the Administrator shall calculate the amount of compensation—

(1) For supplies of natural gas based upon the amount required to make whole the user subject to the prohibition order, but in no event may the compensation exceed just compensation prescribed in Section 606(e)(2) of the Public Utility Regulatory Policies Act of 1978; and

(2) For transportation, storage, delivery, and other services, based upon reasonable costs, as determined by the Administrator.

(c) Compensation for Other Natural Gas Allocated—For purposes of any supplemental orders issued under paragraph (a) of this section, if the party making emergency deliveries of general pipeline supply gas and user-owned gas pursuant to orders issued under § 599.32 or § 599.33—

(1) Indicates a preference for compensation in kind, the Administrator shall direct that compensation in kind be provided as expeditiously as practicable;

(2) Indicates a preference for compensation, or the Administrator determines that, notwithstanding subparagraph (1) of this paragraph, any portion thereof cannot practicably be compensated in kind, the Administrator shall calculate the amount of compensation—

(i) For supplies of natural gas, based upon the amount required to make the pipeline company and its local distribution companies whole, in the case of any order allocating general pipeline supply gas under § 599.32, or to make the user from whom natural gas is allocated whole, in the case of any order allocating user-owned gas under § 599.33, including any amount actually paid by the pipeline company and its local distribution companies or the user for volumes of natural gas or higher cost synthetic gas acquired to replace natural gas subject to an order under §§ 599.32 and 599.33; and

(ii) For transportation, storage, delivery and other services, based upon reasonable costs, as determined by the Administrator. Compensation received by an interstate pipeline company under this subsection shall be credited to the account of any local distribution company served by that pipeline to the

extent ordered by the Administrator to make the local distribution company whole.

§ 599.38 Application for allocations.

Any interstate pipeline company, local distribution company served by an interstate pipeline company or any other person may apply for the allocation of emergency supplies of natural gas under this subpart by filing a sworn written application which contains the following information:

(a) A statement of the specific relief requested to the fullest extent practicable, including:

(1) The volumes (in Mcf) of natural gas required under this Subpart both on a daily basis and in the aggregate to meet the requirements for high-priority uses by the applicant;

(2) The name, address and telephone number of the interstate pipeline company or local distribution company for whom allocation and transportation are requested;

(3) The name, address and telephone number of any pipeline company from whom transportation or the construction or operation of facilities is requested;

(4) The anticipated duration of the period for which relief is requested.

(b) A full and complete statement of all relevant facts pertaining to the request and the action sought, including:

(1) A description of the applicant's business;

(2) The current levels of curtailment (in Mcf) imposed upon the applicant or directly or indirectly upon the applicant's customers; and if the applicant is an interstate pipeline company, the current levels of curtailment imposed by local distribution companies which are served by the applicant upon its customers;

(3) Gas supplies (in Mcf) available to the applicant on a daily basis from:

(i) Producers and other pipeline companies;

(ii) Storage;

(iii) Peakshaving facilities, liquefied natural gas (LNG), and/or synthetic natural gas (SNG); and

(iv) Any other sources;

(4) The applicant's daily requirements (in Mcf) for high-priority uses;

(5) A description of the high-priority uses the requirements of which would be curtailed if the emergency allocation or transportation requested were not made.

(6) An estimate of the anticipated effect that denial of the request would have on the applicant's operations;

(7) The identification and description of any previous orders issued to the applicant under this subpart;

(8) Any other information which may be requested by the Administrator including copies of all contracts, agreements, leases, instruments, and other documents relevant to the application. When the application pertains to only one step of a large integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction shall be submitted.

(c) A statement that to the best of the applicant's knowledge—

(1) No alternate fuel supplies are available to and usable by the applicant for high-priority uses;

(2) The applicant's customers are maximizing the utilization of all supplemental supplies including those from storage, peakshaving, LNG, SNG, or other sources;

(3) The applicant has been unable to obtain voluntarily additional supplies of gas from pipeline companies or any other person or transportation for such supplies; and

(4) Only high-priority uses are being served and will be served with the requested supplemental supplies

§ 599.39 Monitoring.

