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Wednesday
January 14, 1981

Highlights

3264, 3265, 3378, 3387 **Grant Programs—Refugee Education** ED issues final regulations (Part VI of this issue) (2 documents) and invites applications from State agencies by 2–16–81, for grants under the Educational Services for Cuban and Haitian Entrant Children Program and the Transition Program for Refugee Children (2 documents)

3206 **Grant Programs—Handicapped Education** ED issues selection criteria for Educational Media Research, Production, Distribution, and Training Grants under the Instructional Media for the Handicapped Program

3263 **Grant Programs—Education** ED invites applications by 4–21–81, for new projects under the Experimental Program for Opportunities in Advanced Study in Research in Education

3394 **Grant Programs—Education** ED issues final regulations for the Graduate and Professional Study Fellowships Program (Part VIII of this issue) and requests comments by 3–16–81 (2 documents)

3263 **Grant Programs—Education** ED corrects grants application, regulations for Arts in Education Program

3205 **Grant Programs—Education** ED formalizes procedures for selection and promulgation of annual funding priorities

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Highlights

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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.

3309 **Automobile Calendar** U.S. Regulatory Council announces publication and availability

3368 **Petroleum** DOE/ERA establishes procedures for obtaining crude oil for storage in the Strategic Petroleum Reserve by exchange of Naval Petroleum Reserves crude oil and other means; effective 2–13–81 (Part V of this issue)

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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

Office of the Secretary

7 CFR Part 2

Revision of Delegation of Authority; Correction

AGENCY: Department of Agriculture.

ACTION: Final rule: correction.

SUMMARY: In FR Document 80-32745 appearing at page 69405 in **Federal Register** of October 21, 1980, the reference to "(15) thru (27)" was incorrectly used. The reference should read "(16) thru (27)" in the ninth line of paragraph (a) of § 2.68. The purpose of this document is to correct that error.

EFFECTIVE DATE: January 14, 1981.

FOR FURTHER INFORMATION CONTACT: Charles E. Soisson, Personnel Programs, Personnel Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, 447-7073.

(5 U.S.C. 301 of Reorganization Plan #2 of 1953)

Issued at Washington, D.C. this 8th day of January 1981.

Bob Bergland,
Secretary.

[FR Doc. 81-1300 Filed 1-13-81; 8:45 am]
BILLING CODE 3410-10-M

Agricultural Marketing Service

7 CFR Part 27

Cotton Classification Under Cotton Futures Legislation; Action To Rescind Removal of Augusta, Georgia, From the List of Bona Fide Spot Cotton Markets

AGENCY: Agricultural Marketing Service.

ACTION: Final rule.

SUMMARY: A notice published August 6, 1979 (44 FR 45917) deferred the effective date for the removal of Augusta, Georgia, from the list of bona fide spot cotton Markets in § 27.93 of the Regulations for Cotton Classification Under Cotton Futures Legislation (7 CFR Part 27) from August 1, 1979 to August 1, 1981. This two-year deferral provided additional time to further evaluate the market information needs in the state of Georgia and to allow development of a responsive program to meet those needs. During this interim period the quotations functions of the Augusta market were strengthened to the extent that it now meets the criteria for bona fide spot cottom markets, and evaluation indicated that continuing to publish August spot market quotations would be an asset to the cotton market news program. The action to remove Augusta is rescinded.

EFFECTIVE DATE: February 13, 1981.

FOR FURTHER INFORMATION CONTACT: Loyd Frazier, Marketing Services Branch, Cotton Division, Agricultural Marketing Service, Washington, D.C. 20250 (202/447-2147).

SUPPLEMENTARY INFORMATION: The U.S. Cotton Futures Act (90 Stat. 1841-46; 7 U.S.C. 15b) requires the Secretary of Agriculture to designate bona fide spot markets which may be used to establish settlement differences for futures contracts. The previous action taken to delete Augusta from the list of designated bona fide spot markets (42 FR 56949) was based upon the lack of information supporting the ability of the Augusta market to meet the criteria for such designation.

Since August 1979, Augusta spot quotations have been strengthened by additional participation of members of the Augusta Cotton Exchange who were not active in the spot cotton quotations and related market news work two years ago. This has improved the quality of Augusta quotations by increasing the amount of market information with which the quotations committee has to work. Analysis and evaluation have found that with this increased participation, the Augusta market meets the criteria for designated spot markets. It is with the expectation that this level of participation will continue that the removal order is rescinded. USDA remains responsible for the validity of all designated spot cotton quotations and will continue to monitor all bona fide spot markets to determine that each continues to meet the criteria for designation.

USDA views the continuation of Augusta as a designated spot cotton market as a contribution to the overall cotton market news program which serves the needs of the state of Georgia.

Note.—This action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant." It has been determined that no impact would result as (i) the continuation of Augusta as a designated spot cotton market will not require that any new or additional requirements be met by members of the private sector currently participating in the spot quotations program; (ii) the cotton market information published for public benefit will not be altered; and (iii) no additional procedures will be required of USDA at public expense.

§ 27.93 [Amended]

Accordingly, § 27.93 of the regulations (7 CFR 27.93) governing cotton classification under cotton futures legislation will continue to list Augusta, Georgia in the list of bona fide spot cotton markets and the prior determination for removal of Augusta, Georgia, from the list, effective Agusut 1, 1981, is rescinded.

Dated: January 8, 1981.

William T. Manley,
Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-1245 Filed 1-13-81; 8:45 am]
BILLING CODE 3410-02-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1512

Correction of Amendments to Bicycle Regulation; Retroreflective Rims

AGENCY: Consumer Product Safety Commission.

ACTION: Correction of final amendment.

SUMMARY: This document corrects two errors that appeared in the document amending the Commission's bicycle safety regulation, published December 16, 1980 (45 FR 82625). The first correction adds a decimal point to the metric equivalent of an English measurement. The second correction replaces an incorrect word in the title of a table.

SUPPLEMENTARY INFORMATION:

§ 1512.18 [Corrected]

Section 1512.18(r)(3)(v) is corrected to read: (v) The abrader shall be a cup brush having bristles that are 0.005 in. (approx. 0.13 mm) diameter * * *.

The title of table 3 is corrected to read: Table 3—*Minimum acceptable values for the quantity A defined in the retroreflective tire and rim test procedure.*

Dated: January 8, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-1326 Filed 1-13-81; 8:45 am]

BILLING CODE 6355-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 241

[Release No. 34-17424]

Interpretive Release Concerning Distribution of Proxy Materials to Beneficial Shareowners

AGENCY: Securities and Exchange Commission.

ACTION: Interpretation of rules.

SUMMARY: The Securities and Exchange Commission today authorized the Division of Corporation Finance (1) to remind issuers of their obligations with respect to the distribution of proxy materials to the beneficial shareowners of securities held in the name of a broker-dealer ("street name"), bank or other nominee and the distribution of annual reports to security holders, and (2) to remind brokers of their obligations to respond to issuer inquiries concerning the beneficial owners of the issuer's securities and to forward promptly proxy and other material to such beneficial owners. This information is being published because of serious concerns regarding compliance with these aspects of the proxy rules.

DATE: January 7, 1981.

FOR FURTHER INFORMATION CONTACT: Gregory H. Mathews, (202) 272-2589, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In September 1980, the Commission authorized publication of the *Staff Report on Corporate Accountability* ("Staff Report") [1] in which the staff of the Division of Corporation Finance addresses a number of issues relating to the operation of Regulation 14A (the "proxy rules"), including the process by which issuers communicate with beneficial owners of securities registered in street or other nominee name. With respect to the dissemination of proxy materials to beneficial shareowners, the Staff Report found, among other things, that many issues fail to comply with Rule 14a-3(d).[2]

Rule 14a-3(d) requires that if an issuer knows that voting securities are held of record by a broker, dealer, bank, voting trustee, or a nominee of such person, the issuer shall inquire of such intermediaries to determine whether other persons beneficially own such securities, and, if so, the number of copies of the proxy, annual report to security holders and other soliciting material needed by the intermediary in order to supply such material to all beneficial owners. Customarily, this inquiry is made by means of a "search card." If certain of the issuer's securities are registered in the name of a clearing agency or depository, the inquiry must initially be made to the agency or depository and thereafter to its participants who hold securities on behalf of beneficial owners.[3] Issuers must make the Rule 14a-3(d) inquiry at least ten days before the record date for the meeting of security holders.[4]

As noted earlier, it has come to the Division's attention that many issuers are not making the inquiry required by Rule 14a-3(d). Nearly 30 percent of all equity securities are not registered in street or other nominee name,[5] and it is expected that such registration will continue to grow. The efficacy of street and other nominee registration is beyond dispute. However, any practice which may delay or prevent receipt of proxy materials by beneficial shareowners is inconsistent with Section 14(a) of the Securities Exchange Act of 1934 ("Exchange Act"), which is designed to assure fair corporate suffrage.[6] The Division, therefore, reminds issuers of their obligation to make the inquiry required by Rule 14a-3(d).

Rule 14a-3(d) not only assures that issuers make timely distribution of proxy material to all beneficial shareholders, but also assists issuers in obtaining necessary quorums and votes. As a practical matter, non-compliance with Rule 14a-3(d) can make it impossible for broker-dealers to vote the uninstructed proxies of their customers pursuant to the rules of the New York Stock Exchange [7] and the American Stock Exchange.[8] Ultimately, it may be difficult or impossible to obtain a quorum for the meeting of security holders or to generate the votes needed to act on important matters to be considered at the meeting if beneficial owners do not receive proxy materials.

A companion rule to Rule 14a-3(d) is Rule 14b-1, which requires a broker registered pursuant to Section 15 of the Exchange Act, to "(a) respond to an inquiry made in accordance with Rule 14a-3(d) * * * by promptly indicating, by means of a search card or otherwise, the approximate number of its customers who are beneficial owners of the issuer's securities * * *, and (b) upon receipt of the proxy, other proxy soliciting material, and/or annual report to security holders and of assurance that its reasonable expenses shall be paid by the issuer, forward such materials promptly to such customers." [9] Accordingly, the Division reminds brokers of their obligations pursuant to this rule quickly to respond to issuers' search cards and to send out proxy and other materials.

The Division also reminds issuers of their obligation to comply with Rule 14a-3(b). Rule 14a-3(b) provides that when an issuer's solicitation relates to a meeting at which directors are to be elected, the proxy statement furnished to shareholders must be accompanied or preceded by an annual report to security holders. The staff has received information indicating that in some instances annual reports have been furnished to beneficial owners after the proxy statement has been distributed. In view of the requirement of the rule, the Division notes that it is inappropriate for issuers to mail proxy statements to

[1] Division of Corporation Finance, Securities and Exchange Commission. Printed for the use of the Senate Committee on Banking, Housing and Urban Affairs, 96th Cong. 2d Sess. (September 4, 1980).

[2] Adoption of Rule 14a-3(d) was announced in Securities Exchange Act Release No. 11617 (August 25, 1975), 40 FR 42219. Amendments of Rule 14a-3(d) were announced in Securities Exchange Act Release No. 13719 (July 5, 1977), 42 FR 35953.

[3] Securities Exchange Act Rule 17Ad-8 requires registered clearing agencies to provide issuers, upon request, with a list of their participants' respective positions in the issuer's securities. *See* Securities Exchange Act Release No. 16443 (December 20, 1979), 44 FR 76774.

[4] Rather than waiting until ten days before the record date to commence the inquiry, issuers are urged in a proxy solicitation manual jointly prepared by the American Society of Corporate Secretaries, the New York Stock Exchange, American Stock Exchange, National Association of Securities Dealers and the Securities Industry Association, to inquire "as far in advance of the record date as possible." *Manual for Proxy Solicitation of Stock in Broker, Bank and Other Nominee Name* 1 (1978).

[5] New York Stock Exchange, *1975 Shareownership* 20 (1975).

[6] H.R. No. 1383, 73d Cong. 2d Sess. 13 (1934).

[7] Rule 452 *CCH New York Stock Exchange Guide* ¶ 2452.

[8] Rule 756 *CCH American Stock Exchange Guide* ¶ 9528.

[9] Adoption of Rule 14b-1 was announced in Securities Exchange Act Release No. 13719 (July 5, 1977), 42 FR 35953.

security holders prior to mailing annual reports.

The staff will continue to monitor the operation of Rule 14a-3(d) and Rule 14a-3(b) and, if necessary, will make further recommendations, including enforcement recommendations where appropriate, to the Commission as necessary in order to achieve the purposes for which these rules were adopted.

Accordingly, 17 CFR Part 241 is amended by adding this release thereto.

By the Commission.

George A. Fitzsimmons,

Secretary.

January 7, 1981.

[FR Doc. 81-1244 Filed 1-13-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Part 75

Education Department General Administrative Regulations (EDGAR); Annual Funding Priorities

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: These final regulations formalize the procedures for the selection and promulgation of annual funding priorities for Department of Education programs. The regulations will provide concerned parties with a common vocabulary and inform applicants about current procedures.

EFFECTIVE DATE: These final regulations are expected to take effect forty-five 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 regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Kenneth Depew, Office of the General Counsel, Division of Regulations Management, U.S. Department of Education, Room 2134 FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: A variety of procedures are currently used in the Department of Education to set or implement annual program priorities. Annual priorities are announcements that a program will, for one fiscal year, investigate certain topics, serve certain populations, or otherwise focus the program. The program may accomplish this objective by inviting applications that meet a priority or by using some or all of its appropriations in a fiscal year to fund applications that meet a priority. Some program regulations list a variety or "menu" of possible priorities and state that the Secretary may choose one or more from the list each year. In other cases, priorities are established on a case-by-case basis. This regulation lists the implementation techniques that may be used to establish priorities in the Department of Education. Placing this list of techniques in EDGAR will give applicants, staff offices, and program officials a common vocabulary and inform applicants about current procedures.

This rule also codifies the Department's position on the occasions when priorities must be published for public comment. Although many program offices find that their priority announcements generate little controversy, it is expected that increased use of priorities will generate greater public interest in them. Three exceptions to publication of proposed annual priorities for public comment are listed in the regulations.

Currently, the Secretary announces competitions for program funds through an application notice published in the **Federal Register**. This notice provides information about each program competition. Under the procedures established by this amendment to EDGAR, proposed priorities will generally be published for public comment a few months before publication of a program's application notice. Final priorities will usually be published in the program's annual application notice. Annual priorities included within the three exceptions to public comment procedures will only be published in the application notice.

Publication of these regulations for public comment is unnecessary. They are procedural and do not authorize any administrative actions not possible now.

A citation of statutory or other legal authority is placed in parentheses after each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance number not applicable)

Dated: January 9, 1981.

Shirley M. Hufstedler,

Secretary of Education.

The Secretary amends part 75 of Title 34 of the Code of Federal Regulations as follows:

1. Section 75.101(a) is amended by striking the word "and" following paragraph (9), redesignating paragraph (10) as paragraph (11), and adding a new paragraph (10), to read as follows:

§ 75.101 Information in the application notice that helps an applicant apply.

(a) * * *

(10) Any priorities established by the Secretary for the program for that year and the method the Secretary will use to implement the priorities (Cross-reference: See § 75.105 Annual priorities); and

(11) * * *

* * * * *

2. A new § 75.105 is added to read as follows:

§ 75.105 Annual priorities.

(a) *What programs are covered by this section?* This section applies to any program for which the secretary establishes priorities for selection of applications in a particular fiscal year.

(b) *How does the Secretary establish annual priorities?*

(1) The Secretary establishes final annual priorities by publishing the priorities in a notice in the **Federal Register**, usually in the application notice for that program.

(2) The Secretary publishes proposed annual priorities for public comment, unless—

(i) The final annual priorities will be implemented only by inviting applications that meet the priorities (Cross-reference: See 34 CFR § 75.105(c)(1));

(ii) The final annual priorities are chosen from a list of priorities already established in the program's regulations; or

(iii) Publishing proposed annual priorities would seriously interfere with an orderly, responsible grant award process or would otherwise be impracticable, unnecessary, or contrary to the public interest.

(c) *How does the Secretary implement an annual priority?*

The Secretary may choose one or more of the following methods to implement an annual priority:

(1) *Invitations.* The Secretary may simply invite applications that meet a priority. If the Secetary chooses this method, an application that meets the priority receives no competitive or absolute preference over applications that do not meet the priority.

(2) *Competitive preference.* The Secretary may give one of the following kinds of competitive preference to applications that meet a priority.

(i) If a program uses weighted selection criteria, the Secretary may award selection points to an application that meets the priority. These points are in addition to any points the applicant earns under the selection criteria (see § 75.200(b)). The notice states the number of additional points that the

Secretary will award to applications that meet the priority in a particularly effective way.

(ii) The Secretary may select an application that meets a priority over an application of comparable merit that does not meet the priority.

(3) *Absolute preference.* The Secretary may give an absolute preference to applications that meet a priority for a program. The Secretary establishes an absolute preference by reserving all or part of a program's funds solely for applications that meet the priority. The Secretary may establish the amount reserved for applications that meet the priority either—

(i) In the application notice; or

(ii) After determining the number of high quality applications received.

(20 U.S.C. 3474)

[FR Doc. 81-1189 Filed 1-13-81; 8:45 am]
BILLING CODE 4000-01-M

Office of Special Education and Rehabilitative Services

34 CFR Part 332

Instructional Media for the Handicapped

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations governing the selection criteria for Educational Media Research, Production, Distribution, and Training Grants under the Instructional Media for the Handicapped Program authorized by Part F of the Education for the Handicapped Act. This criteria will govern grants that promote the educational advancement of handicapped persons through the use of media.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. They are transmitted to Congress several days before they are published in the **Federal Register.** The effective date is changed by statute if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Malcolm J. Norwood, Department of Education, 400 Maryland Avenue, S.W. (Room 4821, Donohoe Building), Washington, D.C. 20202, telephone (202) 472-4640.

SUPPLEMENTARY INFORMATION: On August 5, 1980, the Secretary of Education published in the **Federal Register** (45 FR 52132-52133) final regulations governing the Educational Media Research, Production, Distribution, and Training Program. Those regulations, published as 45 CFR Part 121q, contained final selection criteria applicable to fiscal year 1980 awards only. On that same date, the Secretary published a proposed regulation which would establish selection criteria for the program for fiscal year 1981 and subsequent fiscal years (45 FR 52136-52137). Interested persons were given 60 days to comment on the proposed regulation. No comments were received.

This final regulation contains no changes from the proposed selection criteria. These final weighted selection criteria conform to the requirements of the Educaton Division General Administrative Regulations (EDGAR) and require that applications be evaluated on the basis of point scores.

Please not that on November 21, 1980, the Secretary of Education published a final regulation in the **Federal Register** (45 FR 77368-77370) which redesignated and transferred the former 45 CFR Part 121q (which governed the Educational Media Research, Production, Distribution, and Training Program) to Title 34 of the CFR as the new Part 332. This change reflects no substantive change in the regulations governing the program.

Applicable Regulations

The Educational Media Research, Production, Distribution and Training Program is subject to the following regulations:

(1) EDGAR Direct Project Grant and Contract Programs regulations (34 CFR Part 75);

(2) EDGAR General Regulations (34 CFR Part 77); and

(3) The applicable program regulations (34 CFR Part 332).

In addition to the final regulation contained in this document, final regulations governing this program were published in the **Federal Register** on August 5, 1980 (45 FR 52132-52133).

Citation of Legal Authority

The reader will find a citation of statutory or other legal authority in parentheses on the line following each substantive provision.

Dated: January 9, 1981.

Shirley M. Hufstedler,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.026, Instructional Media Services for the Handicapped)

The Secretary amends Title 34 of the Code of Federal Regulations Part 332 by revising § 332.32 to read as follows:

* * * * *

§ 332.32 What selection criteria does the Secretary use?

(a) *Plan of Operation.* (25 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;

(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 under represented, such as—

(A) Handicapped persons;

(B) Members of racial or ethnic minority groups;

(C) Women; and

(D) The elderly.

(b) *Quality of key personnel.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use 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 paragraphs (b)(2) (i) and (ii) of this section plans 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 under represented, such as—

(A) Handicapped persons;

(B) Members of racial or ethnic minority groups;

(C) Women; and
(D) The elderly.

(3) To determine the qualifications of a person, 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.* (15 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) 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. (See 34 CFR 75.590—Evaluation by the grantee.)

(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.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources for 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) *Need.* (20 points)

(1) The Secretary reviews each application for information that shows the need for the project.

(2) The Secretary looks for information that shows—

(i) The need for the proposed activity with respect to the handicapping condition served or to be served by the applicant;

(ii) The potential for using the results in other projects or programs.

(g) *Marketing and dissemination.* (5 points)

(1) The Secretary reviews each application for information that shows adequate provisions for marketing or disseminating results.

(2) The Secretary looks for information that shows—

(i) The provisions for marketing or otherwise disseminating the results of the project; and

(ii) Provisions for making materials and techniques available to the populations for whom the project would be useful.

(20 U.S.C. 1451, 1452)

[FR Doc. 81-1337 Filed 1-13-81; 8:45 am]

BILLING CODE 4000-01-M

Office of the Secretary

34 CFR Part 408

Correction Notice; Nomenclature and Technical Amendments

AGENCY: Department of Education.

ACTION: Correction of final regulations.

SUMMARY: This document corrects an error in the final regulations making nomenclature and technical amendments published at 45 FR 86296 (December 30, 1980). The nomenclature and technical amendments made changes in the regulations transferred to Title 34 of the Code of Federal Regulations by the Department of Education.

EFFECTIVE DATE: December 30, 1980.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, Director, Division of Regulations Management, 400 Maryland Avenue, S.W., Room 2129, Washington, D.C. 20202. Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: An error was made in item number 69 (45 FR 86301) of the nomenclature and technical amendments published on December 30, 1980. The sections transferred to 34 CFR Part 408 were incorrectly identified. This notice is published to correctly list the sections transferred to Part 408.

PART 408—COMMISSIONER'S DISCRETIONARY PROGRAMS OF VOCATIONAL EDUCATION

The sections in former 45 CFR Part 105 which were redesignated as 34 CFR Part 408 are renumbered as follows:

Old Sections

105.1–105.506 (Appendices A, B)

New Sections

408.1–408.506 (Appendices A, B)

(Catalog of Federal Domestic Assistance No. Not applicable)

Dated: January 8, 1981.

Steward A. Baker,

Deputy General Counsel for Legislation and Regulations.

[FR Doc. 81-1190 Filed 1-13-81; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SWH-FRL 1724-8]

Oklahoma: Phase I Interim Authorization of the State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region 6.

ACTION: Approval of a State program.

SUMMARY: The purpose of the notice is to grant Phase I Interim Authorization to the State of Oklahoma for its hazardous waste management program.

In the May 19, 1980, **Federal Register** (45 FR 33063), the Environmental Protection Agency (EPA) promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), to protect human health and the environment from the improper management of hazardous wastes. Included in these regulations, which became effective 6 months after promulgation, were provisions for a transitional stage in which states could be granted interim program authorization. The interim authorization program will be implemented in two phases corresponding to the two stages in which an underlying Federal program will take effect.

On October 17, 1980, the State of Oklahoma applied to EPA for Phase I interim authorization of its hazardous waste management program. On October 23, 1980, EPA issued in the **Federal Register** (45 FR 70287) a notice of the public comment period on the State's application. An additional 30 day comment period was noticed by Region 6 in the **Federal Register** on November 20, 1980 (45 FR 76715) to solicit comments on additional material received in connection with the State's application. All comments received during these comment periods have been noted and considered, as discussed below.

The State of Oklahoma is hereby granted interim authorization to operate the RCRA Subtitle C hazardous waste management program in accordance with section 3006 (c) of RCRA and implementing regulations found in 40 CFR Part 123 Subpart F.

EFFECTIVE DATE: January 14, 1981.

FOR FURTHER INFORMATION CONTACT: Don Walker, Solid Waste Branch, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270 (214) 767-2645.

SUPPLEMENTARY INFORMATION: On August 25, 1980, the State of Oklahoma submitted to EPA its draft application

for Phase I Interim Authorization under RCRA. This draft application reflected a hazardous waste management program which was operated by the State for four years before the RCRA regulations were published in the Federal Register. During our review of the Oklahoma draft application, we realized that the number of problems identified in the Oklahoma draft application resulted from the fact that the State's program predated the RCRA regulatory scheme for hazardous waste management and represented a different approach toward regulating this problem. EPA wishes to commend the State of Oklahoma for the effort expended on its final application and the cooperative spirit with which it worked with EPA to reshape its program into one which is substantially equivalent to the Federal Program. Through this effort and the spirit of cooperation, Oklahoma has made a significant State contribution to the realization of an effective national hazardous waste management program.

In our comments on the Oklahoma draft application, we identified major problems within each of the major components of the State's application. We indicated that the Program Description lacked sufficient information to demonstrate: (1) Adequacy of existing resources to meet the staffing requirements for the State program as established in EPA's "RCRA State Authorization Guidance Manual" (RCRA Guidance); (2) Formal enforcement procedures to be followed for violations of State program requirements which satisfy the standards established in the RCRA Guidance; and (3) Compliance monitoring schedules and protocols which meet the standards of the RCRA Guidance.

Our comments pointed out that the Oklahoma regulations, defining the scope of their hazardous waste management program, were not substantially equivalent to the Federal regulations in the following areas: (1) Control over a universe of hazardous waste nearly identical to 40 CFR Part 261; (2) Control over generator, transporter and manifest requirements substantially equivalent to 40 CFR Parts 262 and 263; and (3) Standards for treatment, storage and disposal facilities which were substantially equivalent in scope and application to these in 40 CFR Part 265.

The Attorney General's Statement (AG's Statement) did not provide information sufficient to certify that the laws and regulations of the Oklahoma program met the requirements of 40 CFR Part 123, Subpart F in the areas of: (1) Universe of hazardous wastes; (2) Standards for generators, transporters and manifesting of hazardous wastes; (3) Standards for treatment, storage and disposal of hazardous wastes; (4) Authority for inspections to insure compliance with State Program requirements; (5) Public participation in the enforcement process; and (6) Authority to share State program information with EPA without restriction.

The Memorandum of Agreement (MOA) submitted with the Oklahoma draft application did not meet the requirements established in the Region 6 Model MOA. The Oklahoma draft MOA did not provide: (1) Appropriate State enforcement procedures; (2) Acceptable criteria for determining major facilities; (3) Access without restriction by EPA to State program information; and (4) Unlimited ability by EPA to respond to imminent hazards.

The Authorization Plan did not meet the requirements of 40 CFR 123.125. For Phase I, EPA required the State to amend its statutory postclosure bonding period to equal that of the Federal program. In addition it did not detail the statutory and regulatory changes which the State must make to qualify for Phase II and Final Authorization. Schedules for drafting, introducing and publishing proposed legislative and regulatory changes were not included. In addition, the plan failed to include a projection of resources which would be available and a plan for obtaining those necessary to meet the requirements for Phase II and Final Authorization.

On October 17, 1980, Oklahoma submitted to me its final application for Phase I Interim Authorization. In response to EPA's comments on the draft application, the State Agency proposed extensive amendments to its existing regulations. These amendments were passed by the Oklahoma Board of Health as emergency regulations on October 9, 1980, and became effective on October 30, 1980. In the State's application they have provided a schedule for converting these emergency regulations into final regulations following applicable State procedural requirements. If the emergency regulations are not finally adopted before they expire, the State agrees, in the Memorandum of Agreement (MOA) to voluntarily return the program to EPA.

The regulations included in the Oklahoma final application eliminated all problems raised in EPA comments on the regulations and the Attorney General's Statement included in the drafts. The Oklahoma regulatory scheme is now substantially equivalent to the Federal Program for Phase I and this has been clarified and certified in the final AG's Statement. Consequently, there is no longer any question of the substantial equivalence of Oklahoma's control over the universe of hazardous wastes, generator and transporter requirements, the operation of the manifest system, and the immediate enforceability of interim status standards equivalent in scope to the Federal standards for treatment, storage and disposal facilities.

In addition, the AG's Statement resolved all problems concerning public participation in the State's enforcement process and the authority of the State to share its program information with EPA without restriction. Assurances were given by the AG that the State program would comply with Federal requirements by receiving and responding to citizen complaints, by not opposing permissive intervention, and by publishing notice of proposed settlements of State enforcement actions and permitting a 30 day public comment period on the terms of the settlements. The AG also certified to EPA's satisfaction that new regulations provided unlimited access by EPA to State program information.

The MOA submitted with Oklahoma's final application incorporated the required provisions of the Region 6 model MOA. The major problems identified in the draft MOA were thereby resolved.

The Authorization Plan submitted in the Oklahoma final application also underwent substantial revision. These revisions covered details for state regulatory and legislative changes necessary for Phase II and Final Authorization. The revisions also covered a plan to seek legislative amendment of the State post-closure monitoring statute to be equivalent to the Federal program requirement. This revision is to occur before the effective date of the EPA Phase I requirement. EPA, through its oversight of State program commitments, will monitor to insure that this program change occurs and becomes effective by the same time as its federal counterpart. Necessary information on resource projections and future budget submissions were also included in the revised Authorization Plan. With the addition of these new materials, questions on the sufficiency of the State's Authorization Plan were resolved.

While the Program Description, included as part of the Oklahoma final application contained considerable new information, it was still found deficient in the areas of adequate resources, formal enforcement procedures, and

compliance monitoring inspection authority and procedures. On November 20, 1980, a notice appeared in the **Federal Register** announcing that Oklahoma had submitted amendments to its final application, the substance of which addressed the deficiencies in the State's Program Description included in its final application. These amendments were considered substantial additions to the final application and the notice provided for an additional 30 day public comment period to give the public ample opportunity to comment on the new material.

The amendments to the Program Description submitted by the State resolved all remaining deficiencies in the Oklahoma final application. New material demonstrated that the State did meet the resource requirements established in the RCRA Guidance and provided a schedule to insure that allocated, but vacant staff positions would be filled by the time the State is authorized. A revised description of formal procedures to be followed in the enforcement of the State program requirements provided the necessary detail to insure that the State would meet the RCRA Guidance standards for program enforcement. Authority to perform inspections, procedures and schedules for compliance monitoring were described in a manner which satisfied Federal program requirements. These amendments completed the process through which Oklahoma reshaped its hazardous waste management program, in its final application, into one which could be found to be substantially equivalent to the Federal Program.

Because the Oklahoma final application, as amended, now meets all the requirements established under RCRA Section 3006 and 40 CFR, 123 Subpart F, we find that the State of Oklahoma should be granted Phase I Interim Authorization to operate its hazardous waste managment program in lieu of the Federal program in the State.

Responsiveness Summary

On October 23, 1980, a notice was published in the **Federal Register** which invited public comment on the Oklahoma Application for Phase I Interim Authorization of the State's hazardous waste management program at a public hearing to be conducted by Region 6 on November 25, 1980, in Oklahoma City, Oklahoma. The notice also invited written comments on the Oklahoma application if received in Region 6 by December 2, 1980. After this notice appeared in the **Federal Register**, EPA received amendments to the application from the State. In order to provide an opportunity for public comment on these amendments, a second notice was published in the **Federal Register** on November 20, 1980, which invited written public comment on the additional information by December 22, 1980.

A public hearing was conducted by Region 6 on the evening of November 25, 1980 in Oklahoma City, Oklahoma. Seven commenters made presentations at this hearing. In addition, Region 6 received written comments on the Oklahoma application between October 23, 1980, the beginning of the first comment period and December 22, 1980, the close of the second comment period. All comments, if they complied with the time restraints of the **Federal Register** notices, were reviewed and considered in reaching a decision on the Oklahoma Application for Interim Authorization.

Of the sixteen public comments received by Region 6 (seven at the hearing and nine in writing) on the Oklahoma Application for Phase I Interim Authorization, ten commenters favored granting Phase I authorization to the State, one commenter favored granting Phase I authorization to the State with specific conditions, and five commenters neither favored nor opposed granting authorization to the State. The subject matter of the comments ranged from general to extremely specific. To simplify summary of the comments and responses to them, similar comments are grouped together for one response, and, when one commenter addressed more than one issue, the comment is responded to according to the subject matter of the issue. As a result, a commenter raising several issues will find the response to each issue in the section covering that issue, and not in a single section covering all of his or her issues.

The summary is presented generally in the order of subjects receiving the most comments first. However, this format is adhered to loosely to permit related comments to be presented in sequence.

Comment: Eight commenters endorsed State authorization because they found the Oklahoma hazardous waste management program, set forth in the State's application for Phase I Interim Authorization, to be substantially equivalent to the Federal program under RCRA and the regulations published in 40 CFR 123, Subpart F.

Response: Section 3006(c) of the Resource Conservation and Recovery Act (RCRA) states "The Administrator shall, if the evidence submitted (in a State application) shows the existing State program to be substantially equivalent to the Federal program under this subtitle, grant interim authorization to the State to carry out such a program in lieu of the Federal program * * *" The intent of Congress as manifested in this section was twofold: First, Congress wished to maximize State participation in the Federal hazardous waste program; Second, Congress wished to allow the States a period of time to develop a program which was equivalent and consistent with the Federal program. Consequently, it created a unique status of temporary authorization which permits a State to operate the Federal program while at the same time it is furthering the development of that program for final authorization.

Nevertheless, to receive interim authorization, a State must demonstrate the "substantial equivalence" of its program to the Federal program. Once a state has demonstrated substantial equivalence "the Administrator shall grant interim authorization", applying this standard, as elaborated in 40 CFR Part 123 Subpart F. EPA has concluded that Oklahoma has met the test of substantial equivalence and should receive Phase I interim authorization.

Comment: Two commenters stated that the State should be granted interim authorization based on its past performance in impartial, firm, and fair administration of the Oklahoma Controlled industrial Waste Disposal Act and regulations. One of those commenters emphasized that the State government was the appropriate jurisdiction to run the hazardous waste management program.

Response: The primary basis for EPA's decision to authorize a State's hazardous waste program for Phase I is not past effectiveness, but substantial equivalence with the Federal program. EPA had suggested, in its proposed regulations for evaluating State programs, that past performance or track record be used as a criterion for approval. That proposal was deleted from the final regulations governing the interim authorization approval process because EPA believes that future program effectiveness is more important than track record. While past performance can be considered in support of the decision to grant Phase I authorization, EPA has taken the position that the approval decision must be primarily concerned that the program perform in an effective and comprehensive manner in the future. EPA agrees that Oklahoma has demonstrated the capacity to operate a State hazardous waste management program. However, EPA's decision to authorize Oklahoma is based first on the

substantial equivalence of the Oklahoma program to the Federal program. EPA also agrees that if the State meets the standards for State program requirements under RCRA, the appropriate division of labor for effective national hazardous waste management, is for the State to operate the program and for EPA, through its oversight responsibilities, to supervise the State to assure compliance with the laws, regulations and policies of the Federal program.

Comment: One commenter stated that he neither favored nor opposed authorization but urged EPA to maintain an active oversight role.

Response: EPA's primary concern in evaluating a State's application for Phase I authorization must be that the State has the authority and capacity to carry out a program which is substantially equivalent to the Federal program, including the authority and capability of a State to enforce this program.

EPA believes that the Program Description, Memorandum of Agreement, and the State's regulations set forth in the Oklahoma application for authorization, outline a State enforcement program which meets Federal requirements for Phase I authorization. However, EPA believes that through its statutory oversight responsibility, it has the obligation to insure that Oklahoma meets the terms set forth in the State's application to actively enforce its regulations.

The MOA and the RCRA grant-in-aid entered into by the State and EPA, establish the procedure for oversight and the terms of the State's accountability for compliance monitoring and enforcement. These agreements enable EPA to track the State's enforcement process and determine if the State is meeting specific commitments which it agreed to accomplish. The RCRA grant-in-aid awarded to the State will function like a contract between the State and EPA. EPA agrees to pay the State if the State performs certain program activities. If through EPA's oversight and grant review it is determined that the State is not meeting its commitments, funding and authorization can be withdrawn. Also, under RCRA Section 3008(a)(2) EPA can commence enforcement actions for violations of RCRA in authorized States.

Comment: One commenter questioned whether the State Health Department could implement a hazardous waste program which was not unduly biased by local, influential, special interest groups.

Response. The Federal hazardous waste management scheme, set forth in RCRA and detailed in Federal regulations, includes a system of checks and balances designed to insure the fair administration of the program. The RCRA regulations defining Phase I of the program apply even handedly to all who are subject to its purview without opportunity for variance. In order to become authorized, a State must adopt a program which is substantially equivalent to the Federal program in approach, as well as scope. Consequently, a State cannot be authorized if it allows exceptions to its regulatory scheme not permitted by the Federal program.

RCRA, through the Authorization process, envisioned a division of labor between the States and the Federal government whereby the States would operate the Federal program and EPA, through oversight, would supervise to insure that the intent of the statute, regulations and policies were carried out by the States. If an authorized State fails to carry out the Federal mandate, then the program can be withdrawn and EPA would have to operate it. Through this division of labor, State program decisions are subject to scrutiny for fairness, as well as scope of application. For example, EPA regulatory oversight includes a review of all major permits issued by the State and requires the State to respond in detail to all EPA comments. As a result, EPA will have ongoing review of the standards applied by the State in issuing each major permit and will be able to quickly determine exceptions which may not be fairly granted.

In addition, RCRA provides a system of financing State hazardous waste programs through State-Federal matching funds. This funding mechanism broadens the base of funding sources for the State agency and provides it with less dependence on a single funding source. In the RCRA system of checks and balances, it is anticipated that the need for both sources of funding will be an incentive for the State program to operate in a fashion which would not jeopardize either.

Finally, RCRA emphasizes public participation in the hazardous waste management program as an important means of insuring fair and scrupulous adherence to Federal program requirements. The statute provides for citizen suits against EPA, a State, a municipality, or any person to enforce any provisions of RCRA. The Federal statute also provides for citizen intervention in any Federal enforcement action. In addition, the Federal regulations require that authorized State programs meet minimum requirements for public participation in the State enforcement process. The Oklahoma application for Phase I Authorization meets the Federal regulatory requirements by providing for receipt of and response to citizen complaints, non-opposition intervention in State enforcement actions when permitted by State law, and public notice and opportunity for the public to comment on proposed settlements of State enforcement actions. All of these mechanisms combine to form a system of checks and balances to insure equitable and comprehensive hazardous waste management by both the State and Federal governments.

Comment: One commenter was concerned that the public participation program described in the Oklahoma application was not adequately staffed. The commenter believed that only one employee of the Solid Waste Division, the designated public participation specialist, would be responding to all citizen complaints and notifications regarding program enforcement and emergency spill response activities of the Division.

Response. The designated public participation specialist will be responsible for the traditional public information and education activities, not for the kinds of follow-up and field investigations associated with citizen complaints or inquiries about enforcement actions or responses to spills and other emergencies. While it is true that the Division encourages citizen complaints or reports of possible violations, and that it has stated that these will receive the highest investigative priority, this function is the responsibility of the Industrial Waste Division Director and other staff assigned to handle this function rather than the public participation specialist.

Comment: One commenter, while supporting interim authorization of the State program, questioned whether adequate funds where being provided to the State program. This commenter specifically addressed the need for funds to pay for site inspections and monitoring.

Response: EPA has required a State applying for interim authorization to demonstrate the amount of funding and staff available for operation of the program. This information is part of the State application and is a major factor to be evaluated by EPA in reaching a decision whether or not to authorize a State program. In order to apply a uniform national standard for evaluating the adequacy of State funds committed

to hazardous waste management, EPA has published in its "Guidance Manual on Interim Authorization" an estimate of the staffing requirements necessary for each State program to operate a Federal program in their State. These staffing projections were based on the size of the State and the amount of waste generated in the State. They were also divided into separate projections for Phase I programs and Phase II programs.

Under EPA's criteria for adequate staffing, it is estimated that the State of Oklahoma should have 15 positions to operate a Phase I program. The Oklahoma State Department of Health presently has 14.6 of these positions filled and has undertaken to add 3 additional positions in order to enhance the effectiveness of its hazardous waste program. The State is actively recruiting for these additional positions. EPA also believes that Oklahoma has demonstrated in its application that it will provide the necessary funding to support EPA's staffing requirements for Phase I program management. Also, it will be EPA's responsibility in the exercise of its oversight role to insure that after the State is authorized, it will maintain the required funding and staffing to adequately operate the program according to the commitments made in the application.

Comment: One commenter, who neither supported or rejected State authorization, questioned whether the State program, as expanded in its application would require the addition of substantial State tax dollars to operate. This commenter suggested that if the cost to the State was great, it should consider deferring to the Federal government and have EPA operate the program in the State.

Response: Oklahoma indicates in its application, in the Program Description and Authorization Plan, that additional State funds will be required to match Federal funds to operate an authorized State program. Additional State tax dollars are an important consideration in evaluating the advisability of State authorization. However, the increased commitment of funds must be weighed with the critical need for effective hazardous waste management in the State and nation. EPA believes that additional funds provided by the State and Federal governments to hazardous waste management is essential to begin to control this serious threat to public health and the environment.

Comment: One commenter believed the State small generator exclusion of 100 kilograms per month was more effective than the 1000 kilograms per month exclusion set forth in the Federal regulations.

Response: RCRA Section 3009 grants the States the authority to require standards which are more stringent than Federal standards. To the extent that State standards are more stringent, they are beyond the purview of the Phase I authorization process.

Comment: Two commenters questioned the substantial equivalence of the Oklahoma statutory bonding limit of 10 years to that of the Federal program, which requires bonding for 30 years, for post-closure monitoring of hazardous waste facilities.

Response: EPA requires post-closure monitoring for a minimum of 30 years with the provision to extend the period if it is deemed necessary. While EPA regulations do require 30 year post-closure bonding, on October 30, 1980, EPA amended its regulations, effective November 19, 1980, and suspended until May 19, 1981, the requirement that owners and operators of hazardous waste facilities prepare closure and post-closure plans. Oklahoma, in its Authorization Plan, has stated that within this same 6 month period it will seek to have its statutory post-closure bonding period amended to be equivalent to the Federal regulation. Oklahoma regulations incorporate the Federal regulatory requirement of 180 days notice before a facility can commence closure in accord with its closure plan. This notice period remains in effect. Consequently, under the Federal and State regulatory plan no facility will be allowed to close before May 19, 1981. On or before that time Oklahoma should have eliminated this difference from its program. EPA, through oversight, will monitor this process to see that Oklahoma meets its commitments.

Comment: One commenter spoke to the need for research efforts to evaluate and develop improved technologies for treatment of hazardous wastes and asked whether the Federal program recognized this need.

Response: Section 8001 of RCRA provides for research in improved technology for the disposal of hazardous waste. However, Congress has not appropriated funds for this program. EPA's Office of Research and Development has an existing program which is exploring the development of technologies for treatment and disposal of hazardous wastes. EPA believes that this program and additional research efforts are much needed in this field and looks forward to an enlarged research program when and if Congress provides additional funds.

Comment: One commenter stated that dumping hazardous wastes into municipal sewer systems should be prohibited because it would become a problem for treatment facilities.

Response: While some hazardous waste will be placed on Publicly Owned Treatment Works (POTW), EPA believes that the treatment process, dilution, and compliance with the POTWs' discharge permit, will mitigate effects on human health and the environment. Nevertheless, POTW sludges are not excluded from EPA regulations and must be analyzed to determine whether they contain hazardous waste characteristics and if they do they must be stored and disposed of in full compliance with Federal program requirements. POTW's are also eligible for construction grants from EPA to improve their wastewater treatment processes. EPA believes that this is the best and most economical way to deal with the mixed waste streams treated by POTW's.

Comment: One commenter was concerned with the State's lack of incentives to recycle, reuse, reclaim, or use hazardous waste materials.

Response: The purpose of the Resource Conservation and Recovery Act of 1976, was to encourage the conservation and recycling of natural resources. Reduction and reuse of wastes generated, rather then treatment and disposal of hazardous wastes, were envisioned by Congress as the means through which this purpose would be accomplished. Although RCRA does not specifically set forth incentives to fulfill its purpose, EPA believes that the added cost of hazardous waste treatment, storage, and disposal which result from the RCRA program provides the incentive to spark industry's efforts to effectively reclaim many hazardous wastes. The State program, substantially equivalent to the Federal program, encompasses the same added costs and, consequently the same incentives to industry to reuse or reclaim its hazardous wastes.

Dated: January 8, 1981.

Frances E. Phillips,

Acting Deputy Regional Administrator.

[FR Doc. 81-1280 Filed 1-13-81; 8:45 am]

BILLING CODE 6560-30-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-5969]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

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

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

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

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

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

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

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

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Alabama	Jefferson	Brownsville, city of	010270A	Sept. 16, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Aug. 15, 1975	Jan. 16, 1981.
Do	do	Midfield, city of	010127	Apr. 11, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Jan. 14, 1974 Jan. 2, 1976	Do.
Connecticut	Middlesex	Deep River, town of	090062B	Mar. 30, 1973, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Dec. 28, 1973 Dec. 3, 1976	Do.
Do	Fairfield	Stamford, city of	090051B	Mar. 10, 1972, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Aug. 2, 1974 May 23, 1978	Do.
Florida	Wakulla	Unincorporated areas	120315A	May 21, 1973, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Feb. 14, 1975	Do.
Illinois	Cook	Broadview, village of	170067B	Mar. 7, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Mar. 22, 1974 June 4, 1976	Do.
Do	Champaign	Champaign, city of	170026B	June 6, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	May 3, 1974 Dec. 26, 1975	Do.
Do	Cook and Du Page	Hinsdale, village of	170105B	Apr. 22, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Feb. 1, 1974 Feb. 20, 1976	Do.
Do	Cook	Palos Hills, city of	170143C	Sept. 4, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Mar. 22, 1974 Mar. 5, 1976 July 7, 1978	Do.
Do	do	Richton Park, village of	170149B	Dec. 6, 1973, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Apr. 12, 1974 Oct. 31, 1975	Do.
Do	Champaign	Urbana, city of	170035B	Feb. 3, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	May 3, 1974 Mar. 26, 1976	Do.
Do	Du Page	Westmont, village of	170220B	Apr. 23, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	May 17, 1974 Aug. 15, 1975	Do.
Do	Lake	Zion, city of	170399B	May 24, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Mar. 29, 1974 June 4, 1976	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Indiana	Delaware	Muncie, city of	180053B	Apr. 4, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Jan. 16, 1974 June 4, 1976	Do.
Iowa	Sioux	Hawarden, city of	190252C	Sept. 23, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	May 24, 1974 July 30, 1976 July 26, 1977	Do.
Do	Clay	Spencer, city of	190071A	June 26, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	July 16, 1976	Do.
Do	Story	Story City, city of	190259B	June 25, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	May 31, 1974 Apr. 9, 1976	Do.
Kansas	Shawnee	Auburn, city of	200332B	Nov. 28, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Oct. 25, 1974 Nov. 7, 1975	Do.
Do	Douglas	Eudora, city of	200089B	June 12, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Jan. 9, 1974 July 16, 1976	Do.
Do	Jackson	Holton, city of	200141B	Dec. 27, 1976, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Feb. 22, 1974 Oct. 24, 1975	Do.
Maryland	Dorchester	Cambridge, city of	240098B	Aug. 12, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Oct. 18, 1974 Sept. 26, 1975	Do.
Do	do	Hurlock, town of	240112B	Sept. 18, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Jan. 21, 1977	Do.
Michigan	Genesee	Fenton, city of	260075A	Aug. 30, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Oct. 1, 1976	Do.
Do	do	Fenton, township of	260394B	Mar. 24, 1978, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Apr. 1, 1977	Do.
Do	Ottawa	Grand Haven, township of	260270B	Oct. 9, 1973, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Aug. 2, 1974 July 2, 1976	Do.
Do	Muskegon	White River, township of	260299A	June 21, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Oct. 8, 1976	Do.
Minnesota	Marshall	Alvarado, city of	270267A	Apr. 15, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Jan. 16, 1981	Do.
Do	Hennepin	Corcoran, city of	270155C	Sept. 8, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	June 7, 1974 May 28, 1976 May 20, 1977	Do.
Missouri	Pemiscot	Caruthersville, city of	290275B	Mar. 27, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Mar. 29, 1974 Feb. 20, 1976	Do.
Do	Reynolds	Ellington, city of	290312B	Jan. 23, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Mar. 29, 1974 Nov. 7, 1975	Do.
Do	St. Francois	Farmington, city of	290323C	June 25, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Mar. 1, 1974 Oct. 24, 1975 Apr. 2, 1976	Do.
Do	St. Louis	Kinloch, city of	290361B	July 18, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Jan. 9, 1974 June 18, 1976	Do.
Do	do	Oakland, city of	290373B	June 5, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Nov. 1, 1974 June 11, 1976	Do.
Do	do	Shrewsbury, city of	290386B	Dec. 19, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Mar. 29, 1974 July 9, 1976	Do.
Nebraska	Douglas	Unincorporated areas	310073B	Nov. 15, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	July 26, 1974 Aug. 2, 1977	Do.
Do	Sarpy	Papillion, city of	315275D	July 2, 1971, emergency, Aug. 18, 1972, regular, Jan. 16, 1981, suspended.	Aug. 18, 1972 July 1, 1974 Apr. 11, 1975 Oct. 10, 1975	Do.
New Jersey	Warren	Phillipsburg, town of	340493B	Jan. 28, 1972, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Apr. 13, 1973 Nov. 26, 1976	Do.
Do	Passaic	Wanaque, borough of	340409B	Aug. 12, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	May 14, 1974	Do.
Do	Monmouth	West Long Branch, borough of	340334B	Nov. 1, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Aug. 24, 1973 Aug. 20, 1976	Do.
Do	Passaic	West Milford, township of	340411B	Apr. 28, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	July 9, 1974 May 28, 1976	Do.
Nevada	Clark	North Las Vegas, city of	320007B	Aug. 8, 1973, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Feb. 15, 1974 Feb. 4, 1977	Do.
Ohio	Summit	Barberton, city of	390524C	Sept. 13, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	May 24, 1974 July 30, 1976 June 22, 1979	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Do	Cuyahoga	Brecksville, city of	390098B	July 11, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Feb. 8, 1974 July 16, 1976	Do.
Do	Erie	Unincorporated areas	390153B	Feb. 20, 1976, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Jan. 31, 1975 Nov. 5, 1976	Do.
Do	Lake	Willoughby, city of	390322A	June 12, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Nov. 30, 1973 June 11, 1976	Do.
Pennsylvania	Lancaster	Bart, township of	421761B	June 10, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Sept. 6, 1974 May 14, 1976	Do.
Do	do	Colerain, township of	421765B	Sept. 17, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Sept. 20, 1974 May 28, 1976	Do.
Do	Susquehanna	Harmony, township of	422082B	Feb. 2, 1976, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	June 10, 1977	Do.
Do	Allegheny	Oakmont, borough of	420060B	July 25, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Mar. 8, 1974 May 28, 1976	Do.
Do	Lancaster	Salisbury, township of	421782B	July 30, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Sept. 20, 1974 June 4, 1976	Do.
Do	do	Quarryville, borough of	420563B	Sept. 25, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Jan. 9, 1974 Jan. 9, 1976	Do.
Do	Allegheny	Verona, borough of	422611B	Dec. 13, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	May 31, 1976 June 4, 1976	Do.
Do	Luzerne	Wright, township of	420632B	May 10, 1973, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Mar. 8, 1974 Oct. 1, 1976	Do.
Vermont	Chittenden	Essex, town of	500034B	July 8, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	Sept. 20, 1974 Dec. 3, 1976	Do.
Do	Windsor	Royalton, town of	500153B	July 24, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	June 19, 1974 Aug. 27, 1976	Do.
Do	Rutland	Wallingford, town of	500103B	Sept. 13, 1974, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	May 31, 1974 July 16, 1976	Do.
West Virginia	Mingo	Williamson, city of	540138B	Apr. 2, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended.	May 31, 1974 Sept. 24, 1976	Do.
Wisconsin	Lacrosse	Lacrosse, city of	555562	Dec. 4, 1970, emergency, Jan. 15, 1971, regular, Jan. 16, 1981, suspended.	Jan. 15, 1971 July 1, 1974 May 14, 1976	Do.

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

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

Issued: December 29, 1980.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 81-1119 Filed 1-13-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA-5970]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final Rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

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

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

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

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

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
California	Contra Costa	Antioch, city of	060026A	Dec. 2, 1980, suspension withdrawn	June 28, 1974 and Oct. 24, 1975.
Do	Orange	Brea, city of	060214A	do	May 24, 1974 and Nov. 4, 1975.
Do	San Bernardino	Ontario, city of	060278A	do	Aug. 9, 1974 and Nov. 12, 1976.
Florida	Polk	Davenport, town of	120410A	do	Mar. 4, 1977.
Georgia	Ware	Unincorporated areas	130184	do	Dec. 17, 1976.
Idaho	Clearwater	Orofino, city of	160047B	do	Dec. 10, 1976, May 28, 1976, and Nov. 23, 1973.
Illinois	Cook	Hazel Crest, village of	170102C	do	June 28, 1974 and July 11, 1975.
Do	Lake	Winthrop Harbor, village of	170398A	do	Mar. 24, 1975 and Oct. 10, 1975.
Iowa	Cerro Gordo	Mason City, city of	190060	do	Mar. 1, 1974.
Kentucky	Boyd	Unincorporated areas	210016	do	Dec. 13, 1974 and Dec. 2, 1977.
Do	Hardin	Elizabethtown, city of	210095A	do	Aug. 23, 1974 and Apr. 16, 1976.
Michigan	Genesee	Genesee, township of	260078A	do	May 24, 1974 and Aug. 6, 1976.
Missouri	Grundy	Trenton, city of	290153A	do	Feb. 15, 1974 and Dec. 26, 1975.
Nebraska	Wayne	Wayne, city of	310231A	do	Mar. 22, 1974 and Feb. 27, 1976.
Oklahoma	Cleveland	Moore, city of	400044A	do	June 7, 1974 and Apr. 16, 1976.
Pennsylvania	Lycoming	Wolf, township of	420663	do	July 1, 1977.
South Carolina	Greenville	Unincorporated areas	450089	do	Nov. 19, 1976.
Vermont	Franklin	Montgomery, township of	500056A	do	June 21, 1974 and Aug. 13, 1976.
West Virginia	Mingo	Unincorporated areas	540133A	do	Dec. 20, 1974 and Aug. 5, 1977.
Texas	Collin	Prosper, town of	480141A	Dec. 2, 1980, emergency	June 21, 1974 and Jan. 30, 1976.
North Carolina	Catawba	Unincorporated areas	3700508	Oct. 24, 1973, emergency, Sept. 3, 1980, regular, Sept. 3, 1980, suspended, Dec. 2, 1980, reinstated.	June 10, 1977.
New York	Greene	Windham, town of	361401B	Dec. 5, 1980, emergency	Jan. 17, 1974, Nov. 4, 1977, and Oct. 27, 1978.
Pennsylvania	Bradford	Smithfield, township of	421104	do	Oct. 29, 1976.
Texas	Atascosa	Jourdanton, city of	480703	do	Aug. 13, 1976.
Iowa	Calhoun	Rockwell City, city of	190343	Dec. 8, 1980, emergency	Mar. 26, 1976.
South Carolina	Horry[1]	Unincorporated areas	450104	do	Oct. 20, 1978.
Tennessee	Tipton	Mason, city of	470191	do	Oct. 1, 1976.
Maine	Oxford	Hiram, town of	230094A	July 30, 1975, emergency, Feb. 1, 1980, regular, Feb. 1, 1980, suspended, Dec. 10, 1980, reinstated.	Jan. 3, 1973.
California	Stanislaus	Unincorporated areas	060384A	Dec. 27, 1973, emergency, Aug. 1, 1980, regular, Aug. 1, 1980, suspended, Dec. 12, 1980, reinstated.	Aug. 1, 1980.
Pennsylvania	Cambia	Chest, township of	422604A	Dec. 15, 1980, emergency	Jan. 10, 1975 and May 30, 1980.
Wisconsin	Vernon and Crawford	De Soto, village of	550069A	do	Jan. 9, 1974 and May 14, 1976.

[1] Does not include Grand Strand Flood District.

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

Issued: December 29, 1980.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 81-1120 Filed 1-13-81; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Fifteenth Revised Service Order No. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor, William M. Gibbons, Trustee

AGENCY: Interstate Commerce Commission.

ACTION: Fifteenth Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE: 12:01 a.m., January 10, 1981, and continuing in effect until 11:59 p.m., March 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840.

Decided: January 8, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Fifteenth Revised Service Order No. 1473 modifies Appendix A of the previous order as follows:

1. In Item 6.A., the authority of the Fort Worth and Denver Railway Company (FWD) is extended to Groom and Adrian, Texas.

2. In Item 24.A., the authority of The La Salle and Bureau County Railroad Company (LSBC) is extended 3.66 miles northward to milepost 0.60 at Chicago, Illinois.

3. In Item 26, authority is granted to The Atchison, Topeka and Santa Fe Railway Company (ATSF) at Alva, Oklahoma, in order to provide continued service inasmuch as ATSF's directed service authority under Section 104 of RITEA has expired.

Appendix B of Fourteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this order.

It is the opinion of the Commission that an emergency exits requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 Fifteenth Revised Service Order No. 1473

(a) Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee). Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254.

1. The authority contained in Item 5(E) of Appendix A of this order, previously operated by the Union Pacific Railroad Company (UP) between Colby and Caruso, Kansas (milepost 387.8 to 429.3), is conditioned upon the assumption by Burlington Northern, Inc. (BN) of the negotiated agreement between UP and the Rock Island Trustee with regard to the compensation to be paid the Trustee for that line segment until a new agreement is reached between the Trustee and the BN.

(d) Interm operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

1. In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers, as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

1. The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that

traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., January 10, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized to be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (L&A):* A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchinson, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (P&PU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

3. *Union Pacific Railroad Company (UP):* A. Beatrice, Nebraska.

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

C. Limon, Colorado.

4. *Toledo, Peoria and Western Railroad Company (TP&W):*

A. Keokuk, Iowa.

B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. *Burlington Northern, Inc. (BN):*

A. Burlington, Iowa (milepost 0 to milepost 2.06).

B. Fairfield, Iowa (milepost 275.2 to milepost 274.7).

C. Henry, Illinois (milepost 126) to Peoria, Illinois (milepost 164.35) including the Keller Branch (mileposts 1.55 to 8.62).

D. Phillipsburg, Kansas (milepost 282) to CBQ Junction, Kansas (milepost 325.9).

E. CBQ Junction, Kansas (milepost 325.9) to Seibert, Colorado (milepost 487).

6. *Fort Worth and Denver Railway Company (FW&D):*

*A. From Groom (milepost 718.9) to Adrian, Texas (milepost 809.5), including terminal trackage at Amarillo, and approximately (3) three miles northerly along the old Liberal Line.

B. North Fort Worth, Texas (milepost 603.0 to milepost 611.4).

7. *Chicago and North Western Transportation Company (C&NW):*

A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota.

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364).

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. From Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 206.9).

K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).

P. Sibley, Iowa.

Q. Worthington, Minnesota.

R. Altoona to Pella, Iowa.

S. Carlisle, Indianola, Iowa.

T. Omaha, Nebraska (between milepost 502 to milepost 504).

U. Earlham, (milepost 388.6) to Dexter, Iowa (milepost 393.5).

8. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee):*

A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. Washington, Iowa.

C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

9. *Davenport, Rock Island and North Western Railway Company (DRI):*

A. Davenport, Iowa.

B. Moline, Illinois.

C. Rock Island, Illinois, including 26th Street yard.

D. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex.

E. From East Moline to Silvis, Illinois.

F. From Davenport to Iowa City, Iowa.

G. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island arsenal.

10. *Illinois Central Gulf Railroad Company (ICG):* Ruston, Louisiana.

11. *St. Louis Southwestern Railway Company (SSW):*

A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.

B. At North Topeka, Kansas.

12. *Little Rock & Western Railway Company:* From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

13. *Missouri Pacific Railroad Company:* From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

14. *Missouri-Kansas-Texas Railroad Company/Oklahoma, Kansas and Texas Railroad Company:*

A. Herington-Ft. Worth Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 439.5 miles to milepost 613.5 within the City of Ft. Worth, Texas, and use of Fort Worth and Denver trackage between Purina Junction and Tower 55 in Ft. Worth.

B. Ft. Worth-Dallas Line of Rock Island: beginning at milepost 611.0 within the City of Ft. Worth, Texas, and extending for a distance of 34 miles to milepost 646, within the City of Dallas, Texas.

C. El Reno-Oklahoma City Line of Rock Island: beginning at milepost 513.3 within the City of El Reno, Oklahoma, and extending for a distance of 16.9 miles to milepost 496.4 within the City of Oklahoma City, Oklahoma.

D. Salina Branch Line of Rock Island: beginning at milepost 171.4 within the City of Herington, Kansas, and extending for a distance of 27.4 miles to milepost 198.8 in the City of Abilene, Kansas, including RI trackage rights over the line of the Union Pacific Railroad Company to Salina, (including yard tracks) Kansas.

E. Right to use joint with other authorized carriers the Herington-Topeka Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 81.6 miles to milepost 89.9 within the City of Topeka, Kansas, as bridge rights only.

F. Rock Island rights of use on the Wichita Union Terminal Railway Company and the

Wichita Terminal Association, all located in Wichita, Kansas.

G. Rock Island right to use interchange tracks to interchange with the Great Southwest Railroad Company located in Grand Prairie, Texas.

H. The Atchison Branch from Topeka, at milepost 90.5, to Atchison, Kansas, at milepost 519.4 via St. Joseph, Missouri, at mileposts 0.0 and 498.3, including the use of interchange and yard facilities at Topeka, St. Joseph and Atchison, and the trackage rights used by the Rock Island to form a continuous service route, a distance of 111.6 miles.

I. That part of the Mangum Branch Line from Chickasha, milepost 0.0 to Anadarko at milepost 18, thence south on the Anadarko Line at milepost 460.5 to milepost 485.3 at Richards Spur, a distance of 42.8 miles.

J. Oklahoma City-McAlester Line of Rock Island: Beginning at milepost 496.4 within the City of Oklahoma City, Oklahoma, and extending for a distance of 131.4 miles to milepost 365.0 within the City of McAlester, Oklahoma.

15. *The Denver and Rio Grande Western Railroad Company:*

A. From Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado.

16. *Norfolk and Western Railway Company:* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Exressway, at which point the RI track connects to Chicago Regional Port District track; and running easterly from Pullman Junction approximately 1,000 feet into the lead to Clear-View Plastics, Inc., for the purpose of serving industries located adjacent to such tracks and connecting to the Chicago Regional Port District. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

17. *St. Louis-San Francisco Railway Co.:*

A. At Okeene, Oklahoma.

B. At Lawton, Oklahoma.

18. *Southern Railway Company:*

A. At Memphis, Tennessee.

19. *Cadillac and Lake City Railroad:*

A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 3.9) all in the vicinity of Denver, Colorado.

20. *Baltimore and Ohio Railroad Company:*

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

21. *Louisiana Midland Railway Company:*

A. From Hodge, Louisiana (milepost 173.3) to Alexandria, Louisiana (milepost 247.8), which includes assumption of RI's trackage rights over the Louisiana and Arkansas Railway Company between Winnfield, Louisiana, and Alexandria, Louisiana, and the RI's track and yard in Alexandria, Louisiana.

22. *Cedar Rapids and Iowa City Railway Company (CIC):*

A. From the west intersection of Lafayette Street and South Capitol Street, Iowa City, Iowa, southward for approximately 2.2 miles, terminating at the intersection of the RI tracks and the southern line of Section 21, Township 79 North, Range 6 West, Johnson County, Iowa, including spurs of the main trackage to serve various industry; and to effect interchange with the Davenport, Rock Island and North Western Railway Company.

23. *Keota Washington Transportation Company:*

A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

24. *The La Salle and Bureau County Railroad Company:*

*A. From Chicago (milepost 0.60) and Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island Illinois.

25. *Fordyce and Princeton Railroad Company (FP):*

A. From Fordyce to Crossett, Arkansas, which includes assumption of RI's trackage rights over the Ashley, Drew and Northern Railway Company between Whitlow Junction and Crossett, Arkansas.

††26. *The Atchison, Topeka and Santa Fe Railway Company:*

A. At Alva, Oklahoma.

[FR Doc. 81-1219 Filed 1-13-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Sport Fishing; Special Regulations

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain National Wildlife Refuges in the states of Oklahoma and Texas is compatible with the objectives for which these areas were established, will utilized a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming sport fishing seasons.

DATES: January 1, 1981 through December 31, 1981.

FOR FURTHER INFORMATION CONTACT: The Refuge Manager at the address and/or telephone number listed below in the body of these Special Regulations.

SUPPLEMENTARY INFORMATION:

General conditions

Sport fishing is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR 33 and the following special regulations. Portions of refuges which are open to sport fishing are designated by signs and/or delineated on maps. No vehicle travel is permitted except on designated maintained roads and trails. Special conditions applying to individual refuges are listed on leaflets available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 300 E. 8th Street, Room G-121, Austin, Texas 78701.

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that such recreational use will not interfere with the primary purpose for which the areas were established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge area.

Sport fishing is permitted on the following areas:

*Changed.
††Added.

Oklahoma

Salt Plains National Wildlife Refuge, Route 1, Box 76, Jet, Oklahoma 73749, telephone 405–626–4794. Special conditions: (1) The open season for sport fishing on the refuge extends from April 15, 1981 through October 15, 1981, in Great Salt Plains Lake, as posted; in Sand Creek; the three main channels of Salt Fork River; and north of the right-of-way of Oklahoma State Highway 11, as posted. (2) It is illegal to take game fish by any means other than hook and line. Trotlines must be removed from waters at the close of the fishing season.

Sequoyah National Wildlife Refuge, P.O. Box 695, Vian, Oklahoma 74962, telephone 918–773–5251. Special conditions: (1) The open season for sport fishing on the refuge extends from January 1, 1981 through December 31, 1981, except for an area of approximately 2,200 acres south of Vian Creek and east of the refuge tour road, as posted, to be closed during the periods January 1, 1981 through March 15, 1981, and from October 1, 1981 through December 31, 1981, and for an area of approximately 200 acres known as the Hog Pen, west of Moody Ramp shall be posted as closed during the period April 1, 1981 through May 31, 1981. (2) some refuge roads leading to waters open to fishing may be closed, as posted, from January 1, 1981 through March 5, 1961, and from October 1, 1981 through December 31, 1981.

Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Oklahoma 73460, telephone 405–371–2402. Special conditions: (1) Sport fishing is permitted in all waters of the Tishomingo National Wildlife Refuge during the period of March 1, 1981 through September 30, 1981. (2) Trotlines, juglines, throwlines, and similar fishing equipment may be used only in Lake Texoma and the Washita River and must be removed from these waters for the periods January 1, 1981 through February 29, 1981, and October 1, 1981 through December 31, 1981. (3) For the periods of January 1, 1981 through February 28, 1981, and October 1, 1981 through December 31, 1981, bank fishing is permitted in the immediate area of the Rufuge headquarters boat launching ramp, Big Sandy, Bell, Rock Creeks, and Dick's Pond, except that all Refuge waters are closed to fishing during the special fall deer hunt as posted. (4) Night fishing will be premitted in the refuge headquarters area with a free annual fishing permit to be issued at the refuge headquarters. (5) All fishing must be in accordance with Oklahoma Department of Wildlife Conservation sport fishing regulations.

Washita National Wildlife Refuge, Route 1, Box 68, Butler, Oklahoma 73625, telephone 405–473–2205. Special conditions: (1) The open season for sport fishing on the refuge extends from March 5, 1981 through October 14, 1981, except that the eastern shoreline of Foss Reservoir from the Lakeview Recreation Area to the Pitts Creek Recreation Area and the eastern bank of Pitts Creek itself shall be open to year-round bank fishing. (2) Access is permitted only from designated recreation areas, namely: McClure, Riverside, Owl Cove, Pitts Creek and Lakeview and by boat from Foss Reservoir. (3) Seining is prohibited in all refuge waters. (4) Trotlines must be removed from all refuge waters on or before October 14, 1981. (5) Boats and other flotation devices are prohibited in all refuge waters from October 15, 1980 through March 14, 1981.

Wichita Mountains Wildlife Refuge, P.O. Box 448, Cache, Oklahoma 73527, telephone 405–429–3222. Special conditions: (1) The open season for sport fishing is permitted in all waters in the public use area except areas closed by sign and in marked swimming areas from January 1, 1981 through December 31, 1981. (2) Fish may be taken only with closely attended poles and lines, or rods and reels. Possession or use of trotlines, set lines, limblines, or juglines is prohibited. (3) Fishermen may use one-man inner tube-type fishing floaters, lifejackets or buoyant vests to take fish in all waters open to fishing. Wading is permitted when fishing. (4) Fishermen may use hand-powered boats on Jed Johnson, Rush, Quanah Parker, and French Lakes. (5) The taking of frogs by any means is prohibited. (6) Gigs, spears or similar devices (but not including bow and arrows) containing not more than 3 points with no more than 2 barbs may only be used in Elmer Thomas Lake to take non-game fish. (7) Obtaining or using any type of bait from refuge lands or waters is prohibited.

Texas

Anahuac National Wildlife Refuge, P.O. Box 278, Anahuac, Texas 77514, telephone 713–267–3337. Special conditions: (1) Boats and floating devices may not be used for fishing on inland waters. Boats may be launched from the refuge into East Bay. (2) In inland waters, fishing is permitted only by ordinary pole and line, rod and reel, or hand-held line. Trotlines, set lines, bow and arrows, gigs and spears may not be used in inland waters.

Aransas National Wildlife Refuge, P.O. Box 100, Austwell, Texas 77950, telephone 512–286–3559. Special conditions: (1) Access on foot to the bays is permitted only at entry points designated by the Refuge Manager or referenced in leaflets available at refuge headquarters near Austwell, Texas, and from the Area Manager, U.S. Fish and Wildlife Service, 300 East 8th Street, Austin, Texas 78701. (2) Fishing access is permitted from April 15, 1981 through October 14, 1981, during daylight hours. (3) Upon entering the refuge, fishermen are required to register for fishing at refuge headquarter. (4) Boat launching from refuge land is not permitted. (5) Any designated fishing access area or portion thereof may be immediately closed to fishing by the refuge manager if it is determined that fishing activities are significantly disturbing any species of wildlife.

Brazoria National Wildlife Refuge, P.O. Box 1088, Angleton, Texas 75515, telephone 713–849–6062. Special condition: (1) Fishing is not permitted on interior waters except Nicks Lake, Salt Lake and Lost Lake.

Buffalo National Wildlife Refuge, P.O. Box 228, Umbarger, Texas 79091, telephone 806–499–3382. Due to lack of water in Buffalo Lake, the refuge is closed to fishing for Calendar Year 1981.

Hagerman National Wildlife Refuge, P.O. Box 123, Sherman, Texas 75090, telephone 214–786–2826. Special conditions: (1) Fishing and frogging is permitted from April 1, 1981 through September 30, 1981. Frogs may be taken by dip net, hands, and gigging only. (2) Trotlines are permitted but must be removed when fishing is completed. (3) Boating is permitted during fishing season. Fishermen are cautioned to be alert for submerged logs, pipelines, stumps and abandoned trotlines. (4) Fishing from bridges is prohibited. (5) Overnight camping and firearms are prohibited. (6) Swimming and waterskiing are prohibited.

Laguna Atascosa National Wildlife Refuge, P.O. Box 450, Rio Hondo, Texas 78583, telephone 512–748–3607. Special conditions: (1) Fishing with trotlines is not permitted. (2) The refuge officer-in-charge may at his discretion close the fishing area for public safety, to protect wildlife, or to protect government property.

McFaddin Marsh National Wildlife Refuge, P.O. Box 278, Anahuac, Texas 77514, telephone 713–267–3337. Special conditions: (1) In inland waters, fishing is permitted only by ordinary pole and line, rod and reel or hand-held line. Trotlines, net lines, bow and arrows, gigs and spears may not be used in inland waters. (2) Airboats are limited in size to no more than ten horsepower.

Muleshoe National Wildlife Refuge P.O. Box 549, Muleshoe, Texas 79347, telephone 806–946–3341. Due to lack of water in the lakes, the refuge is closed to fishing for Calendar Year 1981.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OBM Circular A–107.

W. Ellis Klett,

Area Manager.

[FR Doc. 81–1324 Filed 1–13–81; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 46, No. 9
Wednesday, January 14, 1981

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 AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 421

[Amdt. No. 2]

Cotton Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Cotton Crop Insurance Regulations to include additional cotton counties approved by its Board of Directors. The purpose of this amendment is to notify producers in these additional counties that they are now eligible to participate in the program.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

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

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Cotton Crop Insurance Regulations in accordance with the provisions of 7 CFR 421.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which cotton crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which cotton crop insurance may be offered. This proposed rule is intended to update the list of those counties as contained in 7 CFR Part 421, Appendix B.

It has been determined that this action to amend the list of counties where cotton crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes (1) to revise and reissue Appendix B to the Cotton Crop Insurance Regulations (7 CFR Part 421) as Amendment No. 2, and (2) to supersede Amendment No. 1 to the Cotton Crop Insurance Regulations appearing in the **Federal Register** on December 20, 1979 (44 FR 75371–75372).

Appendix B

Counties Designated for Cotton Crop Insurance—7 CFR Part 421

In accordance with the provisions of 7 CFR 421.1, the following counties have been designated for cotton crop insurance:

Alabama

Autauga	De Kalb
Barbour	Elmore
Blount	Escambia
Calhoun	Etowah
Cherokee	Franklin
Chilton	Greene
Coffee	Hale
Colbert	Jackson
Covington	Lamar
Cullman	Lauderdale
Dallas	Lawrence
Limestone	Perry
Lowndes	Pickens
Macon	Russell
Madison	Shelby
Marengo	Talladega
Monroe	Tuscaloosa
Montgomery	Wilcox
Morgan	

Arizona

Cochise	Pima
Graham	Pinal
Maricopa	Yuma

Arkansas

Arkansas	Lawrence
Ashley	Lee
Chicot	Lincoln
Clay	Lonoke
Craighead	Miller
Crittenden	Mississippi
Conway	Monroe
Cross	Phillips
Desha	Poinsett
Drew	Prairie
Greene	Pulaski
Jackson	Randolph
Jefferson	St. Francis
Lafayette	Woodruff

California

Fresno	Madera
Imperial	Merced
Kern	Riverside
Kings	Tulare

Florida

Santa Rosa

Georgia

Bartow	Jefferson
Ben Hill	Laurens
Bleckley	Lee
Brooks	Macon
Burke	Miller
Calhoun	Mitchell
Clay	Pulaski
Colquitt	Randolph
Cook	Screven
Crisp	Sumter
Decatur	Terrell
Dodge	Thomas
Dooly	Tift
Early	Turner
Emanuel	Washington
Houston	Worth
Irwin	

Kentucky

Fulton

Louisiana

Acadia	Madison
Avoyelles	Morehouse
Bossier	Natchitoches
Caddo	Ouachita
Caldwell	Pointe Coupee
Catahoula	Rapides
Concordia	Red River
East Carroll	Richland
Evangeline	St. Landry
Franklin	Tensas
Lafayette	West Carroll

Mississippi

Adams	Marshall
Alcorn	Monroe
Attala	Montgomery
Benton	Noxubee
Bolivar	Panola
Calhoun	Pontotoc
Carroll	Prentiss
Chickasaw	Quitman
Coahoma	Rankin
De Soto	Sharkey
Grenada	Sunflower
Hinds	Tate
Holmes	Tallahatchie
Humphreys	Tippah
Issaquena	Tunica
Itawamba	Union
Lafayette	Warren
Lee	Washington
Leflore	Webster
Lowndes	Yalobusha
Madison	Yazoo

Missouri

Butler	Pemiscot
Dunklin	Scott
Mississippi	Stoddard
New Madrid	

New Mexico

Chaves	Luna
Dona Ana	Quay
Eddy	Roosevelt
Lee	

North Carolina

Anson	Nash
Cleveland	Northampton
Edgecombe	Robeson
Halifax	Scotland
Hoke	Union

Oklahoma

Beckham	Greer
Caddo	Harmon
Custer	Jackson
Comanche	Kiowa
Cotton	Tillman
Grady	Washita

South Carolina

Aiken	Florence
Allendale	Hampton
Anderson	Kershaw
Bamberg	Laurens
Barnwell	Lee
Calhoun	Lexington
Chester	Marion
Chesterfield	Marlboro
Clarendon	Orangeburg
Darlington	Spartanburg
Dillon	Sumter
Dorchester	Williamsburg
Edgefield	York

Tennessee

Carroll	Lake
Chester	Lauderdale
Crockett	Lawrence
Dyer	Lincoln
Fayette	McNairy
Franklin	Madison
Gibson	Obion
Giles	Shelby
Hardeman	Tipton
Haywood	Weakley
Henderson	

Texas

Andrews	Bailey
Armstrong	Baylor
Austin	Bee
Bell	Johnson
Borden	Jones
Bosque	Kaufman
Brazos	Kent
Briscoe	Kleberg
Burleson	Knox
Caldwell	Lamar
Calhoun	Lamb
Cameron	Limestone
Castro	Live Oak
Childress	Lubbock
Cochran	Lynn
Coleman	Martin
Collin	Matagorda
Collingsworth	McCulloch
Concho	McLennan
Coryell	Midland
Cottle	Milam
Crosby	Mithcell
Dallas	Motley
Dawson	Navarro
Deaf Smith	Nolan
Delta	Nueces
Denton	Parmer
Dickens	Pecos
Donley	Presidio
Ellis	Reagan
El Paso	Red River
Falls	Reeves
Fannin	Refugio
Fisher	Robertson
Floyd	Runnels
Foard	San Patricio
Fort Bend	Scurry
Frio	Starr
Gaines	Stonewall
Garza	Swisher
Glasscock	Tarrant
Gray	Taylor
Grayson	Terry
Guadalupe	Throckmorton
Hale	Tom Green
Hall	Travis
Hardeman	Uvalde
Haskell	Victoria
Hidalgo	Wharton
Hill	Wheeler
Hockley	Wichita
Howard	Wilbarger
Hudspeth	Willacy
Hunt	Williamson
Jackson	Yoakum
Jim Wells	Zavala

Virginia

Southampton

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516)

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

Done in Washington, D.C., on December 17, 1980

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: January 7, 1981.

Everett S. Sharp,

Acting Manager.

[FR Doc. 81–1233 Filed 1–13–81; 8:45 am]

BILLING CODE 3410–08–M

7 CFR Part 424

[Amdt. No. 2]

Rice Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Rice Crop Insurance Regulations to include additional rice counties approved by its Board of Directors. The purpose of this proposed amendment is to notify producers in these additional counties that they will be eligible to participate in the program if the proposed rule is adopted.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

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

Under the authority contained in the Federal Corp Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Rice Crop Insurance Regulations in accordance with the provisions of 7 CFR 424.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which rice crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which rice crop insurance may be offered. This proposed rule is intended to update the list of those counties as contained in 7 CFR Part 424, Appendix B.

It has been determined that this action to amend the list of counties where rice crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes (1) to revise and reissue Appendix B to the Rice Crop Insurance Regulations (7 CFR Part 424) as Amendment No. 2, and (2) to supersede Amendment No. 1 to the Rice Crop Insurance Regulations appearing in the **Federal Register** on December 20, 1979 (44 FR 75372).

Appendix B

Counties Designated for Rice Crop Insurance—7 CFR Part 424

In accordance with the provisions of 7 CFR 424.1, the following counties have been designated for rice crop insurance:

Arkansas

Arkansas	Jefferson
Ashley	Lafayette
Chicot	Lawrence
Clark	Lee
Clay	Lincoln
Conway	Lonoke
Craighead	Miller
Crittenden	Monroe
Cross	Poinsett
Desha	Prairie
Drew	Pulaski
Faulkner	Randolph
Greene	St. Francis
Independence	White
Jackson	Woodruff

California

Butte	San Joaquin
Colusa	Stanislaus
Fresno	Sutter
Glenn	Tulare
Kern	Yolo
Merced	Yuba
Sacramento	

Louisiana

Acadia	Jefferson Davis
Allen	Lafayette
Beauregard	Morehouse
Calcasieu	Ouachita
Cameron	Richland
East Carroll	St. Landry
Evangeline	Vermilion

Mississippi

Bolivar	Sunflower
Leflore	Washington

Missouri

Butler	Stoddard
Ripley	

Texas

Austin	Jackson
Brazoria	Jefferson
Calhoun	Lavaca
Chambers	Liberty
Colorado	Matagorda
Fort Bend	Victoria
Galveston	Waller
Harris	Wharton

(Secs. 506, 516, P.L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

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

Done in Washington, D.C., on January 7, 1981.

Dated: January 7, 1981.

Doris H. Gips,

Assistant Secretary.

Everett S. Sharp,

Acting Manager.

[FR Doc. 81-1200 Filed 1-13-81; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 425

[Amendment No. 2]

Peanut Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Peanut Crop Insurance Regulations to include additional peanut counties approved by its Board of Directors. The purpose of this amendment is to notify producers in these additional counties that they are now eligible to participate in the program.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

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

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Peanut Crop Insurance Regulations in accordance with the provisions of 7 CFR 425.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which peanut crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which peanut crop insurance may be offered. This proposed rule is intended to update the list of these counties as contained in 7 CFR Part 425, Appendix B.

It has been determined that this action to amend the list of counties where peanut crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary' Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the federal Crop Insurance Corporation proposes (1) to revise and reissue Appendix B to the Peanut Crop Insurance Regulations (7 CFR Part 425) as Amendment No. 2, and (2) to supersede Amendment No. 1 to the Peanut Crop Insurance Regulations appearing in the **Federal Register** on December 20, 1979 (44 FR 75372-75373).

Appendix B

Counties Designated for Peanut Crop Insurance—7 CFR Part 425

In accordance with the provisions of 7 CFR 425.1, the following counties are designated for peanut crop insurance:

State and County	Type(s) of Peanuts Insured
Alabama:	
Barbour	Runner, Southeast Spanish, Virginia.
Bullock	Do.
Coffee	Do.
Conecuh	Do.
Covington	Do.
Crenshaw	Do.
Dale	Do.
Escambia	Do.
Geneva	Do.
Henry	Do.
Houston	Do.

State and County and Type(s) of Peanuts Insured—Continued	
Pike	Do.
Russell	Do.
Florida:	
Alachua	Runner, Southeast Spanish, Virginia.
Calhoun	Do.
Columbia	Do.
Jackson	Do.
Gadsden	Do.
Levy	Do.
Santa Rosa	Do.
Suwannee	Do.
Washington	Do.
Georgia:	
Baker	Runner, Southeast Spanish, Virginia.
Ben Hill	Do.
Berrien	Do.
Bleckley	Do.
Bulloch	Do.
Calhoun	Do.
Candler	Do.
Clay	Do.
Coffee	Do.
Colquitt	Do.
Cook	Do.
Crisp	Do.
Decatur	Do.
Dodge	Do.
Dooly	Do.
Early	Do.
Grady	Do.
Houston	Do.
Irwin	Do.
Laurens	Do.
Lowndes	Do.
Miller	Do.
Mitchell	Do.
Montgomery	Do.
Randolph	Do.
Seminole	Do.
Stewart	Do.
Sumter	Do.
Taylor	Do.
Tattnall	Do.
Telfair	Do.
Terrell	Do.
Thomas	Do.
Tift	Do.
Toombs	Do.
Turner	Do.
Wilcox	Do.
Worth	Do.
New Mexico: Roosevelt	Valencia.
North Carolina:	
Bertie	Runner, Virginia.
Bladen	Virginia.
Chowan	Do.
Edgecombe	Runner, Virginia.
Gates	Virginia.
Halifax	Runner, Virginia.
Hertford	Virginia.
Martin	Runner, Virginia.
Nash	Virginia.
Northampton	Runner, Virginia.
Pender	Do.
Pitt	Virginia.
Washington	Do.
Oklahoma:	
Bryan	Southwest Spanish.
Commanche	Do.
Caddo	Do.
Grady	Do.
Jackson	Do.
Muskogee	Do.
South Carolina:	
Allendale	Virginia.
Barnwell	Do.
Florence	Do.
Hampton	Do.
Lee	Do.
Sumter	Do.
Texas:	
Atascosa	Southwest Spanish, Runner.
Austin	Do.
Bexar	Do.
Brown	Do.
Callahan	Do.
Commanche	Do.
Cook	Do.
Duval	Do.
Eastland	Do.
Erath	Do.
Fannin	Southwest Spanish.
Fayette	Southwest Spanish, Runner.
Frio	Do.
Gaines	Southwest Spanish.
Grayson	Do.
Guadalupe	Do.
Hood	Southwest Spanish, Runner.
Johnson	Do.
Jones	Do.
Lamar	Do.
Lee	Southwest Spanish.
Medina	Do.
Milam	Do.
Motley	Do.
Waller	Do.
Wilson	Southwest Spanish, Runner.
Virginia:	
Dinwiddie	Virginia.
Greensville	Do.
Isle of Wight	Do.
Prince George	Do.
Southampton	Do.
Suffolk City	Do.
Surrey	Do.
Sussex	Do.

(Secs. 506, 516, P.L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

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

Done in Washington, D.C., on December 17, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: January 7, 1981.

Everett S. Sharp,

Acting Manager.

[FR Doc. 81-1236 Filed 1-13-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 427

[Amendment No. 3]

Oat Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Oat Crop Insurance Regulations to include additional oat counties approved by its Board of Directors. The purpose of this proposed amendment is to notify producers in these additional counties that they will be eligible to participate in the program if the proposed rule is adopted.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

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

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Oat Crop Insurance Regulations in accordance with the provisions of 7 CFR 427.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which oat crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which oat crop insurance may be offered. This proposed rule is intended to update the list of those counties as contained in 7 CFR Part 427, Appendix B.

It has been determined that this action to amend the list of counties where oat crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes (1) to revise and reissue Appendix B to the Oat Crop Insurance Regulations (7 CFR Part 427) as Amendment No. 3, and (2) to supersede Amendment No. 1 to the Oat Crop Insurance Regulations appearing in the **Federal Register** on December 20, 1979 (44 FR 75373).

Appendix B

Counties Designated for Oat Crop Insurance—7 CFR Part 427

In accordance with the provisions of 7 CFR 427.1, the following counties have been designated for oat crop insurance:

California

Modoc

Illinois

Bureau
Carroll
Henry
Jo Daviess
Ogle
Stephenson

Iowa

Adair
Adams
Allamakee
Appanoose
Audubon
Benton
Black Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
Calhoun
Carroll
Cass
Cedar
Cerro Gordo
Cherokee
Chickasaw
Clarke
Clay
Clayton
Clinton
Crowford
Dallas
Davis
Decatur
Delaware
Des Moines
Dickinson
Dubuque
Emmet
Fayette
Floyd
Franklin
Fremont
Greene
Grundy
Guthrie
Hamilton
Hancock
Hardin
Harrison
Henry
Howard
Humboldt
Ida
Iowa
Jackson
Jasper
Jefferson
Johnson
Jones
Keokuk
Kossuth
Lee
Linn
Louisa
Lucas
Lyon
Madison
Mahaska
Marion
Marshall
Mills
Mitchell
Monona
Montgomery
Muscatine
O'Brien
Osceola
Page
Palo Alto
Plymouth
Pocahontas
Polk
Pottawattamie
Poweshiek
Sac
Scott
Shelby
Sioux
Story
Tama
Taylor
Union
Van Buren
Wapello
Warren
Washington
Webster
Winnebago
Winneshiek
Woodbury
Worth
Wright

Kansas

Dickinson
Marion

Michigan

Barry
Calhoun
Clinton
Eaton
Huron
Ionia
Isabella
Kent
Lapeer
Montcalm
St. Clair
Sanilac
Tuscola

Minnesota

Anoka
Becker
Beltrami
Benton
Big Stone
Blue Earth
Brown
Carver
Chippewa
Chisago
Clay
Clearwater
Cottonwood
Crow Wing
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Hennepin
Houston
Hubbard
Isanti
Jackson
Kanabec
Kandiyohi
Kittson
Lac qui Parle
Lake of the Woods
Le Sueur
Lincoln
Lyon
McLeod
Mahnomen
Marshall
Martin
Meeker
Mille Lacs
Morrison
Mower
Murray
Nicollet
Nobles
Norman
Olmsted
Otter Tail
Pennington
Pine
Pipestone
Polk
Pope
Red Lake
Redwood
Renville
Rice
Rock
Roseau
Scott
Sherburne
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Wadena
Waseca
Washington
Watonwan
Wilkin
Winona
Wright
Yellow Medicine

Montana

Phillips
Valley

Nebraska

Antelope
Boone
Boyd
Cedar
Dakota
Dixon
Gage
Knox
Pierce
Platte
Thurston
Wayne

New York

Cattaraugus
Cayuga
Erie
Genesee
Jefferson
Madison
Monroe
Montgomery
Oneida
Onondaga
Orleans
Otsego
Tompkins
Wayne

North Dakota

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

Ohio

Ashtabula
Columbiana
Coshocton
Holmes
Lorain
Mahoning
Mercer
Portage
Stark
Trumbull
Wayne

Oregon

Klamath

Pennsylvania

Armstrong
Bedford
Berks
Bradford
Butler
Cambria
Centre
Chester
Columbia
Crawford
Cumberland
Dauphin
Indiana
Juniata
Lawrence
Lehigh
Lycoming
Mercer
Northumberland
Perry
Schuylkill
Snyder
Somerset
Tioga
Union
Westmoreland

South Dakota

Aurora
Beadle
Bennett
Bon Homme
Brookings
Brown
Brule
Buffalo
Butte
Campbell
Charles Mix
Clark
Clay
Codington
Corson
Davison
Day
Deuel
Dewey
Douglas
Edmunds
Faulk
Grant
Gregory
Hamlin
Hand
Hanson
Harding
Hughes
Hutchinson
Hyde
Jerauld
Kingsbury
Lake
Lincoln
Lyman
McCook
McPherson
Marshall
Mellette
Miner
Minnehaha
Moody
Perkins
Potter
Roberts
Sanborn
Spink
Stanley
Sully
Todd
Tripp
Turner
Union
Walworth
Yankton
Ziebach

Texas

Colorado
Cottle
Fisher
Harris

Wisconsin

Barron
Brown
Buffalo
Calumet
Chippewa
Clark
Columbia
Crawford
Dane
Dodge
Door
Dunn
Eau Claire
Fond du Lac
Grant
Green
Green Lake
Iowa
Jackson
Jefferson
Juneau
Kenosha
Kewaunee
La Crosse
Lafayette
Langlade
Manitowoc
Marathon
Marinette
Marquette
Monroe
Oconto
Outagamie
Ozaukee
Pepin
Pierce
Polk
Portage
Racine
Richland

Rock	Vernon
Rusk	Walworth
St. Croix	Washington
Sauk	Waukesha
Shawano	Waupaca
Sheboygan	Waushara
Taylor	Winnebago
Trempealeau	Wood

(Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516)).

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

Done in Washington, D.C., on January 7, 1981.

Doris H. Gips,

Assistant Secretary, Federal Crop Insurance Corporation.

Dated: January 7, 1981.

Everett S. Sharp,

Acting Manager.

[FR Doc. 81-1201 Filed 1-13-81; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 431

[Amendment No. 3]

Soybean Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Soybean Crop Insurance Regulations to include additional soybean counties approved by its Board of Directors. The purpose of this proposed amendment is to notify producers in these additional counties that they will be eligible to participate in the program if the proposed rule is adopted.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

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

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Soybean Crop Insurance Regulations in accordance with the provisions of 7 CFR 431.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which soybean crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which soybean crop insurance may be offered. This proposed rule is intended to update the list of those counties as contained in 7 CFR Part 431, Appendix B.

It has been determined that this action to amend the list of counties where soybean crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes (1) to revise and reissue Appendix B to the Soybean Crop Insurance Regulations (7 CFR Part 431) as Amendment No. 3, and (2) to supersede Amendment No. 1 to the Soybean Crop Insurance Regulations appearing in the **Federal Register** on December 20, 1979 (44 FR 75374-75375).

Appendix B

Counties Designated for Soybean Crop Insurance—7 CFR Part 431

In accordance with the provisions of 7 CFR 431.1, the following counties have been designated for soybean crop insurance:

Alabama

Autauga	Conecuh
Baldwin	Covington
Bullock	Crenshaw
Butler	Cullman
Calhoun	Dallas
Cherokee	De Kalb
Coffee	Elmore
Colbert	Escambia
Etowah	Marengo
Franklin	Marion
Geneva	Marshall
Greene	Mobile
Hale	Monroe
Henry	Montgomery
Houston	Morgan
Jackson	Perry
Lamar	Pickens
Lauderdale	Pike
Lawrence	Russell
Limestone	Shelby
Lowndes	Sumter
Macon	Talladega
Madison	Wilcox

Arkansas

Arkansas	Lafayette
Ashley	Lawrence
Chicot	Lee
Clark	Lincoln
Clay	Little River
Conway	Lonoke
Craighead	Miller
Crawford	Mississippi
Crittenden	Monroe
Cross	Phillips
Desha	Poinsett
Drew	Prairie
Faulkner	Pulaski
Greene	Randolph
Independence	St. Francis
Jackson	White
Jefferson	Woodruff

Delaware

Kent	Sussex
New Castle	

Florida

Alachua	Jackson
Calhoun	Jefferson
Columbia	Levy
Escambia	Madison
Gadsden	Okaloosa
Gilchrist	Santa Rosa
Hamilton	Suwannee
Holmes	Washington

Georgia

Appling	Jenkins
Atkinson	Johnson
Bacon	Laurens
Baker	Lee
Bartow	Lowndes
Ben Hill	Macon
Berrien	Marion
Bleckley	Miller
Brooks	Mitchell
Bulloch	Montgomery
Burke	Peach
Calhoun	Pierce
Candler	Pulaski
Coffee	Randolph
Colquitt	Screven
Cook	Seminole
Crawford	Stewart
Crisp	Sumter
Decatur	Tattnall
Dodge	Taylor
Dooly	Telfair
Dougherty	Terrell
Early	Thomas
Effingham	Tift
Emanuel	Toombs
Evans	Treutlen
Floyd	Turner
Grady	Washington
Hart	Wayne
Houston	Webster
Irwin	Wheeler
Jeff Davis	Wilcox
Jefferson	Worth

Illinois

Adams
Alexander
Bond
Boone
Brown
Bureau
Calhoun
Carroll
Cass
Campaign
Christian
Clark
Clay
Clinton
Coles
Crawford
Cumberland
De Kalb
De Witt
Douglas
Du Page
Edgar
Edwards
Effingham
Fayette
Ford
Franklin
Fulton
Gallatin
Greene
Grundy
Hamilton
Hancock
Hardin
Henderson
Henry
Iroquois
Jackson
Jasper
Jefferson
Jersey
Jo Daviess
Johnson
Kane
Kankakee
Kendall
Knox
Lake
La Salle
Lawrence
Lee
Livingston
Logan
McDonough
McHenry
McLean
Macon
Macoupin
Madison
Marion
Marshall
Mason
Massac
Menard
Mercer
Monroe
Montgomery
Morgan
Moultrie
Ogle
Peoria
Perry
Piatt
Pike
Pope
Pulaski
Putnam
Randolph
Richland
Rock Island
St. Clair
Saline
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Union
Vermilion
Wabash
Warren
Washington
Wayne
White
Whiteside
Will
Williamson
Winnebago
Woodford

Indiana

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

Iowa

Adair
Adams
Allamakee
Appanoose
Audubon
Benton
Balck Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
Calhoun
Carroll
Cass
Cedar
Cerro Gordo
Cherokee
Chickasaw
Clarke
Clay
Clayton
Clinton
Cruwford
Dallas
Davis
Decatur
Delaware
Des Moines
Dickinson
Dubuque
Emmet
Fayette
Floyd
Franklin
Fremont
Greene
Grundy
Guthrie
Hamilton
Hancock
Hardin
Harrison
Henry
Howard
Humboldt
Ida
Iowa
Jackson
Jasper
Jefferson
Johnson
Jones
Keokuk
Kossuth
Lee
Linn
Louisa
Lucas
Lyon
Madison
Mahaska
Marion
Marshall
Mills
Michell
Monona
Monroe
Montgomery
Muscatine
O'Brien
Osceola
Page
Palo Alto
Plymouth
Pocahontas
Polk
Pottawattamie
Poweshiek
Ringgold
Sac
Scott
Shelby
Sioux
Story
Tama
Taylor
Union
Van Buren
Wapello
Warren
Washington
Wayne
Webster
Winnebago
Winneshiek
Woodbury
Worth
Wright

Kansas

Allen
Anderson
Atchison
Bourbon
Brown
Butler
Cherokee
Clay
Coffee
Crawford
Dickinson
Doniphan
Douglas
Edwards
Franklin
Greenwood
Harvey
Jackson
Jefferson
Johnson
Kiowa
Labette
Leavenworth
Linn
Lyon
McPherson
Marion
Marshall
Miami
Montgomery
Nemaha
Neosho
Osage
Pottawatomie
Sedgwick
Shawnee
Sumner
Wabaunsee
Wilson
Woodson

Kentucky

Allen
Ballard
Breckenridge
Butler
Caldwell
Calloway
Carlisle
Christian
Crittenden
Fulton
Graves
Grayson
Hancock
Hardin
Henderson
Hickman
Hopkins
Larue
Livingston
Logan
McCracken
Marshall
Meade
Muhlenberg
Nelson
Ohio
Shelby
Simpson
Taylor
Todd
Trigg
Trimble
Union
Warren
Webster

Louisiana

Acadia
Allen
Avoyelles
Beauregard
Bossier
Caddo
Calcasieu
Caldwell
Cameron
Catahoula
Concordia
East Carroll
Evangeline
Franklin
Iberville
Jefferson Davis
Lafayette
Madison
Morehouse
Natchitoches
Ouachita
Pointe Coupee
Rapides
Red River
Richland
St. Landry
St. Martin
Tensas
Vermilion
West Carroll

Maryland

Caroline
Carroll
Cecil
Charles
Dorchester
Kent
Queen Annes
St. Marys
Somerset
Talbot
Wicomico
Worcester

Michigan

Berrien
Branch
Calhoun
Cass
Clinton
Eaton
Genesee
Gratiot
Hillsdale
Huron
Ionia
Isabella
Lenawee
Macomb
Midland
Monroe
Montcalm
Saginaw
St. Clair
St. Joseph
Sanilac
Shiawassee
Tuscola
Van Buren
Washtenaw

Minnesota

Anoka
Becker
Benton
Big Stone
Blue Earth
Brown
Carver
Chippewa
Chisago
Clay
Cottonwood
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Hennepin
Houston
Isanti
Jackson
Kandiyohi
Lac qui Parle
Le Sueur
Lincoln
Lyon
McLeod
Martin
Meeker
Mille Lacs
Morrison
Mower
Murray
Nicollet
Nobles
Norman

Olmsted
Otter Tail
Pipestone
Pope
Redwood
Renville
Rice
Rock
Scott
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Waseca
Washington
Watonwan
Wilkin
Winona
Wright
Yellow Medicine

Mississippi

Adams
Alcorn
Attala
Benton
Bolivar
Calhoun
Carroll
Chickasaw
Claiborne
Clay
Coahoma
De Soto
George
Grenada
Hinds
Holmes
Humphreys
Issaquena
Itawamba
Lafayette
Lee
Leflore
Lowndes
Madison
Marshall
Monroe
Montgomery
Noxubee
Panola
Pearl River
Pontotoc
Prentiss
Quitman
Rankin
Sharkey
Sunflower
Tallahatchie
Tate
Tippah
Tunica
Union
Warren
Washington
Webster
Yalobusha
Yazoo

Missouri

Adair
Andrew
Atchison
Audrain
Barton
Bates
Benton
Bollinger
Boone
Buchanan
Butler
Caldwell
Callaway
Cape Girardeau
Carroll
Cass
Chariton
Clark
Clay
Clinton
Cooper
Dade
Davis
De Kalb
Dunklin
Franklin
Gentry
Grundy
Harrison
Henry
Holt
Howard
Jackson
Jasper
Johnson
Knox
Lafayette
Lewis
Lincoln
Linn
Livingston
Macon
Marion
Mercer
Mississippi
Moniteau
Monroe
Montgomery
New Madrid
Nodaway
Osage
Pemiscot
Perry
Pettis
Pike
Platte
Putnam
Ralls
Randolph
Ray
Ripley
St. Charles
St. Clair
Ste. Genevieve
Saline
Schuyler
Scotland
Scott
Shelby
Stoddard
Sullivan
Vernon
Warren
Worth

Nebraska

Antelope
Boone
Buffalo
Burt
Butler
Cass
Cedar
Colfax
Cuming
Dakota
Dixon
Dodge
Douglas
Gage
Knox
Lancaster
Madison
Nemaha
Otoe
Pierce
Platte
Richardson
Sarpy
Saunders
Seward
Stanton
Thurston
Washington
Wayne

New Jersey

Burlington
Cumberland
Gloucester
Hunterdon
Mercer
Monmouth
Salem

North Carolina

Alamance
Anson
Beaufort
Bertie
Bladen
Brunswick
Cabarrus
Camden
Chowan
Cleveland
Columbus
Craven
Cumberland
Currituck
Davidson
Duplin
Edgecombe
Franklin
Gates
Granville
Greene
Guilford
Halifax
Harnett
Hertford
Hoke
Hyde
Iredell
Johnson
Jones
Lenoir
Martin
Nash
Northampton
Onslow
Pamlico
Pasquotank
Perquimans
Pender
Pitt
Randolph
Robeson
Rowan
Sampson
Scotland
Stanly
Tyrrell
Wake
Warren
Washington
Wayne
Wilson
Yadkin

North Dakota

Grand Forks

Ohio

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

Oklahoma

Craig
Grady
Hughes
McCurtain
Mayes
Muskogee
Ottawa
Wagoner

Pennsylvania

Berks
Bucks
Montgomery
Northampton

South Carolina

Aiken
Allendale
Anderson
Bamberg
Barnwell
Berkeley
Calhoun
Chesterfield
Clarendon
Colleton
Darlington
Dillon
Dorchester
Edgefield
Florence
Georgetown
Greenville
Hampton
Horry
Kershaw
Laurens
Lee
Lexington
Marion
Marlboro
Newberry
Orangeburg
Richland
Saluda
Spartanburg
Sumter
Williamsburg
York

South Dakota

Bon Homme
Brookings
Charles Mix
Clay
Deuel
Grant
Hamlin
Hutchinson
Kingsbury
Lake
Lincoln
McCook
Minnehaha
Moody
Roberts
Turner
Union
Yankton

Tennessee

Bedford
Benton
Carroll
Cheatham
Chester
Coffee
Crockett
Decatur
Dryer
Fayette
Franklin
Gibson
Giles
Hardeman
Hardin
Haywood
Henderson
Henry
Lake
Lauderdale
Lawrence
Lincoln
McNairy
Madison
Maury
Montgomery
Obion
Robertson
Rutherford
Shelby
Sumner
Tipton
Warren
Weakley
Williamson

Texas

Brazoria
Chambers
Colorado
Delta
Fort Bend
Floyd
Galveston
Hale
Harris
Jackson
Jefferson
Lamar
Lamb
Liberty
Lubbock
Matagorda
Red River
Swisher
Walller
Wharton

Virginia

Accomack
Amelia
Brunswick
Carolina
Chesapeake
Dinwiddie
Essex
Greensville
Hanover
Isle of Wight
King and Queen
King Willian
Mecklenburg
Northampton
Northumberland
Pittsylvania
Prince George
Richmond
Southampton
Suffolk City
Surry
Sussex
Virginia Beach
Westmoreland

Wisconsin

Buffalo
Columbia
Dane
Dunn

Jackson	Rock
Jefferson	St. Croix
Kenosha	Trempealeau
Pepin	Walworth
Pierce	Waukesha
Polk	Winnebago
Racine	

(Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

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

Done in Washington, D.C., on January 7, 1981.