The Administrator may monitor compliance with any order pursuant to this subpart to assure that natural gas delivered pursuant to this subpart is applied to high-priority uses only. The Administrator reserves the right of audit to ensure the compliance of any pipeline companies, distribution companies, and any other person involved in any allocation, transportation or the construction or operation of facilities pursuant to this subpart.

§ 599.40 Reporting requirements.

On the second Wednesday following commencement of deliveries, and on each Wednesday thereafter, the recipient of any natural gas allocated pursuant to this subpart shall report to the Administrator in a sworn written statement the following information:

(a) The total volumes (in Mcf) actually received,

(b) The total price (in cents per Mcf) paid to the seller and the basis for determination of that price,

(c) The Btu heat content of the gas,

(d) The amounts paid for the transportation of such natural gas and the basis for the determination of those charges,

(e) If a pipeline company or distribution company is the recipient of the natural gas, a description of the types of customers being served by the emergency gas (*e.g.*, residential),

(f) If an end-user is the recipient of the natural gas, the purpose for which the gas is being used (*e.g.*, plant protection), and

(g) If for any reason, uses other than high-priority uses have been served with allocated emergency gas,

(1) An explanation why the gas was used for other than high-priority uses; and

(2) The total volumes delivered (in Mcf) for such non-high priority uses.

Subpart E—Administration

§ 599.50 General filing requirements.

(a) *Signing.* All filings under this Part 599 shall be submitted under oath and signed by the person filing the document or a duly authorized representative. Any filing by a duly authorized representative shall contain a statement by such person certifying that he or she is a duly authorized representative. (A false certification is unlawful under the provisions of 18 U.S.C. 1001 (1970).) An original and ten conformed copies of each filing shall be submitted and shall include the names, addresses, and telephone numbers of the applicant and any duly authorized representative.

(b) *Labeling.* Any request for action by the Administrator should be clearly labeled accordingly to the nature of the action involved (e.g., "Application for Emergency Allocation of Natural Gas Supplies") both on the document and on the outside of the envelope in which the document is transmitted.

(c) *Obligation to supply information.* A person files a request for action is under a continuing obligation to provide the Administrator with any new or newly discovered relevant information. Such information includes, but is not limited to, information regarding any other request for action under this Part that is subsequently filed by that person with the Administrator or any information otherwise requested by the Administrator under this part.

§ 599.51 Effective date of orders.

Any order issued by the Administrator under this Part is effective in accordance with its terms. An order is deemed to be effective on the date which it is signed by the Administrator, unless otherwise provided for in the order. Upon issuance, the applicant will be notified and a copy of the order will appear in the **Federal Register.**

§ 599.52 Service.

(a) All orders, notices, or other documents required to be served under this part shall be served personally or by registered, certified or first class United States mail, except that the Administrator may make service by

giving telephonic or telegraphic notice of any action taken and forwarding a copy of the order, notice, or other document by registered, certified, or first class mail.

(b) Service upon a person's duly authorized representative shall constitute service upon that person.

§ 599.53 Addresses for filing documents with the Administrator.

All requests or any other documents required to be filed with the Administrator in accordance with this part shall be addressed to: The Division of Natural Gas, Economic Regulatory Administration, Room 7108, RG–55, 2000 M Street, NW., Washington, D.C. 20461.

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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.)

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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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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

Rules Going Into Effect Today

CONSUMER PRODUCT SAFETY COMMISSION

73884 11–6–80 / Flammability Standards for Children's Sleepwear; Statement of enforcement policy

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

73652 11–6–80 / Portland International Airport Traffic area

List of Public Laws

Last Listing December 5, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 4084 / Pub. L. 96–495 Suisun Marsh Preservation and Restoration Act of 1979 (Dec. 3, 1980; 94 Stat. 2581) Price $1.

S. 1386 / Pub. L. 96–496 Arts and Humanities Act of 1980 (Dec. 4, 1980; 94 Stat. 2583) Price $1.25.

S. 1179 / Pub. L. 96–497 To incorporate the Gold Star Wives of America (Dec. 4, 1980; 94 Stat. 2595) Price $1.

S. 3193 / Pub. L. 96–498 To To designate the Jacob K. Javits Federal Building (Dec. 4, 1980; 94 Stat. 2598) Price $1.

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