Doris H. Gips,

Assistant Secretary, Federal Crop Insurance Corporation

Dated: January 7, 1981.

Everett S. Sharp,

Acting Manager.

[FR Doc. 81-1158 Filed 1-13-81; 8:45 am]

BILLING CODE 3410-08-M)

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7 CFR Part 432

[Amendment No. 2]

Corn Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Corn Crop Insurance Regulations to include additional corn counties approved by its Board of Directors. The purpose of this proposed amendment is to notify producers in these additional counties that they will be eligible to participate in the program if the proposed rule is adopted.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

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

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Corn Crop Insurance Regulations in accordance with the provisions of 7 CFR 432.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which corn crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which corn crop insurance may be offered. This proposed rule is intended to update the list of those counties as contained in 7 CFR Part 432, Appendix B.

It has been determined that this action to amend the list of counties where corn crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes (1) to revise and reissue Appendix B to the Corn Crop Insurance Regulations (7 CFR Part 432) as Amendment No. 2, and (2) to supersede Amendment No. 1 to the Corn Crop Insurance Regulations appearing in the **Federal Register** on December 20, 1979 (44 FR 75375-75376).

Appendix B

Counties Designated for Corn Crop Insurance—CFR Part 432

In accordance with the provisions of 7 CFR 432.1, the following counties have been designated for corn crop insurance:

Alabama

Autauga	Cullman
Baldwin	Dale
Barbour	De Kalb
Bullock	Elmore
Butler	Escambia
Calhoun	Etowah
Cherokee	Franklin
Coffee	Geneva
Conecuh	Greene
Covington	Henry
Crenshaw	Houston
Jackson	Mobile
Lamar	Monroe
Lawrence	Montgomery
Lowndes	Perry
Madison	Pike
Macon	Russell
Marengo	Sumter
Marion	Talladega
Marshall	Wilcox

Arizona

Cochise	Graham

Arkansas

White	

California

Butte	San Joaquin
Fresno	Stanislaus
Glenn	Sutter
Kern	Tulare
Kings	Yuba
Merced	

Colorado

Adams	Morgan
Baca	Otero
Bent	Phillips
Boulder	Prowers
Cheyenne	Pueblo
Crowley	Sedgwick
Kit Carson	Washington
Larimer	Weld
Logan	Yuma

Delaware

Kent	Sussex
New Castle	

Florida

Alachua	Jackson
Calhoun	Jefferson
Columbia	Levy
Escambia	Madison
Gadsden	Okaloosa
Gilchrist	Santa Rosa
Hamilton	Suwannee
Holmes	Washington

Georgia

Appling	Johnson
Atkinson	Laurens
Bacon	Lee
Baker	Lowndes
Barton	Macon
Ben Hill	Marion
Berrien	Miller
Bleckley	Mitchell
Brooks	Montgomery
Bulloch	Peach
Burke	Pierce
Calhoun	Pulaski
Candler	Randolph
Coffee	Screven
Colquitt	Seminole
Cook	Stewart
Crawford	Sumter
Crisp	Tattnall
Decatur	Taylor
Dodge	Telfair
Dooly	Terrell
Dougherty	Thomas
Early	Tift
Effingham	Toombs
Emanuel	Treutlen
Evans	Turner
Grady	Washington
Hart	Wayne
Houston	Webster
Irwin	Wheeler
Jeff Davis	Wilcox
Jefferson	Worth
Jenkins	

Idaho

Canyon
Cassia
Elmore
Jerome
Lincoln
Minidoka
Owyhee
Twin Falls

Illinois

Adams
Alexander
Bond
Boone
Brown
Bureau
Calhoun
Carroll
Cass
Campaign
Christian
Clark
Clay
Clinton
Coles
Crawford
Cumberland
De Kalb
De Witt
Douglas
Du Page
Edgar
Edwards
Effingham
Fayette
Ford
Franklin
Fulton
Gallatin
Greene
Grundy
Hamilton
Hancock
Hardin
Henderson
Henry
Iroquois
Jackson
Jasper
Jefferson
Jersey
Jo Daviess
Johnson
Kane
Kankakee
Kendall
Knox
Lake
La Salle
Lawrence
Lee
Livingston
Logan
McDonough
McHenry
McLean
Macon
Macoupin
Madison
Marion
Mason
Massac
Menard
Mercer
Monroe
Montgomery
Morgan
Moultrie
Olge
Peoria
Piatt
Perry
Pike
Pope
Pulaski
Putnam
Randolph
Richland
Rock Island
St. Clair
Saline
Sagamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Union
Vermilion
Wasbash
Warren
Washington
Wayne
White
Whiteside
Will
Williamson
Winnebago
Woodford

Indiana

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

Iowa

Adair
Adams
Allamakee
Appanoose
Audubon
Benton
Black Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
Calhoun
Carroll
Cass
Cedar
Cerro Gordo
Cherokee
Chickasaw
Clarke
Clay
Clayton
Clinton
Crawford
Dallas
Davis
Decatur
Delaware
Des Moines
Dickinson
Subuque
Emmet
Fayette
Floyd
Franklin
Fremont
Greene
Grundy
Guthrie
Hamilton
Hancock
Hardin
Harrison
Henry
Howard
Humboldt
Ida
Iowa
Jackson
Jasper
Jefferson
Johnson
Jones
Keokuk
Kossuth
Lee
Linn
Louisa
Lucas
Lyon
Madison
Mahaska
Marion
Marshall
Mills
Mitchell
Monona
Monroe
Montgomery
Muscatine
O'Brien
Osceloa
Page
Palo Alto
Plymouth
Pochontas
Polk
Pottawattamie
Poweshiek
Ringgold
Sac
Scott
Shelby
Sioux
Story
Tama
Taylor
Union
Van Buren
Wapello
Warren
Washington
Wayne
Webster
Winnebago
Winneshiek
Woodbury
Worth
Wright

Kansas

Atchison
Bourbon
Brown
Butler
Cheyenne
Clay
Crawford
Decatur
Dickinson
Doniphan
Douglas
Edwards
Finney
Ford
Franklin
Gove
Grant
Gray
Greeley
Hamilton
Harvey
Haskell
Hodgeman
Jackson
Jefferson
Jewell
Johnson
Kearny
Kiowa
Lane
Leavenworth
Linn
Logan
Lyon
McPherson
Marion
Marshall
Meade
Miami
Morton
Nemaha
Ness
Osage
Pawnee
Pottawatomie
Pratt
Rawlins
Republic
Scott
Sedgwick
Seward
Shawnee
Sheridan
Sherman
Stafford
Stanton
Stevens
Sumner
Thomas
Trego
Wabaunsee
Wallace
Washington
Wichita

Kentucky

Allen
Ballard
Barren
Breckenridge
Butler
Caldwell
Calloway
Carlisle
Christian
Crittenden
Daviess
Graves
Grayson
Hancock
Hardin
Henderson
Hickman
Hopkins
Larue
Livingston
Logan
McCracken
McLean
Marshall
Meade
Muhlenberg
Nelson
Ohio
Shelby
Simpson
Taylor
Todd
Trigg
Trimble
Union
Warren
Webster

Louisiana

Beauregard
Iberville
Pointe Coupee
Richland

Maryland

Baltimore
Caroline
Carroll
Cecil
Charles
Dorchester
Frederick
Hartford
Kent
Montgomery
Queen Annes
St. Marys
Somerset
Talbot
Washington
Wicomico
Worcester

Michigan

Allegan
Arenac
Barry
Bay
Berrien
Branch
Calhoun
Cass
Clinton
Eaton
Genesee
Gratiot
Hillsdale
Huron
Ingham
Ionia
Isabella
Jackson
Kalamazoo
Kent
Lapeer
Lenawee
Livingston
Macomb
Mecosta
Midland
Monroe
Montcalm
Newaygo
Ottawa
Saginaw
St. Clair
St. Joseph
Sanilac
Shiawassee
Tuscola
Van Buren
Washtenaw

Minnesota

Anoka
Becker
Beltrami
Benton
Big Stone
Blue Earth
Brown
Carver

Chippewa
Chisago
Clay
Clearwater
Crow Wing
Cottonwood
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Hennepin
Houston
Hubbard
Isanti
Jackson
Kanabec
Kandiyohi
Lac qui Parle
Le Sueur
Lincoln
Lyon
McLeod
Martin
Meeker
Mille Lacs
Morrison
Mower
Murray
Nicollet
Nobles
Norman
Olmsted
Otter Tail
Pine
Pipestone
Polk
Pope
Redwood
Renville
Rice
Rock
Scott
Sherburne
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Wadena
Waseca
Washington
Watonwan
Wilkin
Winona
Wright
Yellow Medicine

Mississippi

Attala
Calhoun
Claiborne
Clay
George
Itawamba
Lafayette
Lowndes
Marshall
Montgomery
Noxubee
Pearl River
Rankin
Tate
Webster
Yalobusha

Missouri

Adair
Andrew
Atchison
Audrain
Barton
Bates
Benton
Bollinger
Boone
Buchanan
Butler
Caldwell
Callaway
Cape Girardeau
Carroll
Cass
Chariton
Clark
Clay
Clinton
Cooper
Dade
Daviess
De Kalb
Dunklin
Franklin
Gentry
Grundy
Harrison
Henry
Holt
Howard
Jackson
Jasper
Johnson
Knox
Lafayette
Lawrence
Lewis
Lincoln
Linn
Livingston
Macon
Marion
Mercer
Mississippi
Moniteau
Monroe
Montgomery
New Madrid
Nodaway
Osage
Pemiscot
Perry
Pettis
Pike
Platte
Putnam
Ralls
Randolph
Ray
St. Charles
St. Clair
Ste. Genevieve
Saline
Schuyler
Scotland
Scott
Shelby
Stoddard
Sullivan
Vernon
Warren
Worth

Montana

Big Horn
Carbon
Custer
Dawson
Lake
Prairie
Richland
Rosebud
Stillwater
Treasure
Yellowstone

Nebraska

Adams
Antelope
Banner
Boone
Box Butte
Boyd
Brown
Buffalo
Burt
Butler
Cass
Cedar
Chase
Cheyenne
Clay
Colfax
Cuming
Custer
Dakota
Dawson
Deuel
Dixon
Dodge
Douglas
Dundy
Fillmore
Franklin
Frontier
Furnas
Gage
Garden
Gosper
Greely
Hall
Hamilton
Harlan
Hayes
Hitchcock
Holt
Howard
Jefferson
Johnson
Kearney
Keith
Knox
Lancaster
Lincoln
Madison
Merrick
Morrill
Nance
Nemaha
Nuckolls
Otoe
Pawnee
Perkins
Phelps
Pierce
Platte
Polk
Red Willow
Richardson
Rock
Saline
Sarpy
Saunders
Scotts Bluff
Seward
Sheridan
Sherman
Sioux
Stanton
Thayer
Thurston
Valley
Washington
Wayne
Webster
Wheeler
York

New Jersey

Burlington
Cumberland
Hunterdon
Mercer
Monmouth
Salem
Warren

New Mexico

Curry
Lea
Luna
Roosevelt
Union

New York

Cattaraugus
Cayuga
Chautauqua
Chenango
Columbia
Erie
Genesee
Jefferson
Livingston
Madison
Monroe
Montgomery
Niagara
Oneida
Onondaga
Ontario
Orleans
Otsego
St. Lawrence
Seneca
Steuben
Tompkins
Wayne
Wyoming
Yates

North Carolina

Alamance
Alleghany
Anson
Beaufort
Bertie
Bladen
Brunswick
Cabarrus
Camden
Chowan
Cleveland
Columbus
Craven
Cumberland
Currituck
Davidson
Duplin
Edgecombe
Franklin
Gates
Granville
Greene
Guilford
Halifax
Harnett
Hertford
Hoke
Hyde
Iredell
Johnston
Jones
Lenoir
Martin
Nash
Northampton
Onslow
Pamlico
Pasquotank
Pender
Perquimans
Pitt
Randolph
Robeson
Rowan
Sampson
Scotland
Stanly
Surry
Tyrrell
Union
Wake
Warren
Washington
Wayne
Wilson
Yadkin

North Dakota

Burleigh
Cass
Dickey
Dunn
Emmons
Grand Forks
La Moure
Morton
Ransom
Richland
Sargent
Traill

Ohio

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

Oklahoma

Cimarron
Grant
Harmon
Mayes
Texas

Pennsylvania

Adams
Armstrong
Bedford
Berks
Blair
Bradford
Bucks
Butler
Cambria
Centre
Chester
Columbia
Crawford
Cumberland
Dauphin
Erie
Franklin
Huntingdon
Indiana
Juniata
Lancaster
Lawrence
Lebanon
Lehigh
Lycoming
Mercer

Mifflin	Snyder
Montgomery	Somerset
Northampton	Tioga
Northumberland	Union
Perry	Westmoreland
Schuylkill	

South Carolina

Allendale	Greenville
Anderson	Hampton
Bamberg	Horry
Barnewell	Laurens
Berkeley	Newberry
Calhoun	Orangeburg
Chesterfield	Richland
Clarendon	Saluda
Colleton	Spartanburg
Dillon	Sumter
Edgefield	Williamsburg
Florence	York
Georgetown	

South Dakota

Aurora	Hughes
Beadle	Hutchinson
Bennett	Hyde
Bon Homme	Jerauld
Brookings	Kingsbury
Brown	Lake
Brule	Lincoln
Buffalo	McCook
Butte	McPherson
Campbell	Marshall
Charles Mix	Mellette
Clark	Miner
Clay	Minnehaha
Codington	Moody
Corson	Perkins
Davison	Potter
Day	Roberts
Deuel	Sanborn
Dewey	Spink
Douglas	Stanley
Edmunds	Sully
Faulk	Todd
Grant	Tripp
Gregory	Turner
Hamlin	Union
Hand	Walworth
Hanson	Yankton
Harding	

Tennessee

Bedford	Henry
Benton	Lawrence
Carroll	Lincoln
Cheatham	McNairy
Coffee	Maury
Crockett	Montgomery
Decatur	Robertson
Dyer	Rutherford
Franklin	Sumner
Gibson	Warren
Giles	Weakley
Hardin	Williamson
Henderson	

Texas

Armstrong	De Witt
Atascosa	Donely
Austin	Duval
Bailey	Falls
Bee	Fayette
Bell	Floyd
Bexar	Fort Bend
Brazoria	Frio
Caldwell	Gray
Calhoun	Guadalupe
Cameron	Hale
Carson	Hansford
Castro	Harris
Colorado	Hartley
Dallam	Hidalgo
Deaf Smith	Jackson
Jim Wells	Parmer
Karnes	San Patricio
Lamb	Sherman
Lavaca	Swisher
Lee	Uvalde
Limestone	Victoria
Live Oak	Waller
Lubbock	Wharton
Medina	Williamson
Milam	Wilson
Moore	Zavala

Utah

Box Elder	Utah

Virginia

Accomack	Loudoun
Amelia	Mecklenburg
Brunswick	Northampton
Carolina	Northumberland
Chesapeake City	Pittsylvania
Culpeper	Prince George
Dinwiddie	Richmond
Essex	Southampton
Fauquier	Suffolk City
Greensville	Surry
Halifax	Sussex
Isle of Wight	Virginia Beach
King and Queen	Westmoreland
King William	

Washington

Franklin	Yakima

Wisconsin

Adams	Marinette
Barron	Marquette
Brown	Monroe
Buffalo	Oconto
Calumet	Outagamie
Chippewa	Ozaukee
Clark	Pepin
Columbia	Pierce
Crawford	Polk
Dane	Portage
Dodge	Racine
Door	Richland
Dunn	Rock
Eau Claire	Rusk
Fond du Lac	St. Croix
Grant	Sauk
Green	Shawano
Green lake	Sheboygan
Iowa	Taylor
Jackson	Trempealeau
Jefferson	Vernon
Juneau	Walworth
Kenosha	Washington
Kewaunee	Waukesha
La Crosse	Waupaca
Lafayette	Waushara
Langlade	Winnebago
Manitowoc	Wood
Marathon	

Wyoming

Goshen	Platte

(Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516)).

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

Done in Washington, D.C., on January 7, 1981.

Doris H. Gips,

Assistant Secretary, Federal Crop Insurance Corporation

Dated: January 7, 1981.

Everett S. Sharp,

Acting Manager.

[FR Doc. 81-1197 Filed 1-13-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 433

[Amendment No. 2]

Dry Bean Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Dry Bean Crop Insurance Regulations to include additional dry bean counties approved by its Board of Directors. The purpose of this proposed amendment is to notify producers in these additional counties that they will be eligible to participate in the program if the proposed rule is adopted.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department Agriculture, Washington, D.C. 20250.

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

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

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

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Dry Bean Crop Insurance Regulations in accordance with the provisions of 7 CFR 433.1, which states that before insurance is offered in any

county, there shall be published in Appendix B to this part the names of the counties in which dry bean crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which dry bean crop insurance may be offered. This proposed rule is intended to update the list of those counties as contained in 7 CFR Part 433, Appendix B.

It has been determined that this action to amend the list of counties where dry bean crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes (1) to revise and reissue Appendix B to the Dry Bean Crop Insurance Regulations (7 CFR Part 433) as Amendment No. 2, and (2) to supersede Amendment No. 1 to the Dry Bean Crop Insurance Regulations appearing in the **Federal Register** on December 20, 1979 (44 FR 75376).

Appendix B

Counties Designated for Dry Bean Crop Insurance—7 CFR Part 433

In accordance with the provisions of 7 CFR 433.1, the following counties have been designated for dry bean crop insurance:

Colorado

Boulder	Pueblo
Kit Carson	Sedgwick
Larimer	Washington
Logan	Weld
Morgan	Yuma
Phillips	

Idaho

Ada	Lincoln
Canyon	Minidoka
Cassia	Owyhee
Gooding	Twin Falls
Jerome	

Kansas

Sherman

Michigan

Arenac	Lapeer
Bay	Midland
Clinton	Montcalm
Eaton	Saginaw
Genesee	St. Clair
Gratiot	Sanilac
Huron	Shiawassee
Ionia	Tuscola
Isabella	

Nebraska

Banner	Kimball
Box Butte	Morrill
Chase	Perkins
Cheyenne	Scotts Bluff
Deuel	Sheridan
Garden	Sioux
Keith	

North Dakota

Grand Forks	Traill

Washington

Adams	Grant
Franklin	

Wyoming

Big Horn	Park
Goshen	Platte

(Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

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

Done in Washington, D.C., on January 7, 1981.

Doris H. Gips,

Assistant Secretary, Federal Crop Insurance Corporation.

Dated: January 7, 1981.

Everett S. Sharp,

Acting Manager.

[FR Doc. 81-1202 Filed 1-13-81; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 434

[Amendment No. 1]

Tobacco (Dollar Plan) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Tobacco (Dollar Plan) Crop Insurance Regulations to include additional tobacco counties approved by its Board of Directors. The purpose of this proposed amendment is to notify producers in these additional counties that they will be eligible to participate in the program if the proposed rule is adopted.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-3325.

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

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

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Tobacco (Dollar Plan) Crop Insurance Regulations in accordance with the provisions of 7 CFR 434.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which the dollar plan of tobacco crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which tobacco (dollar plan) crop insurance may be offered. This proposed rule is intended to update the list of those counties as contained in 7 CFR Part 434, Appendix B.

It has been determined that this action to amend the list of counties where tobacco (dollar plan) crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Tobacco (Dollar Plan) Crop Insurance Regulations (7 CFR Part 434) as Amendment No. 1.

Appendix B

Counties Designated for Tobacco (Dollar Plan) Crop Insurance—7 CFR Part 434

In accordance with the provisions of 7 CFR 434.1, the following counties have

been designated for tobacco (dollar plan) crop insurance:

State and county	Type(s)
Alabama: Butler	14
Florida:	
Gadsden	14
Gilchrist	14
Levy	14
Georgia:	
Appling	14
Atkinson	14
Bacon	14
Ben Hill	14
Berrien	14
Brantley	14
Brooks	14
Bulloch	14
Candler	14
Coffee	14
Colquitt	14
Cook	14
Decatur	14
Dodge	14
Effingham	14
Emanuel	14
Evans	14
Grady	14
Irwin	14
Jeff Davis	14
Lanier	14
Laurens	14
Lowndes	14
Mitchell	14
Montgomery	14
Pierce	14
Tattnall	14
Telfair	14
Thomas	14
Tift	14
Toombs	14
Treutlen	14
Turner	14
Ware	14
Wayne	14
Wheeler	14
Wilcox	14
Worth	14
Kentucky:	
Allen	35
Butler	35
Caldwell	22, 35
Calloway	23, 35
Carlisle	23, 35
Christian	22, 35
Daviess	36
Graves	23, 35
Hancock	36
Henderson	36
Hopkins	36
Logan	22, 35
McCracken	23, 35
McLean	36
Marshall	23, 35
Muhlenburg	22, 35
Ohio	36
Simpson	22, 35
Todd	22, 35
Trigg	22, 35
Warren	35
Webster	35
North Carolina:	
Alamance	11a
Alexander	11a
Beaufort	12
Bertie	12
Bladen	13
Brunswick	13
Carteret	12
Caswell	11a
Chatham	11b
Chowan	12
Columbus	13
Craven	12
Cumberland	13
Davidson	11a
Davie	11a
Duplin	12
Durham	11b
Edgecombe	12
Forsythe	11a
Franklin	11b
Gates	12
Granville	11b
Greene	12
Guilford	11a
Halifax	12
Harnett	11b
Hertford	12
Hoke	13
Iredell	11a
Johnston	12
Jones	12
Lee	11b
Lenoir	12
Martin	12
Montgomery	11b
Moore	11b
Nash	12
Northampton	12
Onslow	12
Orange	11b
Pamlico	12
Pender	12
Person	11a
Pitt	12
Randolph	11a
Richmond	11b
Robeson	13
Rockingham	11a
Sampson	12
Scotland	13
Stokes	11a
Surry	11a
Vance	11b
Wake	11b
Warren	11b
Washington	12
Wayne	12
Wilkes	11a
Wilson	12
Yadkin	11a
South Carolina:	
Berkeley	13
Colleton	13
Tennessee:	
Cheatham	22, 35
Dickson	22
Henry	23, 35
Macon	35
Montgomery	22
Robertson	22, 35
Stewart	22
Sumner	22, 35
Weakley	23, 35
Virginia:	
Amelia	11a, 21
Appomattox	11a, 21
Brunswick	11a, 21
Campbell	11a, 21
Caroline	37
Charlotte	11a, 21
Cumberland	11a, 21
Dinwiddie	11a, 21
Franklin	11a
Greensville	11a
Halifax	11a
Henry	11a
Lunenburg	11a, 21
Mecklenburg	11a
Nottoway	11a, 21
Pistrick	11a
Pittsylvania	11a
Prince Edward	11a, 21
Prince George	11a
Southampton	11a
Suffolk City	11a
Sussex	11a
Wisconsin:	
Columbia	54
Crawford	55
Dane	54
Jefferson	54
La Crosse	55
Monroe	55
Richland	55
Rock	54
Trempealeau	55
Vernon	55

(Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

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

Done in Washington, D.C., on January 7, 1981.

Doris H. Gips,

Assistant Secretary, Federal Crop Insurance Corporation.

Dated: January 7, 1981.

Everett S. Sharp,

Acting Manager.

[FR Doc. 81-1228 Filed 1-13-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 435

[Amendment No. 1]

Tobacco (Quota Plan) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Tobacco (Quota Plan) Crop Insurance Regulations to include additional tobacco counties approved by its Board of Directors. The purpose of this proposed amendment is to notify producers in these additional counties that they will be eligible to participate in the program if the proposed rule is adopted.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

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

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix

B to the Tobacco (Quota Plan) Crop Insurance Regulations in accordance with the provisions of 7 CFR § 435.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which the quota plan of tobacco crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which tobacco (quota plan) crop insurance may be offered. This proposed rule is intended to update the list of those counties as contained in 7 CFR Part 435, Appendix B.

It has been determined that this action to amend the list of counties where tobacco (quota plan) crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Tobacco (Quota Plan) Crop Insurance Regulations (7 CFR Part 435) as Amendment No. 1.

Appendix B

Counties Designated for Tobacco (Quota Plan) Crop Insurance—7 CFR Part 435

In accordance with the provisions of 7 CFR 435.1, the following counties have been designated for tobacco (quota plan) crop insurance:

State and county	Type(s)
Florida:	
Alachua	14
Columbia	14
Hamilton	14
Madison	14
Suwannee	14
Indiana:	
Clark	31
Dearborn	31
Franklin	31
Harrison	31
Jefferson	31
Jennings	31
Ripley	31
Scott	31
Spencer	31
Switzerland	31
Washington	31
Kentucky:	
Adair	31
Allen	31
Anderson	31
Ballard	31
Barren	31
Bath	31
Boone	31
Bourbon	31
Boyle	31
Bracken	31
Breckinridge	31
Butler	31
Caldwell	31
Carlisle	31
Carroll	31
Casey	31
Christian	31
Clark	31
Daviess	31
Fayette	31
Fleming	31
Franklin	31
Garrard	31
Grant	31
Graves	31
Grayson	31
Green	31
Hancock	31
Hardin	31
Harrison	31
Hart	31
Henderson	31
Henry	31
Hopkins	31
Jessamine	31
Larue	31
Lewis	31
Lincoln	31
Logan	31
McCracken	31
Mclean	31
Madison	31
Marion	31
Marshall	31
Mason	31
Meade	31
Mercer	31
Metcalfe	31
Montgomery	31
Muhlenburg	31
Nelson	31
Nicholas	31
Ohio	31
Owen	31
Pendleton	31
Pulaski	31
Robertson	31
Russell	31
Scott	31
Shelby	31
Simpson	31
Spencer	31
Taylor	31
Todd	31
Trigg	31
Trimble	31
Warren	31
Washington	31
Wayne	31
Webster	31
Woodford	31
Missouri:	
Buchanan	31
Platte	31
North Carolina:	
Alleghany	31
Ashe	31
Avery	31
Buncombe	31
Haywood	31
Madison	31
Mitchell	31
Watauga	31
Yancey	31
Ohio:	
Adams	31
Brown	31
Clermont	31
Highland	31
South Carolina:	
Chesterfield	13
Clarendon	13
Darlington	13
Dillon	13
Dorchester	13
Florence	13
Georgetown	13
Horry	13
Kershaw	13
Lee	13
Marion	13
Marlboro	13
Orangeburg	13
Sumter	13
Williamsburg	13
Tennessee:	
Anderson	31
Bedford	31
Blount	31
Carter	31
Claiborne	31
Cocke	31
De Kalb	31
Dickson	31
Franklin	31
Giles	31
Grainger	31
Greene	31
Hamblen	31
Hancock	31
Hawkins	31
Jackson	31
Jefferson	31
Johnson	31
Knox	31
Lawarence	31
Lincoln	31
Loudon	31
McMinn	31
Macon	31
Marshall	31
Maury	31
Monroe	31
Montgomery	31
Putnam	31
Robertson	31
Rutherford	31
Sevier	31
Smith	31
Stewart	31
Sullivan	31
Sumter	31
Trousdale	31
Unicoi	31
Warren	31
Washington	31
White	31
Williamson	31
Wilson	31
Virginia:	
Lee	31
Russell	31
Scott	31
Smyth	31
Washington	31

(Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

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

Done in Washington, D.C., on January 7, 1981.

Doris H. Gips,

Assistant Secretary, Federal Crop Insurance Corporation.

(Dated: January 7, 1981.

Everett S. Sharp,

Acting Manager.

[FR Doc. 81-1229 Filed 1-13-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 436

[Amendment No. 1]

Tobacco (Guaranteed Production) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Tobacco (Guaranteed Production) Crop Insurance Regulations to include additional tobacco counties approved by its Board of Directors. The purpose of this proposed amendment is to notify producers in these additional counties that they will be elgible to participate in the program if the proposed rule is adopted.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

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

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Tobacco (Guaranteed Production) Crop Insurance Regulations in accordance with the provisions of 7 CFR 436.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which the guaranteed production plan of tobacco crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which tobacco (guaranteed production) crop insurance may be offered. This proposed rule is intended to update the list of those counties as contained in 7 CFR Part 436, Appendix B.

It has been determined that this action to amend the list of counties where tobacco (guaranteed production) crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Tobacco (Guaranteed Production) Crop Insurance Regulations (7 CFR Part 436) as Amendment No. 1.

Appendix B

Counties Designated for Tobacco (Guaranteed Production) Crop Insurance—7 CFR Part 436

In accordance with the provisions of 7 CFR 436.1, the following counties have been designated for tobacco (guaranteed production) crop insurance:

State and county	Type(s)
Maryland:	
Charles	32
St. Marys	32
Pennsylvania: Lancaster	41

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

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

Done in Washington, D.C., on January 7, 1981.

Dated: January 7, 1981.

Doris H. Gips,

Assistant Secretary, Federal Crop Insurance Corporation.

Approved:

Everett S. Sharp,

Acting Manager.

[FR Doc. 81-1230 Filed 1-13-81; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 437

[Amendment No. 1]

Canning and Freezing Sweet Corn Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Canning and Freezing Sweet Corn Crop Insurance Regulations to include additional sweet corn counties approved by its Board of Directors. The purpose of this amendment is to notify producers in these additional counties that they are now eligible to participate in the program.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

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

Under the authority contained in the Federal Corp Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Canning and Freezing Sweet Corn Crop Insurance Regulations in accordance with the provisions of 7 CFR 437.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which sweet corn crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which canning and freezing sweet corn crop insurance may be offered. This proposed rule is intended to update the list of those counties as contained in 7 CFR Part 437, Appendix B.

It has been determined that this action to amend the list of counties where canning and freezing sweet corn crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be

completed prior to the sunset review date.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Canning and Freezing Sweet Corn Crop Insurance Regulations (7 CFR Part 437) as Amendment No. 1.

Appendix B

Counties Designated for Canning and Freezing Sweet Corn Insurance—7 CFR Part 437

In accordance with the provisions of 7 CFR 437.1, the following counties are designated for canning and freezing sweet corn crop insurance:

Minnesota

Faribault	McLeod
Goodhue	Renville
Martin	

Wisconsin

Adams	Ozaukee
Brown	Portage
Columbia	Rock
Dane	St. Croix
Dodge	Sauk
Fond du Lac	Sheboygan
Green Lake	Walworth
Jefferson	Washington
Marinette	Waushara
Outagamie	Winnebago

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

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

Done in Washington, D.C., on December 17, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: January 7, 1981.

Everett S. Sharp,

Acting Manager.

[FR Doc. 81–1238 Filed 1–13–81; 8:45 am]

BILLING CODE 3410–08–M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 8

[Docket No. 80–20]

Assessment of Fees: National Banks; District of Columbia Banks

AGENCY: Comptroller of the Currency.

ACTION: Notice of proposed rulemaking; clarification.

SUMMARY: This document clarifies a notice of proposed rulemaking concerning the revision of trust examination fees that appeared at page 85045 in the **Federal Register** of Wednesday, December 24, 1980 (45 FR 85045). The action is necessary to fully and accurately describe the method of billing for trust examinations and the method of calculating the hourly fee.

DATE: Comments on the proposed rule must be received no later than February 23, 1981.

ADDRESS: Comments should be directed to—Docket No. 80–20, Communications Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., 3rd Floor, Washington, DC 20219, Attention: Marie Giblin, (202) 447–1800.

FOR FURTHER INFORMATION CONTACT:

David Nebhut, Financial Economist, Banking Research and Economic Analysis Division, Office of the Comptroller of the Currency, Washington, DC 20219, (202) 447–1825; or

Jerome Edelstein, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, DC 20219, (202) 447–1880.

SUPPLEMENTARY INFORMATION: Certain amendments to the notice of proposed rulemaking are being made to clarify the procedure proposed for billing for trust examinations and for calculating the hourly rate. The proposed hourly rate of $32.44 was arrived at by dividing projected trust examination expenses by the number of hours projected to be spent by trust examiners in conducting trust examinations. This includes hours spent by trust examiners in the performance of the examination while they are on and off the premises of the institution being examined. The charge for each trust examination is that hourly rate multiplied by the number of hours examiners spend in the performance of the examination on and off the premises of the institution being examined. This is the current practice and no change is contemplated. However, certain portions of the notice of proposed rulemaking indicated that the projected number of billable hours and the charge for trust examinations were based only on the amount of hours spent on site in conducting examinations.

Accordingly, the following amendments are made in FR Doc. 80–40095 appearing on page 85045 in the issue of December 24, 1980:

1. On page 85046 at the top of column two, on the fourteenth line, "As is the current practice, banks will be charged according to the number of hours an examiner spends in the bank conducting the examination", is amended to read "As is the current practice, banks will be charged according to the number of hours an examiner spends in performance of the examination".

2. On page 85047, the end of the first full paragraph under the table in column one, "The hourly fee for a given year will be calculated by dividing trust examination expenses projected in the budget for that year by the projected number of on-site billable trust examination hours in that year", is amended to read "The hourly fee for a given year will be calculated by dividing trust examination expenses projected in the budget for that year by the projected number of billable trust examination hours in that year".

3. On page 85047, the first full paragraph under the table in column two, "Billable hours are projected based on historical growth in on-site examination hours," is amended to read, "Billable hours are projected based on historical growth in examination hours".

4. On page 85048, at the bottom of column one, the second sentence of proposed 12 CFR 8.7(c) which reads "The total fee for a trust examination is the hourly fee multiplied by the number of hours examiners spend on site in performing the trust examination", is amended to read, "The total fee for a trust examination is the hourly fee multiplied by the number of hours examiners spend in performing the trust examination".

5. On page 85048, at the bottom of column two, the first sentence of proposed 12 CFR 8.7(d)(2) which reads "(2) Projected number of billable hours is the total number of hours projected to be spent by trust department examiners at on-site examinations during the year for which the hourly fee is being set", is amended to read "(2) Projected number of billable hours is the total number of hours projected to be spent by trust department examiners in the performance of examinations during the year for which the hourly fee is being set."

Dated: January 8, 1981.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 81–1250 Filed 1–13–81; 8:45 am]

BILLING CODE 4810–33–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

Permanent Regulatory Program Submission From the State of Illinois Under the Surface Mining Control and Reclamation Act of 1977; Additional Comment

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

ACTION: Notice of additional comment concerning the Illinois Proposed Permanent Regulatory Program.

SUMMARY: On October 31, 1980, the Secretary of the Interior announced his decision approving in part and disapproving in part the proposed regulatory program submitted by the State of Illinois under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). 45 FR 72468. On November 10, 1980, OSM sent to the State of Illinois further comments on its proposed regulatory program. The availability of these comments is being announced today.

ADDRESSES: Copies of the Illinois program and the Administrative Record on the Illinois program are available for public inspection and copying during business hours at:

Office of Surface Mining—Reclamation and Enforcement, Room 153, Interior South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240. (202) 343–4728

Office of Surface Mining—Reclamation and Enforcement, Region III, Fifth Floor, Room 510, Federal Building & U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204. (317) 269–2609

Department of Mines & Minerals, Division of Land Reclamation, 227 South 7th Street, Suite 204, Springfield, Illinois 62706

Department of Mines & Minerals, Division of Land Reclamation, Southern District Field Office, Route 6, Box 140A, Marian, Illinois 62959

FOR FURTHER INFORMATION CONTACT: Mr. J. M. Furman, Assistant Regional Director, State and Federal Programs, Office of Surface Mining, Reclamation and Enforcement, U.S. Department of the Interior, 46 East Ohio Street, Indianapolis, Indiana 46204, Telephone (317) 269–2629

SUPPLEMENTARY INFORMATION: On March 3, 1980, the State of Illinois submitted to the Department of the Interior its proposed permanent regulatory program under SMCRA. Administrative Record Number (ARN) I11–003. On July 30, 1980, the last day of the public comment period on the program, Illinois submitted to OSM a substantial body of additional material relating to its proposed program. OSM considered this material as it related to the systems, procedures and operating plans of the State in the Secretary's findings regarding the State program. The Secretary's decision and findings on the proposed Illinois program were published on October 31, 1980. 45 FR 72468.

During a meeting between OSM and representatives of the State on October 31, 1980 (ARN: I11–0231), State representatives expressed concern that some issues had been identified in the Secretary's findings that would be resolved by a more thorough analysis of material submitted to OSM on July 30, 1980. OSM agreed to again review certain portions of the material and advise the State by letter of any issues which might be considered resolved subject to additional public comments when the State's program proposal is resubmitted.

On November 10, 1980, OSM provided the State with additional comments concerning Volume 10 (ARN: I11–0175) of the July 30, 1980, submission. These additional comments state whether material submitted on July 30, 1980, (1) appears to resolve OSM concerns, (2) does not appear to address OSM concerns, or (3) addresses OSM concerns, but does not resolve them. These additional comments have been placed in the Administrative Record (ARN: I11–0233) at the places listed under "addresses."

The State of Illinois has been enjoined from resubmitting its proposed program until June 11, 1981, by the Seventh Judicial Circuit Court of Illinois, Saugamon County, *Illinois Coal Association* v. *Illinois Department of Mines and Minerals*, No. 80–CH–303. Upon resubmission of the Illinois proposed program, a **Federal Register** notice will be published notifying the public of the receipt of the submission and setting the date, time, and place of the public hearing, and the public comment period.

Dated: January 8, 1981.

Walter N. Heine,

Director, Office of Surface Mining.

[FR Doc. 81-1352 Filed 1-13-81; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 918

Public Disclosure Comments Received From Federal Agencies on the Utah State Permanent Program Submitted Under Public Law 95–87

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Public Disclosure of Comments on the Utah Program Resubmission.

SUMMARY: Before the Secretary of the Interior may approve permanent State regulatory programs submitted under Section 503(A) or resubmitted under Section 530(c) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the views of certain Federal Agencies must be solicited and disclosed. The Secretary has solicited comments from these agencies and is today announcing their public disclosure with regard to the Utah State Permanent Program.

ADDRESS: Copies of comments are available for public review during business hours at:

Office of Surface Mining Reclamation and Enforcement; Brooks Towers, Room 5010, 2020 28th Street, Denver, Colorado 80202, Telephone (303) 837–5421

Office of Surface Mining, Department of the Interior, Room 153, South Building, 1951 Constitution Avenue N.W., Washington, D.C. 20240, Division of Oil, Gas and Mining, West North Temple, Salt Lake City, Utah

FOR FURTHER INFORMATION CONTACT: Mr. Donald Crane, Regional Director, Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado 80202 or Mr. Carl C. Close, Assistant Director State and Federal Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone (202) 343–4225.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior approved in part and disapproved in part the initial Utah program submission on October 16, 1980. Comments on the initial submission were solicited from the Federal agencies listed below and the disclosure of their comments appeared on the **Federal Register** on August 20, 1980 (45 CFR 44577).

The Secretary is now considering the resubmitted Utah program for approval in accordance with Section 503(b)(1) of SMCRA and 30 CFR 732.13(b)(1). The resubmitted Utah program may not be approved until the Secretary has solicited and public disclosed the views of the Administrator of the Environmental Protection Agency, the

Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise relevant to the program as proposed. In this regard, the following Federal agencies were invited to comment on this resubmitted Utah Program:

Department of Agriculture
- USDA State Land Use Committee
- Soil Conservation Service
- Forest Service
- Farmers Home Administration
- Scientists and Educational Administration-Agricultural Research
- Agricultural Stabilization and Conservation Service

Advisory Council on Historic Preservation
Council on Environment Quality
Department of Labor
- Mine Safety and Health Administration

U.S. Environmental Protection Agency
Water Resources Council
Department of Energy
Department of the Interior
- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Mines
- Heritage Conservation and Recreation Service
- Water and Power Resources Service (Formerly Bureau of Reclamation)
- Fish and Wildlife Service
- National Park Service

U.S. Geological Survey
Upper Colorado River Basin Commission
U.S. Army Corps of Engineers

Of those agencies invited to comment, OSM received comments from:

U.S. Environmental Protection Agency
Department of the Interior
- Bureau of Land Management
- U.S. Geological Survey

These comments are available for review and copying during business hours at the locations listed above under "Addresses."

Dated: January 9, 1981.

Carl C. Close,

Assistant Director, State and Federal Programs.

[FR Doc. 81-1260 Filed 1-13-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF EDUCATION

34 CFR Part 649

Graduate and Professional Study Fellowships

AGENCY: Department of Education.

ACTION: Notice of Proposed Rulemaking: Cross-reference.

SUMMARY: The Secretary proposes regulations for Graduate and Professional Study Fellowship Program in Title 34 of the Code of Federal Regulations: The Secretary invites comments on these proposed regulations. The text of the regulations on which the Secretary invites comments are published in the Rules and Regulations section of this issue of the **Federal Register.** They have been adopted as final regulations and will govern these programs until the Secretary issues new regulations based on public comment.

DATES: All comments, suggestions, or objections must be received on or before March 16, 1981.

ADDRESS: Comments should be addressed to Mr. Donald N. Bigelow, Chief, Graduate Training Branch, Division of Training and Facilities, (Room 3060, ROB-3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Donald N. Bigelow, Telephone: (202) 245-2347.

Invitation to comment: For additional details on how to comment, see the Preamble of the final regulations for this programs published in this issue of the **Federal Register.**

Dated: January 9, 1981.

Shirley M. Hufstedler,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.094, Graduate and Professional Study Fellowship)

[FR Doc. 81-1336 Filed 1-13-81; 8:45 am]

BILLING CODE 4000-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

41 CFR Part 101-11

Records Management; Technical Assistance Program

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule revises the description of technical assistance to more accurately reflect the concept of records and information management. A provision has been added which requires Federal agencies to document and provide to NARS on request any savings or benefits resulting from NARS technical assistance recommendations. These followup procedures will allow NARS to monitor the effectiveness of the technical assistance program.

DATE: Comments must be received on or before February 13, 1981.

ADDRESS: Comments should be addressed to: General Services Administration (NR), Attn: John H. Gant, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: John H. Gant (202-376-6836).

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

Accordingly, GSA proposes to amend 41 CFR Part 101-11 as follows:

PART 101-11—RECORDS MANAGEMENT

1. The table of contents for Part 101.11 is amended by revising all entries for Subpart 101-11.10 as follows:

Subpart 101-11.10—Technical Assistance

Sec.
101-11.1000 Scope.
101-11.1001 Services available.
101-11.1002 Studies.
101-11.1003 Requests for service.
101-11.1004 Followup procedures.

Authority: Sec. 205(c), 63 Stat. (40 U.S.C. 486(c)).

Subpart 101-11.10—Technical Assistance

2. Subpart 101-11.10 is revised to read as follows:

§ 101-11.1000 Scope.

This subpart contains information and procedures pertaining to the furnishing of technical assistance by the National Archives and Records Service (NARS), General Services Administration. Technical assistance is provided, usually on a reimbursable basis, to help Federal agencies establish and benefit from records and information management programs, as authorized by sections 3101-3106 of title 44, United States Code.

§ 101-11.1001 Services available.

Federal agencies may obtain from NARS the following technical assistance services:

(a) Advice on and training for instituting records and information management activities described in the Part 101-11.

(b) Studies involving one or more of the records and information management areas described in this Part 101-11.

§ 101-11.1002 Studies.

Records and information system studies determine requirements for effective and efficient system management and operation, develop procedures for meeting those requirements, and recommend new or improved record systems. These studies cover all records creation and use processes and operating procedures, whether or not automated data processing (ADP) equipment is involved. Where ADP is involved, studies will include (a) manual and machine steps from the initiation of the process to the prescription of outputs and of valid inputs and (b) the adequacy of outputs and their use. Studies will not result in the design of ADP software nor determine hardware requirements. For information about assistance in ADP systems design, see § 101-32.801-2.

§ 101-11.1003 Requests for service.

Agencies desiring NARS technical assistance should contact the Records and Information Management Division in their GSA regions. For studies conducted on a reimbursable basis, an interagency agreement shall be negotiated specifying the study requirements and the amount of reimbursement.

§ 101-11.1004 Followup procedures.

When a technical assistance study results in recommendations to an agency, the agency shall document any resulting savings or other benefits and, on request, shall provide to NARS this information or the reasons for not implementing any recommendation. NARS will conduct followup reviews to assess the degree of implementation and benefits of the studies.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: December 29, 1980.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81-1304 Filed 1-13-81; 8:45 am]

BILLING CODE 6820-26-M

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41 CFR Part 101-11

Records Management; Interagency Reports Management Program

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Proposed rule.

SUMMARY: Evaluations of agency interagency reports management programs and clearance requests for new, revised, and extended interagency reporting requirements reflect a need to provide improved standards and guidance for the development and approval of interagency reporting requirements. This regulation is reorganized and expanded to provide clearer procedures to agencies for evaluating and requesting clearance of their interagency reporting requirements.

DATE: Comments must be received on or before March 16, 1981.

ADDRESS: Submit comments to: Gerry Whiting, General Services Administration (NRS), Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: R. Stewart Randall, Jr., Interagency Operating Programs Branch, Information Systems Division, Office of Records and Information Management (202-376-8914).

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

Accordingly, GSA proposes to amend Part 101-11 as follows:

PART 101-11—RECORDS MANAGEMENT

1. The table of contents for Part 101-11 is amended by revising all entries for Subpart 101-11.11 as follows:

Subpart 101-11.11—Interagency Reports

Sec.
101-11.1100 Scope of subpart.
101-11.1101 Authority.
101-11.1102 Objectives.
101-11.1103 Definitions.
101-11.1103-1 Report.
101-11.1103-2 Interagency report.
101-11.1103-3 Agency.
101-11.1103-4 Interagency Reports Coordinator.
101-11.1104 Agencies' responsibilities.
101-11.1105 Establishing or revising interagency reporting requirements.
101-11.1106 Extension of interagency reporting requirements.
101-11.1107 Delegation of interagency reports approval.
101-11.1108 Discontinuance of interagency reporting requirements.
101-11.1109 Justification for interagency reporting requirements.
101-11.1110 Cost estimates.
101-11.1111 Special provisions.
101-11.1111-1 Exemptions.
101-11.1111-2 Waivers.
101-11.1111-3 Appeal procedure.
101-11.1111-4 Classified reporting requirements.
101-11.1112 Coordination with other clearance authorities.
101-11.1112-1 Interagency/public reporting requirements.
101-11.1112-2 Interagency reporting coordination with Standard and Optional forms approved by NARS.
101-11.1113 Procurement of forms.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

2. Subpart 101-11.11 is revised to read as follows:

Subpart 101-11.11—Interagency Reports

§ 101-11.1100 Scope of subpart.

This subpart prescribes procedures to be followed by agencies to obtain approval for proposed interagency reporting requirements.

§ 101-11.1101 Authority.

The provisions of this subpart are issued under the Federal Records Act (44 U.S.C. Chapters 29 and 31) and Office of Management and Budget (OMB) Circular A-40, revised, dated May 3, 1973. The Interagency Reports Management Program is administered by the National Archives and Records Service (NARS) of the General Services Administration (GSA).

§ 101-11.1102 Objectives.

The objectives of the Interagency Reports Management Program are the:

(a) Establishment of cost-effective practices and procedures for managing interagency reporting requirements; and

(b) Approval of interagency reporting requirements based on a valid need and compliance with applicable laws and regulations [i.e., Freedom of Information Act (5 U.S.C. 552); the Privacy Act of 1974 (5 U.S.C. 552a); and Federal Information Processing Standards (FIPS) (40 U.S.C. 759(f); 15 CFR 6; and Executive Order 11717, dated May 9, 1973)].

§ 101-11.1103 Definitions.

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

§ 101-11.1103-1 Report.

(See § 101-11.207-2(a).)

§ 101-11.1103-2 Interagency report.

A reporting requirement imposed by an agency on one or more other agencies.

§ 101-11.1103 Agency.

Any executive department, agency, or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

§ 101-11.1103-4 Interagency Reports Coordinator.

The official designated by an agency to: (a) Serve as the liaison between agency components, other agency components, other agencies, and NARS on interagency reporting matters; (b) clear and evaluate each agency request for a new, revised, or extended interagency report before signing and submitting Standard Form 360, Request for Clearance of an Interagency Reporting Requirement (§ 101-11.4922); (c) coordinate the agency response to requests from other requiring agencies for cost estimates for new or revised interagency reports; and (d) maintain the official agency records on interagency reporting requirements.

§ 101-11.1104 Agencies' responsibilities.

Each agency shall:

(a) Designate officials to serve as Interagency Report Coordinator and Alternate. The names, titles, organizational locations, and telephone numbers of the designees shall be submitted to: General Services Administration (NR), Washington, DC 20408. Each change of designation shall be submitted within 30 calendar days to the above address.

(b) Provide to NARS a copy of the agency's internal instructions for interagency reports management.

(c) Develop new and revised interagency reporting requirements in accordance with the provisions of this subpart.

(d) Obtain NARS approval for each new, revised, or extended interagency reporting requirement at the earliest practicable opportunity.

(e) Provide responding agencies with the opportunity to comment on each proposed new or revised interagency reporting requirement. Whenever the estimated reporting costs for a new or substantially revised requirement exceed $500,000, the requiring agency shall conduct a pilot test of the system, after obtaining NARS approval.

(f) Review the NARS' Inventory of Approval Interagency Reports to determine if a proposed reporting requirement can be met with a currently approved report.

(g) Establish and implement procedures for reviewing proposed reporting requirements to determine if the information is available in the agency.

(h) Review existing interagency reporting requirements for possible improvements when submitting requests for extensions of clearance.

(i) Reply within 3 weeks to other agencies' written requests for cost estimates for responding to their current or proposed interagency reporting requirements.

(j) Respond to approved interagency reporting requirements as specified in prescribing instructions.

(k) Not respond to interagency reporting requirements that have not been approved by NARS and inform NARS of these requirements.

§ 101-11.1105 Establishing or revising interagency reporting requirements.

(a) Except as provided by § 101-11.1107, the requiring agency shall consult with NARS on proposed new or revised interagency reporting requirements before submitting Standard Form 360, Request for Clearance of an Interagency Reporting Requirement. NARS will (1) verify the need; (2) ensure that the requirement will not result in duplicate reporting; (3) recommend sampling measures where applicable; and (4) assess the impact on respondents. Following discussions with NARS, the requiring agency shall justify the proposed requirement and estimate reporting costs in accordance with the criteria in §§ 101-11.1109 and 101-11.1110 and submit a Standard Form 360 and supporting documentation to NARS through the agency's designated Interagency Reports Coordinator.

(b) If the requirement is approved, NARS will assign it an Interagency Report Number and an expiration date and return the approved Standard Form 360 to the Interagency Reports Coordinator of the requiring agency.

(c) The requiring agency shall notify responding agencies of approved reporting requirements by formal directive or correspondence. The document promulgating the requirement shall include the following information: (1) Purpose; (2) report title; (3) Interagency Report Number; (4) report format; (5) preparation instructions; (6) responding agencies; (7) frequency; (8) number of copies; (9) mailing address; (10) due date; and (11) whether negative submissions are required. If a form is required for data collection, the Interagency Report Number shall be placed on the form, preferably in the upper right corner.

§ 101-11.1106 Extension of interagency reporting requirements.

NARS will notify requiring agencies at least 90 calendar days in advance when an approved reporting requirement is scheduled to expire. A request for an extension shall be made in the same manner prescribed for new and revised reports (§ 101-11.1105 or 101-11.1107). Extension requests that require NARS approval shall be submitted at least 60 calendar days in advance of the expiration date.

§ 101-11.1107 Delegation of interagency reports approval.

Upon review of an agency's internal procedures for managing interagency reports, NARS may delegate to the agency the authority to approve, revise, or extend reporting requirements whose total annual estimated reporting costs are $5,000 or less. Within 5 workdays after each action taken under this delegated authority, the agency will submit to NARS an original and one copy of Standard Form 360 and a justification statement. Under item 7, enter "Approved under NARS delegation of authority." NARS will assign an Interagency Report Number to each new reporting requirement, assign an initial or new expiration date, and return a copy of the form to the requiring agency. Agency approved reports shall be implemented in the same manner described in § 101-11.1105(c).

§ 101-11.1108 Discontinuance of interagency reporting requirements.

When an interagency reporting requirement is no longer needed, the requiring agency shall notify NARS and all responding agencies. Approval of existing interagency reporting requirements will be discontinued by NARS on their expiration dates unless a request for an extension or agency approved Standard Form 360 is submitted in accordance with § 101-11.1106 or § 101-11.1107.

§ 101-11.1109 Justification for interagency reporting requirements.

A justification statement, signed by the official who initiated the reporting requirements, shall be attached to Standard Form 360. The justification statement shall:

(a) Describe specifically why the information from the proposed report is needed and how it will be used.

(b) Describe the expected benefits from using the information. Determine the benefits in terms of a dollar value to the extend possible and assess the probability that these benefits will be realized.

(c) Describe the consequences of not obtaining the information.

(d) Identify any responding agencies that participated in designing, testing, and cost estimating the proposed report.

(e) Identify agencies that agree and agencies that do not agree with the proposed report. Summarize the reasons cited by the responding agencies.

(f) Explain how the estimate of reporting costs (§ 101-11.1110) shown on the Standard Form was derived. Attach Optional Form 101, Summary Worksheet

for Estimating Reporting Costs, to provide the data submitted by each agency that participated in the estimating process.

(g) Describe the consideration that was given to alternative reporting plans in regard to each of the following: Frequency of reporting, use of exception reporting, use of sampling techniques, selection of respondents, amount of detail, format of report, and method of transmission.

§ 101–11.1110 Cost estimates.

(a) Cost estimates shall be developed for each new, revised, or extended reporting requirement as prescribed in the "Guide to Estimating Reporting Costs," published by NARS.

(b) Estimated reporting costs for other than one-time reporting requirements shall be verified by the requiring agency not later than 1 year after initiation of each report. If the verification indicates a variance of more or less than 10 percent of the current estimated reporting costs, a revised Standard Form 360 reflecting the new estimates shall be forwarded to NARS. Under item 7, enter "Submitted under FPMR 101–11.1110(b)."

(c) When the requiring agency anticipates that the cost estimating process for a reporting requirement will exceed one-half of anticipated reporting costs, the reporting burden may be estimated in workhours instead of dollar values in item 9 of the Standard Form 360. An explanation for using this method shall be included in the justification statement.

§ 101–11.1111 Special provisions.

§ 101–11.1111–1 Exemptions.

(a) the following interagency reporting requirements are exempted from the clearance provisions of Subpart 101–11.11; however, interagency reporting requirements designed to respond to an exempted requirement are subject to the clearance provisions of this subpart. Exempted requirements are: (1) Legislative requirements or congressional committee requests; (2) judicial branch requirements in court orders or other judicial determinations; (3) Executive Office requirements in Presidential directives; and (4) OMB budgetary, program review and coordination, and legislative clearance requirements.

(b) Questions concerning the applicability of these exemptions shall be directed to NARS.

§ 101–11.1111–2 Waivers.

The justification and cost-estimating requirements specified in §§ 101–11.1109 and 101–11.1110 may be waived by NARS upon receipt of a written request explaining the need for the report and the waiver. All waiver requests shall include a summary cost estimate in item 9 of the Standard Form 360.

§ 101–11.1111–3 Appeal procedure.

If NARS cannot resolve differences between requiring and responding agencies concerning an interagency reporting requirement, a requiring or responding agency may appeal the NARS decision. Appeals shall be stated in writing and sent to NARS for forwarding to the Office of Management and Budget along with NARS' recommendation.

§ 101–11.1111–4 Classified reporting requirements.

Security classification of an interagency reporting requirement does not exempt it from the provisions of this subpart. NARS shall be advised of classified requirements so that appropriate procedures will be followed to safeguard the classified information.

§ 101–11.1112 Coordination with other clearance authorities.

§ 101–11.1112–1 Interagency/public reporting requirements.

Interagency reporting requirements that also require approval by the Office of Management and Budget (OMB) as public use reports under 44 U.S.C. 3509 shall first be submitted to OMB with an original and two copies of both Standard Form 360 and Standard Form 83, Clearance Request and Notice of Action. Upon completion of its review, OMB shall forward these requests to NARS for review.

§ 101–11.1112–2 Interagency reporting coordination with Standard and Optional forms approved by NARS.

As described in Subpart 101–11.8, NARS is responsible for approving Standard and Optional forms. Accordingly, when an agency plans to use new or revised Standard or Optional forms in conjunction with a proposed interagency reporting requirement, the agency shall also submit a Standard Form 152, Request for Clearance, Procurement, or Cancellation of Standard and Optional Forms.

§ 101–11.1113 Procurement of forms.

The forms required by this subpart may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office that provides support for the requesting activity.

Dated: December 31, 1980.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81–1331 Filed 1–13–81; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

Special Rules Applicable to Surface Coal Mining Hearings and Appeals

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Proposed rules.

SUMMARY: These proposed rules add procedures for adjudicative proceedings for the permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977. These proposed rules are necessary to set forth the contents, time and place for filing, and other matters concerning legal documents and proceedings involved in administrative review of decisions under the permanent regulatory program. These proposed rules will supplement existing rules in this subpart governing hearings and appeals under the Surface Mining Act.

DATE: Comments must be received at the address below on or before February 13, 1981.

ADDRESS: Written comments may be mailed or hand delivered to: Board of Surface Mining and Reclamation Appeals, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Bruce R. Harris, Board of Surface Mining and Reclamation Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203. 703–557–9037.

SUPPLEMENTARY INFORMATION: Section 504(a) of the Surface Mining Control and Reclamation Act of 1977 (Act), 30 U.S.C. 1254 (Supp. II 1978), provides for the implementation of a Federal program in a State which fails to submit a State program covering surface coal mining and reclamation operations; which fails to resubmit an acceptable State program after initial disapproval of a proposed State program; or which fails to implement, enforce, or maintain its approved State program as provided in the Act. The Secretary is required by section 523 of the Act, 30 U.S.C. 1273, to implement a Federal lands program applicable to all surface coal mining and reclamation operations taking place

pursuant to any Federal law on any Federal lands, except Indian lands, which, to the extent they are covered by the Act, are governed by section 710, 30 U.S.C. 1300.

The Secretary has promulgated regulations to implement both Federal programs and a Federal lands program. These regulations are found in 30 CFR Parts 733, 736, and 740 through 745. The Act contains various references to the necessity for hearings to review actions taken pursuant to statutory mandates. In addition, the regulations make numerous references to proceedings which shall be conducted in the Office of Hearings and Appeals pursuant to procedures set forth in 43 CFR Part 4. These proposed regulations have been developed to provide procedures for the administrative proceedings required by the Act and the permanent program regulations.

The public is invited and encouraged to comment on these proposed regulations in order that the Department may consider suggested changes before promulgating the final regulations.

A brief discussion of the major parts of the proposed regulations follow:

Sections 4.1350–4.1356 set forth the procedues for obtaining review of a preliminary finding by the Office of Surface Mining Reclamation and Enforcement (OSM) that the permit applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violations of the Act, State or Federal laws or regulations, or individual permit conditions.

Sections 4.1360–4.1369 embrace the rules for obtaining review of a decision by OSM to approve or disapprove a permit application, in whole or in part.

Sections 4.1370–4.1379 set forth the methods for seeking review of OSM permit modification orders, or decisions of OSM approving or disapproving applications for permit revisions, permit renewals, or the transfer, assignment, or sale of rights granted under permits.

Sections 4.1380–4.1386 outline the rules for obtaining review, pursuant to 30 CFR 776.14(b), of a decision of OSM to approve or disapprove a coal exploration permit, in whole or in part.

Sections 4.1390–4.1395 set out the procedures for seeking review of a decision of OSM to approve or disapprove, in whole or in part, an application for release of a performance bond for surface coal mining and reclamation operations.

Sections 4.1400–4.1405 contain the rules for obtaining review of a decision of OSM requiring forfeiture of all or part of a performance bond, as a result of the permittee's failure to meet a condition or conditions of the bond.

Sections 4.1410–4.1414 provide for review of a determination of OSM that a person holds or does not hold a valid existing right, or that surface coal mining operations did or not exist on the date of enactment of the Act, on lands where operations are prohibited or limited by section 522(e) of the Act, 30 U.S.C. 1272(e).

Review of a Preliminary Finding Concerning a Demonstrated Pattern of Willful Violations

Section 4.1351 provides that during the permit application review process OSM must make a preliminary determination concerning the demonstrated pattern question. If OSM finds no pattern, it continues its permit application review process. On the other hand, if OSM determines that there is a pattern, it must issue a notice of intent to deny the permit based on such preliminary finding and the opportunity for a hearing must be provided, as required by section 510(c) of the Act, 30 U.S.C. § 1260(c).

Section 4.1352(b) allows the applicant or operator specified in the application to file with the Hearings Division, Office of Hearings and Appeals, a request for hearing on OSM's preliminary finding. Failure to make a timely filing will constitute a waiver of the opportunity for a hearing prior to a final finding by OSM on the pattern question. Section 4.1354 indicates that the administrative law judge should act quickly to schedule a hearing and issue a decision and that the definitions found in 30 CFR 786.5 are applicable to these proceedings. Section 4.1355 establishes that OSM has the burden of going forward to establish a prima facie case for the existence of a pattern. The ultimate burden of persuasion that no pattern exists shall rest with the person requesting the hearing. Any party aggrieved by the decision of the administrative law judge may appeal to the Board pursuant to the established procedures in 43 CFR 4.1271.

Review of Permit Application Approval or Disapproval

The scope section, 4.1360, indicates that these rules apply to all applications for new permits, including new permits required under 30 CFR 788.12(d); 788.13(b); 788.14(b)(2); and 788.19(b)(1). These sections relate generally to circumstances involving extension of the boundary lines of the permit area.

Section 4.1362(a) provides that the applicant or any person with an interest which is or may be adversely affected by OSM's decision on a permit application may file a request for review with the Hearings Division. It also allows 30 days from receipt of the decision for any person served with a copy of the decision to file a request for review. While section 514(c) of the Act, 30 U.S.C. § 1264(c) provides that the request should be made "[w]ithin thirty days after the applicant is notified of the final decision of the regulatory authority on the permit application," it allows the applicant or any person having an interest which is or may be adversely affected to make the request. In addition, 30 CFR 741.21(a)(4)(iii) and 30 CFR 786.23(e)(1)(i) require OSM to provide simultaneous notice of such decisions to each person and governmental official who filed a written objection or comment concerning the application. Therefore, it appears that the most workable system is to allow a request for review to be filed within 30 days from receipt by any person served with a copy of the decision. Any person not served with a copy of the decision would have 40 days from the date of the issuance of the written decision within which to file.

Section 4.1364 implements the statutory mandate of section 514(c), 30 U.S.C. 1264(c), that the hearing be held within 30 days of the date of the filing of the request and that interested parties received notice of the hearing.

Section 4.1365 attempts to clarify the status of the approval of a permit application, if review of the approval decision is sought.

Section 514(c) of the Act, 30 U.S.C. § 1264(c) states that "[i]f an application is approved, the permit shall be issued." Issuance of the permit could effectively moot any review of the approval decision, and the same section of the Act specifically allows for review of the decision. Therefore, this section provides for a stay of the issuance pending administrative review proceedings.

However, the permit applicant may seek dissolution of the stay by requesting temporary relief pursuant to 4.1367. If all the requirements of 4.1367(e) are met, the administrative law judge may dissolve the stay and provide that OSM's approval or any part of it be in full force and effect immediately.

If the permit applicant is seeking review of a disapproval, section 4.1366(a) provides that OSM shall have the burden of going forward to establish a prima facie case of a failure to comply with the applicable requirements of the Act or regulations. Pursuant to section 510 of the Act, 30 U.S.C. § 1260, the permit applicant would have the ultimate burden of persuasion to show entitlement to the permit. Under section 4.1366(b), the person seeking review of an approval must bear both the prima

facie and ultimate burden of persuasion that the permit application fails in some manner to comply with the requirements of the Act or regulations.

Whenever review has been requested pursuant to section 4.1362, any party may request temporary relief at any time prior to decision by an administrative law judge. If the decision sought to be reviewed disapproved the permit application, the relief sought cannot be issuance of the permit in whole or in part. Section 4.1367(e) sets forth the statutory criteria of section 514(d) of the Act, 30 U.S.C. § 1264(d), for granting temporary relief. One additional criterion has been added and it must also be satisfied where the relief sought is the dissolution of the stay imposed under section 4.1365.

Section 4.1367(f) allows appeals from temporary relief decisions to be appealed to the Board or it allows an aggrieved party to go directly to Federal court.

Sections 4.1368 and 4.1369 are an attempt to implement the statutory requirement of section 514(d), 30 U.S.C. § 1264(d), that a decision on a permit application be issued within 30 days after the hearing.

The Office of Hearings and Appeals has interpreted the language of that section to require the final administrative decision within 30 days after the hearing. Section 4.1368 allows the administrative law judge 10 days from the date the hearing record is closed to issue a written decision.

Section 4.1369 grants the parties 2 working days from receipt of the decision in which to file an appeal with the Board. The remainder of the 30 days is available to the Board in arriving at the final decision.

Review of OSM Permit Modification Orders, and OSM Decisions on Applications for Permit Revisions, Permit Renewals, or the Transfer, Assignment or Sale of Rights Granted Under a Permit

Sections 506(d), 510 and 511 of the Act, 30 U.S.C. 1256(d), 1260, and 1261, respectively, and 30 CFR Parts 788 (Federal program) and 30 CFR 741 (Federal lands program) require administrative review of OSM permit modification orders, and OSM decisions on permit revisions, permit renewals, or the transfer, assignment or sale of rights granted under a permit. The applicant, permittee, or any person having an interest which is or may be adversely affected by an OSM order or decision issued pursuant to the above-listed sections of the Act or regulations may file a request for review of that order or decision with the Hearings Division within 30 days of receipt of a copy of the order or decision. Any person not served with a copy shall have 40 days from the date of issuance of the decision in which to file a request.

The Act and regulations indicate that for permit revision and permit renewal proceedings a hearing must be held within 30 days of the date of the filing of the request for review. Therefore, 4.1374 provides that the administrative law judge shall hold a hearing within 30 days of the filing of a request for review of approval or disapproval or a permit revision or permit renewal. No time limit is established for hearings in the other two types of proceedings because neither the Act nor regulations require it.

Section 4.1375 provides that pending review an OSM permit modification order shall be stayed. As discussed, *supra*, for permit approvals, issuance of a permit following OSM approval of an application for permit revisions, permit renewals, or the approval of an application for the transfer, assignment, or sale of rights granted under permits is also stayed. However, dissolution of that stay is available, pursuant to a request for temporary relief under § 4.1377, if the requirements of section 4.1377(e) are met.

Dissolution of the permit modification order stay in not available. Under § 4.1376(a) in permit modification order proceedings, OSM must establish a prima facie case that the permit should be modified. The ultimate burden or persuasion in such a proceeding rests with the person seeking review.

Section 4.1376(b) was drafted in response to section 506(d)(1) of the Act, 30 U.S.C. 1256(d)(1), which clearly indicates that in a permit renewal proceeding those parties opposing renewal should have the burden of going forward and the ultimate burden of persuasion that the renewal application should be disapproved. In permit revision proceedings and proceedings involving review of OSM decisions on applications for transfer, assignment, or sale of rights, § 4.1376(c) provides that if the applicant is seeking review, OSM has the burden of going forward to establish a prima facie case and the applicant has the ultimate burden of persuasion. If any other person is seeking review, that person has the burden of going forward and the ultimate burden of persuasion.

As in permit approval or disapproval proceedings, temporary relief is available in these proceedings. However, where an application has been disapproved in whole or in part, the relief sought may not be issuance of a permit in whole or in part. Appeals of temporary relief decisions may be taken to the Board or, in the alternative, judicial review may be sought.

The Office of Hearings and Appeals has determined that for permit revisions and renewals the same statutory deadline for decision applies as is applicable for new permit approvals or denials. Therefore, §§ 4.1378 and 4.1379 incorporate the same time periods as set forth in the §§ 4.1368 and 4.1369. However, the statutory time limit is not applicable for decisions in permit modification order proceedings or in transfer, assignment, or sale of right proceedings because there is no indication in the Act or regulations that such a time limit should be imposed in these proceedings.

Review of Approval or Disapproval of a Coal Exploration Application

Sections 4.1380–4.1386 are only applicable for explorations of more than 250 tons because 30 CFR 776.14 restricts hearings to applications for more than 250 tons. Pursuant to §§ 4.1381 and 4.1382, the applicant or any other person having an interest which is or may be adversely affected by a decision of OSM to approve or disapprove a coal exploration application may seek review of that decision by filing a request for review with the Hearings Division.

If the OSM decision is to approve the application and a request for review is filed, § 4.1384 provides that approval is stayed pending the outcome of any administrative proceeding resulting from the OSM decision.

The burden of proof in this review proceeding is the same as that in a proceeding reviewing permit approval or disapproval, described above.

Review of Approval or Disapproval of a Performance Bond Release Application

Section 4.1391 provides that the permittee or any affected person, as that term is defined in 30 CFR 807.11(c), may file a request for review of a decision by OSM to approve or disapprove, in whole or in part, an application for release of a performance bond. Affected person is defined in 30 CFR 807.11(c) as:

(1) Any person with a valid legal interest which might be adversely affected by bond release; and

(2) The responsible officer or head of any Federal, State or local government agency which—

(i) Has jurisdiction by law or special expertise with respect to any environmental, social or economic impact involved, or

(ii) Is authorized to develop and enforce environmental standards with respect to surface coal mining and reclamation operations.

The request for review must be filed within 30 days of receipt of OSM's written decision, except any affected person not served with a copy of OSM's written decision must file a request within 40 days of the date of issuance of the written decision. Section 4.1394 makes it clear that a performance bond shall not be released, in whole or in part, during the pendency of any review proceeding resulting from approval of such release.

Review of Performance Bond Forfeiture

Under § 4.1401, the permittee or, where applicable, the surety may request review of a determination by OSM to require forfeiture of all or part of a performance bond. Review of a forfeiture determination by OSM shall stay the effect of that determination and OSM shall be restricted from taking collection pending the outcome of review proceedings.

OSM shall have the burden of going forward to establish a prima facie case for forfeiture of the performance bond. The ultimate burden of persuasion that the performance bond not be forfeited shall rest with the permittee or surety.

Review of OSM Determination of Issues Under 30 CFR 761.12(h)

Pursuant to section 522(e) of the Act, 30 U.S.C. 1272(e), and 30 CFR 761.12(h), section 4.1411 provides that the permit applicant or any person with an interest which is or may be adversely affected by a determination of OSM that a person holds or does not hold a valid existing right, or that surface coal mining operations did or did not exist on the date of enactment of the Act, may file a request for review of that determination.

The request shall be filed within 30 days of receipt by the permit applicant of a copy of OSM's written determination, or within 30 days of publication of the determination in the Federal Register, whichever is later.

Section 4.1413(a) provides that if the permit applicant is seeking review, OSM will have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion will rest with the permit applicant. Under § 4.1413(b) if any other person is seeking review, that person shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that a person holds or does not hold a valid existing right, or that surface coal mining operations did not exist on the date of enactment of the Act.

Drafting information: The principal authors of these proposed regulations are Bruce Harris, Office of Hearings and Appeals, Department of the Interior, and Michael Kurman, Office of the Solicitor, Department of the Interior.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Exec. Order No. 12044 and 43 CFR Part 14.

Wm. Philip Horton,

Acting Director, Office of Hearings and Appeals.

December 12, 1980.

For the reasons set forth in the preamble, Subpart L of Part 4 of Title 43 of the Code of Federal Regulations is proposed to be amended by adding §§ 4.1350–4.1414 as follows:

Request for Hearing on a Preliminary Finding Concerning a Demonstrated Pattern of Willful Violations Under Section 510(c) of the Act, 30 U.S.C. § 1260(c) (Federal Program, Federal Lands Program)

Sec.
4.1350 Scope.
4.1351 Preliminary finding by OSM.
4.1352 Who may file; where to file; when to file.
4.1353 Contents of request.
4.1354 Determination by administrative law judge.
4.1355 Burden of proof.
4.1356 Appeals.

Request for Review of Approval or Disapproval of Applications for Permits (Federal Program, Federal Lands Program)

4.1360 Scope.
4.1361 Who may file.
4.1362 Where to file; when to file.
4.1363 Contents of request.
4.1364 Time for hearing.
4.1365 Status of permit approvals pending review by the Office of Hearings and Appeals.
4.1366 Burden of proof.
4.1367 Request for temporary relief from a decision to approve or disapprove a permit application in whole or in part.
4.1368 Determination by the administrative law judge.
4.1369 Appeals.

Requests for Review Concerning Permit Modification Orders, and Applications for Permit Revisions, Renewals and the Transfer, Assignment, or Sale of Rights Granted Under Permits (Federal Program, Federal Lands Program)

4.1370 Scope.
4.1371 Who may file; where to file.
4.1372 When to file.
4.1373 Contents of request.
4.1374 Time for hearing.
4.1375 Status of OSM order or decision pending review by the Office of Hearings and Appeals.
4.1376 Burden of proof.
4.1377 Request for temporary relief.
4.1378 Determination by the administrative law judge.
4.1379 Appeals.
4.1380 Scope.

Request for Review of Approval or Disapproval of a Coal Exploration Application (Federal Program, Federal Lands Program)

Sec.
4.1381 Who may file.
4.1382 Where to file; when to file.
4.1383 Contents of request.
4.1384 Status of approvals pending review by the Office of Hearings and Appeals.
4.1385 Burden of proof.
4.1386 Appeals.

Request for Review of Approval or Disapproval of a Performance Bond Release Application Under Section 519 of the Act, 30 U.S.C. § 1269 (Federal Program, Federal Lands Program)

4.1390 Scope.
4.1391 Who may file.
4.1392 Where to file; when to file.
4.1393 Contents of request.
4.1394 Status of performance bond release pending review by the Office of Hearings and Appeals.
4.1395 Appeals.

Request for Review of Performance Bond Forfeiture (Federal Program, Federal Lands Program)

4.1400 Scope.
4.1401 Who may file; where to file; when to file.
4.1402 Contents of request.
4.1403 Status of forfeiture proceedings pending review by the Office of Hearings and Appeals.
4.1404 Burden of proof.
4.1405 Appeals.

Request for Review of OSM Determination of Issues Under 30 CFR 761.12(h) (Federal Program, Federal Lands Program)

4.1410 Scope.
4.1411 Who may file; where to file; when to file.
4.1412 Contents of request.
4.1413 Burden of proof.
4.1414 Appeals.

Authority: Sec. 201, P.L. 95–87, 91 Stat. 445 (30 U.S.C. 1201, et seq.)

Request for Hearing on a Preliminary Finding Concerning a Demonstrated Pattern of Willful Violations Under Section 510(c) of the Act, 30 U.S.C § 1260(c) (Federal Program, Federal Lands Program)

§ 4.1350 Scope.

These rules set forth the procedures for obtaining review under a partial or complete Federal program for a State (30 CFR Parts 733, 736) or a Federal lands program (30 CFR Chapter VII, Subchapter D) of a preliminary finding by OSM, prior to approval or disapproval of a permit application, that the applicant, or operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violations of the Act, State or Federal

laws or regulations, or individual permit conditions.

§ 4.1351 Preliminary finding by OSM.

If OSM determines during review of the permit application that the applicant, or operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violations of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply, OSM shall issue the applicant or operator a notice of intent to deny the permit on the basis of such preliminary finding. A copy of such notice of intent shall be issued simultaneously to each person who filed a written comment or objection with respect to the application, and shall be made available for public inspection at the public office where the applicant filed a copy of the permit application.

§ 4.1352 Who may file; where to file; when to file.

(a) The applicant or operator may file a request for hearing on OSM's preliminary finding of a demonstrated pattern of willful violations.

(b) The request for hearing shall be filed with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203, within 30 days of receipt by the applicant or operator of the notice of intent to deny the permit.

(c) Failure to make a timely filing of the request shall constitute a waiver of the opportunity for a hearing prior to a final finding by OSM concerning a demonstrated pattern of willful violations which results in the disapproval of the permit application.

§ 4.1353 Contents of request.

The request for hearing shall include—

(a) A clear statement of the facts entitling that person to administrative relief;

(b) An explanation of the alleged errors in OSM's preliminary finding; and

(c) Any other relevant information.

§ 4.1354 Determination by administrative law judge.

(a) The administrative law judge shall act expeditiously to set a time and place for the hearing and to issue a decision.

(b) The definitions found at 30 CFR 788.5 shall apply to these proceedings.

§ 4.1355 Burden of proof.

(a) OSM shall have the burden of going forward to establish a prima facie case as to the existence of a demonstrated pattern of willful violations of the Act, State of Federal laws or regulations, or individual permit conditions, which are of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply.

(b) The ultimate burden of persuasion shall rest with the person requesting a hearing.

§ 4.1356 Appeals.

Any party aggrieved by the decision of the administrative law judge may appeal to the Board under procedures set forth in § 4.1271 *et seq.* of this subpart.

Request for Review of Approval or Disapproval of Applications for Permits (Federal Program, Federal Lands Program)

§ 4.1360 Scope.

These rules set forth the procedures for obtaining formal review pursuant to § 514 of the Act, 30 U.S.C. § 1264, of a decision by OSM under a partial or complete Federal program for a State (30 CFR Parts 733, 736) or a Federal lands program (30 CFR Chapter VII, Subchapter D) to approve or disapprove a permit application, in whole or in part. Permit applications subject to these rules shall include all applications for new permits, including those new permits required under 30 CFR 788.12(d), 788.13(b), 788.14(b)(2), and 788.19(b)(1).

§ 4.1361 Who may file.

The applicant or any person having an interest which is or may be adversely affected by a decision of OSM to approve or disapprove a permit application, in whole or in part, may file a request for review of that decision.

§ 4.1362 Where to file; when to file.

(a) The request for review shall be filed with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203, within 30 days of receipt of a copy of OSM's written decision approving or disapproving the permit application, in whole or in part.

(b) Any person not served with a copy of OSM's written decision shall file the request for review within 40 days of the date of the issuance of the written decision.

§ 4.1363 Contents of request.

The request for review shall include—

(a) A clear statement of the facts entitling that person to administrative relief;

(b) An explanation of the alleged errors in OSM's decision;

(c) A request for specific relief;

(d) A statement whether the person requests or waives the opportunity for an evidentiary hearing; and

(e) Any other relevant information.

§ 4.1364 Time for hearing.

(a) The administrative law judge shall hold a hearing within 30 days of the date of the filing of the request for review and shall notify all interested parties of the time and place of such hearing.

(b) The administrative law judge may grant an extension of time for the hearing only if all parties to the hearing agree to such extension.

§ 4.1365 Status of permit approvals pending review by the Office of Hearings and Appeals.

The issuance of a permit following OSM approval of a permit application shall be stayed during the pendency of any administrative review proceeding resulting from such approval. However, the administrative law judge, pursuant to a request for temporary relief under § 4.1367, may, if the requirements of § 4.1367(e) are met, dissolve the stay and provide that OSM's approval or any part of it shall be in full force and effect immediately.

§ 4.1366 Burden of proof.

(a) If the permit applicant is seeking review, OSM shall have the burden of going forward to establish a prima facie case as to failure to comply with the applicable requirements of the Act or the regulations, and the permit applicant shall have the ultimate burden of persuasion as to entitlement to the permit.

(b) If any other person is seeking review, that person shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that the permit application fails in some manner to comply with the applicable requirements of the Act or the regulations.

§ 4.1367 Request for temporary relief from a decision to approve or disapprove a permit application in whole or in part.

(a) Where review is requested pursuant to § 4.1362, any party may file a request for temporary relief at any time prior to decision by an administrative law judge, so long as the relief sought is not the issuance of a permit where a permit application has been disapproved, in whole or in part.

(b) The request shall be filed with the administrative law judge to whom the case has been assigned. If no assignment has been made, the application shall be filed in the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior,

4015 Wilson Boulevard, Arlington, Virginia 22203.

(c) The applications shall include—

(1) A detailed written statement setting forth the reasons why relief should be granted;

(2) A statement of the specific relief requested;

(3) A showing that there is a substantial likelihood that the person seeking relief will prevail on the merits of the final determination of the proceeding; and

(4) A showing that the relief sought will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources.

(d) The administrative law judge may hold a hearing on any issue raised by the application.

(e) The administrative law judge shall expeditiously issue an order or decision granting or denying such temporary relief. Temporary relief may be granted only if—

(1) All parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;

(2) The person requesting such relief shows that there is a substantial likelihood of prevailing on the merits of the final determination of the proceeding;

(3) Such relief will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources; and

(4) If such relief is the dissolution of the stay imposed under § 4.1365, the party requesting dissolution must establish that the public interest will not be adversely affected by such action.

(f) Appeals of temporary relief decisions.

(1) Any party desiring to appeal the decision of the administrative law judge granting or denying temporary relief may appeal to the Board, or, in the alternative, may seek judicial review pursuant to section 526(a), 30 U.S.C. 1276, of the Act.

(2) The Board shall issue an expedited briefing schedule and shall issue a decision on the appeal expeditiously.

§ 4.1368 Determination by the administrative law judge.

The administrative law judge shall issue a written decision within 10 days of the date the hearing record is closed by the administrative law judge.

§ 4.1369 Appeals.

(a) Any party aggrieved by the decision of the administrative law judge shall have 2 working days from receipt of the decision within which to file a notice of appeal with the Board. A copy of the notice of appeal must simultaneously be filed with the administrative law judge.

(b) The Board shall act immediately to issue an expedited briefing schedule.

(c) The decision of the Board shall be issued within 30 days of the date the hearing record is closed by the administrative law judge.

Requests for Review Concerning Permit Modification Orders, and Applications for Permit Revisions, Renewals and the Transfer, Assignment, or Sale of Rights Granted Under Permits (Federal Program, Federal Lands Program)

§ 4.1370 Scope.

These rules set forth the procedures for obtaining formal review under a partial or complete Federal program for a state (30 CFR Parts 733, 736) or a Federal lands program (30 CFR Chapter VII, Subchapter D) of a final decision by OSM concerning permit modification orders, and applications for permit revisions, permit renewals, or the transfer, assignment or sale of rights granted under permits.

§ 4.1371 Who may file; where to file.

The applicant, permittee, or any person having an interest which is or may be adversely affected by a final decision of OSM ordering modification of a permit, or approving or disapproving applications for permit revisions, permit renewals, or the transfer, assignment or sale of rights granted under permits, may file a request for review of that decision with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

§ 4.1372 When to file.

(a) The request for review shall be filed within 30 days of receipt of a copy of OSM's written order or decision.

(b) Any person not served with a copy of OSM's written order or decision shall file the request for review within 40 days of the date of the issuance of the written order or decision.

§ 4.1373 Contents of request.

The request for review shall include—

(a) A clear statement of the facts entitling that person to administrative relief;

(b) An explanation of the alleged errors in OSM's decision;

(c) A request for specific relief;

(d) A statement whether the person requests or waives the opportunity for an evidentiary hearing; and

(e) Any other relevant information.

§ 4.1374 Time for hearing.

(a) The administrative law judge shall hold a hearing within 30 days of the date of the filing of the request for review of the approval or disapproval of a permit revision or permit renewal and shall notify all interested parties of the time and place of such hearing.

(b) The administrative law judge shall act expeditiously to order a hearing on a request for review of a permit modification order or the approval or disapproval of the transfer, assignment or sale of rights granted under a permit.

(c) The administrative law judge may grant an extension of time for the hearing only if all parties to the hearing agree to such extension.

§ 4.1375 Status of OSM order or decision pending review by the Office of Hearings and Appeals.

(a) The terms and effect of a permit modification order shall be stayed during the pendency of any administrative review proceeding resulting from that order.

(b) The issuance of a permit following OSM approval of applications for permit revisions or permit renewals, or the approval of an application for the transfer, assignment, or sale of rights granted under permits, shall be stayed during the pendency of any administrative proceeding resulting from such approval. However, the administrative law judge, pursuant to a request for temporary relief under 4.1377, may, if the requirements of 4.1377(e) are met, dissolve the stay and provide that OSM's approval or any part of it shall be in full force and effect immediately.

§ 4.1376 Burden of proof.

(a) In proceedings involving permit modification orders, OSM shall have the burden of going forward to establish a prima facie case. The ultimate burden of persuasion shall rest with the person seeking review of the order.

(b) In proceedings involving permit renewal decisions, those parties opposing renewal shall have the burden of going foreward to establish a prima facie case and the ultimate burden of persuasion that the renewal application should be disapproved.

(c) In proceedings involving OSM decisions on applications for permit revisions and on applications for the transfer, assignment, or sale of rights granted under permits—

(1) If the applicant is seeking review, OSM shall have the burden of going forward to establish a prima facie case as to failure to comply with applicable requirements of the Act or the regulations, and the applicant requesting

review shall have the ultimate burden of persuasion as to entitlement to approval of the application; and

(2) If any other person is seeking review, that person shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that the application fails in some manner to comply with the applicable requirements of the Act and the regulations.

§ 4.1377 Request for temporary relief.

(a) Where review is requested pursuant to 4.1371, any party may file a request for temporary relief at anytime prior to decision by an administrative law judge, so long as the relief sought is not the issuance of a permit where an application has been disapproved, in whole or in part.

(b) The request shall be filed with the administrative law judge to whom the case has been assigned. If no assignment has been made, the application shall be filed in the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

(c) The application shall include—

(1) A detailed written statement setting forth the reasons why relief should be granted;

(2) A statement of the specific relief requested;

(3) A showing that there is a substantial likelihood that the person seeking relief will prevail on the merits of the final determination of the proceedings; and

(4) A showing that the relief sought will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources.

(d) The administrative law judge may hold a hearing on any issue raised by the application.

(e) The administrative law judge shall expeditiously issue an order or decision granting or denying such temporary relief. Temporary relief may be granted only if—

(1) All parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;

(2) The person requesting such relief shows that there is a substantial likelihood of prevailing on the merits of the final determination of the proceeding;

(3) Such relief will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources; and

(4) If such relief is the dissolution of the stay imposed under 4.1375(b), the party requesting dissolution must establish that the public interest will not be adversely affected by such action.

(f) Appeals of temporary relief decisions.

(1) Any party desiring to appeal the decision of the administrative law judge granting or denying temporary relief may appeal to the Board or, in the alternative, may seek judicial review pursuant to section 526(a), 30 U.S.C. 1276(a), of the Act.

(2) The Board shall issue an expedited briefing schedule and shall issue a decision on the appeal expeditiously.

§ 4.1378 Determination by the administrative law judge.

(a) The administrative law judge shall issue a written decision on a request for review of a permit revision or permit renewal decision within 10 days of the date the hearing record is closed by the administrative law judge.

(b) The administrative law judge shall act expeditiously to issue a written decision on a request for review of an OSM permit modification order or an OSM decision on an application for the transfer, assignment or sale of rights granted under a permit.

§ 4.1379 Appeals.

(a) Any party aggrieved by the decision of the administrative law judge on a request for review of a permit revision or permit renewal decision shall have 2 working days from receipt of the decision within which to file a notice of appeal with the Board. A copy of the notice of appeal must simultaneously be filed with the administrative law judge.

(1) The Board shall act immediately to issue an expedited briefing schedule.

(2) The decision of the Board shall be issued within 30 days of the date the hearing record is closed by the administrative law judge.

(b) Any party aggrieved by the decision of the administrative law judge on a request for review of an OSM permit modification order or an OSM decision on an application for the transfer, assignment or sale of rights granted under a permit may appeal to the Board under procedures set forth in § 4.1271 *et seq.* of this subpart.

Request for Review of Approval or Disapproval of a Coal Exploration Application (Federal Program, Federal Lands Program)

§ 4.1380 Scope.

These rules set forth the procedures for obtaining formal review, pursuant to 30 CFR 776.14(b), of a decision by OSM under a partial or complete Federal program for a State (30 CFR Parts 733, 736) or a Federal lands program (30 CFR Chapter VII, Subchapter D) to approve or disapprove a coal exploration application, in whole or in part.

§ 4.1381 Who may file.

The applicant or any person having an interest which is or may be adversely affected by a decison of OSM to approve or disapprove a coal exploration application, in whole or in part, may file a request for review of that decision.

§ 4.1382 Where to file; when to file.

(a) The request for review shall be filed with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203, within 30 days of receipt of OSM's written decision approving or disapproving the coal exploration application.

(b) Any person not served with a copy of OSM's written decision shall file the request for review within 40 days of the date of issuance of the written decision.

§ 4.1383 Contents of request.

The request for review shall include—

(a) A clear statement of the facts entitling that person to administrative relief;

(b) An explanation of the alleged errors in OSM's decision;

(c) A request for specific relief;

(d) A statement whether the person requests or waives the opportunity for an evidentiary hearing; and

(e) Any other relevant information.

§ 4.1384 Status of approvals pending review by the Office of Hearings and Appeals.

The approval of a coal exploration application shall be stayed during the pendency of any administrative review proceeding resulting from such approval.

§ 4.1385 Burden of proof.

(a) If the coal exploration applicant is seeking review, OSM shall have the burden of going forward to establish a prima facie case as to failure to comply with the applicable requirements of the Act or the regulations, and the permit applicant shall have the ultimate burden of persuasion as to entitlement to the approval.

(b) If any other person is seeking review, that person shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that the application fails in some manner to comply with the applicable

requirements of the Act or the regulations.

§ 4.1386 Appeals.

Any party aggrieved by the decision of the administrative law judge may appeal to the Board under procedures set forth in § 4.1271 *et seq.* of this subpart.

Request for Review of Approval or Disapproval of a Performance Bond Release Application Under Section 519 of the Act, 30 U.S.C. § 1269 (Federal Program, Federal Lands Program)

§ 4.1390 Scope.

These rules set forth the procedures for obtaining formal review pursuant to section 519 of the Act, 30 U.S.C. 1269, and 30 CFR 807.11, of a decision by OSM under a partial or complete Federal program for a State (30 CFR Parts 733, 736) or a Federal lands program (30 CFR Chapter VII, Subchapter D) to approve or disapprove, in whole or in part, an application for release of a performance bond for surface coal mining and reclamation operations.

§ 4.1391 Who may file.

The permittee or any affected person, as that term is defined in 30 CFR 807.11(c), may file a request for review of a decision by OSM to approve or disapprove, in whole or in part, an application for release of a performance bond.

§ 4.1392 Where to file; when to file.

(a) The request for review shall be filed with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203, within 30 days of receipt of OSM's written decision approving or disapproving in whole or in part, an application for release of a performance bond.

(b) Any affected person not served with a copy of OSM's written decision shall file the request for review within 40 days of the date of issuance of the written decision.

§ 4.1393 Contents of request.

The request for review shall include—

(a) A clear statement of the facts entitling that person to administrative relief;

(b) An explanation of the alleged errors in OSM's decision;

(c) A request for specific relief;

(d) A statement whether the person requests or waives the opportunity for an evidentiary hearing; and

(e) Any other relevant information.

§ 4.1394 Status of performance bond release pending review by the Office of Hearings and Appeals.

OSM shall not release a performance bond, in whole or in part, during the pendency of any review proceeding resulting from the approval of such release.

§ 4.1395 Appeals.

Any party aggrieved by the decision of the administrative law judge may appeal to the Board under procedures set forth in § 4.1271 *et seq.* of this subpart.

Request for Review of Performance Bond Forfeiture (Federal Program, Federal Lands Program)

§ 4.1400 Scope.

These rules set forth the procedures for obtaining formal review under a partial or complete Federal program for a State (30 CFR Parts 733, 736) or a Federal lands program (30 CFR Chapter VII, Subchapter D) of a determination by OSM to forfeit all or part of a performance bond, as a result of the permittee's failure to meet the conditions upon the bond.

§ 4.1401 Who may file; where to file; when to file.

(a) The permittee or surety, if applicable, may file a request for review of a determination by OSM to forfeit all or part of a performance bond.

(b) The request for review shall be filed with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203, within 30 days of receipt of OSM's written determination.

§ 4.1402 Contents of request.

The request for review shall include—

(a) A clear statement of the facts entitling that person to administrative relief;

(b) An explanation of the alleged errors in OSM's decision;

(c) A request for specific relief;

(d) A statement whether the person requests or waives the opportunity for an evidentiary hearing; and

(e) Any other relevant information.

§ 4.1403 Status of forfeiture proceedings pending review by the Office of Hearings and Appeals.

The filing of a request for review with the Office of Hearings and Appeals shall automatically stay OSM from taking collection action after a forfeiture determination.

§ 4.1404 Burden of proof.

OSM shall have the burden of going forward to establish a prima facie case for forfeiture of the performance bond. The ultimate burden of persuasion that the performance bond not be forfeited shall rest with the permittee or surety, if applicable.

§ 4.1405 Appeals.

Any party aggrieved by the final decision of the administrative law judge may appeal to the Board under procedures set forth in § 4.1271 *et seq.* of this subpart.

Request for Review of OSM Determination of Issues Under 30 CFR 761.12(h) (Federal Program, Federal Lands Program)

§ 4.1410 Scope.

There rules set forth procedures for obtaining formal review pursuant to 30 CFR 761.12(h) of a determination by OSM under a partial or complete Federal program for a State (30 CFR Parts 733, 736) or a Federal lands program (30 CFR Chapter VII, Subchapter D) that a person holds or does not hold a valid existing right, or that surface coal mining operations did or did not exist on the date of enactment of the Act, on lands where operations are prohibited or limited by section 522(e) of the Act, 30 U.S.C. 1272(e).

§ 4.1411 Who may file; where to file; when to file.

(a) The permit applicant or any person with an interest which is or may be adversely affected by a determination of OSM that a person holds or does not hold a valid existing right, or that surface coal mining operations did or did not exist on the date of enactment of the Act, may file a request for review of that determination with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

(b) The request for review shall be filed within 30 days of receipt by the applicant of a copy of OSM's written determination, or within 30 days of publication of the determination in the **Federal Register**, whichever is later.

§ 4.1412 Contents of request.

The request for review shall include—

(a) A clear statement of the facts entitling that person to administrative relief;

(b) An explanation of the alleged errors in OSM's decision;

(c) A request for specific relief;

(d) A statement whether the person requests or waives the opportunity for an evidentiary hearing; and

(e) Any other relevant information.

§ 4.1413 Burden of proof.

(a) If the permit applicant is seeking review, OSM shall have the burden of going forward to establish a prima facie case. The ultimate burden of persuasion shall rest with the person seeking review of the determination.

(b) If any other person is seeking review, that person shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that a person holds or does not hold a valid existing right, or that surface coal mining operations did not exist on the date of enactment of the Act.

§ 4.1414 Appeals.

Any party aggrieved by the decision of the administrative law judge may appeal to the Board under procedures set forth in § 4.1271 *et seq.* of this subpart.

[FR Doc. 81-1256 Filed 1-12-81; 8:45 am]

BILLING CODE 4310-10-M

FEDERAL MARITIME COMMISSION

46 CFR Part 503

[Docket No. 80-48]

Appeals of Denials of Requests for Information

AGENCY: Federal Maritime Commission.

ACTION: Discontinuance of Proceeding.

SUMMARY: The Commission has determined to discontinue Docket No. 80-48 without issuing a rule. A change in the present system of processing of appeals from denials of requests for information under the Freedom of Information and Government in the Sunshine Acts is considered unnecessary.

DATES: Effective January 14, 1981.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW, Room 11101, Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: By notice published in this proceeding (45 FR 48172; July 18, 1980), the Federal Maritime Commission proposed to amend its rules regarding appeals from a denial by the Secretary of certain requests submitted pursuant to the Freedom of Information and Government in the Sunshine Acts. At present, § 503.34 of 46 CFR provides that such appeals are made to the Chairman. The proposed amendment would have the appeals addressed to the entire Commission where they involve a request for transcripts of closed Commission meetings and "other documents which have been prepared through joint action or effort of a quorum of Commissioners."

In response to the notice, comments were received from The Adherence Group; a number of conferences in the North European trades; the "8900" Lines, a number of conferences in the Latin American trades; Sea-Land Service, Inc.; and the firm of Kominers, Fort, Schlefer and Boyer.

The Commission has considered the comments in this proceeding and reviewed its experience over the years with respect to appeals of denials of requests and concluded that a change in the current procedure is unnecessary. Appeals are made in relatively few circumstances and appeals of the type contemplated in this proposed rulemaking are extremely rare. The present procedure of appeal to a single authority, viz., the Chairman of the Commission is efficient and fair. Accordingly, this proceeding is discontinued.

By the Commission.[1]

Francis C. Hurney,

Secretary.

[FR Doc. 81-1358 Filed 1-13-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[CC Docket No. 80-584; RM-3304]

Policies Governing the Ownership and Operation of Domestic Satellite Earth Stations in the Bush Communities in Alaska; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Agency.

ACTION: Notice of Proposed Rulemaking; Extension of comment and reply period.

SUMMARY: This order extends the time for filing comments and reply comments in CC Docket No. 80-584 (RM-3304) relating to policies governing the ownership and operation of domestic satellite earth stations in the Bush communities in Alaska.

DATE: Initial comments are now due on or before January 28, 1981, and reply comments on or before March 1, 1981.

FOR FURTHER INFORMATION CONTACT: Pamela Wisne, Domestic Facilities Division, Common Carrier Bureau, 202-632-5930.

In the matter of policies governing the ownership and operation of domestic satellite earth stations in the Bush communities in Alaska, CC Docket No. 80-584, (RM-3304).[1]

Adopted December 24, 1980.

Released: January 2, 1981.

1. On December 18, 1980, the Rural Development Council of Alaska (the Council) filed a request for an extension of time to file comments to the Commission's *Notice of Proposed Rulemaking* in CC Docket No. 80-584, FCC 80-550 (released October 29, 1980).

2. In support of its request, the Council claims it was not apprised of the above-captioned rulemaking proceeding until December 5, 1980. It states that an extension of time is needed in order for it to participate in the above-captioned proceeding.

3. In the interests of establishing a full record, we will grant a short extension of time. Accordingly, it is ordered, pursuant to Sections 4(i), 5(d)(1) and 303(f) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's Rules, that the dates for filing comments in response to the *Notice of Proposed Rulemaking* is extended to and including January 28, 1981, and the date for filing reply comments is extended to and including March 2, 1981.

Federal Communications Commission.

James R. Keegan,

Chief, Domestic Facilities Division.

[FR Doc. 81-1301 Filed 1-13-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Dissenting Opinion of Vice Chairman Kanuk is filed with the Office of the Federal Register as part of the original document.

[1] See 45 FR 71384, October 28, 1980.

Notices

Federal Register
Vol. 46, No. 9
Wednesday, January 14, 1981

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

Soil Conservation Service

Waimanalo Watershed, Hawaii; Intent To Prepare Environmental Impact Statement

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Jack P. Kanalz, State Conservationist, Soil Conservation Service, Room 4316, Prince Kuhio Federal Building, 300 Ala Moana, P.O. Box 50004, Honolulu, Hawaii 96850, telephone 808–546–3165.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Waimanalo Watershed, City and County of Honolulu, Hawaii.

The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Jack P. Kanalz, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for watershed protection, flood prevention, and irrigation.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Jack P. Kanalz, State Conservationist.

Dated: January 2, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

[FR Doc. 81–1275 Filed 1–13–81; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

[Docket 38606]

Application of Air Florida, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Grant of certificate authority.

SUMMARY: The Board proposes to approve the following application. Applicant: Air Florida, Inc. Application Date: August 5, 1980. Docket 38606. Authority: Amendment of Route 197–F to read as follows: "Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach) and a point or points in the Bahamas Islands."

OBJECTIONS: Since the Board is granting Air Florida authority which is broader than that requested; *i.e.*, granting authority from all points in the U.S. except Sarasota/Bradenton, Orange County and West Palm Beach, to all points in the Bahamas, rather than merely adding New York and Governors Harbour as co-terminal points on its Route 197–F, we are granting all interested persons having objections to the Board's attached order the right to file NO LATER THAN January 30, 1981, a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 38606, Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to the applicant, the Departments of State and Transportation and the Ambassador of the Bahamas Islands in Washington, D.C.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data or other such supporting evidence.

If no objections are filed, the Secretary of the Board will submit to the President the attached order which will, subject to his disapproval, issue the proposed certificate authority.

FOR FURTHER INFORMATION CONTACT: Parlen L. McKenn (212) 673–5153 Legal Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: January 8, 1981.

Phyllis T. Kaylor,

Secretary.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of January 1981.

Application of Air Florida, Inc. for an amendment of its certificate of public convenience and necessity issued under section 401 of the Federal Aviation Act, as amended.

Order Establishing Simplified Procedures and Issuing an Amended Certificate

On August 15, 1980, Air Florida, Inc. filed an application requesting an amendment of its certificate to permit it to add New York as a United States coterminal point and Governors Harbour as a Bahamas Islands coterminal point to its Route 197–F. Air Florida requested that its application be processed by nonhearing procedures pursuant to Subpart Q. Additionally, in support of its application Air Florida submitted an illustrative schedule and a fuel estimate.

No answer to Air Florida's application have been filed.[1]

We have decided that an oral evidentiary hearing or a show cause proceeding is unnecessary since there are no material, determinative issues of fact requiring such procedures for their resolution; and that we should proceed directly to a final decision and grant the application.[2] We find the grant of the application is consistent with the public convenience and necessity and with our decision in the U.S.-Bahamas Service Investigation.[3] We incorporate by reference the findings and conclusions

[1] The public was informed of Air Florida's application by notice in the **Federal Register** on August 25, 1980 (45 FR 56377). The notice described the authority sought, advised the public that expedited procedures might by used to process the application, and gave interested persons an opportunity to submit evidence and objections to the award of the requested authority.

[2] *See* Rule 29(b) and Rule 1750(a)(3). Also see Order 80–7–207, June 6, 1980.

[3] Order 79–8–68.

made in that proceeding where we found, *inter alia*, that multiple awards should be authorized in the U.S.-Bahamas docket.

The International Air Transportation Competition Act of 1979 (IATCA) amends section 401(e) of the Act to authorize the Board to license U.S. airlines for foreign air transportation to/from a point or points in the United States, without specifying terminal and intermediate points as was previously required. A broadly described route description gives carriers greater flexibility to tailor services to demand, is consistent with the Act's competitive mandate, and eliminates the costs and other burdens that are generally associated with requests for changes in operating authority. In this connection it is significant to note that in recent weeks Air Florida has found it necessary to seek other changes to its Bahamas authority. While each of the carrier's requests was granted, a broadly different route description would have made them unnecessary in the first instance.[4] Therefore, we have decided that the authority granted to Air Florida in this proceeding should be described in the certificate as "between a point or points in the United States and a point or points in the Bahamas Islands", so that it will have greater flexibility in reacting to changes in market conditions, thus allowing it to better serve the public.[5]

Air Florida holds a certificate of public convenience and necessity authorizing it to perform scheduled interstate, overseas, and foreign air transportation of persons, property and mail over Routes 197 and 197-F. On the basis of officially noticeable,[6] we find that Air Florida is a citizen of the United States and is fit, willing, and able to perform properly the proposed foreign air transportation and to conform to the requirements of the Act and our rules, regulations and requirements.[7] We have analyzed Air Florida's fuel submission and conclude that the grant of the application would not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975.[8]

Accordingly,

1. We amend the certificate of public convenience and necessity of Air Florida, Inc. for Route 197-F, as shown in the appendix;

2. We are serving this order on Air Florida, the United States Departments of State and Transportation and the Ambassador of the Bahamas Islands in Washington, D.C.;

3. This order will be submitted to the President, unless there are objections filed by January 30, 1981, in which case resolution of the case will await further order. If submitted to the President, unless disapproved by him under section 801(a) of the Federal Aviation Act of 1958, as amended,[9] the certificate attached to this order shall become effective on the 61st day after such submission, or upon the date of receipt of advice from the President that he does not intend to disapprove this order under that section, whichever is earlier;[10] and

4. We will publish notice of this order in the **Federal Register.**

All Members concurred.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

Certificate Amendment

Air Florida, Inc. for Route 197-F

Amend the route description to read as follows:

"Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach) and a point or points in the Bahamas Islands.

This authority is permissive.

The continuing effectiveness of this authority is subject to timely payment by the holder of such license fees as the Board may prescribe.

[FR Doc. 81-1329 Filed 1-13-81; 8:45 am]

BILLING CODE 6320-01-M

[4] For example, see Order 80-9-87.

[5] We will, however, exclude authority between the Bahamas and Sarasota/Bradenton, Orange County, and West Palm Beach, pending finalization of our environmental studies of these points. See Order 80-4-121, April 16, 1980; Order 79-5-17, May 1, 1979; Order 80-2-16, February 5, 1980.

[6] Officially noticeable data consists of that material filed under Rule 24(m) of our Procedural Regulations.

[7] We note that Air Florida was recently awarded Transatlantic certificate authority by Order 80-7-179, June 10, 1980. Additionally, since we are granting Air Florida broader authority than it requested and in order to make sure that all interested persons have received sufficient notice, we will publish a copy of this order in the Federal Register and will not submit this award to the President for three weeks after the date of service of this order so that such persons may make their veiws known. If objections are filed, this order will not be submitted to the President pending further Board order.

[8] Air Florida expects to consume approximately 6.6 million gallons of fuel annually.

[9] 49 U.S.C. 1461.

[10] This order was submitted to the President on ————. The 61st day is ————.

The Sea Airmotive Kodiak-Bush Points Subpart Q Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show-cause (Order 81-1-35).

SUMMARY: The Board is instituting the Sea Airmotive Kodiak-Bush Points Subpart Q Proceeding and is proposing to grant unrestricted authority between the terminal point Akhiok, Alaska, the intermediate points Alitak, Amook, Iliamna, Karluk, Kitoi, Kodiak, Kokhanok Bay, Larsen Bay, Moser Bay, Nondalton, Old Harbor, Olga Bay, Ouzinkie, Parks, Pedro Bay, Pope Vanon, Port Alsworth, Port Bailey, Port Lions, Port Williams, Seal Bay, Terror Bay, Uganik, Uyak, and West Point, Alaska, and the terminal point Zachar Bay, Alaska, to Sea Airmotive under the expedited procedures of Subpart Q of its Procedural Regulations. Tentative findings and conclusions will become final if no objections are filed. The complete text of this order is available as noted below.

DATE: All interested persons having objections to the Board issuing the proposed authority shall file and serve upon all persons listed below, no later than February 11, 1981, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESS: Objections should be filed in Docket 38930, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Peter Bonanno, Jr., Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5009.

SUPPLEMENTARY INFORMATION: Objections should be served upon Sea Airmotive, the Alaska Transportation Commission, Civic Officials of Akhiok, Amook, Iliamna, Karluk, Kitoi, Kodiak, Kokhanok Bay, Larsen Bay, Moser Bay, Nondalton, Old Harbor, Olga Bay, Ouzinkie, Parks, Pedro Bay, Pope Vanon, Port Alsworth, Port Bailey, Port Lions, Port Williams, Seal Bay, Terror Bay, Uganik, Uyak, West Point and Zachar Bay, Alaska, and the airport manager of the Kodiak Airport. The complete text of Order 81-1-35 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-1-35 to that address.

By the Civil Aeronautics Board: January 8, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-1330 Filed 1-13-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Office of Federal Statistical Policy and Standards

Revised Statistical Policy Directive on Compilation and Release of Principal Federal Economic Indicators

AGENCY: Office of Federal Statistical Policy and Standards, U.S. Department of Commerce.

ACTION: Notice of adoption of a revised Statistical Policy Directive providing for timely compilation and prescheduled release of principal economic indicator statistics produced by Federal agencies.

SUMMARY: The revised Directive combines two previous Directives that were entitled "Guidelines for the Release of Principal Federal Economic Indicators" and "Prompt Compilation and Release of Statistical Information". Responsibility has also been added for designation of which economic data series should be considered as principal economic indicators subject to this Directive.

Introduction

The revised Directive replaces Statistical Policy Directives No. 3 and 4 dated May 4, 1978. The major policies of encouraging timely compilation of important economic information, or requiring prescheduled public release, and of preventing premature release of information are continued. These practices are conducive to the proper management of both private and public economic affairs.

The revised Directive is nearly the same as a draft revision that was published in the **Federal Register** on July 17, 1980 for comment. Some small changes have been made to accommodate comments received. The final Directive was approved by the Statistical Policy Coordination Committee on October 16, 1980.

Statistical Policy Directive No. 3 [1]

Compilation and Release of Principal Federal Economic Indicators

The purpose of this Directive is to ensure that the principal economic indicators issued by Federal agencies to the public are released without unnecessary delay and that the release dates for the principal weekly, monthly, and quarterly indicators are made publicly available in advance. Such prompt release of official statistics on a regular schedule is conducive to the proper management of both private and public economic affairs.

1. Designation of Principal Indicators.

Determination of which economic data series are to be classified as principal Federal economic indicators and covered by this Directive will be made by the Director, Office of Federal Statistical Policy and Standards, after consultation with the heads of agencies producing the data series. This designation will be reviewed at least annually.

2. Prompt Release.

The shortest practicable interval should exist between the date or period to which the data refer and the date when compilation is completed. Prompt public release of the figures should be made after compilation. The goal is to accomplish compilation and release to the public within 20 working days or less for series that are issued quarterly or more frequently.

3. Release Schedule.

Agencies should schedule release dates for series that are issued quarterly or more frequently that can be met and that will also insure prompt release of the series as specified in this Directive. The schedule of release dates established by agencies will be issued each month by the Office of Federal Statistical Policy and Standards and will appear in the Office's publication, *Statistical Reporter.*

Agencies should establish and maintain one or two designated times of day for the release of their principal economic indicators. Each indicator should be released consistently at one of the designated times and changes to a new designated release time should be announced 30 days in advance.

4. Release Procedure.

Initial release of principal economic indicators should be made by the statistical agency in a press release or other type of printed report. A press release should be issued if it would significantly speed up the release of data to the public. A news conference may be scheduled to permit discussion of important technical features of the data being released.

Except for authorized distribution of principal economic indicators described in this paragraph, there shall be no provision of information or data estimates prior to official public release. The President will receive pre-released information when available through the Chairman of the Council of Economic Advisers. Principal economic indicators information should be made available to principal economic policymakers at the same time a press release is provided to the press. The principal economic policymakers who may receive the information are the Chairman of the Council of Economic Advisers, the Chairman of the Board of Governors of the Federal Reserve System, the Director of the Office of Management and Budget, the Director of the Council on Wage and Price Stability, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Labor.

Each statistical agency is responsible for establishing procedures to assure that there will be no premature release of information or data estimates during the period of time required for preparation and duplication of materials used for the public release. This includes the protection of public use data banks which should not receive data until officially released. All employees of the Executive Branch who receive pre-release distribution of information and data estimates as authorized above are responsible to assure that there will be no release prior to the public release. Employees of the Executive Branch should also observe a one-hour period after the public release of data by the statistical agency before making related public commentary, except for necessary technical explanation by appropriate professional staff of the issuing Department.

5. Granting of Exceptions.

Exceptions to the provisions in sections 2, 3 and 4 of this directive may be authorized by the Director, Office of Statistical Policy and Standards.

6. Preliminary Estimates and Revisions.

Decisions on the release of principal economic indicators may require balancing timeliness against accuracy and also controlling frequency of revisions. It is not intended that vital information important for making current policy decisions be withheld merely to reduce frequency of revisions, nor that stringent accuracy considerations result in delaying the issuance of important statistical information. Broad guidelines to use in helping achieve a balance are:

a. In general, not more than two estimates for a principal economic indicator should be issued within 60 days after the end of the reference period.

b. Preliminary estimates for series that represent principal aggregates should not be issued until the agency is reasonably confident that the difference between preliminary and final figures will be small relative to average period-

[1] Supersedes Directive Nos. 3 and 4 issued May 4, 1978.

to-period change. More relaxed standards may be applied, if necessary, to subaggregations.

c. If revisions in preliminary estimates tend to occur significantly more frequently in one direction than another, efforts should be made to reduce bias, or, if this is not feasible, adjustments for bias in the preliminary figures should be developed.

d. Irregularity in each series resulting from sampling error and measurement error should be reduced as much as budgetary and time constraints allow.

It is also desirable to limit the frequency of revisions for the same data series because of the uncertainty and confusion that may be created for users. To the extent possible the following procedures should be used to help minimize confusion for users:

a. Preliminary and revised figures should be clearly identified as such. For principal aggregate figures, revisions should be accompanied by the previous figures to facilitate comparison.

b. Revisions occurring for various reasons, such as benchmark revisions, updating of seasonal factors, and replacement of preliminary by revised figures, should be consolidated and released simultaneously.

c. Revisions occurring for reasons other than routine and regular replacement of preliminary by revised figures because of new data should be accompanied by a brief explanation at the time of release.

Source: Office of Federal Statistical Policy and Standards, U.S. Department of Commerce.

Dated: January 8, 1981.

Courtenay M. Slater,

Chief Economist for the Department of Commerce.

[FR Doc. 81-1194 Filed 1-13-81; 8:45 am]

BILLING CODE 4000-01-M

Foreign-Trade Zones Board

[Docket No. 1-81]

Foreign-Trade Zone No. 62, Cameron County, Texas (Brownsville Customs Port of Entry); Application for Expansion

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Brownsville Navigation District (BND), a Texas public corporation and grantee of Foreign-Trade Zone No. 62, requesting authority to expand its zone to include two additional sites in Cameron County, within the Brownsville Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on January 5, 1981. The applicant is authorized to make this proposal under Senate Bill No. 1105, Texas Legislature, signed June 13, 1979.

The application is a reactivation of a previous request for zone status for sites 3 and 4 in BND's original application filed October 31, 1979. While the Board granted BND authority to establish a foreign-trade zone at several sites within the port complex in Cameron County on October 20, 1980, it denied approval for sites 3 and 4 because the application contained no clearances from the Department of Energy (DOE). BND has since then contacted DOE and at the suggestion of that agency has resubmitted its proposal.

The proposed sites embrace the operations of two independent crude oil refineries, each with a 10,000 barrel per day capacity: Vedette Oil Refinery, Inc. (Site 3); and, Petraco Valley Oil Refining Corporation (Site 4). Both sites are located within the Port of Brownsville, east of the intersection of State Highway 48 and FM 511.

The application contains information concerning the economic rationale for granting zone status to the refineries. Both now process foreign crude oil for the domestic market. Zone procedures will permit the refineries to use excess capacity to refine additional foreign crude under processing agreements for re-export. BND feels that this could have a favorable effect on the U.S. balance of trade, increase U.S. value added, lower consumer prices through increased efficiency, and provide stability in the supply of crude oil.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The committee consists of Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; Donald Gough, Director (Inspection and Control), Region VI, U.S. Customs Service, Suite 1240, 500 Dallas Street, Houston, Texas 77002; and Colonel James M. Sigler, District Engineer, U.S. Army Engineer District Galveston, P.O. Box 1229, Galveston, Texas 77443.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before February 6, 1981.

A Copy of the application is available for public inspection at each of the following locations:

Administrative Offices, Brownsville Navigation District, Port of Brownsville, Highways 48 and 511, Brownsville, Texas 78520

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, N.W., Room 2006, Washington, D.C. 20230

Dated: January 9, 1981.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 81-1279 Filed 1-13-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Certain Footwear From India; Countervailing Duties; Clarification of Final Countervailing Duty Determination

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Clarification of final countervailing duty determination.

SUMMARY: This notice is to advise the public that the Department of Commerce is clarifying the "Final Countervailing Duty Determination" on certain footwear from India by providing a more accurate product description of the previous exemptions to the final determination.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph A. Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Room 1126, Washington, D.C. 20230 (202–377–3460.

SUPPLEMENTARY INFORMATION: A notice of "Final Countervailing Duty Determination and Suspension of Liquidation," T.D. 79–275, was published in the Federal Register of October 26, 1979 (44 FR 61588). The notice stated that the Treasury Department had determined that the Government of India had given bounties or grants on the manufacture, production, or exportation of certain footwear (specifically leather shoes and leather uppers), within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Act").

Following the determination countervailing duties were levied on imports of leather shoes and certain leather uppers. However, under section 303(a)(2) of the Act, countervailing

duties may be imposed on duty-free merchandise only if the International Trade Commission ("the ITC") makes an affirmative injury determination. Therefore, Treasury suspended liquidation of entries of unlasted leather footwear uppers pending an ITC injury determination. On March 26, 1980, the ITC published a notice of no injury (45 FR 19678) regarding such leather uppers which effectively terminated the proceeding in regard to unlasted leather footwear uppers meeting the requirements for duty-free entry and so entered. Accordingly, such merchandise is not subject to the collection of countervailing duties.

The final determination also reiterated the preliminary determination that the 5% cash rebate upon export of "leather sandals" did not constitute a bounty or grant and therefore, such products were not subject to countervailing duties. This notice clarifies this excluded category of products based on further information received by the Department. The term sandal refers to footwear generally consisting of a sole held to the foot by uppers, composed of thongs or straps, with heel height of not over one inch, or without heels.

The Department excludes exports of leather sandals, slippers, huaraches and chappals from India from the coverage of the final affirmative determination regarding certain footwear from India.

The Department will instruct Customs officers to proceed with liquidation of all entries, or withdrawals from warehouse, for consumption of unlasted leather uppers entered free of duty and all entries of leather sandals, slippers, huaraches, and chappals without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to such entries. All other entries of footwear from India covered by the final determination of October 26, 1979 remain subject to countervailing duties.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

January 9, 1981.

[FR Doc. 81-1281 Filed 1-13-81; 8:45 am]

BILLING CODE 3510-25-M

Leather Wearing Apparel From Colombia; Preliminary Affirmative Countervailing Duty Determination

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Preliminary affirmative countervailing duty determination.

SUMMARY: The Department of Commerce has preliminarily determined that the Government of Colombia has given manufacturers, producers, and exporters of leather apparel benefits that constitute bounties or grants within the meaning of the countervailing duty law. We will make a final determination by March 24, 1981.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT: Anne Hamilton, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202) 377-3963.

SUPPLEMENTARY INFORMATION: On November 12, 1980, we published a notice of initiation of countervailing duty investigation in the **Federal Register** (45 FR 74742), in response to a petition submitted on behalf of the domestic industry on October 14, 1980. The petitioner, Ralph Edwards Sportswear, Inc., Cape Girardeau, Missouri, alleges that the Government of Colombia provides to manufacturers, producers, or exporters of leather wearing apparel certain subsidies that are bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979 (93 Stat. 190, 19 U.S.C. 1303) (hereafter referred to as "the Act"). The merchandise covered by this investigation is leather wearing apparel currently classified in item number 791.76 of the Tariff Schedules of the United States (TSUS). This merchandise includes men's, boys', women's and girls' leather coats, jackets, and other leather apparel (such as vests, pants, and skirts), as well as parts and pieces thereof. Because Colombia is not a "country under the Agreement," within the meaning of section 701(b) of the Act (93 Stat. 151, 19 U.S.C. 1671(b)), section 303 of the Act applies to this investigation. Therefore, the Department of Commerce has not referred this case to the United States International Trade Commission for a preliminary determination of material injury to a domestic industry.

Program Under Investigation

The petitioner alleges that the Government of Colombia provides subsidies in the form of payment of negotiable tax certificates (CATs) at a fixed percentage of the value of export transactions for the purpose of rebating all indirect taxes paid. The Treasury Department (the responsible agency for the administration of the countervailing duty law before January 1, 1980) investigated the CAT program as part of an earlier countervailing duty investigation, initiated in January 1978, on men's and boys' textile products from Colombia. On November 16, 1978, Treasury made a final affirmative determination (43 FR 53525) that leather wearing apparel producers received a benefit in the form of CAT certificates valued at 12 percent of the domestic value-added content of the export (12 percent of a 75 percent domestic value-added content, yielding an effective CAT rate of 9 percent). In estimating a "net" subsidy of 5.94 percent (later revised to 6.18 percent (44 FR 3599)), Treasury reduced the amount of the CAT by the indirect taxes that could have been, but were not, rebated on the export of leather apparel. The Treasury Department revoked this positive determination (44 FR 26992) when Colombian leather apparel manufacturers certified they would renounce the "net" bounty, voluntarily relinquishing negotiable tax certificates (CATs) valued in this amount on men's and boys' leather apparel exports to the United States on or after March 1, 1979.

The petitioner has requested that the Department of Commerce reinvestigate the CAT program because since the previous case the countervailing duty law has been amended to restrict the use of offsets in calculating countervailing duties. Section 771(6) of the Act defines net subsidy to be the gross subsidy minus only the following amounts, if applicable: (1) any application, fee, deposit, or similar payment paid in order to qualify for, or to receive, the benefit of the subsidy; (2) any loss in the value of the subsidy resulting from its deffered receipt, if the deferral is mandated by Government order; and (3) export taxes, duties, or other charges levied on the export of merchandise to the United States specifically intended to offset the subsidy received.

However, the Senate Report on the Trade Agreements Act of 1979 (S. Rep. No. 96-249, 96th Cong., 1st Sess. 84-85 (1979)) states quite clearly that the limitations on offsets contained in section 771(6) of the Act:

> Are not intended to prohibit the administering authority from determining that export payments are not subsidies, if those payments are reasonably calculated, are specifically provided as non-excessive rebates of indirect taxes within the meaning of Annex A of the Agreement and are directly related to the merchandise exported.

The Department of Commerce published Administrative Guidelines (19 CFR 355, Annex 1, paragraph 2, 45 FR 4949) for determining when the payment of a lump sum calculated and identified as a non-excessive rebate of an indirect tax on an exported product or its

components is not a subsidy. These guidelines were recently applied in the investigations involving textile and textile mill products (45 FR 55502) and certain iron metal fasteners (45 FR 64611) from India.

Preliminary Affirmative Determination

The Government of Columbia has not submitted information that would allow us to apply these guidelines with regard to the CAT program. Until such information is provide, we have no alternative but to preliminarily determine that, under the CAT program, the Government of Columbia makes available a subsidy to exporters of leather wearing apparel for the full amount of the payment. As there are no indication of changed circumstances since the previous investigation, described above, we have relied on information submitted during that investigation as the best information available on the CAT program. On the basis of that information, we estimate the gross subsidy to be 9 percent of the f.o.b. value of exports, i.e., the amount the Government of Columbia actually makes available on exports of leather wearing apparel.

Administrative Procedures

In accordance with Section 703(d) of the Act (19 U.S.C. 1671b(d)), Customs officers will be directed to suspend liquidation of all entires, or withdrawals from warehouse, for consumption of the CAT payments and has entered into negotiations with the Department of Commerce for a suspension agreement, we have preliminarily determined not to order the posting of a cash deposit or bond on entries of the subject merchandise by this exporter. The renunciation is in the full amount of the subsidy on exports to the Unites States on or after January 1, 1981, of all merchandise currently classified under TSUS 791.76.

The negotiations are being conducted under the provisions of section 704 of the Tariff Act of 1930 (19 U.S.C. 1671c) and section 355.31 of the Commerce Regulations (19 CFR 355.31). In the event the negotiations are terminated or the renunciation is rescinded, the Department will adjust the cash deposit or bond rate according to the investigative results.

Confecciones Amazones Orinoco is the only Colombian leather apparel producer of appreciable size, the other facilities being small family shops. By value exports of leather apparel from Columbia amounted to $1.7 million in 1979, and are expected to drop to around $1 million in 1980 (representing, in both years, less that 1 percent of total U.S. imports of the subject merchandise). According to the Government of Columbia, Confecciones Amazonas Orinoco is currently the only Colombian exporter of leather apparel to the United States.

However, should any new Colombian exporters of the subject merchandise enter the U.S. market, we will require that a cash deposit, bond, or other security be posted in the amount of 9 percent of the f.o.b. value of the imported merchandise.

In accordance with the Commerce Department Regulations (19 CFR 355.34, 45 FR 4946), interested parties may submit information or written views concerning this proceeding. Submissions should be sent in at least 10 copies no later than February 12, 1981, to the Deputy Assistant Secretary for Import Administration, Room 2800, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

The Department will also afford interested parties an opportunity to present oral views in accordance with section 355.35 of the Commerce Department Regulations. If requested, this hearing will be held at 10:00 a.m. on February 11, 1981, in Room 3817 of the Commerce Department. Interested parties should submit a request for such a conference to the Office of the Deputy Assistant Secretary for Import Administration at the address shown above. These requests should contain (1) the name, address, and telephone number of the requester; (2) the number of participants; and (3) a statement outlining the issues to be discussed. The Deputy Assistant Secretary must receive the requests no later than January 23, 1981.

Interested parties must submit prehearing briefs no later than February 4, 1981, to the Office of the Deputy Assistant Secretary at the address noted above. Oral presentations by persons submitting prehearing briefs will be limited to those issues raised in the briefs.

We will issue a final determination no later than March 24, 1981.

This determination is published in accordance with section 703(f) of the Act (19 U.S.C. 1671b(f)).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

January 9, 1981.

[FR Doc. 81-1282 Filed 1-13-81; 8:45 am]

BILLING CODE 3510-25-M

Leather Wearing Apparel From Mexico; Preliminary Affirmative Countervailing Duty Determination

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Preliminary countervailing duty determination.

SUMMARY: The U.S. Department of Commerce has made a preliminary determination that the government of Mexico grants manufacturers, producers or exporters of leather wearing apparel certain benefits that are subsidies within the meaning of the countervailing duty law. A final determination will be made no later than March 24, 1981.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT: John R. Brinkmann, Jr., Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C., 20230, (202) 377–4198.

SUPPLEMENTARY INFORMATION: On October 14, 1980, the U.S. Department of Commerce received a petition in satisfactory form from Ralph Edwards Sportswear, Inc., in Cape Girardeau, Missouri. The petitioner alleges that the government of Mexico provides manufacturers, producers, and exporters of leather wearing apparel certain benefits that are bounties or grants (subsidies) within the meaning of section 303 of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979, (93 Stat. 190, 19 U.S.C. 1303) (hereafter referred to as "the Tariff Act"). Because Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Tariff Act (93 Stat. 151, 19 U.S.C. 1671(b)), section 303 of the Act applies to this investigation.

The petitioner claims that massive imports of this apparel over a relatively short period of time have created critical circumstances within the meaning of section 703(e) of the Tariff Act (93 Stat. 154, 19 U.S.C. 1671b(e)). However, since Mexico is not a "country under the Agreement" and leather wearing apparel is dutiable, this provision does not apply (Section 103(b), Trade Agreements Act of 1979, 93 Stat. 190).

In response to this petition and in accordance with Section 303 of the Tariff Act, as amended (19 U.S.C. 1303), we initiated a countervailing duty investigation and a notice of our investigation was published in the Federal Register on November 12, 1980 (45 FR 74734).

Product Description

The merchandise covered by this investigation is leather wearing apparel currently classified in item number 791.76 of the Tariff Schedules of the United States TSUS). This merchandise includes men's, boys', women's and girls' leather coats, jackets, and other leather apparel (such as vests, pants, and skirts), as well as parts and pieces thereof.

Import Profile

According to U.S. Department of Commerce statistics, leather wearing apparel (791.76 TSUS) exports to the United States from Mexico were valued at $26,260,857 from January 1, 1979, through May 31, 1980. Analysis of this total reveals the following:

1. $9,436,060 (36%) entered the U.S. under TSUS 807 (U.S. made/foreign assembled). Of this figure, dutiable content was $7,966,513 (value added in foreign assembly) while the nondutiable content was $1,469,547 (value of U.S. components). Analysis of 807 entries by U.S. Customs District shows 42% entered through El Paso, Texas, 41% through Nogales, Arizona and 17% through San Diego, California. The largest source of these imports are large *maquiladora* (in-bond assembly) operations along the border in Mexico that have ties with U.S. firms.

2. $13,920,475 (53%) entered the U.S. wholly under the most-favored-nation tariff rate of 6%. By U.S. Customs District, 55% of these goods entered through San Diego, 27% through El Paso, 12% through Savannah, Georgia and 4% through Nogales.

3. $2,904,322 (11%) entered the U.S. duty free under the General Schedule of Preference (GSP), which expired March 1, 1979.

The Program Investigated

Leather wearing apparel from Mexico was one of the products included in an earlier countervailing duty investigation by the Treasury Department (44 FR 41003–4). That investigation concluded that the net benefit derived from government programs was *de minimis* and that, therefore, benefits paid or bestowed by the government of Mexico toward the manufacture and exportation of leather wearing apparel did not involve subsidies within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

The petitioner, Ralph Edwards Sportswear, Inc., however, alleges that the offset of indirect taxes permitted in the earlier investigation is inconsistent with the Department's Administrative Guidelines (19 CFR 355, Annex 1, paragraph 2, 45 FR 4949). The Department uses these guidelines to determine whether or not the payment of a lump sum calculated and identified as a rebate of an indirect tax on an exported product or its components is a subsidy. The guidelines were most recently applied to investigations involving textiles and textile mill products (45 FR 55502) and of certain iron metal fasteners (45 FR 64611) from India.

The Government of Mexico (GOM) program that the petitioner alleges to be a subsidy to the leather apparel industry is the CEDI tax rebate certificate program. The CEDI was originally designed to offset the cascade effect of the turnover taxes levied at all stages in the production process. However, with the introduction of the Value Added Tax on January 1, 1980, which incorporated most of the indirect tax burden previously used to calculate the CEDI rebate, the GOM revised the CEDI program.

A January 8, 1980, GOM decree entitled: "Decree which enables the granting of encouragement to export products manufactured in the country," outlines the basics of the new CEDI program. Generally, to obtain a CEDI benefit, the exported products: (1) should not be subject to export tax; (2) should not be products imported for repair, conditioning or nonsubstantial transformation; and (3) should contain at least 30% national content. The Mexican Secretary of Commerce is responsible for publishing lists of the articles that qualify for this incentive, as well as the percentage rebate of indirect taxes applicable in each case. Percentages will be applied to the product's FOB value or its CIF value if national insurance and transportation companies are used. The revised CEDI program offers two types of benefits: (1) a payment equivalent to the indirect tax burden that affects the cost of the exported product and its component goods and services, and (2) the return of import duties paid on materials and parts included in the exported products. The refund or payment is granted in the form of tax rebate certificates (CEDIS) that may be used in payment of all federal taxes that are not for a specific purpose. These certificates are not transferable and are valid for five years from their dates of issue.

It should also be noted that according to Article 7 of the GOM decree, the Mexican Secretary of Commerce has the authority to waive any of the qualifying conditions for this program in the case of products that (1) increase exports, (2) open new markets, (3) promote the consumption of national raw material, or (4) increase employment.

Preliminary Determination

It appears from GOM submissions that the CDEI program exists to give exporters rebates designed to compensate for indirect taxes borne in the manufacturing process. While it is true that in previous countervailing duty investigations of Mexican exports to the United States the CEDI rebates were determined not to exceed the indirect taxes charged on items physically incorporated into the final product, the Department cannot logically extend that conclusion to this investigation. The introduction of the VAT and its net effect upon the scope and intent of the revamped CEDI program dictates that this investigation analyze the indirect tax burden which the GOM claims is reimbursable under this program. The information provided by the GOM in its initial response to this investigation is insufficient in depth to allow such an analysis at this time.

The 1979 Trade Act imposes new requirements on the treatment of export payments in countervailing duty investigations. For countries such as Mexico that compensate for their indirect tax burden by giving the exporter tax rebate certificates, the Act requires satisfactory evidence, officially authorized by the Government concerned, that, (1) quantifies the degree of indirect tax incidence on the exported item, (2) shows the clear relationship between the tax and the export payment received, and (3) demonstrates clearly that such payment is for the stated purposes of compensating for indirect taxes. The Department cannot consider such an analysis if it was prepared principally in response to a countervailing duty investigation. Accordingly, such tax studies would be considered only if undertaken pursuant to historical government policy requiring justification of indirect tax incidence as the basis for an export rebate. The evidence presented should include a detailed inventory of all taxes used as a basis for determining the export payment, as well as the incidence each such tax bears to the exported product. Again there is insufficient information in the GOM submissions to determine if the CEDI program meets these criteria.

To the extent that evidence thus far submitted by the GOM does not allow us to rule otherwise, we hereby determine that the CEDI program is a subsidy with the meaning of the U.S. countervailing duty law (19 U.S.C. 1303). Based on figures supplied by the GOM, which indicated, on a weighted average basis that the actual CEDI rebates paid

on leather wearing apparel in 1980 amounted to 5.2%, we preliminarily determine the subsidy to be fixed at 5.2% ad valorem on export to the United States.

Administrative Procedures

In accordance with 355.34 of the Commerce Department Regulations (19 CFR 355.34, 45 FR 4946), interested parties may submit information or written views concerning this proceeding. Submissions, consisting of at least 10 copies, should be sent not later than February 12, 1981, to the Office of Investigations, International Trade Administration, Room 2111, Department of Commerce, Washington, D.C. 20230.

The Department will also afford interested parties an opportunity to present oral views in accordance with section 355.35 of the Commerce Department Regulations. If requested, this hearing is scheduled to be held at 10:00 a.m. on February 13, 1981, at the U.S. Department of Commerce, in Room 3817, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Interested parties who wish to have such a conference should submit a written request by January 23, 1981, to the Office of the Deputy Assistant Secretary for Import Administration, Room 2800, at the address shown above. These requests should contain (1) the name, address, and telephone number of the requester; (2) the number of participants; and (3) a statement outlining the issues to be discussed.

Interested parties to this hearing must submit pre-hearing briefs no later than February 10, 1981, to the Office of the Deputy Assistant Secretary at the address noted above. Oral presentations by persons submitting pre-hearing briefs will be limited to those issues raised in the briefs.

In accordance with section 703(d) of the Act (19 U.S.C. 1671b(d)), Customs officers will be advised to suspend liquidation on all U.S. entries, or withdrawals from U.S. warehouses, for consumption of the subject merchandise on or after the date of publication of this notice in the Federal Register. This suspension of liquidation will remain in effect until further notice. The posting of a cash deposit, bond, or other security in the amount of 5.2 percent *ad valorem*, will be required as of that date.

We will issue a final determination no later than March 24, 1981. This detemination is published in accordance with section 703(f) of the Act (19 U.S.C. 1671b(f)).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

January 9, 1981.

[FR Doc. 81-1283 Filed 1-13-81; 8:45 am]

BILLING CODE 3510-25-M

Natural Menthol From the People's Republic of China; Antidumping—Preliminary Determination of Sales at Less Than Fair Value and Suspension of Liquidation

AGENCY: U.S. Department of Commerce.

ACTION: Preliminary determination of sales at less than fair value and suspension of liquidation.

SUMMARY: The U.S. Department of Commerce has reached a preliminary determination that natural menthol from the People's Republic of China (PRC) is being, or is likely to be, sold in the United States at less then fair value within the meaning of section 731 of the Tariff Act of 1930, as amended. Liquidation of entries (or withdrawals from warehouses) for consumption is being suspended. A cash deposit, bond, or other security in an amount equal to the estimated dumping margin of 13.5% will be required at the time of each entry or withdrawal from warehouse.

To date this investigation raises two important issues:

(1) The circumstances that determine whether the economy of the PRC is state-controlled to an extent that sales of natural menthol in the home market do not permit a fair value determination under normal standards, and

(2) The choice of a surrogate market for a fair value comparison when a home market is found to be state-controlled.

We have, in this preliminary determination, found the economy of the PRC to be state-controlled to the extent that sales of menthol in the PRC do not provide an appropriate basis for fair value comparison. Accordingly, we have selected sales from a surrogate market at a stage of economic development comparable to that in the PRC—sales of natural menthol from Paraguay to the United States—for purposes of determining fair value.

EFFECTIVE DATE: January 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-5496).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 11, 1980, the Department of Commerce received an antidumping petition from counsel representing Haarmann & Reimer Corporation, Springfield, New Jersey. After reviewing the petition as required by section 732 of the Tariff Act of 1930, as amended (19 U.S.C. 1673a) (the Act), we determined that there were sufficient grounds to initiate an antidumping investigation and published a notice of the initiation in the Federal Register on July 2, 1980 (45 FR 44976).

On July 28, 1980, the United States International Trade Commission (ITC) determined that there is a reasonable indication that an industry in the United Stated is being materially injured, or is threatened with material injury, by reason of imports of natural menthol from the People's Republic of China allegedly sold at less than fair value. The ITC published a notice of that determination in the Federal Register on August 6, 1980 (45 FR 52273).

Pursuant to section 733(c) of the Act (19 U.S.C. 1673b(c)), the Department concluded that the parties were cooperating and that this case is extraordinarily complicated because it presents the novel issue of the extent of state controls in the PRC. Accordingly, we extended the period for preliminary analysis until January 7, 1981. Notice to this effect was published in the Federal Register on October 8, 1980 (45 FR 66835).

Production Description

This determination covers natural menthol, which is classifiable in the Tariff Schedules of the United States under item number 437.64. Natural menthol is used in cigarettes, confections, dentrifices, analgesic balms, mouthwashes, flavorings, and perfume.

State-Control of the Economy of the People's Republic of China

The overriding issue in the preliminary stage of this investigation has been whether the economy of the PRC is state-controlled "to an extent that sales or offers of sales of [menthol in the PRC] or to countries other than the United States do not permit a determination of foreign market value" by normal standards. If we find this condition to exist, section 773(c) of the Tariff Act of 1930, as amended (19 USC 1677(b)) requires us to use prices or costs from a producer in a non-state-controlled economy for our foreign market value in deciding whether the imports are being sold at less than fair value. Counsel for both respondent and

petitioner have submitted extensive materials addressing this issue.

A threshold question is raised by respondent's contention that the special rules of section 773(c) apply only if the effects of state economic controls on the *particular sector* in question are such that a fair value determination under normal procedures cannot be made. Respondent finds support for its position in the language of the statute, which is drafted in terms of whether an exporting country being state-controlled "to an extent that sales or offers of sales of *such or similar merchandise*" (emphasis added) do not permit normal foreign market value calculations. Respondent also finds support for its position in a number of antidumping determinations by the Treasury Department in the 1960's.

Counsel for petitioner contends that the statutory language quoted above, when read in light of its legislative history, requires the administering authority to apply the special provisions of section 773(c) whenever a determination is made that the economy of a country is *generally* state controlled. Under this interpretation, sectoral analysis of the impact of state controls is unnecessary.

In reaching our conclusion in this preliminary determination, we have examined (and discuss below) both the degree of control exercised by the State over the PRC economy generally and the impact of state control on the production and sale of menthol. Since our conclusion would be the same under either petitioner's or respondent's interpretation of the statute, we need not specifically decide the issue at this time. We do, however, note that in our view, respondent has raised arguments which would have to be given very careful consideration where different conclusions would have resulted depending upon the approach taken.

In reaching our preliminary determination, we have reviewed extensive data on the development of China's economy since the early 1950s and the structure of the economy as its exists today. Since menthol is a direct derivative of the peppermint plant, we have concentrated on the role of the state in agricultural production and distribution.

There are no set criteria for judging whether, in a particular case, the degree of state control over an economy is such as to make home market prices inappropriate for purposes of foreign market value. Neither the language of the statute nor the legislative history offers anything more than the most general guidance.[1] Each case must be decided upon an analysis of the particular economic factors involved. Summarized below are the more important factors leading to our conclusion that the PRC's economy is state-controlled to the extent that home market prices of menthol do not provide an appropriate basis for foreign market value.

The economy of the PRC is that of a huge developing country in which the government has considerable control over the composition of inputs and the distribution of outputs. The State Planning Commission sets output targets and prices, allocates commodities and production, and establishes overall guidelines for the economy. Most capital goods and consumer necessities are subject to "unified distribution," the Chinese sysem for licensing and rationing. There is, therefore, little question that judged on the basis of the role of the state in the economy overall, the PRC is a state controlled economy country.

However, the degree of direct control varies both geographically and across product lines. For at least two decades, the central government has maintained a planning system with categories of goods. Category I includes those products considered most important in the economy. The major agricultural products included in this group are grains, oil seeds, and cotton. For these products the State Planning Commission sets targets for purchase, sale, export, import, and stockpiling. Category II goods are less controlled, although the State Planning Commission sets interprovince transfer and export levels. Subordinate ministries and provincial governments may add further controls (including controls on price). Goods which are not in Categories I and II, e.g., menthol, are not subject to either of these major formal systems of control, but are variably subject to miscellaneous controls. Thus, natural menthol is subject to very little direct regulation.

Respondent has presented persuasive evidence showing that the *purchases and sales* of menthol in the PRC essentially are based on market considerations. Transaction prices appear to be largely based on negotiations between buyer and seller within the PRC. In purchasing menthol for resale to foreign markets, respondent must compete with purchasers in the PRC who intend to use menthol domestically.

Further, there appear to be no direct controls (e.g. production quotas or special production incentives) on the production of menthol or peppermint oil (the primary raw material used in producing menthol). The difficulty in accepting PRC home market prices for menthol as the measure of fair value is not a function of the presence or absence of direct controls over the production and distribution of menthol. Rather, it results from *general limitations* on the transferability of land and labor in the PRC and from the indirect effects that pervasive controls on other agricultural products necessarily have on menthol production.

The two most important factors in the production of menthol are the land and labor needed to grow peppermint. While respondents have presented evidence indicating that "quasi-markets" exist for both (e.g. the use of surplus land and labor can be traded to neighboring production units), we cannot conclude, based on the information we have reviewed, that there is a genuine market for either. The extent of "quasi-market" transactions appears to be small and, even where they occur, land cannot be sold and the restrictions on labor mobility remain substantial. Without an active market for land and labor, it is difficult to find that production and pricing decisions reflect market forces and accurate valuation of inputs.

Furthermore, and also importantly, the pervasiveness of state planning and control of major agricultural products substantially limits the autonomy of production units and distorts the incentives that would be developed by a freely operating market.

The most severe limitation on production unit autonomy is the imposition of mandatory quotas on major agricultural products, which requires production units to grow specified amounts of particular crops and deliver these crops to the state at a set price. While these "Category I" crops are few in number, they include the most important agricultural products: grains, oil seeds, and cotton. The resulting limitation on production unit autonomy is substantial, because quotas can cover a large proportion of that part of the units' production. In addition, most agricultural units are required to meet their own subsistence needs, further limiting the volume of crops which can be grown for profit.

In addition to the impact which production quotas have on land and

[1] The Report of the Senate Finance Committee states that, in determining the applicability of the State-controlled economy provision currently section 773(c)), the administering authority should look to see if ". . . the supply and demand forces do not operate to produce prices either in the home market or in third countries which can be relied upon for comparison purposes." (Trade Reform Act of 1974: Report of the Senate Finance Committee on H.R. 10710, 93rd Cong., 2d Sess. 174 (1974).

labor available for the production of non-quota goods, the pricing and distribution system which exists in the PRC for major agricultural products also has an unavoidable effect on production team decisions to produce or not to produce crops such as menthol. If, for example, the price set for cotton is too low, there is a clear incentive to produce alternative crops such as peppermint which is grown on similar types of land. This, obviously, has a significant affect on the supply of menthol.

There are other factors in the PRC's agricultural sector which limit the freedom of production teams to choose their output mix. These include the requirement to pay agricultural taxes in kind and restraints on the free marketing of Category I goods. The marketing restraints seem to create barriers to specialization and economic crops by making it difficult to procure Category I goods freely.

A number of reforms designed to give greater play to market forces in the production and distribution of agricultural products have been introduced. We understand that efforts have been made to relax taxes in kind, enforced regional grain self-sufficiency, and quota production. Further, the PRC is allowing greater freedom to sell above-quota production in rural markets. However, our evidence suggests that these reforms are, as yet, tentative and limited.

In summary, we believe, that the PRC remains state-controlled both in the aggregate and the agricultural sector. Further, the production and therefore the pricing of menthol is affected by the framework of state-control to the extent that both home market and export menthol prices in the PRC may not be used as evidence of fair value. We recognize the recent tempering of the role of centralized planning in the PRC's economy. However, at this time these reforms seem to us as too new and too limited to have altered the fundamental nature of the PRC's economy and its effects on the production of menthol.

Fair Value Comparisons

Since all sales to unrelated U.S. customers were concluded prior to the importation of the menthol, we used purchase price, as defined in section 772(b) of the Act (19 U.S.C. 1677a(b)), to determine the United States price. We calculated the purchase price on the basis of the C & F price unrelated U.S. purchasers with deductions for a discount, ocean freight and home market inland freight. We determined the purchase price for all contracts made with unrelated U.S. purchasers in the period of January 1 through June 30, 1980.

Foreign Market Value

Since, for the reasons set forth above, we have concluded that the PRC home market or export prices for natural menthol are not an appropriate measure of fair value, we have, in accordance with the provisions of section 773(c) of the Act, calculated the foreign market value on the basis of sales of natural menthol from a non-state-controlled economy country—Paraguay—to the United States (19 CFR 353.8). The prices we have used were based on quotations received from a U.S. purchaser for prices from Paraguay to the United States during the period January 1 through June 30, 1980. The prices were quoted in U.S. dollars on an f.o.b. basis. No adjustments were made to these prices. These prices were used since they were the only prices of natural menthol produced in Paraquay which were available. We are pursuing the possibility of obtaining further price data on home market sales in and export sales from Paraquay.

We have been focusing on prices of natural menthol from Paraguay since the level of economic development of Paraquay appears to be closer to that of the PRC than do the levels of other major producers of natural menthol. In addition, Paraguay appears to be the only major non-state-controlled natural menthol producer which produces all its own raw material (peppermint).

Results of Fair Value Comparison

Using the above criteria, we found that the purchase price was lower than the foreign market value. The margins ranged from 12.58 to 14.85 percent and the weighted-averaged margin was 13.5 percent.

Critical Circumstance Determination

On November 25, 1980, the petitioner amended its petition under section 733(e)(1) of the Act (19 U.S.C. 1673b(e)(1) to assert that there are "critical circumstances" with respect to imports of menthol from the PRC. In order to determine that critical circumstances exist, the Department must find that there is a reasonable basis to believe that (1) there is a history of dumping of menthol in the United States or elsewhere, or (2) importers knew or should have known that the exporter was selling menthol at less than fair value, and (3) there have been massive imports of menthol over a relatively short period.

The Department is not aware of any other dumping investigation or determination concerning menthol from the PRC. The fact that the petitioner has alleged "significant estimated margins" of dumping from 1977 through 1979 and provided evidence of "consistent underselling by the PRC of menthol from other sources" does not establish a history of dumping by the respondent.

The petitioner contends that it has presented sufficient evidence of dumping and price cutting for the Department to find that importers of menthol from the PRC knew or should have known that the PRC exporter was selling at less than fair value. The petitioner's evidence of dumping, however, is based on the price of menthol in the home markets of Brazil or Japan. The respondent and the importers contend that the Department should rely on the home market price of menthol in the PRC. If that argument is rejected, the respondents and importers urge that the Department rely on the price from the PRC to a third country, preferably the United Kingdom.

The Department does not have a reasonable basis to believe that importers knew, or should have known, from the petitioner's information, that the PRC exporter was selling menthol in the United States at les than fair value because the importers have no reason to believe that the petitioner's analysis is accurate or reasonable. Moreover, price cutting in a declining market alone is not sufficient to warrant a conclusion that merchandise is being dumped. There is no reason to believe that there is a history of dumping of menthol or that importers should have known that CNEC was selling menthol at less than fair value. Therefore, since one of the statutory bases for critical circumstances has not been met, I conclude that critical circumstances do not exist. Accordingly, liquidations will not be suspended retroactively.

Verification

Although no information has been verified to date, all information relied on in making the final determination will be verified in accordance with section 776 of the Act (19 U.S.C. 1677e).

Preliminary Determination

Based on a comparison between United States prices and prices to the United States from Paraguay we have preliminarily determined that there is a reasonable basis to believe or suspect that exports of natural menthol from the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act (19 U.S.C. 1673). The weighted average margin preliminarily found was 13.5 percent.

The Department will afford interested parties an opportunity to present oral views in accordance with § 353.47, Commerce Regulations (19 CFR 353.47). This hearing is scheduled to be held, if requested, at the U.S. Department of Commerce, room 4830, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, beginning at 10:00 a.m., February 11, 1981. Interested parties who desire such a conference should provide a written request for a conference to the Office of the Deputy Assistant Secretary for Import Administration, room 2800, at the address shown above. This request should contain: (1) the name, address, and telephone number of the party requesting the conference; (2) the number of participants; and (3) a list of the issues to be discussed. All requests must be received by the Deputy Assistant Secretary no later than 10 days after publication of this notice. Any written views filed in accordance with §353.46(a), Commerce Regulations (19 CFR 353.46(a)) should be filed at the address indicated above, in at least 10 copies. Any written views should be filed not later than 30 days from the publication of this notice.

In accordance with section 753(d)(1) and (2) of the Act (19 U.S.C. 1673b(d)(1) and (2)), the liquidation of all entries, or withdrawals from warehouse, for consumption of this merchandise on or after the date of publication of this notice, shall be suspended. The posting of a cash deposit, bond, or other security in the amount of 13.5 percent of the f.o.b. value of natural menthol from the PRC will be required as of that date. This suspension of liquidation shall remain in effect until further notice.

This case is being referred to the International Trade Commission for a determination concerning material injury or a threat of material injury. This determination is published in accordance with § 353.39(a)(2), Commerce Regulations (19 CFR 353.39(a)(2)).

January 7, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-1192 Filed 1-13-81; 8:45 am]

BILLING CODE 3510-24-M

Optic Liquid Level Sensing Systems from Canada; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the countervailing duty order on optic liquid level sensing systems from Canada manufactured by Honeywell Limited. The review covers the period January 8, 1979 through December 31, 1979. As a result of this review, the Department has preliminarily determined to assess countervailing duties, equal to the calculated value of the net subsidy, of 12 percent of the f.o.b. invoice price of the merchandise. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 13, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Room 1126, Washington, D.C. 20230 (202-377-2104).

SUPPLEMENTARY INFORMATION:

Procedural Background

On January 8, 1979, a notice of "Final Countervailing Duty Determination and Suspension of Liquidation," T.D. 79-09, was published in the **Federal Register** (44 FR 1728). The notice stated that the Department of the Treasury had determined that exports of optic liquid level sensing systems from Canada, manufactured by Honeywell Limited, benefited from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of Title I of the Trade Agreements Act of 1979 became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Act, the Department has conducted an administrative review of the order on optic liquid level sensing systems from Canada, manufactured by Honeywell Limited.

Scope of the Review

Imports covered by this review are optic liquid level sensing systems (OLLS), including components as well as complete systems, manufactured in Canada by Honeywell Limited. They are used primarily to prevent the overfilling of tank trucks and storage tanks in the petroleum industry. Such imports are currently classifiable under item 685.90, Tariff Schedules of the United States.

The review covers the period January 8, 1979 through December 31, 1979, and the review is limited to the benefits received by Honeywell Limited under the Canadian Government's Program for the Advancement of Industrial Technology (PAIT), which was the only program found countervailable in the Final Determination.

Analysis of Program

Honeywell used the PAIT funds to defray certain costs incurred in the commercial introduction of two types of OLLS based on its patented concepts. Honeywell requested and received the maximum allowable PAIT grant, which was to finance 50 percent of the costs that it estimated it would incur in bringing the OLLS to full commercial production. Actual costs exceeded Honeywell's estimate and, as a consequence, the net effect of the grant was to cover something less than 50 percent of total product development costs. The Treasury Department concluded that only the portion of the grant which went to subsidize the product that was eventually marketed should be used in calculating the net value of the grant subject to countervailing duties. Since the grant was of a non-recurring nature, calculation of the *ad valorem* value of the grant consists of amortizing the grant applicable to this product over a period of years and then ascertaining the total value of production it has benefitted on a yearly basis.

In the application for the grant, Honeywell estimated the useful life of the technology developed to be a minimum of 10 years. The contract between Honeywell and PAIT provided that for 10 years the recipient of the funds would not produce the product being developed outside Canada without the express permission of the Canadian authorities. Consequently, we have calculated the *ad valorem* value by taking the portion of the grant applicable to the development of the device marketed, amortizing it on a straight-line basis over a ten-year period (beginning in 1976) and then dividing by the value of estimated total production in 1979, both domestic and foreign.

Preliminary Results of the Review

As a result of our calculations, we preliminarily determine that the net subsidy conferred by the PAIT grant on OLLS is 12 percent *ad valorem* of the f.o.b. invoice price.

Interested parties may submit written comments on these preliminary results on or before February 12, 1981, and may request disclosure and/or a hearing on or before January 28, 1981. The Department will publish the final results of the administrative review after analysis of issues raised in written comments or at a hearing. The Department intends to instruct the Customs Service to assess countervailing duties of 12 percent *ad valorem* of the f.o.b. invoice price on all unliquidated entries of optic liquid level sensing systems from Canada manufactured by Honeywell Limited entered, or withdrawn from warehouse, for consumption between January 8, 1979, and December 31, 1979.

Further, as required by § 355.36(c) of the Commerce Regulations, a cash deposit of estimated countervailing duties of 12 percent *ad valorem* shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, a deposit of estimated duties of 9 percent of the f.o.b. invoice price shall continue to be required on each entry, or withdrawal from warehouse, for consumption of the subject merchandise, and liquidation shall continue to be suspended.

This administrative review and notice publication are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

January 8, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-1193 Filed 1-13-81; 8:45 am]

BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

Toxicological Advisory Board; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting: Toxicological Advisory Board.

SUMMARY: This notice announces a meeting of the Toxicological Advisory Board on Tuesday, February 3, 1981 from 8:30 a.m. to 5:00 p.m. and Wednesday, February 4, 1981 from 8:30 a.m. to 3:00 p.m. The meeting, which is open to the public, will be held in Room 456 at 5401 Westbard Avenue, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Barbara Rosenfeld, Director, Office of Public Participation, Office of the Secretary, Suite 300, 1111 18th Street, NW., Washington, DC 20207, (202) 254-6241.

SUPPLEMENTARY INFORMATION: The Toxicological Advisory Board is a nine-member advisory committee which advises the Commission on precautionary labeling for acutely toxic household substances and on instructions for first aid treatment labeling. In addition, the Board reviews labeling requirements that have been issued under the Federal Hazardous Substances Act and recommends revisions it considers appropriate. The Toxicological Advisory Board was created on November 10, 1978, under the authority of Section 10 of the 1978 CPSC Authorization Act (Pub. L. 95-631).

This meeting will be devoted to the review of labeling advice for metal salts, certain amines, alcohols, aldehydes, ketones, esters and miscellaneous compounds.

For a complete list of topics to be discussed or for information on the schedule, please call the number listed above.

The two-day meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations to the Toxicological Advisory Board should notify the Office of the Secretary (see address above) by Friday, January 23, 1981.

The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter, and the appropriate time requested. Time permitting, these presentations and other statements from the audience to members of the Board may be allowed by the presiding officer. Requesters will be informed of the decision before the meeting.

Dated: January 7, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-1325 Filed 1-13-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of the committee: Army Science Board (ASB)

Dates of meeting: 3-4 February 1981

Place: Room 2E271, The Pentagon, Washington, DC

Time: 0830-1700 hours, 3-4 February 1981 (Closed)

Proposed agenda: The ASB 1981 Summer Study participants will receive classified briefings and hold discussions on "Equipping the Army in 1990-2000". Specifically, items to be presented will provide information to address these Terms of Reference:

1. What existing and emerging technologies could be exploited to significantly enhance the fighting capability of Army forces in the 1990's with emphasis given to exploiting those technologies in which the United States excels.

2. In an era of decreasing potential military manpower, how might technology be applied to produce a more manpower-economical force structure with increased combat potential? Which technologies appear to offer the highest payoff in hardware/people trade offs?

3. Considering each level of Army forces (e.g., Division, Battalion) as a mission oriented system, what weapons, support, and netting C^3 contribute most to efficient, integrated combat capability with desired characteristics of deployability, survivability, flexibility, and sustainability?

This meeting will be closed to the public in accordance with Section 553b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

Helen Pipon,

Administrative Officer.

[FR Doc. 81-1277 Filed 1-13-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

National Advisory Council on Ethnic Heritage Studies; Meeting

AGENCY: National Advisory Council on Ethnic Heritage Studies.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and agenda of a forth-coming meeting of the National Advisory Council on Ethnic Heritage Studies. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES:

January 28, 1981, 9:00 a.m. to 4:30 p.m.
January 29, 1981, 9:00 a.m. to 4:30 p.m.
January 30, 1981, 9:00 a.m. to 1:30 p.m.

ADDRESS: Federal Office Building 6, Room 3000 (large conference room) 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence E. Koziarz, Director Ethnic Heritage Studies Program, ROB–3, Room 3928, 202–245–9506.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Ethnic Heritage Studies is established under Section 956 of the Elementary and Secondary Education Act of 1965 as added by the Education Amendments of 1972 (Pub. L. 92–319) and amended by the Education Amendments of 1978 (Pub. L. 95–561). The Council is established to advise the Secretary and the Assistant Secretary for Education Research and Improvement on the implementation of Part E of Title IX of the Elementary and Secondary Education Act of 1965 in order to provide assistance designed to afford students the opportunity to learn about their own cultural heritage and the contributions of the other ethnic groups of the Nation.

The Council shall advise concerning matters of general policy, arising from the administration of programs authorized by Part E of Title IX, of the Elementary and Secondary Education Act of 1965, and shall perform specific functions as follows: (a) make recommendations to the Secretary and the Assistant Secretary regarding the collectioh of data to facilitate program planning and evaluation; e.g., recommend a survey of needs to determine to modify program priorities, or suggest national or regional reviews of intercultural curriculum and personnel development; (b) suggest innovations to meet program needs or otherwise improve ethnic heritage studies; (c) suggest promising areas of inquiry to give direction to research; e.g., recommended ethnographic studies as required for substantial intercultural curriculum materials development; (d) provide such administrative and legislative proposals as may be appropriate; and (e) not later than June 30 of each year, submit to Congress, a report of its activities, findings, and recommendations.

The proposed agenda includes:

January 28, 1981

Introduction of New Members
Swearing In of New Members
Council Business
Exploration of the Relationship of Multi-Ethnic Education to Multicultural Ed.
Ethnic Studies—A Budget View
Presentation Regarding Intergenerational Ethnic Studies
Ethnic Studies in the Office of School Improvement

January 29, 1981

Evaluation of Ethnic Studies Materials
Ethnic Studies—The National Ethnic Studies Assembly View
Ethnic Studies—The Legislature's View

January 30, 1981

Committee Meetings
Reports by Committees
Agenda for March Meeting

Records are kept of all Council proceedings, and are available for public inspection at the Office of the National Advisory Council on Ethnic Heritage Studies, ROB-3, Room 3928, 7th and D Streets SW., Washington, D.C. 20202

Signed in Washington, D.C., on January 9, 1981.

Lawrence E. Koziarz,

Director, Ethnic Heritage Studies Program.

[FR Doc. 81-1215 Filed 1-13-81; 8:45 am]

BILLING CODE 4000-01-M

Grants for Arts in Education Program; Correction

AGENCY: Department of Education.

ACTION: Correction to Application Notice.

The application notice published in the **Federal Register** on October 7, 1980 (45 FR 66607) is corrected to add the following information to subparagraph (a) of the section entitled, "Applicable Regulations."

If substantive changes are made in the Final Regulations for the Arts in Education Program, applicants will be given an opportunity to amend their applications.

Probable changes include the broadening of the definition of the "rural or small community" category to include all applicants not in the State or urban categories; the elimination of the requirement for cooperation or collaboration, although these are still considered among the selection criteria; the judging of approaches, methods or materials to be developed in projects based upon their "usefulness and effectiveness" to other potential users rather than the provisions for dissemination; the deletion of the requirement that project results be "new or innovative;" the removal of the prohibition against "stipends" and the authorization of payments to teachers for inservice training; the removal of the 5% limitation on equipment costs; the substitution of "arts integration" for "comprehensiveness" as a selection criterion; and the elimination of the Secretary's 20 optional points for priority funding.

Applicants to the Arts in Education Program will need to refer to the preamble to the Final Regulations that are expected to be published on or about January 19, 1981.

FURTHER INFORMATION: Further information may be obtained from Dr. Harold Arberg, Director, Arts and Humanities Staff, U.S. Department of Education (Room 3728 Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 472–7793.

Dated: January 8, 1981.

F. James Rutherford,

Assistant Secretary for Educational Research and Improvement.

(Catalog of Federal Domestic Assistance Number 84.084, formerly 13.566 Elementary and Secondary Education in the Arts)

[FR Doc. 81-1216 Filed 1-13-81; 8:45 am]

BILLING CODE 4000-01-M

Experimental Program for Opportunities in Advanced Study and Research in Education

AGENCY: Department of Education.

ACTION: Application notice for new projects under the experimental program for opportunities in advanced study and research in education, National Institute of Education.

Grant applications are invited for new projects under the Experimental Program for Opportunities in Advanced Study and Research in Education. Authority for this program is contained in Section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e).

Under this program the Secretary may award grants to colleges, universities, State or local educational agencies, public or private non-profit or for-profit agencies or organizations, or any combination of these. A for-profit grantee is required to forego any profits and to cost-share to the same extent that is required of a non-profit grantee.

New grants will be awarded in Fiscal Year 1981 for Institutional Projects and Special Projects that carry out experimental activities to explore and demonstrate effective ways to (1) increase the participation of minorities and women in educational research and development (R&D); (2) enhance equality of opportunity within the education R&D workforce; (3) increase the relevance and credibility of education R&D through greater inclusion of contributions and perspectives from these previously underrepresented groups; and (4) improve the overall quality of education R&D by increased utilization of the talent that is available.

Closing date for transmittal of applications: An application for a grant for either an Institutional Project or a

Special Project must be mailed or hand delivered by April 21, 1981.

Applications delivered by mail: An application sent by mail must be addressed to the Proposal Clearinghouse, Mail Stop 1, National Institute of Education, 1200 19th Street, N.W., Washington, D.C. 20208. The lower left-hand corner of the package should display the type of project: "Institutional Project" or "Special Project."

The applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing applied 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 Secretary of Education.

If an application is sent through the U.S. Postal Service, neither of the following is acceptable to the Secretary 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 specifically request that a dated postmark be affixed by its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the Proposal Clearinghouse, National Institute of Education, Room 813, 1200 19th Street, N.W., Washington, D.C. The Proposal Clearinghouse will accept hand delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time), daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

Preapplications: Preapplications are not being invited or required.

Application instructions: Persons who wish to receive a copy of the application information package (also referred to as the program announcement) may request one by sending a self-addressed mailing label to the Experimental Program for Opportunities in Advanced Study Team, DIP, Mail Stop 29, National Institute of Education, 1200 19th Street, N.W., Washington, D.C. 20208. Those who have requested that their names be placed on the mailing list need not send a mailing label. The announcement gives further information on program objectives, eligibility and review criteria, ineligible activities, and application instructions.

Program information: Ths program covers two types of projects: Institutional Projects and Special Projects. Institutional Project grants will average $90,000 for a 12 month budget period. If an application is for a multi-year project, the project may be continued to a maximum of three years through noncompetitive continuation awards that are contingent upon satisfactory performance and availability of funds. Activities should be designed to discover and demonstrate effective ways by which institutions and organizations can remove barriers to participation of minorities and women in educational R&D. Such activities should provide to participants information on the availability of training and employment opportunities for minorities and women, thus creating and maintaining an environment in which the participation of these populations is the norm rather than the result of special efforts.

Special Project grants will average $45,000 for a 12 month budget period. If the application is for a multi-year project, the project may be continued for a maximum of three years through noncompetitive continuation awards, contingent upon satisfactory performance and availability of funds. Special Project activities are normally of a shorter duration than those of Institutional Projects. Activities focus directly on training, professional development, and information needs of minorities and women in educational R&D. Multi-year support is limited to those projects that offer a sequence of short-term activities that ar recurrent or intermittent.

Available funds: $800,000 is available in fiscal year 1981 for new awards. These funds will support 6–8 grants for Institutional Projects and 4–6 grants for Special Projects. All awards will be made by July 1981.

These funding estimates do not bind the U.S. Department of Education to a specific number of grants nor to the awarding of grants for a specific amount. The total amount of funding available to support these grants may be increased or decreased by the Secretary.

Applicable regulations: The regulations applicable to this program are the Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77), published in the **Federal Register** on April 13, 1980, 45 FR 22494, and the regulations for the Experimental Program for Opportunities in Advanced Study and Research in Education (34 CFR Part 703), published in the **Federal Register** as a Notice of Proposed Rulemaking concurrently with this Notice. If substantive changes are made in the final regulations, applicants will be given an opportunity to amend their applications.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Z. Alejandro, Minorities and Women's Program, DIP, NIE, OERI, 1200 19th Street, N.W., Washington, D.C., telephone (202) 254–8827.

(20 U.S.C. 1221e)

Dated: January 7, 1981.

F. James Rutherford,

Assistant Secretary for Educational Research and Improvement.

(Catalog of Federal Domestic Assistance Number 84.117, Educational Research and Development; formerly 13.950)

[FR Doc. 81-1217 Filed 1-13-81; 8:45 am]

BILLING CODE 4000-01-M

Office of Bilingual Education and Minority Languages Affairs

Transition Program for Refugee Children

AGENCY: Department of Education.

ACTION: Notice of Closing Date for Transmittal of Applications.

Applications are invited for grants under the Transition Program for Refugee Children.

Authority for this program is contained in Section 412(d)(1) of the Immigration and Nationality Act, as amended by the Refugee Act of 1980 (Pub. L. 96–212).

(8 U.S.C. 1522(d)).

Eligible applicants are State educational agencies.

This program supports educational activities designed to meet the special needs of eligible refugee children and to enhance their transition into American society.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by February 16, 1981.

Applications delivered by mail: An application sent by mail must be addressed to Mr. James H. Lockhart, Acting Director of the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as a proof of mailing:

(1) a private metered postmark, or

(2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, Room 505, Reporters Building, 300 7th Street, S.W., Washington, D.C.

The Refugee Children Assistance Staff will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: The Secretary announces January 19, 1981, as the date on which State educational agencies shall count the number of children eligible for assistance under the Transition Program for Refugee Children. A grant is made to a State educational agency based on the number of eligible children enrolled in public and nonprofit private schools in the State, following application of the formula in § 538.31(d) of the program regulations using the weighting factors announced in this notice. Using the same formula, the State educational agency awards subgrants to local educational agencies in its State that propose to serve eligible children within their jurisdictions. When a local educational agency does not apply to serve its eligible children, the State educational agency provides services directly to those children or arranges for provision of services to those children through subgrants, contracts, and cooperative agreements with other public and private nonprofit organizations, agencies, and institutions. Awards under this program are to provide educational services to eligible children during the current school year (1980–1981).

Weighting factors: Section 538.31 of the program regulations authorizes the Secretary to announce the weighting factors to be used in distributing funds under this program. For the award of fiscal year 1980 funds, the Secretary will use the weighting factors presented in the table in § 538.31(d) of the program regulations.

Available funds: It is expected that approximately $23 million will be available for grants to State educational agencies. These funds are a fiscal year 1980 supplementary appropriation and have extended availability until March 31, 1981.

It is estimated that these funds will provide approximately $300 of assistance per eligible child. However, the approximate amount of funds available per eligible child may increase or decrease depending on the total number of eligible children that States report and the Secretary's application of the formula in § 538.31 of the program regulations using the weighting factors announced in this notice.

These estimates, however, do not bind the U.S. Department of Education to specific numbers of grants or to the amount of any grant.

Application forms: Application forms and instructions will be mailed to all State educational agencies. Additional forms may be obtained by writing to the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the application package. The Secretary strongly urges that the narrative portion of the application not exceed ten pages. The Secretary further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(1) Regulations governing the Transition Program for Refugee Children (34 CFR Part 538) published in Part 6 of this issue of the **Federal Register.**

(2) Regulations governing the Refugee Resettlement Program (45 CFR Part 400) published on September 9, 1980 (45 FR 59818).

(3) Education Division General Administrative Regulations (EDGAR) (34 CFR Parts 76 and 77) published on April 3, 1980 (45 FR 22494), except as otherwise provided in 34 CFR Part 538.

Further information: For further information contact Mr. James H. Lockhart, Acting Director of the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. Telephone (202) 472–7177. (8 U.S.C. 1522(d)).

Dated: January 8, 1981.

Josue M. Gonzalez,

Director, Office of Bilingual Education and Minority Languages Affairs.

(Catalog of Federal Domestic Assistance Number 84.146, Transition Program for Refugee Children.)

[FR Doc. 81-1248 Filed 1-13-81; 8:45 am]

BILLING CODE 4000-01-M

Educational Services for Cuban and Haitian Entrant Children Program

AGENCY: Department of Education.

ACTION: Notice of Closing Date for Transmittal of Applications.

Applications are invited for grants under the Educational Services for Cuban and Haitian Entrant Children Program.

Authority for this program is contained in Section 303 of the Elementary and Secondary Education Act, as amended by the Education Amendments of 1978 (Pub. L. 95–561).

(20 U.S.C. 2943)

Eligible applicants are State educational agencies.

This program supports educational activities designed to meet the special needs of Cuban and Haitian entrant children and to enhance their transition into American society.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by February 16, 1981.

Applications delivered by mail: An application sent by mail must be addressed to Mr. James H. Lockhart, Acting Director of the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as a proof of mailing:

(1) a private metered postmark, or

(2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, Room 505, Reporters Building, 300 7th Street, S.W., Washington, D.C.

The Refugee Children Assistance Staff will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: The Secretary announces January 19, 1981, as the date on which State educational agencies shall count the number of children eligible for assistance under the Educational Services for Cuban and Haitian Entrant Children Program. A grant is made to a State educational agency based on the number of eligible children enrolled in public and nonprofit private schools in the State, following application of the formula in § 539.31(d) of the program regulations using the weighting factors announced in this notice. Using the same formula, the State educational agency awards subgrants to local educational agencies in its State that propose to serve eligible children within their jurisdictions. When a local educational agency does not apply to serve its eligible children, the State educational agency provides services directly to those children or arranges for provision of services to those children through subgrants, contracts, and cooperative agreements with other public and private nonprofit organizations, agencies, and institutions. Awards under this program are to provide educational services to eligible children during the current school year (1980–1981).

Weighting factors: Section 539.31 of the program regulations authorizes the Secretary to announce the weighting factors to be used in distributing funds under this program. For the award of fiscal year 1980 funds, the Secretary will weight all eligible children equally, regardless of the recency of their arrival in the United States.

Available funds: It is expected that approximately $7.7 million will be available for grants to State educational agencies. These funds are a fiscal year 1980 supplementary appropriation and have extended availability until December 31, 1981.

It is estimated that these funds will provide approximately $300 of assistance per eligible child. However, the approximate amount of funds available per eligible child may increase or decrease depending on the total number of eligible children that States report.

These estimates, however, do not bind the U.S. Department of Education to specific numbers of grants or to the amount of any grant.

Application forms: Application forms and instructions will be mailed to all State educational agencies. Additional forms may be obtained by writing to the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the application package. The Secretary strongly urges that the narrative portion of the application not exceed ten pages. The Secretary further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(1) Regulations governing the Educational Services for Cuban and Haitian Entrant Children Program (34 CFR Part 539) published in Part 6 of this issue of the **Federal Register.**

(2) Education Division General Administrative Regulations (EDGAR) (34 CFR Parts 76 and 77) published on April 3, 1980 (45 FR 22494), except as otherwise provided in 34 CFR Part 539.

Further information: For further information contact Mr. James H. Lockhart, Acting Director of the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. Telephone (202) 472-7177.

(8 U.S.C. 1522(d))

(Catalog of Federal Domestic Assistance Number 84.138, Educational Services for Cuban and Haitian Entrant Children)

Dated: January 8, 1981.

Josue M. Gonzalez,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 81-1249 Filed 1-13-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Conduct of Employees; Waiver of Post-Employment Restrictions

Section 605(a)(3) of the Department of Energy Organization Act (Pub. L. 95-91, hereinafter the "Act") authorizes the Secretary of Energy to waive the post-employment restrictions of section 605(a)(1) of the Act for a former supervisory employee with outstanding scientific or technological qualifications in connection with a particular matter in a scientific or technological field, where it has been determined that the national interest would be served by the participation of the former employee in the matter.

It has been established to my satisfaction that William Wegner, Murray E. Miles, Richard W. Bass, and Robert S. Brodsky, former employees in the Department of Energy's Naval Reacator Programs, have outstanding scientific and technological qualifications in the fields of nuclear reactor plant design, construction, operation, and maintenance, and that it serves the national interest for them to be able to carry out their full responsibilities under a subcontract between Basic Energy Technology Associates, Inc., (BETA) and Westinghouse Electric Corpration, a prime contractor of DOE which operates the Hanford Engineering Development Laboratory at Richland, Washington, and subsequently under a subcontract with the Sandia Corporation (Albuquerque, New Mexico), another DOE prime contractor. Under the subcontracts, BETA has been providing technical support and management assistance to the DOE Nuclear Facility Personnel Qualification and Training (NFPQT) Committee by developing guidelines for conducting onsite field assessments of nuclear reactor plant operations; participating in selected onsite field assessments of DOE-owned reactors; and assisting in the

preparation of the Committee's Assessment Reports. Therefore, effective January 21, 1980, I have waived the post-employment appearance and communications prohibitions of section 605(a)(1) of the Act for Messrs. Wegner, Miles, Bass, and Brodsky in connection with their duties under the subcontracts.

Dated: November 26, 1980.

Charles W. Duncan, Jr.,

Secretary of Energy.

[FR Doc. 81-1327 Filed 1-13-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement; Switzerland

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the following transfer of special nuclear materials of the United States origin, or of special nuclear materials produced through the use of materials of United States origin, as follows:

From Switzerland to the United Kingdom (THORP facility) for the ultimate purpose of reprocessing, 70 irradiated fuel assemblies containing 21,830 kilograms of uranium, enriched to 0.82% U-235, and 204 kilograms of plutonium from the Beznau-1 Nuclear Power Plant owed by Nordostschweizerische Kraftwerke AG (NOK). This subsequent arrangement is designated as RTD/EU(SD)-30.

The Department of Energy has received letters of assurance from the Government of Switzerland that the recovered uranium and plutonium will be stored at the reprocessing facility and will not be transferred from that facility, nor put to any use, without the prior consent of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: January 8, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-1170 Filed 1-13-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement; Switzerland

Pursuant to Section 131.a.(2) (G) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval to the transfer within France of 70.6 kilograms of plutonium from the COGEMA reprocessing facility at La-Hague to the COGEMA fuel fabrication facility at Cadarache and finally to Creys-Malville for loading into the Super Phenix Breeder reactor, a joint French-Italian-German demonstration program. The plutonium was recovered from spent nuclear power reactor fuel of U.S. origin transferred from Switzerland to France for reprocessing with U.S. approval in 1978. When we granted that approval, it was conditioned on the understanding with the Swiss Government that any subsequent transfer and/or use of the recovered plutonium would be subject to prior U.S. approval. The Swiss have now requested that we approve the use of the recovered plutonium as part of the fuel for Super Phenix.

This transfer is designated as a "subsequent arrangement" under the Nuclear Non-Proliferation Act of 1978.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, after careful and comprehensive analysis, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: January 8, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-1171 Filed 1-13-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement; Switzerland

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the following transfer of special nuclear materials of United States origin, or of special nuclear materials produced through the use of materials of United States origin, as follows: From Switzerland to France (the COGEMA facility) for the purpose of reprocessing, 68 irradiated fuel assemblies containing 12,498 kilograms of uranium, enriched to 0.96% U-235, and 96 kilograms of plutonium from the Muhleberg Power Plant, owned by the Bernische Kraftwerke AG. This subsequent arrangement is designated as RTD/EU(SD)-31.

The Department of Energy has received letters of assurance from the Government of Switzerland that the recovered uranium and plutonium will be stored at the reprocessing facility and

will not be transferred from that facility, nor put to any use, without the prior consent of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: January 8, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-1172 Filed 1-13-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-TA-80-09]

Allegheny Production Co.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Allegheny Production Company (Allegheny) a Proposed Decision and Order with regard to an application for incentive prices pursuant to 10 CFR 212.78(c) of the Tertiary Enhanced Recovery Program. Under the provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the **Federal Register**. Interested parties have thirty calendar days from the date of publication to submit objections or comments. Upon review of any matters submitted, we may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or coments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of the application filed by Allegheny Production Company is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday (except Federal holidays).

Issued in Washington, D.C., on January 7, 1981.

Paul T. Burke,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-1173 Filed 1-13-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-TA-80-09]

Allegheny Production Co., Inc.; Proposed Decision and Order Under the Tertiary Incentive Program

To: Allegheny Production Company, Inc., Clarksburg, West Virginia.

Subject: Designation of Allowed Expenses for Zavala County Heavy Oil Project (Docket Number ERA-TA-80-09).

I. Introduction

On March 31, 1980, the Allegheny Production Company (Allegheny), of Clarksburg, West Virginia, a subsidiary of the Allegheny Land and Mineral Company, Incorporated, submitted an application pursuant to § 212.78(e)(2) of the Department of Energy's Tertiary Incentive Program for an order which would designate it as a qualified producer with respect to a project employing an oil recovery technique which is not self-certifiable pursuant to § 212.78(c) of the regulations. The requested order also would set forth the allowed expenses that Allegheny would be permitted to recover with respect to that project. Allegheny withdrew this application following discussions with the Economic Regulatory Administration (ERA) concerning the EOR technique that Allegheny proposed to employ. On July 24, 1980, Allegheny submitted a discussion of a modified version of the EOR (Enhanced Oil Recovery) technique described in its application of March 31, 1980, and requested that ERA assume consideration of its application of March 31, 1980, as modified by this submission.

II. Background

On August 21, 1979, the Economic Regulatory Administration (ERA) amended to 10 CFR 212.78 to establish the Tertiary Incentive Program. In general, this program permits producers which are engaged in EOR projects to recover a portion of the costs associated with such projects.

Section 212.78(e)(2) authorizes ERA to issue an order designating a producer as a qualified producer with respect to a particular project which does not employ a self-certifiable EOR technique, but nevertheless involves high levels of risk and cost, and setting forth what the allowed expenses will be with respect to that project. An allowed expense is seventy-five percent of an environmental expense (as defined in § 212.78(c)), seventy-five percent of an engineering and laboratory expense (as defined in § 212.78(c)), or seventy-five percent of an expense listed in the Appendix to Section 212.78. As provided in ERA's General Guidelines on Tertiary Enhanced Recovery Project Review (Guidelines), when applying for issuance of an order pursuant to § 212.78(e)(2), a producer must demonstrate that it is employing an EOR technique which involves high levels of risk and cost, and that the offset of certain costs is necessary to make the use of that technique an attractive investment opportunity.

The Allegheny application concerns a project which will use an electrical technique which is not self-certifiable under § 212.78(c). Therefore, Allegheny has requested an order from ERA under § 212.78(e)(2) designating it as a qualified producer engaged in the initiation of a tertiary project that involves high levels of risk and cost and setting forth what the allowed expenses will be in respect to that project.

III. Findings and Analysis

The Allegheny application concerns an oil recovery project to be undertaken on a certain lease in Zavala County, Texas. Allegheny proposes to use an electrothermic process at the Zavala County project site.

The basic element in an electrothermic process is the placement of electrodes in off-setting well bores opposite the producing horizon. An electric current is passed through the earth between these electrodes. Allegheny plans to use alternating current in the 400 to 500 volt range. The frequency to be used has apparently not been established but modifications of the conventional 60 cycle per second rate are mentioned.

Allegheny states that the application of electricity through the well bores in this manner heats the reservoir adjacent to the well bore and thus increases the effective well bore radius. Allegheny also states that the electrothermic process will heat the interwell area, improve the oil mobility in the reservoir, and increase reservoir pressures due to thermal expansion.[1]

Before issuing an order finding a producer to be a qualified producer engaged in a tertiary project and allowing the offset of certain project costs, § 212.78 requires that ERA must determine that:

1. the producer has an interest in the properties on which the project is located;
2. the producer contributes to the initiation or expansion of the project which is the subject of the application;
3. the producer employs a tertiary enhanced recovery technique;
4. the application of that technique involves high levels of risk and cost; and
5. the offset of certain costs is required to make the project an attractive investment opportunity.

A threshold test in the consideration of an application of an order is whether the application concerns a project that employs a tertiary enhanced recovery technique. If this test is not met, then the application for an order must be rejected.

In prior orders, this test has been met by a showing that the technique in question was a variation of one of the self-certifiable EOR techniques set forth in § 212.78(c). We agree with Allegheny's assertions that the flow of electric current through the oil reservoir will increase the temperature of the reservoir, and consequently, the mobility of the oil in the reservoir and the reservoir pressure.

All thermal oil recovery techniques seeks the same goal, namely, an increase in reservoir temperature. Those thermal oil recovery techniques which are included in the definition of a "self-certifiable EOR technique," however, provide heat to reservoirs through injectants by phase change, oxidation or to a lesser degree, by sensible heat in the injected fluid, with the result that the displacement energy to force oil to producing wells is supplied concurrently with the heating mechanism. In addition, the heat is confined to the oil reservoir (excluding the normal losses by condition to the overburden and underlying sediments) since the injected fluids are confined to the reservoir. In contrast, the electrothermic process supplies a negligible amount of displacement energy. Moreover, the heating effects of electricity cannot be confined to the oil reservoir. Consequently, we cannot find the electrothermal process to be a variation of a self-certifiable EOR technique.

A production stimulation technique can also qualify as a tertiary enhanced oil recovery technique if it represents a technological innovation that results in significantly increased production from the reservoir. No showing has been made that the electrothermic process represents a technological innovation that will result in significantly more production than would otherwise be realized by the use of existing well heating and other production stimulation techniques for increasing the well bore radius.

Moreover, Allegheny has not differentiated the electrothermic process from other well bore heating techniques. Well bore heating and other techniques for increasing effective well bore radii (as well as techniques for literally increasing well bore radius) are generally accepted production stimulation techniques that have a long history of use. The lack of risk associated with this method of production stimulation is one of the primary reasons that it was not included as a self-certifiable EOR technique. Accordingly, use of the electrothermic process by Allegheny in connection with this project does not involve high levels of risk and cost within the meaning of § 212.78(e).

For the above stated reasons, we find that the electrothermic process proposed to be used by Allegheny does not qualify as a tertiary enhanced oil recovery technique within the context of the tertiary incentive program of Section 212.78, and that Allegheny is not a qualified producer with respect to the use of this process at the Zavala County project site. Accordingly, we must deny this application.

IV. Comment Procedures

10 CFR 205.98 requires this Proposed Decision and Order to be published in the **Federal Register** and sets forth the procedures for filing objections or comments on this Proposed Decision and Order. Objections or comments must be received by the designated office in the ERA within thirty calendar days from the date of publication in the **Federal Register** of the Proposed Decision and Order. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room 1E–190, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays), and in the Public Affairs Office, Room B–110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

V. Order

1. The request by Allegheny Production Company, Inc. of Clarksburg, West Virginia, to be a qualified producer with respect to the Zavala County property located in Zavala County, Texas, is hereby denied.

2. This Order is based on the presumed validity of statements, assertions, and documentary materials submitted by Allegheny. This Order may be revoked or modified upon a determination that the factual basis underlying the Order is incorrect.

Issued in Washington, D.C., on January 7, 1981.

Paul T. Burke,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-1174 Filed 1-12-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 53146-3804-04-82]

Virginia Electric and Power Company; Powerplant and Industrial Fuel Use Act of 1978; Intention To Proceed With Prohibition Order Proceedings

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of its intention to proceed with the pending Prohibition Order Proceedings relating to a powerplant owned by Virginia Electric and Power Company of Richmond, Virginia (VEPCO) and located near Dumfries, Virginia, and identified as Possum Point No. 4.

Pursuant to Sections 301(b) and 701(b) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), 42 USC 8301 *et seq.*, a proposed prohibition order for Possum Point No. 4 was issued by ERA on January 17, 1980, and published in the **Federal Register** on January 23, 1980 (45 FR 5365).

Description of Prohibition Order Proceedings

In accordance with 10 CFR 501.51, the proposed prohibition order commenced an initial public comment period, during which period VEPCO was given an opportunity to challenge ERA's initial finding that Possum Point No. 4 has or

[1] Increasing the temperature of reservoir oil does little to provide displacement energy. As Allegheny points out, an increase in temperature will cause thermal expansion, increasing reservoir pressure and providing energy to force oil into producing wells. However, the effect is so small (about 0.00005 F°) as to be a minor consideration.

previously had the technical capability to burn an alternate fuel (coal) as a primary energy source. VEPCO chose not to do so. The utility must also have identified, during this period, any exemptions for which the powerplant may qualify, but need not have submitted evidence attempting to demonstrate entitlement to an exemption.

The publication of this Notice of Intention to Proceed commences a second three-month period during which VEPCO may present evidence to demonstrate that the powerplant would qualify for an exemption, which would constitute a defense to the issuance of a final prohibition order.

Subsequent to the end of the second three-month period ERA will, if it intends to issue a final prohibition order, prepare and publish a notice of availability of a Tentative Staff Analysis concerning the findings ERA must make prior to issuance of a final prohibition order. Those findings, which are required by Section 301(b) of FUA, are: (1) that the powerplant has the technical capability to use coal or another alternate fuel as a primary energy source, or it could have such capability without (A) substantial physical modification of the powerplant or (B) substantial reduction in the rated capacity of the powerplant; and (2) that it is financially feasible for the powerplant to use coal or another alternate fuel as its primary energy source.

The provisions of Section 701(d) of FUA and 10 CFR 501.33 afford any interested person an opportunity to request a public hearing on the proposed prohibition order. Interested persons wishing a hearing must make their request, in writing, no later than 45 days after publication of the Notice of Availability of the Tentative Staff Analysis. If a hearing is requested, the hearing will be held in accordance with Subpart C of 10 CFR Part 501. Interested persons may also submit written comments during this 45-day period.

After the hearing and comment period closes, ERA shall determine whether a final prohibition order will be issued based upon ERA's review of the entire administrative record. Any final prohibition order, together with a summary of the basis therefor, will be published in the **Federal Register**. Such order shall not take effect earlier than sixty days after publication.

Comments and Written Submissions Received on Proposed Prohibition Order

During the intial comment period, comments on the proposed prohibition order were received from VEPCO. These comments indicate that VEPCO believes that ERA can make the findings necessary to issue a final order for Possum Point No. 4, that the unit was designed to burn coal and has burned coal in the past and that the capability to burn coal could be restored without substantial physical modification or significant derating. VEPCO also anticipates that the conversion of this unit would be financially feasible. VEPCO's comments are based on the assumption that the only major capital expenditure associated with the conversion would be the acquisition and installation of a new electrostatic precipitator.

During this period, neither VEPCO nor any other interested persons submitted any information contrary to ERA's initial finding that Possum Point No. 4 has or previously had the technical capability to burn an alternate fuel (coal) as a primary energy source.

In accordance with 10 CFR 501.51, VEPCO also submitted evidence relating to the other findings that ERA is required to make under Section 301(b) of FUA, and identified, in their response dated February 11, 1980, those exemptions for which Possum Point No. 4 may qualify. The temporary exemptions authorized by Section 311 of the Act, which VEPCO identified are: (1) site limitations, (2) inability to comply with applicable environmental requirements, (3) public interest; and (4) reliability of service. In addition, VEPCO identified the following permanent exemptions for which Possum Point No. 4 may qualify as authorized by Section 312 of the Act: (1) site limitations, (2) inability to comply with applicable environmental requirements and (3) state or local requirements.

For further information contact:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, (202) 653-4055.

Steven Frank, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3302, Washington, D.C. 20461, (202) 653-4184.

James Renjilian, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-178, Washington, D.C. 20585, (202) 252-2967.

Issued in Washington, D.C., January 8, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-1176 Filed 1-13-81; 8:45 am]

BILLING CODE 6450-01-M

Allocation for Wholesale Purchaser Consumers and End-Users Who Are Bulk Purchasers

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Rescission of Bulk Purchaser Guidelines and Issuance of Guidance on Allocation for Ultimate Consumers.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that the guidelines issued to ERA regional offices in September 1979 for the evaluation of applications for new bulk purchasers for assignment of base period use and suppliers of motor gasoline under 10 CFR Section 211.12(e)(3) have been rescinded. A brief description of procedure and criteria to be used in processing applications under existing regulations is also included.

DATE: Effective immediately.

FOR FURTHER INFORMATION PLEASE CONTACT:

Charles R. McCrea, Economic Regulatory Administration, Office of Petroleum Operations, Room 2104, 2000 M Street, N.W., Washington, D.C. 20461, Telephone: (202) 653-4472.

Joel M. Yudson, Office of General Counsel, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: (202) 252-6744.

SUPPLEMENTARY INFORMATION. On September 26, 1979, the Economic Regulatory Administration (ERA) issued guidelines for the evaluation of applications filed by new bulk purchasers seeking the assignment of a supplier and/or the assignment of a base-period use of motor gasoline (44 FR 59269, October 15, 1979).

These guidelines were precipitated by the motor gasoline shortage which existed during the spring and summer of 1979, and the expectation that supplies would continue to be short during the fall of 1979. The guidelines generally limited the assignment of base period volumes and suppliers for new bulk purchasers to those firms which are entitled to a first priority allocation level pursuant to 10 CFR 211.103(b). The guidelines also provided for assignments to firms entitled to a second priority

allocation level who either had purchased or obtained motor gasoline and received delivery of that product into a storage tank substantially under the control of that firm at a fixed location prior to March 1, 1979 (or to firms that had purchased or installed storage tanks, or had entered into a written contract to purchase or install storage tanks prior to March 1, 1979).

Subsequent to the issuance of the guidelines, the supply situation in the United States for crude oil, motor gasoline and other finished products began to improve significantly over the supply levels of the corresponding period of 1979. Currently, motor gasoline inventories are high, demand is down, many prime suppliers are reporting to ERA allocation fractions of 1.0, and surplus product is abundant.

In recognition of this continued improvement in the supply situation and in keeping with the objectives of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159), as amended, the ERA is rescinding the guidelines.

In the future, applications for assignments for wholesale purchaser-consumers and end-users that are bulk purchasers of motor gasoline will be handled under the existing regulations as described herein.

Allocations for Ultimate Consumers

Ultimate consumers are eligible to receive an assignment of motor gasoline only if they qualify as bulk purchasers. A bulk purchaser as defined in 10 CFR 211.102 means "any firm which is an ultimate consumer which, as part of its normal business practices, purchases or obtains motor gasoline from a supplier and either: (a) receives delivery of that product into a storage tank substantially under the control of that firm at a fixed location; or (b) with respect to use in agricultural production, receives delivery into a storage tank with a capacity not less than 50 gallons substantially under the control of that firm."[1]

Bulk purchasers are divided into two categories, end-users and wholesale-purchaser consumers,[2] each of which is treated separately under the allocation regulations.

End-Users that are Bulk Purchasers

Pursuant to 10 CFR 211.12(f), suppliers may agree to supply new end-users of motor gasoline where the supplier serves the purchaser in accordance with its normal business practices. The volume allocated must be normal and reasonable for its intended use. If the end-users had located a supplier who is willing to supply it and if the volume is normal and reasonable for its intended use, *no application need be filed with ERA*. The amount the supplier agrees to supply will establish the base period volume and the allocation rights of the end-users will be the same as that established by an ERA assignment order. Willing suppliers will be obligated to supply the agreed-upon volume pursuant to 10 CFR 211.10(b)(2). However, it would be to the advantage of an end-users bulk purchaser to obtain written confirmation of the supply agreement to preclude subsequent dispute between suppliers and purchasers over agreed-upon volumes.

An end-user that is a bulk purchaser is only eligible for an assignment of a base period volume if the gasoline will be used for an activity for which an allocation level is provided under 10 CFR 211.103(b) or (c).[3] If such a firm cannot, after a diligent effort, locate a willing supplier or if the purchaser and the supplier cannot agree on the volume to be supplied, an application for ERA assignment of a supplier and a base-period volume may be filed. All applications filed by new end-users should be filed in accordance with Subpart Q or Part 205 with the state energy office located in the state in which the product will be physically delivered. Prior to submitting an application for an assignment, to qualify as a bulk purchaser, the firm must have a storage tank at a fixed location substantially under its control. All volumes requested must be for ultimate consumption on behalf of the firm. No volume will be allocated under 10 CFR 211.12 (f) for purposes of resale.

The regulations, in 10 CFR 205.216, require state energy offices to evaluate end-user bulk purchaser applications and to recommend to ERA in writing those applications for assignment that they determine warrant the issuance of an assignment order.

Upon receipt of the state's recommendation, ERA will determine whether an assignment should be made. Mid-level marketers assigned to supply the base period volumes for end-user bulk purchasers may not receive adjustments to their own base period uses under the current provisions of 10 CFR 211.13(c) or 211.12(d). Therefore, unless mid-level marketers are able to supply additional end-users without an adjustment, assignments to end-user bulk purchasers will generally be made to refiner-suppliers delivering product into the States in which the end-user are located. The supplier selected shall supply the end-user bulk purchaser by such means as it deems appropriate in accordance with its normal business practices. For example, a prime supplier may make the product available through the use of substitute suppliers including marketers in its existing distribution system.

A supplier's reluctance to assume additional obligations does not, in and of itself, constitute a suficient basis for not making an assignment. However, an unwilling supplier ordinarily should not be assigned by ERA if the quantity of motor gasoline to be delivered is so low that it is not consistent with normal business practices for bulk deliveries in the market area.

Wholesale Purchaser-Consumers

Pursuant to 10 CFR 211.12(e)(1), wholesale purchaser-consumers without a base period supplier are encouraged to make mutually acceptable arrangements with suppliers. Suppliers are encouraged to accept wholesale purchase-consumers as new purchasers. When a wholesale purchaser-consumer has located a willing supplier and a volume has been agreed upon, the supplier shall notify the appropriate ERA Regional Office within 10 days of making the mutual arrangement.

Under 10 CFR 211.12(e)(1)(ii), following notification of ERA, the supplier may comment interim deliveries of the proposed base period volumes. No

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[1] For the purpose of defining an end-user or wholesale purchaser-consumer, a "firm" is defined in 10 CFR 211.11(b)(1) as all parts of the parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls which act as ultimate consumers, including all sites, storage tanks and other facilities or entities of the end-user or wholesale purchaser-consumer that utilize or store allocated products. Under 10 CFR 211.11(b)(3), the ERA may, in considering applications by end-users and wholesale purchaser-consumers for assignments, treat as a separate firm any part of the parent or other entity that it controls, including any separate site or facility.

[2] Wholesale purchaser-consumer is defined in 10 CFR 211.521 as "any firm that is an ultimate consumer which, as part of its normal business practices, purchases or obtains an allocated product from a supplier and receives delivery of that product into a storage tank substantially under the control of that firm at a fixed location and which either: (a) purchased or obtained more than 20,000 gallons of that allocated product for its own use in agricultural production in any completed calendar year subsequent to 1971; (b) purchased or obtained more than 50,000 gallons of that allocated product in any completed calendar year subsequent to 1971 for use in one or more mult-family residences; or (c) purchased or obtained more than 84,000 gallons of the allocated product in any completed calendar year subsequent to 1971." End-users are those ultimate consumers that do not qualify as wholesale purchaser-consumers.

[3] Priority uses set forth in 10 CFR 211.103 (b) and (c) are as follows: Department of Defense; Agricultural production; Emergency services; Energy production; Sanitation services; Telecommunications services; Passenger transportation services; Cargo and freight hauling by truck and mail hauling; Aviation ground support vehicles and equipment; Industrial use; Commercial use; Government use; and Social service agency use.

upward certification by the supplier is permitted until an assignment is made. The agreed-upon volume is subject to adjustment by ERA, and ERA may also assign the wholesale purchaser-consumer to another supplier.

In general, ERA will issue assignment orders for wholesale purchaser-consumers that have located willing suppliers where the volume requested is normal and reasonable for the intended use. The use must be one for which an allocation level is provided under 10 CFR 211.103(b) or (c).

Any wholesale purchaser-consumer which needs gasoline for an activity that is entitled to an allocation level pursuant to 10 CFR 211.103(b) or (c), and which cannot locate a willing supplier, may file an application for the assignment of a supplier and a base-period volume. All applications filed by wholesale purchaser-consumers should be filed in accordance with Subpart C of Part 205 with the appropriate ERA regional office.

Prior to submitting an application for assignment, new wholesale purchaser-consumers must have a storage tank at a fixed location which is substantially under control of the firm. All volumes requested must be for ultimate consumption by the firm, and no volume will be allocated to wholesale purchaser-consumers for purposes of resale. ERA regional offices will evaluate wholesale purchaser-consumer applications in accordance with 10 CFR 205.35 of Subpart C.

Pursuant to 10 CFR 211.13(c) an assignment order issued by ERA to a wholesale purchaser-reseller (mid-level marketer) to supply a wholesale purchaser-consumer may be certified upward to the ultimate supplier and may become an adjustment to the base period use of the wholesale purchaser-reseller. Under 10 CFR 211.13(c), the reseller may certify to its supplier volumes it is assigned to supply to a particular facility of a firm whose aggregate usage qualifies it as a wholesale purchaser-consumer although the usage at the single facility may not so qualify it.

Under 10 CFR 205.36, prior to issuance of assignment orders for wholesale purchaser-consumers or end-users that are bulk purchasers, the ERA shall notify aggrieved persons, including proposed suppliers (including refiner-suppliers) for the purpose of determining the accuracy of the facts upon which ERA intends to base the proposed assignment order and the impact such order may have upon the proposed suppliers' operations, and to give such firms a reasonable opportunity to comment on the proposed order.

Accordingly, for the reasons set forth above, the ERA rescinds its bulk purchases guidelines.

Issued in Washington, D.C., on the 8th day of January 1981.

Barton R. House,

Deputy Administrator, Economic Regulatory Administration.

[FR Doc. 81-1328 Filed 1-13-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Research and Development Panel; Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Research and Development Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770).

Date and time: January 26, 1981, 9:00 am to 5:00 pm.

Place: TRW Inc., Building 52, Lobby 4, 23555 Euclid Avenue, Cleveland, Ohio 44117.

Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building, MS 3F-032, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202/252-8933.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda: Discussion of Methodology for Evaluating Energy R&D Priorities.

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting: Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 am and 4:00 pm Monday through Friday, except Federal Holidays.

Issued at Washington, D.C., on January 8, 1981.

Edward Frieman,

Director of Energy Research.

[FR Doc. 81-1153 Filed 1-13-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

Science Advisory Board

[SA-FRL 1726-1]

Ecology Committee; Task Group on Marine Ecosystem Monitoring; Open Meeting

Under Public Law 92-463, Notice is hereby given that a meeting of the Task Group on Marine Ecosystem Monitoring of the Ecology Committee, Science Advisory Board will be held on February 2, 3, 4, 1981 beginning at 9:00 a.m., Hall of States A Conference Room, Skyline Inn, South Capitol and I Streets, SW, Washington, D.C.

This is the third meeting of the Task Group on Marine Ecosystem Monitoring. The Task Group was established to examine marine ecosystem monitoring and the utility of data gathered to the mandates of the Environmental Protection Agency (EPA). The Agenda includes discussions on monitoring localities and site selection criteria for the designation of these localities, parameters to be monitored and the methods of monitoring, the model issue, the handling of acquired data, and the legal aspects of monitoring. It is anticipated that some time will be devoted to discussed of the preparation of the report and report writing.

The meeting is open to the public. Because of limited seating capacity of the meeting room, all members of the public must register no later than January 27, 1981, and receive a confirmed reservation from Dr. J. Frances Allen, Staff Officer, Science Advisory Board, or Ms. Anita Najera, 202-472-9444.

Dated: January 8, 1981.

Harry Torn,

Acting Staff Director, Science Advisory Board.

[FR Doc. 81-1254 Filed 1-13-81; 8:45 am]

BILLING CODE 6560-34-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 80-720; File No. BRCT-533 et al.]

City of New York, Municipal Broadcasting System and True Witness Ministries, Inc.; Applications

Adopted: November 6, 1980.

Released: November 25, 1980.

In re Applications of city of New York, Municipal Broadcasting System; (BC Docket No. 80-720 File No. BRCT-533); For Renewal of License of Station

WNYC–TV, New York, New York; and True Witness Ministries, Inc., New York, New York; (BC Docket No. 80–721 File No. BPCT–5178); for a construction permit.

By the Commission: Commissioner Jones concurring and issuing a statement.

1. The Commission has before it for consideration the renewal application of the City of New York, Municipal Broadcasting System, for television station WNYC–TV, New York, New York, and the application of True Witness Ministries, Inc. (TWM) for a construction permit for a television station on Channel 31 in New York City. The applications are mutually exclusive and must be designated for a comparative hearing.

2. *The TWM application.* Applicants for new broadcast stations are required by 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in 73.3580(h) of the Rules. We have no evidence that TWM published the required notice. To remedy this deficiency, TWM will be required to publish local notice of its application and to file a statement of publication with the presiding Administative Law Judge.

3. Analysis of the financial information submitted by TWM reveals that $73,450 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$41,000
Legal Costs	3,000
Engineering and Installation Costs	2,000
Operating Costs	27,450
Total	$73,450

TWM's costs reflect the fact that it already owns equipment valued at $105,000, a building and studio facilities. However, the applicant states that the rental price for its proposed antenna and transmitter site on the World Trade Center is $100 per month. TWM has provided no documentation to verify this amount and, based on our experience, it appears low.

4. Moreover, the applicant has not shown the availability of sufficient funds to construct and operate as proposed. No loan or purchase agreements have been submitted to verify a $50,000 loan and $45,000 equipment credit. Donations of $50,000 are not substantiated by pledges and balance sheets from the donors showing their willingness and financial capacity. TWM proposes substantial advertising revenues, but such revenues may not be relied upon to establish an applicant's financial qualifications. *Financial Qualifications Standards,* 72 FCC 2d 784 (1979). Nor can TWM rely on existing capital of $40,000, since the "miscellaneous loans and exchanges" valued at $18,000 are not sufficiently identified to show their liquidity and, at any rate, its balance sheet shows current liabilities exceed current assets by $76,000. Additionally, TWM's balance sheet was not current when submitted (dated at least within 90 days of the filing of application). *See* FCC Form 301, Part III, Paragraph 2(a). Financial issues will therefore be specified.

5. TWM has failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants,* 27 FCC 2d 650 (1971). TWM's demographic information, concerning New York and its significant groups and organizations is inadequate. In particular, the applicant has failed to provide information on the minority, racial or ethnic breakdown of New York as well as its economic and govenmental activities and public service organizations. In the absence of sufficient demographic information, it is not possible to determine whether TWM has interviewed leaders of all significant groups in New York City. *See* Questions and Answers 9 and 10 of the *Primer.* Moreover, not all of the community leader consultations were done by principals or prospective management-level employees of TWM, and it is unclear how many of the interviews were conducted in person. See Question and Answer 11(a) of the *Primer.* The general public survey was not conducted by employees, prospective employees or a professional survey service, and the date of the survey is not stated. Ascertainment must be completed within six months of filing the applications. See Questions and Answers 11(b) and 15 of the *Primer.* In addition, TWM has failed to comply with the program proposal requirements by not listing the anticipated time segment, duration and frequency of broadcast of the programs intended to meet the needs of the community. See Question and Answer 29 of the *Primer.* Finally, the applicant has not made clear whether it is undertaking to serve communities outside New York City, nor has it detailed ascertainment efforts in these areas. This is especially relevant in view of the New Jersey service obligation of all New York area stations, including the current licensee. *See State of New Jersey Television Service,* 59 FCC 2d 1386, 1406 (1976). In light of these serious deficiencies, we are unable to conclude that TWM has substantially complied with the *Primer's* requirements and a general ascertainment issue will be specified.

6. *The City of New York's Renewal Application.* Examination of the City of New York's application indicates that it is legally, financially and technically qualified to operate as proposed. However, since its proposal is mutually exclusive with that of TWM, both applications must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, It is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

A. To determine with respect to TWM:

(1) Whether applicant has accurately estimated its costs for antenna and transmitter site rental;

(2) The source and availability of funds to finance construction and operation of its proposed station; and

(3) Whether, in light of the evidence adduced pursuant to (1) and (2) above, TWM is financially qualified to construct and operate the proposed station.

B. To determine the efforts made by TWM to ascertain the problems, needs and interests of the area to be served and the means by which the applicant proposes to meet those problems, needs and interests.

C. To determine which of the proposals would, on a comparative basis, better serve the public interest.

D. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That, TWM shall publish local notice of its application and shall file a statement of publication with the Presiding Administrative Law Judge within 40 days after this Order is published in the **Federal Register.**

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to

Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give local notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

11. It is further ordered, That the Secretary of the Commission shall send, by Certified Mail, Return Receipt Requested, a copy of this Memorandum Opinion and Order to each of the parties named herein.

Federal Communications Commission.[1]

William J. Tricarico,

Secretary.

Concurring Statement of Commissioner Anne P. Jones in Which Commissioner Abbott Washburn Joins

In Re: Application for Renewal of WNYC-TV, New York, Designated for Hearing with Competing Application.

November 14, 1980.

I concur in the decision to designate these applications for hearing *only* because I am advised that TWM's application meets our normal standards for acceptance as "substantially complete." I suggest, however, that it may be time to re-examine those standards.

As noted in paragraph 6 of our Memorandum and Order, examination of the City of New York's application indicates that it is fully qualified to operate as proposed. Its renewal application could therefore be granted routinely were it not for the competing application filed by True Witness Ministries. It is not, on the other hand, possible to determine from TWM's application whether it is qualified to operate as it proposes. It appears that TWM may have grossly underestimated its costs for antenna and transmitter site rental, and it has failed to document adequate financial ability to operate as proposed. Presumably, the initial stage of the hearing will concentrate on determining whether TWM is a credible application, because if it is not there is no justification for imposing on the City of New York the cost of participation in this hearing.

The fact that WNYC-TV is a noncommercial station brings into sharp relief the question whether an application should be subjected to the cost of a comparative hearing by the filing of an obviously defective competing application. The recent financial problems of the City of New York are well known, and it is no secret that many other noncommercial licensees must struggle to meet their financial requirements. I cannot see how it serves the public interest to permit the filing of a clearly inadequate competing application to subject such licensees to the cost and aggravation of a comparative hearing.

I therefore suggest that we develop an intermediate step in comparative hearings. An application as deficient as this should be disqualified—or amended to complete any deficiencies—before comparative hearings begin. Certainly such an intermediate step should be required before dragging a noncommercial licensee through the cost of a hearing—and such a step should be considered for commercial applications as well. As an initial step in this direction, I propose that we give serious consideration to careful delineation of mininal standards for acceptance for filing, with more refined processing guidelines prior to inception of comparative hearings with their great expense to applicants, incumbent licensees, and this Commission.

[FR Doc. 81-1220 Filed 1-13-81; 8:45 am]

BILLING CODE 6712-01-M

[1] See attached statement of Commissioner Jones.

Common Carrier Action AT&T Filing for Revised Depreciation Rates for Terminal Equipment

On September 22, 1980, the American Telephone and Telegraph Company, in behalf of the Operating Telephone Companies and the Long Line Department (Companies), filed for proposed changes in depreciation rates for Accounts 231, Station Apparatus, and 234, Large Private Branch Exchange. In the filing AT&T proposes to (1) reduce service lives below those underlying currently prescribed depreciation rates; (2) allocate portions of the overall book reserve (Account 171) to accounts corresponding with Accounts 231 and 234; and (3) calculate depreciation rates on a remaining life basis effective January 1, 1981.

AT&T states that recent technological developments, changes in customer needs and demands, and competitive activities necessitate reduction in average services lives below those currently prescribed. Further, they contend that the continued use of the straight line whole life depreciation procedure will result in a substantial shortfall in capital recovery for terminal equipment. As a result, they propose the use of the remaining life depreciation procedure to enable them to depreciate the unrecovered investment in terminal equipment over its life. AT&T's proposal, if accepted, would result in a significant increase in revenue requirements during the next few years. For 1981 alone, this proposal would increase the operating companies' overall depreciation accruals by over $470 million.

In FCC Docket No. 20188, released December 5, 1980, the Commission determined that corrective measures were necessary in order to match the recovery of the costs of existing assets with their service lives. The staff was directed to develop remaining-life rates for existing plant investments. Recognizing, however, that some companies do not maintain book reserves in sufficient detail to calculate such rates, the Commission directed the staff first to determine the most reasonable allocation of their current book reserves to plant categories. In a separate action the staff will determine the most appropriate allocation of the depreciation reserves by plant category. To undertake here either to allocate a portion of the book reserve to accounts 231 and 234 or to calculate depreciation rates for equipment in these accounts on a remaining life basis would intefere with that action because it would split into two proceedings our consideration of the appropriate amount of the reserve to be allocated to each category of asset. For this reason we shall consider here only the first issue raised by AT&T: the proposed reduction of terminal equipment service lives.

To assist us in our investigation, we are requesting comments concerning the proposal to revise depreciation rates. It would be helpful if those commenting would address the following issues:

(1) The Companies' future life estimates.
(2) The product life cycle approach which the Companies have used to estimate future lives.
(3) The Companies' future net salvage estimates.
(4) The studies and detail in support of the Companies' future estimates, both life and salvage.
(5) The effective dates for the implementation of the proposed rates.

This filing will be coordinated with implementation efforts related to the Second Computer Inquiry, FCC Docket #20828.

On December 19, 1980, we requested additional retirement and salvage data as well as life indications for each of the companies. AT&T response to our request is due by January 31, 1981. Copies of the filing and supporting data and studies as well as their response to our data request will be available for inspection at 1919 M Street NW., Washington, D.C., in room 535.

Interested persons may file comments regarding these filings by March 2, 1981. Reply comments are due by April 1, 1981.

Questions regarding this matter should be brought to the attention of Mr. Kenneth P. Moran, Chief, Depreciation Rates Branch, (202) 632-6956.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-1225 Filed 1-13-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 80-339 et al.]

ITT World Communications, Inc. et al; Memorandum Opinion and Order

Adopted: December 16, 1980;

Released: December 22, 1980.

In the Matter of ITT World Communications, Inc. (CC Docket No. 80-339); RCA Global Communications, Inc. (Transmittal Nos. 258, 2259, 2260, 2280); TRT Telecommunications Corporation (Transmittal Nos. 4610, 4611, 4613, 4614, 4615, 4616, 4636); Western Union International, Inc. (Transmittal Nos. 909, 910, 911) Western Union International Caribbean, Inc. (Transmittal No. 224) FTC Communications, Inc. (Transmittal Nos. 69, 77) Revisions to tariffs for establishing separate charges for terminals, tielines, and transmission offered in connection with international telex service and implementing expanded gateways and additional domestic operating areas for international telecommunications service.

By the Deputy Chief, Common Carrier Bureau

1. Before the Bureau are several procedural motions. Western Union International, Inc. and Western Union International Caribbean, Inc. (collectively, WUI) request an extension from December 8, to December 10, 1980 in which to file their direct cases in Docket No. 80-339. FTC Communications, Inc. asks that the filing of its direct case be postponed until mid January, 1981. In addition, TRT Telecommunications Corporation moves that the Commission accept as timely its direct case filed on December 10, 1980.

2. In their requests, WUI and TRT each explain that the extra two days have been required to properly collate and reproduce the proferred material. FFTC's problem is somewhat different. This carrier explains that the only person available to oversee the preparation of its direct case is the company treasurer, and that he also has a number of other responsibilities. It adds that the task of providing the information has proven greater than expected.

3. We find that a grant of an additional two days' time to WUI and a late acceptance of TRT's filing will not significantly delay the outcome of the proceeding, and is thus not contrary to the public interest. In the case of FTCC, we recognize that the situation is somewhat unique. Initially, FTCC has had to obtain from France much of the data necessary to comply with the Commission's designation order. Additionally, because of its small size, FTCC has had to compile the information by hand rather than computer. The process has proven significantly more time consuming than anticipated. In view of the above, we find that a grant to FTCC of the requested extension of time would not be contrary to the public interest.

4. Accordingly, It is ordered, pursuant to authority delegated in Section 0.291 of the Commission's Rules, 47 CFR § 0.291, that the requests for an extension of time filed by Western Union International, Inc. and FTC Communications, Inc. are granted.

5. It is further ordered, that the direct case filed by TRT Telecommunications Corporation is accepted for filing.

6. It is further ordered, that FTC Communications, Inc. shall submit its direct case on or before January 16, 1981.

7. It is further ordered, that this Order shall be published in the **Federal Register.**

Federal Communications Commission.

Thomas J. Casey,

Deputy Chief, Common Carrier Bureau.

[FR Doc. 81-1227 Filed 1-13-81; 8:45 am]

BILLING CODE 6712-01-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 or 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 request 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 February 6, 1981.

A. *Federal Reserve Bank of Boston* (Richard E. Randall , Vice President) 30 Pearl Street, Boston, Massachusetts 02106:

1. INDUSTRIAL NATIONAL CORPORATION, Providence, Rhode Island (financing activities; Oklahoma): to engage through its indirect subsidiary, Kensington Mortgage and Finance Corp., in the origination and sale of loans for the purchase of mobile homes and servicing of mobile home loans. These activities would be conducted from existing office in Dallas, Texas, servicing the State of Oklahoma. Comments on this application must be received by January 27, 1981.

2. OLD STONE CORPORATATION, Providence, Rhode Island (insurance activities; Alabama, Florida, Georgia, and Ohio): to engage, through its subsidiary, American Standard Insurance Agency, in the sale of casualty insurance for the protection of property mortgaged in connection with extensions of credit made or brokered by certain affiliated bank holding company subsidiaries. These activities would be conducted from existing offices of certain of Old Stone Corporations subsidiaries: DAC Corporation of Alabama, Mobile; DAC Corporation of Florida, Bradenton, Clearwater, Daytona Beach, Fort Lauderdale, Jacksonville, Lakeland, Melbourne, Ocala, Orlando, Pensacola, Tallahassee, Tampa, and West Palm Beach; Unimortgage Corporation of Ohio, Columbus, and from a proposed office of Unimortgage Corporation of Ohio in Cincinnati. Comments on this

application must be received by February 9, 1981.

B. *Federal Reserve Bank of New York* (A Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

BARCLAYS BANK LIMITED and its subsidiary, BARCLAYS BANK INTERNATIONAL LIMITED, London, England (commercial finance—northeastern United States): to engage through their subsidiary, BarclaysAmerican/Business Credit, Inc., in commercial finance, i.e., making secured loans to small and medium sized businesses. This activity would be conducted from offices in Princeton, New Jersey, New York, New York and Melville (Long Island), New York, each such office serving customers in the state in which such office is located and surrounding regions.

C. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. MELLON NATIONAL CORPORATION, Pittsburgh, Pennsylvania (mortgage banking and insurance activities; Texas): to engage through its subsidiary, Carruth Mortgage Corporation, in mortgage banking activities, including acting as insurance agent with respect to the sale of Credit Life Insurance and/or mortgage redemption insurance. These activities will be conducted from an office located in Angleton, Texas, serving Brazoria County, Texas.

2. AMERICAN BANCORPORATION, Marietta, Ohio (leasing activities; Ohio): to engage through its subsidiary, American Bancleasing, Inc., in general leasing activities, acquiring leases for its own account and the account of others, and servicing such leases for applicant's affiliate banks, as well as for others. These activities would be conducted from an office in Marietta, Ohio, serving the Ohio counties in which applicant's subsidiary banks are located and contiguous counties in Ohio. Comments on this application must be received by January 28, 1981.

D. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

FIRST RAILROAD & BANKING COMPANY OF GEORGIA, Augusta, Georgia (consumer finance and insurance activities): through its wholly owned finance subsidiary CMC Group, Inc., Charlottee, North Carolina, to engage do novo in the following activities: make consumer installment loans secured by note, household goods, and first or second mortgages on real estate up to $15,000; to purchase installment sales contracts up to $1,500; to underwrite credit life and accident and health insurance; and to sell as agent property insurance in connection with its loan and installment sales contracts. In conjunction with this de novo entry CMC would acquire certain assets of Confidential Loan and Finance Corporation, Whiteville, North Carolina. Such activities will be conducted at a location to be selected in Whiteville, North Carolina, covering a service area encompassing Columbus County. Comments on this application must be received by January 23, 1981.

E. *Federal Reserve Bank of St. Louis* (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

UNION PLANTERS CORPORATION, Memphis, Tennessee (management consulting activities; continental United States): to engage through its subsidiary, Union Planters Risk Management Company, in providing to nonaffiliated banks management consulting services consisting primarily of advice concerning: the filing, documentation, and prosectuion of claims against insurance companies, particularly regarding claims involving fidelity bonds (excluding legal advice), and the identification and resolution of the customer's exposure to risk. These activities would be conducted from an office in Memphis, Tennessee, serving the continental United States. Comments on this application must be received by January 27, 1981.

F. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. HYDRO BANCSHARES, INC., Hydro, Oklahoma, (acquiring loans; Oklahoma): to engage in the activity of obtaining loans from an unrelated banking institution. This activity would be conducted from an office in Hydro, Oklahoma, serving the State of Oklahoma.

2. UNITED MISSOURI BANCSHARES, INC., Kansas City, Missouri (mortgage banking activities; Missouri): to enagage through its subsidiary, United Missouri Mortgage Company, in mortgage banking activities. These activities would be conducted from an office in Ferguson, Missouri, serving St. Charles County, Missouri.

G. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

U.S. BANCORP, Portland, Oregon (lending thrift company, and credit insurance activities; Utah): to engage, through its indirect subsidiary, State Finance and Thrift Company, Inc., in making, acquiring, and servicing loans and other extensions of credit, either secured or unsecured, for its own account or the account of others, including, but not limited to, commercial, rediscount, and installment sales contracts; to issue thrift certificates and passbooks; and to act as insurance agent with regard to credit life and disability insurance solely in connection with its extensions of credit. These activities would be conducted from offices of Applicant's subsidiary in Orem and American Fork, Utah, serving Utah County, Utah.

H. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, January 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1203 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

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 section 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 hearing should identify clearly the specific application to which they relate, and should be submitted in

writing and received by the appropriate Federal Reserve Bank not later than February 9, 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 (consumer finance and insurance activities; California): to relocate an existing office of its indirect subsidiary, Citicorp Person-to-Person Financial Center, Inc., from College Grove Center, 229A the Mall, San Diego, California 92115 to a new location at 382 West Mission Avenue, Suite 104, Escondido, California 92025. The following previously approved activities will be conducted at the new location: 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; making or acquiring loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., and to the extent permissible under applicable state insurance laws and regulations. The new location will serve the counties of Riverside, Orange, San Diego and Imperial. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

2. CITICORP, New York, New York (consumer finance and insurance activities; California): to engage through its indirect subsidiary, Citicorp Person-to-Person Financial Center, Inc., in conducting the following activities: 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; 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 may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. These activities would be conducted from a de novo office in Walnut Creek, California, serving Contra Costa and Alameda counties.

3. BARCLAYS BANK LIMITED, BARCLAYS BANK INTERNATIONAL LIMITED, London, England (lease financing activities; North Carolina, Virginia, and West Virginia): to engage, through their subsidiary Barclays American/Leasing, Inc., in lease financing of personal property by means of leases that meet the standards of section 225.4(a)(6) of Regulation Y. These activities would be conducted from an office in Greensboro, North Carolina, serving the eastern part of North Carolina and the states of Virginia and West Virginia. The application is for the relocation of activities for which prior approval has been granted.

4. CITICORP, New York, New York (consumer finance and insurance activities; Oklahoma): to relocate an existing office of its indirect subsidiary, Citicorp Person-to-Person Financial Center, Inc., from 5310 East 31st Street, Tulsa, Oklahoma 74135 to 6733 South Yale, Tulsa, Oklahoma 74136. The following activities will continue to be conducted in the previously approved service area: 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; making or acquiring loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the sale of credit related property and casualty insurance protecting real and personal proprty subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., and to the extent permissible under applicable state insurance laws and regulations. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

5. CITICORP, New York, New York (consumer finance and insurance activities; Oklahoma): to expand the activities of an existing office of its indirect subsidiary, Citicorp Person-to-Person Financial Center, Inc., to include the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., and to the extent permissible under applicable state insurance laws and regulations. The new activity would be conducted in the previously approved service area comprised of the entire state of Oklahoma. The following previously approved activites will continue to be conducted at the office: the purchasing for its own account and servicing sales finance contracts; the sale of credit related life and accident and health, decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; and the making of loans to individuals and businesses secured by real and personal property, the proceeds of which may be for purposes other than person, family or household usage; 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 may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person, Inc.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, January 7, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1204 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

Banc One Corporation; Acquisition of Bank

Banc One Corporation, Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire at least 66⅔ per cent of the voting shares of the successor by merger to Lake National Bank, Painesville, Ohio. 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 Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 29, 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, January 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1205 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

Cass County State Co.; Formation of Bank Holding Company

Cass County State Company, Plattsmouth, Nebraska, 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 97 percent or more of the voting shares of The Cass County State Bank, Plattsmouth, Nebraska. 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 Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 6, 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, January 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1206 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

First Bancorp, Inc.; Acquisition of Bank

First Bancorp, Inc., Corsicana, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of First Greenville Bancshares, Inc., Greenville, Texas, and thereby acquire indirect control of First Greenville National Bank, Greenville, 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 February 4, 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, January 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1207 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

First National Financial Corp. of Martinsville; Formation of Bank Holding Company

First National Financial Corp. of Martinsville, Martinsville, Indiana, 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 88.57 percent or more of the voting shares of First National Bank, Martinsville, Martinsville, Indiana. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 3, 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, January 7, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1208 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

The Fischer Corp.; Acquisition of Bank

The Fischer Corporation, Lewiston, Minnesota, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 98 percent or more of the voting shares of First State Bank of Wykoff, Wykoff, Minnesota. 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 Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than Febraury 6, 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, January 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1209 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

Grant County State Bancshares, Inc.; Formation of Bank Holding Company

Grant County State Bancshares, Inc., Swayzee, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Grant County State Bank, Swayzee, Indiana. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 4, 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, January 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1210 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

Merchants Financial Corp.; Formation of Bank Holding Company

Merchants Financial Corporation, Dallas, 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 of Merchants State Bank, Dallas, 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 February 6, 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, January 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1211 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

Merchants International Bank; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Merchants International Bank, Miami, Florida. Merchants International Bank, Miami, Florida, would operate as a subsidiary of Merchants National Bank & Trust Company, Indianapolis, Indiana. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR § 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 6, 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, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1212 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

National Bank of Canada; Proposed Retention of Laurentide Financial Corp., Ltd. and Laurentide Financial Realty Corp.

National Bank of Canada, Montreal, Quebec, Canada, 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 retain voting shares of Laurentide Financial Corporation, Ltd., Vancouver, British Columbia, Canada, and its subsidiary, Laurentide Financial Realty Corporation (Western) Ltd., Vancouver, British Columbia.

Applicant states that the subsidiaries would engage in the activities of making or acquiring loans and other extensions of credit secured by interests in real property. These activities would be performed from an office of Applicant's indirect subsidiary in Seattle, Washington, and the geographic area to be served is the State of Washington. 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 New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 30, 1981.

Board of Governors of the Federal Reserve System, December 31, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1213 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

Southern Bancorp., Inc.; Proposed Acquisition of Assets of Family Financial Services, Inc.

Southern Bancorporation, Inc., Greenville, South Carolina, 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 acquire indirectly through its subsidiary, World Acceptance Corporation, all of the assets of Family Financial Services, Inc., Fort Valley, Georgia.

Applicant states that the subsidiary would engage in the activities of making direct loans to individuals, and acting as agent for the sale of credit life and accident insurance and credit property insurance directly related to extensions of credit by the subsidiary. These activities would be performed from offices of Applicant's subsidiary in Fort Valley, Georgia, and the geographic area to be served includes the town of Fort Valley and the immediate surrounding 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 Richmond.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 30, 1981.

Board of Governors of the Federal Reserve System, December 31, 1980.

Jefferson A. Walker,

Assistant Secretry of the Board.

[FR Doc. 81-1214 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

First Guthrie Bancshares, Inc.; Acquisition of 8.1 Percent of the Voting Shares of First Union Corporation, Stillwater, Oklahoma

First Guthrie Bancshares, Inc., Guthrie, Oklahoma, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 8.1 percent of the voting shares of First Union Corporation, Stillwater, Oklahoma, and thereby of its subsidiary, First Nationa Bank and Trust Company, Stillwater, Oklahoma. 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 Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 3, 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, January 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1317 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

Deposit Guaranty Corp.; Proposed Acquisition of Assets of Mid-State Mortgage Company

Deposit Guaranty Corp., Jackson, Mississippi, 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 acquire assets of Mid-State Mortgage Company, Jackson, Mississippi.

Applicant states that its subsidiary, Deposit Guaranty Mortgage Company, would continue to engage in the activity of servicing loans and other extensions of credit by the purchase of the servicing portfolio of permanent loans of Mid-State Mortgage Company; and would acquire stock of the Federal National Mortgage Association held by Mid-State Mortgage Company. These activities would be performed from offices of Applicant's subsidiary in Jackson, Mississippi, and the geographic area to be served is the State of Mississippi. Such activities have been specified by the Board § 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 Atlanta.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 3, 1981.

Board of Governors of the Federal Reserve System, January 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1313 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

First Bancorp of War, Inc., Formation of Bank Holding Company, Correction

This notice corrects a previous **Federal Register** document (FR Doc. 80-40733) published at page 158 of the issue for January 2, 1981. The name of the city in the first line is corrected so that the first sentence reads of follows:

First Bancorp of War, Inc. Welch, West Virginia, 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 85.2 per cent or more of the voting shares of The Bank of War, War, West Virginia.

Board of Governors of the Federal Reserve System, January 7, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1315 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

First National Bancshares, Inc., Formation of Bank Holding Company

First National Bancshares, Inc., Little Rock, Arkansas, 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 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to the The First National Bank in Little Rock, Little Rock, Arkansas. 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 St. Louis. Any person wishing to comment on the application should submit views in writing to Reserve Bank, to be received not later than February 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in ieu 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, January 8, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1318 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

Finlayson Bancshares, Inc.; Formation of Bank Holding Company

Finlayson Bancshares, Inc., Finlayson, Minnesota, 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 97.2 per cent of the voting shares of First State Bank of Finlayson, Finlayson, Minnesota. 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 Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 6, 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, January 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1314 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

Gulf Coast Bancshares, Inc.; Formation of Bank Holding Company

Gulf Coast Bancshares, Inc., Alvin, 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 100 per cent of the voting shares (less directors' qualifying shares) of First National Bank of Alvin, Alvin, 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 February 6, 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, January 8, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1319 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

Iowa-Grant Bancshares, Inc.; Formation of Bank Holding Company

Iowa-Grant Bancshares, Inc., Cobb, Wisconsin, 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 percent or more of the voting shares of Cobb State Bank, Cobb, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 6, 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, January 8, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1320 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

Middle Georgia Corp.; Formation of Bank Holding Company

Middle Georgia Corporation, Ellaville, Georgia, 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 99.39 percent of the voting shares of Bank of Ellaville, Ellaville, Georgia. 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 Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 6, 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, January 8, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1321 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

First Guthrie Bancshares, Inc.; Proposed Acquisition of 8.1 Percent of the Voting Shares of First Union Corporation, Stillwater, Oklahoma

First Guthrie Bancshares, Inc., Guthrie, Oklahoma, 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 permissin to acquire 8.1 percent of the voting shares of First Union Corporation ("First Union") and thereby of its subsidiaries, First Union Financial Services, Inc. ("Services"), and (indirectly) through First Union Company, a Massachusetts business trust) of First Union Insurance Agency, Inc. ("Agency"), both in Stillwater, Oklahoma.

Applicant states that the subsidiaries of First Union would continue to engage in the activities of a finance company, making auto, consumer, tuition and mortgage loans ("Services") and of an insurance agent or broker ("Agency") for credit life, accident, and health insurance directly related to extensions of credit by First Union's subsidiaries, Services, and the First National Bank and Trust Company, Stillwater, Oklahoma. These activities would be performed from offices located in Stillwater, Oklahoma and the geographic area to be served is the City of Stillwater, Oklahoma. 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 section 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 Kansas City.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 3, 1981.

Board of Governors of the Federal Reserve System, January 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-1316 Filed 1-13-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Advisory Committees; Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the National Institutes of Health announces the establishment of the following committees by the Secretary, Department of Health and Human Services.

Behavioral Medicine Study Section. This committee shall advise the Secretary, the Assistant Secretary for Health and the Director, National Institutes of Health, regarding applications and proposals for grants-in-aid for research projects and for grants and awards for research and training activities relating to various aspects of behavioral medicine.

Bio-Organic and Natural Products Chemistry Study Section. This committee shall advise the Secretary, the Assistant Secretary for Health and the Director, National Institutes of Health, regarding applications and proposals for grants-in-aid for research projects and for grants and awards for research and training activities relating to bio-organic chemistry and natural products chemistry.

Experimental Cardiovascular Sciences Study Section. This committee shall advise the Secretary, the Assistant Secretary for Health, and the Director, National Institutes of Health, regarding applications and proposals for grants-in-aid for research projects and for grants and awards for research and training activities relating to various aspects of clinical and basic research in cardiovascular, renal, and pulmonary physiology and pharmacology.

Experimental Immunology Study Section. This committee shall advise the Secretary, the Assistant Secretary for Health and the Director, National Institutes of Health, regarding applications and proposals for grants-in-aid for research projects and for grants and awards for research and training activities relating to the basic and clinical immunobiology and immunochemistry of humoral and cellular immune reactions involved in autoimmune and immune complex diseases, phagocytosis and antibody snythesis, and in the diagnosis, monitoring and therapy of experimental and clinical cancer, using immunological techniques.

Physical Biochemistry Study Section. This committee shall advise the Secretary, the Assistant Secretary for Health and the Director, National Institutes of Health, regarding applications and proposals for grants-in-aid for research projects and for grants and awards for research and training activities relating to various areas of biochemistry with an orientation toward physical biochemistry and *in vitro* research.

Authority for these Study sections shall terminate on December 9, 1982, unless the Secretary, HHS, formally determines that continuance is in the public interest.

Dated: January 6, 1981.

Donald S. Fredrickson,

Director, NIH.

[FR Doc. 81-1178 Filed 1-13-81; 8:45 am]

BILLING CODE 4110-08-M

Breast Cancer Task Force Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Breast Cancer Task Force Committee, National Cancer Institute, February 23–24, 1981, Lister Hill National Center, Building 38A, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public from 8:30 a.m. on February 23 through adjournment on February 24, for a Workshop on Tumor Stem Cell Assays and the Treatment of Human Breast Cancer. Attendance by the public will be limited to space available.

Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meetings and rosters of committee members, upon request.

Dr. D. Jane Taylor, Executive Secretary, National Cancer Institute, Landow Building, Room 8C09D, 7910 Woodmont Avenue, Bethesda, Maryland 20205 (301/496–6718) will furnish substantive program information.

Dated: January 6, 1981.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 81-1179 Filed 1-13-81; 8:45 am]

BILLING CODE 4110-08-M

Communicative Disorders Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institutes of Health, February 27, 1981, in Conference Room 4, Building 31, 9000 Rockville Pike, Rockville, Maryland 20205.

The meeting will be open to the public from 8:30 a.m. until 10:30 a.m. on February 27th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 27th from 10:30 a.m. to adjournment on that day, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and roster of committee members.

Dr. Ernest J. Moore, Executive Secretary, NINCDS, NIH, Federal Building, Room 9C14, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

Dated: January 5, 1981.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

(Catalog of Federal Domestic Assistance Program No. 13.851, Communicative Disorders Program, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

[FR Doc. 81-1180 Filed 1-13-81; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Research Resources Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources, February 5–6, 1981, Conference Room 6, Bldg. 31, National Institutes of Health, Bethesda, MD 20205.

The meeting will convene on February 5, at 9:00 a.m., in open session, for the regular conduct of Council business; a report by the Acting Director, DRR; Review of Council Operating Procedures; a report on the DRR Five-Year Plan; and reports by the Animal Resources and Biotechnology Resources

Programs. The meeting will continue from approximately 10:30 a.m. to approximately 2:30 p.m. as follows: Animal Resources Program Work Group, Conference Room 6; Biotechnology Resources Program Work Group, Room 5B03; Biomedical Research Support Program Work Group, Room 6A23; General Clinical Research Centers Program Work Group, Room 7A24; and Minority Biomedical Support Program Work Group, Room 8A28. The meeting will reconvene on February 6, in Conference Room 6, from 8:30 a.m. to approximately 12:00 Noon for staff reports from the Biomedical Research Support Program, General Clinical Research Centers Program, and Minority Biomedical Support Program; for a report by a member of the Council on the NIH Director's Advisory Committee Meeting of October, 1980; and Program Work Group Reports and Recommendations to Council for discussion and action.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 5 from approximately 2:30 p.m. to recess, and on February 6 from approximately 1:00 p.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, 301–496–5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Acting Director, Division of Research Resources, National Institutes of Health, Room 5B03, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, 301–496–6023, will furnish substantive program information and will receive any comments pertaining to this announcement.

Dated: January 5, 1981.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, Laboratory Animal Sciences and Primate Research; 13.333, Clinical Research; 13.337, Biomedical Research Support; 13.371, Biotechnology Resources; 13.375, Minority Biomedical Support; National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

[FR Doc. 81–1181 Filed 1–13–81; 8:45 a.m.]

BILLING CODE 4110–08–M

National Cancer Advisory Board, Ad Hoc Subcommittee, Diet, Nutrition, and Cancer Program; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board Ad Hoc Subcommittee, Diet, Nutrition, and Cancer Program, National Cancer Institute, January 29, 1981, Building 31, Room 11A10, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m., for program review and advice on the Diet, Nutrition, and Cancer Program. Attendance by the public will be limited to space available.

The Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Diane J. Fink, Executive Secretary, National Cancer Institute, Building 31, Room 11A33, National Institutes of Health, Bethesda, Maryland 20205 (301/496–1316) will furnish substantive program information.

Dated: January 6, 1981.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 81–1182 Filed 1–13–81; 8:45 am]

BILLING CODE 4110–08–M

National Heart, Lung, and Blood Advisory Council and its Manpower Subcommittee and Research Subcommittee; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, February 5, 6, 7, 1981, National Institutes of Health, Building 31, Conference Room 10, Bethesda, Maryland 20205.

This meeting will be open to the public on February 5 from 9:00 a.m. to approximately 3:00 p.m., to discuss program policies and issues. Attendance by the public is limited to space available. In addition, meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be February 4, 1981 at 8:00 p.m. in Building 31, Conference Rooms 9 and 10 respectively.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on February 5 from 3:00 p.m. until recess and on February 6 from 9:00 a.m. to adjournment on February 7 for the review, discussion, and evaluation of individual grant applications. The meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be closed from 8:00 p.m. to adjournment on February 4, also for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meetings and rosters of the Council members.

Kathleen S. Holcombe, Executive Secretary of the Council, Westwood Building, Room 7A–15, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–7548, will furnish substantive program information.

Dated: January 5, 1981.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

[FR Doc. 81–1183 Filed 1–13–81; 8:45 am]

BILLING CODE 4110–08–M

Neurological Disorders Program Project Review A Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program Project Review A Committee, National Institutes of Health, February 14, 15 and 16, 1981, at the Marriott Inn, 13480 Maxella Ave., Marina Del Ray, California 90291.

The meeting will be open to the public from 8:00 p.m. until 10:00 p.m. on February 14th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 15th from 8:30 a.m. to adjournment on February 16th, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and roster of committee members.

Dr. Leon Jack Greenbaum, Jr., Executive Secretary, Federal Building, Room 9C14, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

Dated: January 5, 1981.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

(Catalog of Federal Domestic Assistance Program No. 13.852, Neurological Disorders Program, National Institute of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

[FR Doc. 81–1184 Filed 1–13–81; 8:45 am]

BILLING CODE 4110–08–M

Neurological Disorders Program—Project Review B Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program—Project Review B Committee, National Institutes of Health, February 20, 21, 1981, in Conference Room 8, Building 31, Bethesda, Maryland 20205.

The meeting will be open to the public from 8:00 a.m. until 9:00 a.m. on February 20th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 20th from 9:00 a.m. to adjournment on February 21st, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and roster of committee members.

Dr. Ellen G. Archer, Executive Secretary, Federal Building, Room 9C10B, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, Neurological Disorders Program, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: January 5, 1981.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 81–1186 Filed 1–13–81; 8:45 am]

BILLING CODE 4110–08–M

Population Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, on March 12–13, 1981, in the Landow Building, Conference Room "A," 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on March 12 from 9:00 a.m. to 10:30 a.m. to discuss the program status, new developments and projections for population research centers, program projects and institutional fellowships. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 12 from 10:30 a.m. to adjournment on March 13 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 7C09, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of committee members. Dr. Dinesh C. Sharma, Executive Secretary of the Population Research Committee, NICHD, Landow Building, Room 6C03, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will furnish other information.

Dated: January 5, 1981.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

(Catalog of Federal Domestic Assistance Program No. 13.864, Population Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

[FR Doc. 81–1186 Filed 1–13–81; 8:45 am]

BILLING CODE 4110–08–M

Office of the Secretary

Deputy Under Secretary for Intergovernmental Affairs; Statement of Organization, Functions and Delegation of Authority

Part A, Chapter ABC, Deputy Under Secretary for Intergovernmental Affairs (DUSIGA) Statement of Organization, Functions and Delegation of Authority, 43 FR 4686–82 dated February 3, 1978 is amended to include the functions for the Office of Veterans Affairs. The May 21, 1980 Reorganization Order for the Office of Human Development Services omitted the functions for the Office of Veterans Affairs pending a decision within the Department to determine OVA's future location. This amendment to DUSIGA functional statement establishes OVA as an organizational unit within the Department under the general guidance of a senior-level official; and provides veterans affairs with greater visibility, accessibility to, and support from all Department programs.

1. At the end of Section ABC.00 *Mission*, insert the following:

Provide general guidance and direction to the Office of Veterans Affairs.

2. At the end of section ABC.20 *Functions*, insert the following:

11. The Office of Veterans Affairs will serve as the focus of veterans' concerns for HHS and provide continuity of services to the White House Veterans

Federal Coordinating Committee, the Under Secretary's Task Force on Veterans, and veteran service organizations and associations; assist the Secretary in her role as a member of the Cabinet in its deliberation of veterans issues; develop initiatives within HHS to improve services to veterans, especially handicapped, psychologically maladjusted, disadvantaged, and incarcerated Vietnam era veterans; develop recommendations to improve channels of communication between levels of government to facilitate information dissemination, improve identification of needs and delivery of services to meet the needs of veterans and their families; evaluate current HHS programs as they relate to veterans' participation; assess procedures already implemented by the agency pertaining to how service delivery personnel related to veteran clients; review agency personnel offices be insure that veterans are given proper consideration for employment; and review monitoring procedures concerning implementation of regulations governing veteran hiring practices of grantees and contractors.

Dated: December 31, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 81-1256 Filed 1-13-81; 8:45 am]

BILLING CODE 4110-10-M

Secretary's Advisory Committee on the Rights and Responsibilities of Women; Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health and Human Services on the impact of the policies, programs and activities of the Department on the status of women will meet on Friday, February 27, 1981, from 9:30 a.m to 5:00 p.m. in Room 339-A, Hubert Humphrey Building, 200 Independence Ave., SW, Washington, D.C. The agenda will include women health and social services issues.

Further information on the Committee may be obtained from: Cheryl Yamamoto, Executive Secretary, telephone: 202-245-8454. This meeting is open to the public.

Dated: January 8, 1981.

Cheryl Yamamoto,

Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 81-1239 Filed 1-13-81; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Coal Lease Application C-30168]

Land in Jackson County, Colorado; Public Hearing; Availability of Environmental Assessment, and Request for Public Comment

The Department of the Interior, Bureau of Land Management, Colorado State Office, Denver, Colorado hereby gives notice that a public hearing will be held on February 3, 1981 at 7:00 p.m. in the Soil Conservation District Building, Basement Room, 5th and Logan Street, Walden, Colorado. Application has been made by Wyoming Fuel Company to the United States that it offer for lease certain coal resources in the public lands hereinafter described. The purpose of the hearing is to obtain public comments on the Environmental Assessment and on the following items: (1) The method of mining to be employed to obtain maximum economic recovery of the coal; (2) the impact that mining the coal in the proposed leasehold may have on the area, including, but not limited to, impacts on the environment; and (3) methods of determining the fair market value of the coal to be offered. Written requests to testify orally at the February 3, 1981 public hearing should be received at the Craig District Office, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81625, prior to the close of Business February 2, 1981. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard.

Both oral and written comments will be received at the public hearing, but speakers will be limited to a maximum of three or five minutes each depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes. Written comments may also be submitted to Craig District Office at the above address, prior to close of business on February 17, 1981. Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

In addition, the public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management and the U.S. Geological Survey. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1-2. Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to both the State Director, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, and to the Deputy Conservation Manager, Conservation Division, (RE), C/R, Geological Survey, Box 25046, Denver Federal Center, Denver, Colorado 80225, to arrive no later than February 17, 1981.

The coal resource to be offered is limited to 1,212,800 tons of coal recoverable by surface mining methods from the Sudduth coal seam and any overlying coal seams in the following lands located approximately 12 miles east of the town of Walden, Colorado:

T. 8 N., R. 78 W., 6th P.M.
Sec. 3: Lots 9, 15, 16, 17, 18
Sec. 10: W½NE¼NE¼, NW¼NE¼, NW¼, S½NE¼
483.53 Acres

The coal quality is as follows: Btu—9,500; Sulfur—0.26%; Ash—10.2%; Moisture—16.58%; and averages 13.4 feet in thickness.

The draft Environmental Assessment will be available for review in the Craig District Office. Single copies are available for distribution upon request from the office at the above address.

A copy of the Environment Assessment, the case file and the comments submitted by the public on fair market value, except those portions identified as proprietary by the commenter and meeting exemptions

stated in the Freedom of Information Act, will be available for public inspection at the Colorado State Office, Bureau of Land Management at the address set out above.

Rodney A. Roberts,

Acting Leader, Craig Team, Branch of Adjudication.

[FR Doc. 81-1281 Filed 1-13-81; 8:45 am]

BILLING CODE 4310-84-M

Protests on New Mexico Wilderness Inventory

December 23, 1980.

AGENCY: Bureau of Land Management.

ACTION: Notice of Protests on Final Intensive Wilderness Inventory Decisions.

SUMMARY: The purpose of this notice is to identify which of the New Mexico State Director's final intensive wilderness inventory decisions are under protest. The final wilderness inventory decisions were published in the November 14, 1980, **Federal Register**, pages 75590–75593, and a 30-day protest period followed

During the protest period which end on December 15, 1980, protests were received for the 31 inventory units listed below. Those inventory decisions which were not protested are now final. Those units dropped from the Wilderness Review Process on November 14, 1980 which were not protested are no longer protected by interim management restrictions.

The following units are under protest and will continue to be protected by interim management stipulations until the State Director issues his final decision on the protests.

1. Protest of decision to identify unit, or portions thereof, as a Wilderness Study Area:

District	Name	Number	Acreage affected
Socorro	Rimrock	NM-020-007	29,430
Socorro	Sand Canyon	NM-020-008	8,320
Socorro	Little Rimrock	NM-020-009	9,540
Socorro	Pinyon	NM-020-010	13,160
Socorro	Voranito	NM-020-035	7,450
Socorro	Sierra Las Canas	NM-020-036	2,000
Socorro	Stallion	NM-020-040	22,000
Socorro	Continental Divide	NM-020-044	70,000
Las Cruces	Cowboy Spring	NM-030-007	6,710
Las Cruces	Gila Box	NM-030-023	7,980
Las Cruces	Blue Creek	NM-030-026	13,584
Las Cruces	Cooke Range	NM-030-031	19,870
Las Cruces	Big Hatchet Mountains	NM-030-035	65,950
Las Cruces	Alamo Hueco Mountains	NM-030-038	12,840
Las Cruces	Cedar Mountains	NM-030-042	16,680
Las Cruces	West Potrillo Mountains	NM-030-053	143,145
Las Cruces	Mount Riley	NM-030-052C	7,400
Las Cruces	Aden Lava Flow	NM-030-053	24,725
Las Cruces	Robledo Mountains	NM-030-063	11,640
Las Cruces	Las Uvas Mountains	NM-030-065	10,680
Las Cruces	Organ Mountains	NM-030-074	7,200
Roswell	Letchuguilla Canyon	NM-060-803	[1]1,167
Roswell	Mudgetts	NM-060-819	[1]2,728
Roswell	Mudgetts	NM-060-819A	[1]213
Roswell	Fawn Valley	NM-060-820	[1]700

[1] Deferred decisions.

2. Protest of decision concluding that unit, or portions thereof, lacked wilderness characteristics:

District	Name	Number	Acreage affected
Socorro	Rimrock	NM-020-007	([1])
Socorro	Sand Canyon	NM-020-008	([1])
Socorro	Little Rimrock	NM-020-009	([1])
Socorro	Pinyon	NM-020-010	([1])
Socorro	Sierra Ladrones	NM-020-016	5,000
Socorro	Presilla	NM-020-037	9,600
Socorro	Continental Divide	NM-020-044	2,500
Socorro	Antelope	NM-020-053	20,800
Las Cruces	Redrock	NM-030-025	4,040
Las Cruces	Cooke Range	NM-030-031	11,000
Las Cruces	Florida Mountains	NM-030-034	15,360
Las Cruces	Big Hatchet Mountains	NM-030-035	([2])
Las Cruces	Cedar Mountains	NM-030-042	54,000
Las Cruces	West Potrillo Mountains	NM-030-052	13,000
Las Cruces	Robledo Mountains	NM-030-063	4,500
Roswell	Mescalero Sands	NM-060-501	10,800

[1] Division into four units by roads.

[2] Division into three units by roads.

Two additional letters were received which protested the deferred status for Florida Mountains (NM–030–034) and Mescalero Sands (NM–060–501) and stated that these units should be dropped from further consideration as wilderness. These units were dropped from the Wilderness Review Program, but were listed as deferred due to a printing error in the November 14, 1980, **Federal Register** Notice.

The State Director will announce his decisions on these protests on or about January 15, 1981. If the State Director does not change his intensive inventory decisions, the protestant(s) will be advised of the decision by letter and his or her right of appeal will be explained in the letter. Should the State Director change the decision, the public will be notified of its right to appeal and the appeals period will begin upon publication of the protest decision in the **Federal Register.**

Larry L. Woodward,

Acting State Director.

[FR Doc. 81-1276 Filed 1-13-81; 8:45 am]

BILLING CODE 4310-84-M

California Desert Plan; Approval

Notice is hereby given that the California Desert Conservation Area Plan was approved by Guy Martin, Assistant Secretary of the Interior for Land and Water Resources, on December 17, 1980. Secretary of the Interior Cecil D. Andrus concurred in Assistant Secretary Martin's approval of the plan on December 19, 1980.

This action constitutes the final administrative decisions necessary to comply with Section 601(d) of the Federal Land Policy and Management Act (43 U.S.C. 1781), and the Bureau of Land Management will now begin plan implementation.

An original copy of the Decision/Record of Decision for the Final Plan as approved is on file in the office of the California Desert District, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507.

Copies of the final plan will be printed and available for public distribution approximately March 15, 1981.

Dated: December 24, 1980.

James B. Ruch,

State Director.

[FR Doc. 81-1286 Filed 1-13-81; 8:45 am]

BILLING CODE 4310-84-M

Water and Power Resources Service

Yuma Division Flood Control Project; Yuma, Arizona; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare an environmental impact statement on flood control in the Yuma Division of the Colorado River. There is an increasing danger of flood damage due to the significant increase in agriculture and economic development in the levee protected valleys. In the area of Yuma, Arizona, from Prison Hill downstream approximately 2 miles, vegetation has encroached into the flood plain, and it is very unlikely that the present levees could contain the levee design floodflows in this area.

The following alternatives to aid in alleviating potential flooding have been developed so far: (1) Dredge channel sufficient to pass floodflows without over-topping the levee; (2) Total clearing of vegetation in the flood plain; (3) Partial selective vegetation clearing by dredging sufficient to pass floodflows; (4) Partial selective clearning by land based equipment sufficient to pass floodflows; (5) Raise levees sufficient to pass floodflows; (6) No action; and (7) Nonstructural. This alternative would involve the purchase of the land in the flood plain to prevent flood damage.

Two meetings have been held with the public to receive input on the project.

No scoping meetings as such will be held, but a work group, composed of representatives of interested governmental, agricultural, and environmental organizations, was formed at the last public meeting to assist in developing alternatives and determining significant issues. The group will meet periodically to discuss the issues and to help prepare the environmental impact statement. The first meeting with the work group was held December 10, 1980, at the Yuma Projects Office in Yuma, Arizona.

The draft environmental statement is scheduled to be available for public review in March 1982. The final environmental statement is scheduled for completion in October 1982.

Interested public entities and individuals may obtain information on the project and provide input to the environmental impact statement.

Any questions regarding this project should be directed to Mr. Paul E. Strauss, Water and Power Resources Service, P.O. Box 427, Boulder City, Nevada 89005, telephone (702) 293–8464.

Dated: January 8, 1981.

Clifford I. Barrett,

Assistant Commissioner, Water and Power Resources.

[FR Doc. 81-1282 Filed 1-13-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Permanent 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. For Compliance, procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

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.g.s., unresolved common control, fitness, water carrier dual operations, or jurisidictional 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 signficantly 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 interest in the form of verified statements filed on or before March 2, 1981 (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

On or before March 16, 1981 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".

Vol No. OP1-113

Decided: December 31, 1980.

By the Commission, Review Board, No.1, Members Carleton, Joyce, and Jones. Member Jones not participating.

MC 93840 (Sub-58F), filed December 22, 1980. Applicant: GLESS BROS. INC., P.O. Box 219; Blue Grass, IA 52726. Representative: Larry D. Knox; 600 Hubbell Bldg., Des Moines, IA 50309. 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 153261F, filed December 19, 1980. Applicant: SADLER TRUCKING, INC., Route 30, Kansas City, MO 64149. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. 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.

Volume No. OP1-115

Decided: December 31, 1980.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 153131F, filed December 11, 1980. Applicant: BILL FISHER BROKERAGE, P.O. Box 28989, 4625 E. Hwy 80, Dallas, TX 75228. Representative: Bill Fisher, 3907 San Mateo Dr., Plano, TX 75023. As a *broker*, in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 153195F, filed December 11, 1980. Applicant: R. T. TRANSPORTATION, INC., 3501 West 75th Place, Chicago, IL 60652. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601. As a *broker*, in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 153201F, filed December 16, 1980. Applicant: GTL TRANSPORT CO., INC., 110 Dill Road, Suffolk, VA 23434. Representative: D. S. Glover (same address as applicant). 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.

Volume No. OP2-144

Decided: December 31, 1980.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman. (Member Chandler not participating.)

MC 8973 (Sub-77F), filed December 10, 1980. Applicant: METROPOLITAN TRUCKING, INC., 75 Broad Ave., Fairview, NJ 07022. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. 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.

Volume No. OP2-149

Decided: January 2, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman. (Member Liberman not participating.)

MC 149402 (Sub-2F), filed December 19, 1980. Applicant: R. A. P. T. CORPORATION, 3159 South 1900 West, Ogden, UT 84401. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. *General commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Government, betweeen points in the U.S.

Volume No. OP2-147

Decided: January 5, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 30653 (Sub-2F), filed December 29, 1980. Applicant: HAWK OF CONNECTICUT, INC., Outlook St., Stamford, CT 06902. Representative: Piken & Piken, Esqs., Queens Office Tower, 95-25 Queens Boulevard, Rego Park, NY 11374. 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.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-1264 Filed 1-13-81; 8:45 am]

BILLING CODE 7035-01-M

[Vol. No. 392]

Motor Carrier Permanent Authority Decisions

Decided: December 30, 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.

Persons 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 extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and 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 rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, 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 applicnt 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 regulations. 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 to the 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 February 13, 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 February 13, 1981 or the application shall stand denied.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

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 115793 (Sub-31F), filed October 4, 1979. Applicant: CALDWELL FREIGHT LINES, INC., P.O. Box 620, Lenoir, NC 28645. Representative: C. Douglas Woods (same address as applicant). Transporting *new furniture* from points in TN and MO, to points in NC.

MC 125433 (Sub-323F), filed September 30, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). Transporting *shelving* from Fremont, CA to points in the U.S. (excluding AK and HI), restricted to traffic originating at the facilities of Hussman, Inc.

MC 125433 (Sub-334F), filed October 4, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). Transporting *cable on reels*, from points in Douglas County, NE to Dallas and Houston, TX.

MC 141313 (Sub-1F), filed July 23, 1979. Applicant: PERMISIONARIOS DE EXPRESS, Y CARGA, S.A. DE C. V., Mar Kara 325, Col. Aleman, Tijuana, B. C. Mexico. Representative: Pedro Moreno Viramontes (same address as applicant). In foreign commerce only, 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), between ports of entry on the international boundary line between the U.S. and the Republic of Mexico, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81-1224 Filed 1-13-81; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

January 9, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before January 29, 1981.

No. 43892 Southwestern Freight Bureau Agent (No. B–108), increased rates by 7 percent on fibreboard, paperboard and pulpboard, from Stations in Michigan, Minnesota and Wisconsin, to Stations in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas. Rates are published in Supplement No. 148 to tariff ICC SWFB 4571. Grounds for relief—Additional revenues.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-1220 Filed 1-13-81; 8:45 a.m.]

BILLING CODE 7035-01-M

Office of Proceedings

Motor Carriers Permanent Authority Decisions

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** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

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.g., 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 interest in the form of verified statements filed on or before March 2, 1981, (or, if the application later becomes unopposed)appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

On or before March 16, 1981 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".

Vol. No. OPI–III

Decided: December 31, 1980.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 35320 (Sub-625F), filed December 12, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), serving New Johnsonville, TN, as an intermediate point in connection with carrier's otherwise authorized regular routes operations, restricted to traffic originating at or destined to the facilities of Matheson Division of G.D. Searle Medical Products, U.S.A., Inc.

MC 47171 (Sub-195F), filed December 16, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). 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), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities used by The Richardson Company, its divisions and subsidiaries.

MC 52480 (Sub-301F), filed December 16, 1980. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Thies Packing, Inc., at or near Great Bend, Topeka, and Wichita, KS, to points in AL, AR, CA, CO, FL, GA, IL, IA, KY, LA, MS, MO, NE, NM, NC, OK, SC, TN, and TX.

MC 59640 (Sub-89F), filed December 9, 1980. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam (same address as applicant). Transporting (1) *health-care products*, (2) *surgical and hospital supplies and equipment*, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) (except commodities in bulk), between points in the U.S., under continuing contract(s) with C. R. Bard, Inc., of Murray Hill, NJ.

MC 113751 (Sub-40F), filed December 11, 1980. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia Sts., Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting *charcoal, charcoal briquettes*, and *equipment and supplies* used in the manufacture of charcoal and charcoal briquettes, between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 115391 (Sub-1F), filed December 16, 1980. Applicant: GENSIMORE TRUCKING, INC., P.O. Box L, Pleasant Gap, PA 16823. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting *chemicals or allied products*, as described in Item 28 of the Standard Transportation Commodity Code, between points in the U.S., under continuing contract(s) with Foote Mineral Company, of Exton, PA.

MC 115730 (Sub-90F), filed December 8, 1980. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Transporting *iron and steel articles*, between Plymouth, UT, points in IL, IN, TX, and Santa Clara County, CA, on the one hand, and, on the other, points in the U.S.

MC 118610 (Sub-35F), filed December 16, 1980. Applicant: GEORGE PARR TRUCKING SERVICE, INC., P.O. Box 1308, Owensboro, KY 42301. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601. Transporting (1) *aluminum and aluminum products*, and (2) *materials, equipment, and supplies* used in the manufacture, processing, and distribution of the commodities in (1) above (except commodities in bulk), between Torrance, CA, The Dalles, OR, Cliffs, WA, and points in Hancock County, KY, on the one hand, and, on the other, points in the U.S.

MC 119741 (Sub-286F), filed November 18, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *canned goods and frozen foodstuffs*, from Lyndonville and Brockport, NY, to points in IL, IN, KY, MI, MO, OK, and WI.

MC 136500 (Sub-16F), filed December 8, 1980. Applicant: SERVICE EQUIPMENT & TRUCKING, INC., Box 162, Mattoon, IL 61932. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *firebrick shapes, clay and graphite stopperheads, graphite crucibles and bonding mortar*, between points in the U.S., under continuing contract(s) with Calderwood Corporation of Charleston, IL.

MC 142470 (Sub-2F), filed December 8, 1980. Applicant: FLEET TRANSIT, INC., 3225 Tate St., Baltimore, MD 21226. Representative: Marie Loepp Hasson, 927 15th St., Suite 306, Washington, DC 20005. Transporting *petroleum, petroleum products, chemicals, and chemical products*, between points in MD, DE, NJ, NC, PA, VA, WV and DC.

MC 146891 (Sub-3F), filed December 16, 1980. Applicant: A & G EXPRESS, INC., 4807 Millbrooke Road, Albany, GA 31701. Representative: Sol H. Proctor,

1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting (1) *agricultural chemicals*, and (2) *materials and supplies* used in the manufacture and distribution of agriculture chemicals, between points in the U.S., under continuing contract(s) with Helena Chemical Company, of Memphis, TN.

MC 148050 (Sub-1F), filed December 16, 1980. Applicant: L & J MOTOR LINES, INC., PO Box 7267, High Point, NC 27264. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *insulating materials*, from Barrington, NJ, to points in NC and SC.

MC 150321 (Sub-1F), filed December 8, 1980. Applicant: BRADFORD TRUCK SERVICE, PO Box 128, Park Street, Bradford, TN 38316. Representative: Larry McCartney (same address as applicant). Transporting *office and industrial equipment*, between points in the U.S., under continuing contract(s) with Tennsco Corporation, of Dickson, TN.

MC 150330 (Sub-1F), filed December 10, 1980. Applicant: BELCO, INC., 2101 West Main St., Jacksonville, AR 72076. Representative: Ron Harvey (same address as applicant). Transporting (1) *aluminum ventilation products, roof louvers, turbines and shutters*, and (2) *parts and accessories* used in the manufacture and distribution of the commodities in (1), between points in the U.S., under continuing contract(s) with Lomanco, Inc., of Jacksonville, AR.

MC 150700 (Sub-5F), filed December 16, 1980. Applicant: OLIN WOOTEN TRANSPORT CO., INC., PO Box 731, Hazlehurst, GA 31539. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting (1) *containers, container closures, and packaging products*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between Hubbard, OH, Chicago, and Elgin, IL, on the one hand, and, on the other, points, in AL, FL, GA, KY, NC, SC, and TN.

MC 151741 (Sub-2F), filed December 16, 1980. Applicant: D. E. WILLOUGHBY TRUCKING, R.R. No .7—Box 393, Columbus, IN 47201. Representative: S. Willoughby (same address as applicant). Transporting *pressure vessels, iron and steel fittings, and iron and steel brackets*, between points in the U.S., under continuing contract(s) with Brunner Engineering & Mfg., Inc., of Bedford, IN.

MC 153170F, filed December 16, 1980. Applicant: THE TRAVEL COMPANY OF MICHIGAN, d.b.a: THE TRAVEL COMPANY OF OHIO, 4900 Reed Road, Columbus, OH 43220. Representative: Barbara Grabill (same address as applicant). As a *Broker* at Columbus, OH, in arranging for the transportation of passengers and their baggage, in the same vehicle with the passengers, beginning and ending at points in MI, OH, IN, WV, and PA, and extending to points in the U.S.

Vol. No. OP1–112

Decided: December 31, 1980.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones, Member Jones not participating.

MC 28990 (Sub-10F), filed December 16, 1980. Applicant: SEYMOUR TRANSFER LINES, INC., 600 East Factory St., Seymour, WI 54165. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Over *regular routes*, 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 Iron Mountain, MI, and junction U.S. Hwy 141 and WI Hwy 22 at or near Stiles, WI, over U.S. Hwy 141, (2) between Iron Mountain and Vulcan, MI, Over U.S. Hwy 2, between Quinnesec, MI, and junction U.S. Hwys 8 and 141 at or near Niagara, WI, over U.S. Hwy 8, (4) between Iron Mountain, MI, and Aurora, WI, from Iron Mountain, over MI Hwy 95 to junction WI Hwy 95, then over WI Hwy 95 to Aurora, and return over the same route, (5) between Aurora and Niagara, WI, over WI Hwy N, (6) between Oconto, WI, and Menominee, MI, over U.S. Hwy 41, (7) between Marinette, WI, and junction U.S. Hwy 141 and WI Hwy 180 at or near Wausaukee, WI, over WI Hwy 180, (8) between Marinette, WI, and Junction WI Hwys 64 and 32 at or near Mountain, WI, over WI Hwy 64, (9) between Suring, WI, and junction WI Hwys 64 and 32 at or near Mountain, WI, over WI Hwy 32, (10) between Crivitiz, WI, and junction WI Hwys 64 and W at or near Mountain, WI, over WI hwy W, (11) between Pickett and Ripon, WI, over WI Hwy 44, (12) between Fond du Lac and Berlin, WI, from Fond du Lac over WI Hwy 23 to junction WI Hwy 49, then over WI Hwy 49 to Berlin, and return over the same route, (13) between junction WI Hwys 13 and 73 at or near Pittsville, and Wisconsin Rapids, WI, over WI Hwys 13 and 73, (14) between junction U.S. Hwy 41 and WI Hwy 26 at Vandyne, WI, and junction U.S. Hwy 151 and WI Hwy 26, at or near Waupun, WI, over WI Hwy 26, and (15) between Fond du Lac and Beaver Dam, WI, over U.S. Hwy 151, serving all intermediate points in routes (1) through (15) above, and points in Brown, Calumet, Fond du Lac, Marinette, Oconto, Outagamie, Portage, Waupaca, Waushara, Winnebago, and Wood Counties, WI, as off-route points.

MC 33641 (Sub-157F), filed December 15, 1980. Applicant: IML FREIGHT, INC., 10 Exchange Place, Salt Lake City, UT 84111. Representative: Eldon E. Bresee (same address as applicant). Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), serving points in Spokane County, WA as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 58851 (Sub-5F), filed December 16, 1980. Applicant: RUDOLF EXPRESS CO., a corporation, 1650 Armour Rd., Bourbonnais, IL 60914. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Chicago, IL, and Milwaukee, WI, over U.S. Hwy 41, serving all intermediate points and the off-route point of Kenosha, WI.

Note.—Applicant intends to tack the above requested authority with its existing authority.

MC 58851 (Sub-6F), filed December 16, 1980. Applicant: RUDOLF EXPRESS CO., a corporation, 1650 Armour Road, Bourbonnais, IL 60914. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except commodities in bulk, household goods as defined by the Commission and classes A and B explosives), between those points in IA on and east of U.S. Hwy 61 and on and south of U.S. Hwy 30.

Note.—Applicant proposes to tack this authority with this existing authority at Davenport, IA.

MC 135410 (Sub-117F), filed December 15, 1980. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th St., Rd., P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., restricted to traffic originating at or destined to the facilities of The Quaker Oats Company.

MC 142941 (Sub-74F), filed December 15, 1980. Applicant: SCARBOROUGH TRUCK LINES, INC., P.O. Box 6716,

Phoenix, AZ 85005. Representative: Doug W. Sinclair (same address as applicant). Transporting (1) *charcoal and charcoal briquettes*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodites in (1), between Branson, MO, Dickinson, ND, Pachuta, MS, Scotia, NY, and White City, OR, on the one hand, and, on the other, points in the U.S.

MC 151741 (Sub-3F), filed December 16, 1980. Applicant: D. E. WILLOUGHBY TRUCKING, R. R. No. 7—Box 393, Columbus, IN 47201. Representative: S. Willoughby (same address as applicant). Transporting *electric motors and parts for electric motors*, between points in the U.S., under continuing contract(s) with A.O. Smith Corporation, of Mt. Sterling, KY.

MC 152480 (Sub-1F), filed December 16, 1980. Applicant: J. JACK WILMOTH, d.b.a. WILMOTH TRUCKING 1518 NW 1st St., Oklahoma City, OK 73106. Representative: J. Jack Wilmoth (same address as applicant). Transporting *iron and steel articles*, from Oklahoma City, OK to Houston, TX, and points in Lake County, CO, Mineral County, MT, and Santa Barbara County, CA.

Vol. No. OPI–114

Decided: December 31, 1980.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 29910 (Sub-315F), filed December 22, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh St., Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). 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), serving Magnolia, AR, as an off-route point in connection with applicant's otherwise authorized regular-route operations.

Note.—Applicant intends to tack this authority with its existing authority.

MC 78400 (Sub-97F), filed December 16, 1980. Applicant: BEAUFORT TRANSFER COMPANY, P.O. Box 151, Gerald, MO 63037. Representative: Earnest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *containers and materials and supplies* used in the manufacture of containers, between those points in the U.S. in and east of ID, UT, and AZ.

MC 103490 (Sub-86F), filed December 16, 1980. Applicant: PROVAN TRANSPORT CORP. 210 Mill Street, Newburgh, NY 12550. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *petroleum products and chemicals*, in bulk, between points in ME, NH, VT, CT, MA, RI, NY, NJ, PA, DE, and MD, on the one hand, and, on the other, points in the U.S.

MC 111231 (Sub-329F), filed December 22, 1980. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. Transporting *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between the facilities of MTD Products, Inc., at or near Brownsville, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 142310 (Sub-31F), filed December 15, 1980. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Transporting (1) *foundry products* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of foundry products, between Marinette and Waupaca, WI, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK and TX.

MC 143300 (Sub-7F), filed December 15, 1980. Applicant: J. C. WOOLDRIDGE, INC., Route 7, Box 43, Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting *new furniture*, between points in Henry County, Va, on the one hand, and, on the other, points in Nassau, New York, Queens, and Westchester Counties, NY, and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, and Union Counties, NJ.

MC 145441 (Sub-133F), filed December 16, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *alcoholic beverages* (except in bulk), between points in KY, TN, CA, MI and NJ.

MC 145890 (Sub-2F), filed December 16, 1980. Applicant: EUGENE W. BELL, d.b.a. BELL TRUCKING, 525 Florida Avenue, Reading, PA 19605. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting (1) *primary metal products and fabricated metal products*, as described in Items 33 and 34, respectively, of the Standard Transportation Commodity Code Tariff, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Carpenter Technology Corporation, of Reading, PA.

MC 151731 (Sub-1F), filed November 4, 1980. Applicant: CTJ TRANSFER, INC., 5912 Murray Ave., Bethel Park, PA 15102. Representative: John C. Fudesco, 1333 New Hampshire Ave., NW., Suite 960, Washington, DC 20036. Transporting *such commodities* as are dealt in or used by manufacturers of cosmetics, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Newark, DE.

MC 153261 (Sub-1F), filed December 19, 1980. Applicant: SADLER TRUCKING, INC., Route 30, Kansas City, MO 64149. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *steel coils*, between points in the U.S., under continuing contract(s) with Slitco Steel Corporation, of Kansas City, KS.

Vol. No. OP2–148

Decided: January 5, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 145593 (Sub-10F), filed December 24, 1980. Applicant: HAROLD SHULL TRUCKING, INC., P.O. Box 1533, Hickory, NC 28601. Representative: Fran Finley, 1050 21st Ave., NW #31, Hickory, NC 28601. Transporting (1) *furniture and furniture parts*, from points in Buncombe County, NC, to points in OH and MI, (2) *equipment, materials and supplies* used in the manufacture of furniture and furniture parts (except commodities in bulk), in the reverse direction, and (3)(a) *such commodities* as are dealt or used by grocery and food business houses (except commodities in bulk), from Urbana, OH to Charlotte, NC, and Atlanta, GA.

MC 147833 (Sub-3F), filed December 29, 1980. Applicant: FLASH TRANSPORTATION & LEASING COMPANY, INC., 82 Landon Street, Buffalo, NY 14208. Representative: Charles C. Flagg (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in NY, on the one hand, and, on the other, points in IL.

MC 151333 (Sub-1F), filed December 24, 1980. Applicant: PASCUZZO & HONEYMAN TRUCKING, INC., 5127 S. Maywood Ave., Maywood, CA 90270. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. 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), moving on bills of lading issued by freight forwarders, as defined in 49 U.S.C. Section 10102(8) of the Interstate Commerce Act, between points in CA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NM, NV, OR, TX, UT, WA and WY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-1222 Filed 1-13-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP2-143]

Motor Carriers; Permanent Authority Decisions

Decided: December 19, 1980.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

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.g., 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 March 2, 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. On or before March 16, 1981 applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

Agatha L. Mergenovich,

Secretary.

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".

MC 76262 (Sub-5F), filed December 8, 1980. Applicant: WEIR-COVE MOVING & STORAGE CO., a corporation, 4224 Freedom Way, Weirton, WV; 26062. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219.Transporting (1) *iron and steel articles*, (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (3) commodities requiring special equipment (except commodities in bulk), between points in WV, OH, PA, those points in MD north of U.S. Hwy 40, those points in MI south of MI Hwy 55, and those points in NY north of a line beginning at the NY-CT State line and extending along U.S. Hwy 44 to Kerhonkson, NY, then along U.S. Hwy 209 to Wurtsboro, NY, then along NY Hwy 17 to Monticello, NY, and then along NY Hwy 17B to junction NY Hwy 52, then along NY Hwy 52 to NY Hwy 97, then along NY Hwy 97 to Narrowsburg, NY.

[FR Doc. 80-1223 Filed 1-13-81; 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 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-86

The following applications were filed in region 2: Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 8958 (Sub-II-10TA), filed December 18, 1980. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, OH 44501. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215. Transporting (1) *Metals, metal products* (except metal containers used in the food and beverage industry), *machinery and machinery parts*, except commodities in bulk; (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, except commodities in bulk; and (3) *contractors' and builders' materials, equipment and supplies*, except commodities in bulk, between points in AL, FL, GA, IL, IN, KY, MD, NJ, NY, NC, OH, PA, SC, TN, VA and WV for 270 days. An underlying ETA seeks 120 days authority.

Supporting shipper(s):1. Bethlehem Steel Corp., Bethlehem, PA 18016; 2. Van Huffel Tube Corp., Dietz Rd., Warren,

OH 44483; 3. SKF Industries, Inc., Happy Valley Rd., Glasgow, KY 42141; 4. Worthington Steel Co., 1127 Dearborn Dr., Columbus, OH 43085; 5. Columbus Auto Parts Co., P.O. Box 2005, Columbus, OH 43211; 6. Perfection Cobey Co., Div. Harsco Corp., 644 Grove St., Galion, OH 44833; 7. Hobart Bros. Co., 600 W. Main St., Troy, OH 45373; 8. Birdsboro Corp., Birdsboro, PA 19508; 9. Commercial Shearing, Inc., 1775 Logan Ave., Youngstown, OH 44505; 10. Columbus Steel Supply Co., 1000 Bonham Ave., Columbus, OH 43211; 11. Wheeling-Pittsburgh Steel Corp., P.O. Box 118, Pittsburgh, PA 15230; 12. Lukens Steel Co., Coatsville, PA 19330; 13. Custom Mill Products, P.O. Box 20348, Columbus, OH 43220; 14. Marion Power Shovel, Div. Dresser Industries, Inc., P.O. Box 505, Marion, OH 43302; 15. Oglebay Norton Co., 1200 Hanna Bldg., Cleveland, OH 44115; 16. Price Bros. Co., 367 West Second St., Dayton, OH 45401; 17. MTD Products, Inc., 5965 Grafton Rd., Cleveland, OH; 18. Peabody Galion Div., Peabody International Corp., 500 Sherman St. Galion, OH 44833; 19. Nucor Steel Div., Nucor Corp., P.O. Box 525, Darlington, SC 29532; 20. Midwest Materials, 3687 Shepard Rd., Perry OH 44081; 21. Syro Steel Co., 1170 W. State St., Girard, OH 44420; 22. Mahoning Metals Co., 8624 Deer Creek Ln., N.E., Warren, OH 44484; 23. Sthenia Steel, 714 Clifton Ave., Clifton, NJ 07015; 24. American Spring Wire Corp., 26300 Miles Rd., Bedford, OH; 25. Dykerhoff & Widmann Co., Beaver Brook Rd., Lincoln Park, NJ 07035; 26. Demsey & Associates, 23611 Chagrin Blvd., Beachwood, OH 44122; 27. National Rolling Mills, Inc., Malvern, PA; 28. Cleveland Metal Abrasive, Inc., 26250 Euclid, Ave., Euclid, OH 44132; 29. Bliss & Laughlin Steel, 900 West Smith Rd., Medina, OH 44256; 30. Eaton Corp., 100 Erieview Plaza, Cleveland, OH 44114; 31. Servisteel Corp., 4920 French Creek Rd., Lorain, OH.

MC 143559 (Sub-II–1TA), filed December 31, 1980. Applicant: MODERN TRANSPORATION SERVICES, INC., 8192 Newington Rd., Newington, VA 22122. Representative: Joan Pascavage (same as applicant). *Household goods as defined by the Commission* between pts. in AL, CT, DE, DC, FL, GA, KY, MD, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, and WV for 270 days. Supporting shipper(s): Department of Defense, Joint Personal Property Shipping Office, Cameron Station, Alexandria, VA 22314.

MC 151707 (Sub-II–8TA), filed December 31, 1980. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St. (15th Floor), Wilmington, DE 19801. Representative: Dennis Kupchik (same as applicant). *Carbonated Beverages and Materials and Supplies used in the manufacture thereof* between Detroit, MI, and St. Louis, MO, on the one hand, and on the other, points in and east of KS, MN, NE, OK, SD, and TX, under continuing contract(s) with Faygo Beverages, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Faygo Beverages, Inc., 3579 Gratiot Ave., Detroit, MI 48207.

MC 151707 (Sub-II–7TA), filed January 2, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., (15th Floor), Wilmington, DE 19801. Representative: Dennis Kupchik (same as applicant). *Compounds, Disinfectants, Softeners, Insecticides, Materials, Supplies, and Equipment used in the manufacture and distribution thereof* between points in the US under continuing contract(s) with Texize, Division of MortonNorwich for 270 days. Shipper: Texize, Division of MortonNorwich, P.O. Box 368, Greenville, SC 29602.

MC 136077 (Sub-II–5TA), filed December 31, 1980. Applicant: REBER CORP., 2216 Old Arch Rd., Norristown, PA 19401. Representative: Sheri B. Friedman, 1600 Land Title Bldg., 100 S. Broad St., Phila., PA 19110. *Flyash*, from the terminals of National Minerals Corp. at Westmoreland County, Indiana County and Berks County, PA to pts. in OH, VA, and WV for 270 days. Applicant intends to tack authority sought herein with authority held under MC–136077. Supporting shipper(s): National Minerals Corp., R.D. No. 4, Box 189–B, Indiana, PA 15101.

MC 121372 (Sub-II–4TA), filed December 29, 1980. Applicant: EXPRESS TRANSPORT CO., 1217 Dalton St., Cincinnati, OH 45203. Representative: Norbert B. Flick, 715 Executive Bldg., Cincinnati, OH 45202. *(1) Iron and Steel Articles and (2) materials used in the manufacture, processing, sale and distribution of the commodities named in (1) above*, from Darlington and Georgetown, SC to points in KY, MI, OH, PA, TN, WV, VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Frederick Steel Co., 200 W. Northbend Rd., Cincinnati, OH 45216.

MC 21684 (Sub-II–1TA), filed December 29, 1980. Applicant: CHARLES E. DANBURY CO., 292 S. 5th St., Williamsburg, OH 45176. Representative: Gordon A. Fenner, P.O. Box 8402, 6000 Gum Springs Rd., Longview, TX. 75607. Contract; Irregular: *Commercial motor vehicle trailers and related commodities*, between the facilities of Lufkin Industries, Inc., Lufkin Trailer Div on the one hand; and all pts. In the continental US on the other hand, for 270 days. Applicant intends to tack. An underlying ETA seeks 120 days authority. Supporting shipper: Lufkin Industries, Inc., Lufkin Trailer Div, P.O. Box 848, Lufkin, TX. 75901.

MC 152509 (Sub-II–1TA), filed January 2, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS, CO., 1370 Ontario St., Cleveland, OH 44101. Representative: Leonard A. Jaskiewicz, Suite 501, 1730 M St., NW., Wash., DC 20036. Contract, Irregular: *General commodities (except household goods as defined by the Commission and Classes A and B explosives)* under continuing contracts with the Sherwin-Williams Co. and United Freight, Inc., between pts. in the US, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: United Freight, Inc., 1260 Southern Rd., Morrow, GA 30260; The Sherwin Williams Co., P.O. Box 6875, Cleveland, OH 44115.

MC 116763 (Sub-II–51TA), filed December 29, 1980. Applicant: CARL SUBLER TRUCKING, INC., NORTH WEST ST., VERSAILLES: OH 45380. Representative: Gary J. Jira (same as applicant). *General Commodities* (except household goods, as defined by the Commission and Classes A & B explosives), and commodities in bulk, in tank vehicles) (Standard Transportation Commodity Code No. 51), between all points in the United States (except AK and HI). Restricted to traffic originating at or destined to the facilities utilized by Ray-O-Vac, a Corporation of Inco Electro-Energy, for 270 days. Supporting shipper(s): Ray-O-Vac, a corporation of Inco Electro-Energy, 101 East Washington Ave., Madison, WI 53703.

MC 116763 (Sub-II–50TA), filed December 29, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Foodstuffs* (except commodities in bulk, in tank vehicles), from New Orleans, LA, to all points in the US in and east of MN, IA, MO, OK and TX. Restricted to traffic originating at the facilities utilized by Sampco, Inc., for 270 days. Supporting shipper(s): Sampco, Inc., 221 North La Salle St., Chicago, IL 60601.

MC 150954 (Sub-II–10TA), filed December 29, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. *Processed foodstuffs*, from the facilities of Supreme Meals, Inc., McAllen, TX to Los Angeles, CA;

Chicago, IL; New Orleans, LA and New York, NY, for 270 days. Underlying ETA seeks 120 days operating authority. Supporting shipper(s): Eric Diaz, Supreme Meals, Inc., 2601 Zinna Street, McAllen, TX 78501.

MC 153336 (Sub-II-1TA), filed December 30, 1980. Applicant: GEORGE SNYDER TRUCKING CO., INC., P.O. Box 13 Hibernia Rd., Brandamore, PA 19316. Representative: Rolfe C. Marsh, 295 South Newtown Street Rd., Benson Bldg., Site 1001, Newtown, Square, PA 19073. *Non-woven, material and accessory products used in the manufacturing of,* between Chester County, PA and MD, DE, NJ and New York City and Long Island, NY for 270 days. Supporting shipper(s): Irving Textile Products Inc., Valley Ave., Atglen, PA 19310.

MC 2041 (Sub-II-2TA), filed January 5, 1981. Applicant: RIVER BEND TRANSPORT COMPANY, Sunset Ave., North Bend, OH 45052. Representative: David F. Boehm, 2208 Central Trust Tower, Cincinnati, OH 45202. *Non-ferrous metals* between Cincinnati, OH commercial zone and points in KY, IL, IN, OH, MI, and WV, for 270 days. Supporting shipper(s): ASARCO Inc., 611 Olive St., Suite 1755, St. Louis, MO 63101.

The following protests were filed in Region 4. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 219 South Dearborn Street, Room 1304, Chicago, IL 60604.

MC 63101 (Sub-4-2), filed December 31, 1980.Applicant: KEENE'S TRANSFER, INC., 1019 East Avenue, Tomah, WI 54660.Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Common; irregular; *automotive parts and supplies* from the Minneapolis/St. Paul, MN, Commercial Zone to points in WI. Restriction: Restricted to shipments originating at the facilities of Carquest, d.b.a. General Trading Company. An underlying ETA seeks 120 days authority. Supporting shipper: Carquest, d.b.a. General Trading Company, 475 North Prior Avenue, St. Paul, MN 55104.

MC 69901 (Sub-4-3TA), filed December 31, 1980.Applicant: COURIER-NEWSOM EXPRESS, INC., 2820 N. National Road, Box 270, Columbus, IN 47201.Representative: Joel H. Steiner, 39 South LaSalle St., Suite 600, Chicago, IL 60603.*Common carrier:* Regular route; *Electric Motors and Electric Motor Parts,* serving points in Kent County, MI as off-route point in connection with applicant's existing regular route operations. Note: Applicant intends to tack the above authority with its existing operating authorities.Supporting shipper: Athens Products Corp., Division White Westinghouse, P.O. Box 130, Athens, TN 37303.

MC 143291 (Sub-4-3TA), filed December 31, 1980.Applicant: RAYLS BROTHERS TRANSFER, INC., Route 1 North, Box 342, Hoopseton, IL 60942.Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521.*Contract,* Irregular *General commodities* (except classes A and B explosives, commodities in bulk, commodities which because of size or weight require special equipment and household goods as defined by the Commission), from the facilities of Dry Storage Corp. in the Chicago, IL Commercial Zone, to points and places in IN, OH and MI.Supporting shipper: Dry Storage Corp., 2005 West 43rd Street, Chicago, IL 60609.

MC 115651 (Sub-4-14), filed January 2, 1981.Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, P.O. Box 39, Rockford, IL 61105.Representative: E. Stephen Heisley, Ames, Hill & Ames, P.C., 805 McLachen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001.*Common,* irregular, *liquid and dry fertilizer,* in bulk, from Crescent City, IL to all points and places in IN, OH, MI, and WI.Supporting shipper: Chevron Chemical Co., P.O. Box 282, Ft. Madison, IA 52627.

MC 124221 (Sub-4-1TA), filed December 30, 1980. Applicant: HOWARD BAER, an individual, P.O. Box 47, Morton, IL 61550. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Meat, meat products, meat by-products and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Cincinnati and Springdale, OH, to points in IL and MO. Supporting shipper: John Morrell & Co., Chicago, IL 60604.

MC 150133 (Sub-4-3TA), filed December 31, 1980. Applicant: DDI TRANSPORT, INC., Suite 501, 651 E. Butterfield Rd., Lombard, IL 60148. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. *(1) Printed matter, and (2) materials, products and supplies used or distributed by producers and distributors of printed matter,* between points in the U.S. Supporting shipper: There are 15 supporting shipper.

MC 138493 (Sub-4-2TA), filed December 31, 1980. Applicant: JAKUM TRUCKING INC., Rural Route 2, Miley Road, Sheboygan Falls, WI 53085. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Contract;* irregular; *Alcoholic beverages* from points in CA to Fond du Lac, WI under a continuing contract(s) with Badger Liquor Co. Inc. An underlying ETA seeks 120 days authority. Badger Liquor Co. Inc., 850 South Morris Street, Fond du Lac, WI 54935.

MC 128543 (Sub-4-8TA), filed December 31, 1980. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Contract;* irregular; *Lumber and forest products,* from points in OR, WA, ID, MT, and CA, to points in MI, OH, IL, IN, WI, MN, IA, and MO, under contract with AIFP Trading Group, Inc., and its subsidiary companies, under contract with AIFP Trading Group, Inc. Supporting shipper: AIFP Trading Group, Inc., 10490 S.W. Eastridge, Portland, OR 97225.

MC 148323 (Sub-4-1), filed December 30, 1980. Applicant: A. B. & K. TRUCKING, INC., 5535 Walter Avenue, Hammond, IN 46320. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract;* irregular; *Paper and paper products* from Massillon, OH to Chicago, IL. Restriction: Restricted to service to be performed under continuing contracts with Cleaners Hanger Company of Massillon, OH. Supporting shipper: Cleaners Hanger Co., 670 N.W. 17th St., P.O. Box 453, Massillon, OH 44626.

MC 6964 (Sub-4-3TA), filed December 30, 1980. Applicant: MID WEST MOTOR SERVICE COMPANY OF INDIANA, INC., 219 Maple St., Joliet, IL 60432. Representative: Don A. Larson (same address as applicant). *General Commodities,* from, to, and between points in IL, IN, OH, PA, NY, NJ, CN, RI, MA, MD, KY, TN, GA, FL, AR, TX, OK, MO, NE, KS, MN, WI, NM, AZ, CA, OR, WA, UT, IA, AL, LA, MI. There are 16 supporting shippers.

MC 113434 (Sub-4-7TA), filed December 30, 1980. Applicant: GRA-BELL TRUCK LINE, INC., P.O. Box 1001, A5253 144th Ave., Holland, MI 49423. Representative: Roger Van Wyk, P.O. Box 1001, A5253 144th Ave., Holland, MI. 49423. Common; irregular; *plastic containers* and *accessories* from Port Clinton, OH to Franklin, KY; St. Louis, MO and Chicago, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Aim Packaging, Inc., Erie Industrial Park, P.O. Box 278, Port Clinton, OH 43452.

MC 145944 (Sub-4-5TA), filed January 2, 1980. Applicant: H & N TRANSPORT, INC., P.O. Box 148, Cottage Grove, WI

53527. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract;* irregular; *fertilizer and fertilizer and fertilizer ingredients, materials, equipment and supplies used in the manufacture and distribution of such commodities* between points in IL, IA, IN, MI, MN and WI. Restriction: restricted to transportation performed under continuing contract(s) with Lien Oil Company, Inc. Supporting shipper: Lien Oil Company, Inc., Box 231, Highway 14 By-Pass, Janesville, WI 53545.

MC 152284 (Sub-4–2TA), filed January 2, 1980. Applicant: INDIANA HEAVY & SPECIALIZED CARRIER, INC., Route 1, Wilson Ave., Madison, IN 47250. Representative: Stephen M. Gentry, 1502 Main St., Speedway, IN 46224. *Contract,* irregular; *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). Restricted to traffic moving under a continuing contract with Rotary Lift, a Division of Dover Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Rotary Lift, a Division of Dover Corporation, 2700 Lanier Ave., Madison, IN 47250.

MC 153404 (Sub-4–1TA), filed January 5, 1980. Applicant: DANE'S EXPRESS LINE, INC., a Wisconsin corporation, 515 W. Pittsburgh Avenue, Milwaukee, Wisconsin 53202. Representative: Thomas G. Schober, Esq., 15525 W. National Avenue, Post Office Box 65, New Berlin, Wisconsin 53151. *General commodities* in interstate commerce between points within WI moving on a Freight-Forwarder bill of lading for Lifschultz Fast Freight, Inc. Supporting shipper: Lifschultz Fast Freight, Inc., 515 W. Pittsburgh Ave., Milwaukee, WI.

MC 106674 (Sub-4–39TA), filed January 5, 1981.Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977.Representative: Jerry L. Johnson (Vice President). *Lumber* from the Ports of Entry on the International Boundary Lines between the U.S. and Canada located in MI and NY to points in DE, IL, IN, KY, MD, MI, MO, NJ, NY, NC, OH, PA, TN, VA and WV. An underlying ETA seeking 120 days authority. Supporting shipper: Green Forest Lumber Ltd., 250 Merton Street, Toronto, Ontario, CANADA M4S 2Y6.

MC 105045 (Sub-4–25), filed December 29, 1980. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701.Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC, 20005. *Commodities, the transportation of which, because of size or weight, require the use of special equipment or special handling,* between points in CA, AZ, NV, NM, OR, WA, TX, on the one hand, and, on the other, points in IN, IL, IA, OH, WV, PA, MI, MO, WI, MD, AL, GA, and KY; (2) between points in MS, on the one hand, and, on the other AL and WI. Supporting shipper: There are no supporting shippers. The purpose of this application is to substitute direct service in lieu of a deteriorating interchange service, also to conserve energy resources, eliminate wasted mileage and provide a more economical and efficient transportation service to the public.

MC 153225 (Sub-4–1TA), filed December 31, 1980. Applicant: BRAINERD RECREATIONAL SUPPLY, INC., P.O. Box 311, Brainerd, MN 56401. Representative: William J. Gambucci, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401.*Contract* irregular: *Marine and recreational products,* from Topeka, IN to points in WI, MN, SD, and ND, under a continuing contract or contracts with Starcraft Marine & RV, a Division of Bangor Punta Corporation, Topeka, IN. An underlying ETA seeks 120 days authority. Supporting shipper: Starcraft Marine & RV, a Division of Bangor Punta Corp., West Michigan Street, Topeka, IN 46571.

MC 108185 (Sub-4–14TA), filed December 30, 1980. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, 2625 Territorial Road, St. Paul, MN 55114. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Iron or Steel, plate or sheet, NOI, galvanized, lacquered, leaded, painted, primed, tarred or plain,* from the Plant Site of Interstate Steel Corp., Inc., at Marietta, GA to Daytona Beach, Miami and Tallevast, FL. An underlying ETA seeks 120 days authority. Supporting shipper: Interstate Steel Corp., Inc., 401 W. Touhy, Des Plaines, IL.

MC 121795 (Sub-4–1TA), filed January 2, 1981. Applicant: LAKESHORE WAREHOUSE, INC., 12010 Toepfer Road, Warren, MI 48089. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Commodities,* in bulk, between points in MI, on the one hand, and, on the other, points in IL, IN, MI, and OH. Supporting shipper: Hercules Incorporated, 814 Commerce Drive, Oakbrook, IL 60521.

MC 117165 (Sub-4–3TA), filed January 2, 1981. Applicant: ST. LOUIS FREIGHT LINES, INC., P.O. Box 2140, Michigan City, IN 46360. Representative: James M. Hodge, 1980 financial Center, Des Moines, IA 50309. Common carrier, irregular routes, *(1) panel products and component parts, and (2) materials and supplies used in the production and distribution of the commodities named in (1) above,* between Teutopolis, IL on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Stevens Laminated Products Division, Stevens Cabinets, Inc., 704 West Main Street, Teutopolis, IL 62467.

MC 117165 (Sub-4–4TA), filed January 5, 1981. Applicant: ST. LOUIS FREIGHT LINES, INC., P.O. Box 2140 Michigan City, IN 46460. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Lumber, lumber products and millwork,* from Cadillac, MI to points in IL, IN, KY, OH, PA and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: St. Louis Freight Lines, Inc., P.O. Box 2140, Michigan City, IN 46360.

MC 106675 (Sub-4–40TA), filed January 5, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (address same as applicant). *Metal ingots* from Metropolitan Alloys Corporation at Detroit, MI to points in DE, IL, IN, KY, MD, MO, NJ, NY, NC, OH, PA, TN, VA, and WV. An underlying ETA seeks 120 day authority. Supporting shipper: Metropolitan Alloys Corporation, 17385 Ryan Road, Detroit, MI 48212.

MC 51146 (Sub-4–58TA), filed December 29, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid (same address as applicant). *Cellulose products* from the facilities of Green Bay Papers at or near Holyoke, MA to points in CT, DE, FL, GA, MD, NJ, NY, NC, PA, RI, SC, VA, and DC. Supporting shipper: Green Bay Papers, 56 Canal Street, Holyoke, MA 01040.

MC 118696 (Sub-4–31), filed December 30, 1980. Applicant: FEREE FURNITURE EXPRESS, INC., 252 Wildwood Road Hammond, IN 46324. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *Materials, equipment and supplies used in the manufacture, sale and distribution* (except in bulk) *of reprocessed metal products,* between points in Washington County, IN; Burlington County, NJ; Sumner County, TN; Loudon County, TN; Carbon County, PA; Washington County, PA and Cambria county, PA, for 270 days. Supporting shipper; Helsel Metallurgical, Inc., P.O. Box 68, State Road 60, Campbellsburg, IN 47108.

MC 118696 (Sub-4–32), filed December 30, 1980. Applicant: FERREE

FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46324. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *Electrical applicances, equipment and parts thereto; televisions, radios, stereos, tape recorders, computers and calculators, security systems, cabinet speakers and stereo speakers, and materials, equipment and supplies* used in the manufacture and distribution thereof, between Chicago, IL and its commercial zone; Green County, MO; Vanderburgh County, IN; Hidalgo County, TX; Northumberland County, PA; Edgar County, IL; and Berrien County, MI, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX, for 270 days. Supporting shipper: Zenith Radio Corporation, 1900 N. Austin, Chicago, IL 60609.

MC 108937 (Sub-4–5TA), filed December 30, 1980. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, MN 55113. Representative: Jerry E. Hess, Attorney-at-Law, P.O. Box 43640, St. Paul, MN 55164. *Common irregular: 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). Serving the states of AR, TX, VA, and WV, as off-route points in conjunction with applicant's regular route authority, restricted to traffic originating at or destined to the facilities of The Kroger Co., its affiliates or subsidiaries. Supporting shipper: The Kroger Co., 1014 Vine St., Cincinnati, OH 45201.

MC 145807 (Sub-4–2TA), filed December 31, 1980. Applicant: THOMAS A. HART and KENNETH GRAMS d.b.a. DERBY TRANSPORT, 609 First Avenue North, Box 695, Weyburn, Sask., Canada S4H 1P1. Representative: James B. Hovland, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401. *Fertilizer* (except liquid), from ports of entry on the International Boundary Line between the U.S. and CA. located at or near Portal and Northgate, ND and Noyes, MN to points in ND, SD, NE, WI, MN, IL, MO, KS, MT and WY, for 270 days. Supporting shipper: Kalium Chemicals, a Division of PPG Industries, Canada, Ltd., P.O. Box 20623, Kansas City, MO 64195.

MC 151087 (Sub-4–6TA), filed December 31, 1980. Applicant: AREA INTERSTATE TRUCKING, INC., 15224 Dixie Highway, Harvey, IL 60426. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. *Contract Irregular. Iron and Steel Articles* between points in MN, WI, IL, IN, OH, MI, PA, KY, TN, IA, MO, NY, NJ, and MD, under continuing contract(s) with Viking Meterials, Inc. and its wholly-owned subsidiary, Viking/Caine Steel Corp. and Lock Joint Tube Co., for 270 days. Supporting shippers: Lock Joint Tube Co., P.O. Box 239, South Bend, IN 46624; and Viking Materials, Inc. and Viking/Caine Steel Corp. (a wholly-owned subsidiary), 5620 Smetana Drive, Suite 220, Minnetonka, MN 55343.

MC 153197 (Sub-4–1TA), filed January 2, 1981. Applicant: ILLINOIS AUTO DELIVERY, INC., d.b.a. AUTO DELIVERY CO., 706 Center Street, Des Plaines, IL 60016. Representative: Keith G. O'Brien, Wheeler & Wheeler, 1729 H. Street, N.W., Suite 200, Washington, D.C. 20006. *Common, irregular, Motor vehicles,* except those over ¾ ton capacity in secondary movements, in driveaway service between points in the U.S. There are nine (9) supporting shippers.

MC 30837 (Sub-4–9TA), filed January 5, 1981. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4314 39th Avenue, Kenosha, WI 53142. Representative: Albert P. Barber (same address as applicant). *Automobiles and trucks,* in secondary movements, in truckaway service, (a) from Howard County, MD to points in DE, DC, MD, NJ, PA, VA and WV, (b) from Albany County, NY to points in CT, ME, MA, NH, NY, RI and VT, (c) from Middlesex County, MA to points in CT, ME, MA, NH, NY, RI and VT, (d) from New Castle County, DE to points in DE, DC, MD, NJ, PA, VA and WV, restricted to the transportation of Renault vehicles manufactured or assembled in Recie Nationale Des Usines in France. Supporting shipper: American Motors Corporation, 14250 Plymouth Road, Detroit, MI 48232.

MC 117068 (Sub-4–8TA), filed December 29, 1980. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, MN 55901. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. *Non-exempt foods and kindred products,* between the facilities of, or utilized by, the George A. Hormel Co. in MN and IA, on the one hand, and, on the other, points in CO. Supporting shipper: George A. Hormel & Co., P.O. Box 800, Austin, MN 55912.

MC 29328 (Sub-4–2TA), filed December 31, 1980. Applicant: SCHIEK MOTOR EXPRESS, INC., 90 Casseday Avenue, Joliet, IL 60432. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *(1) Toilet preparations, beauty and health care products, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above* between Wilmington, IL and points in Will and Cook Counties, IL, on the one hand, and, on the other, points in MI, IN, OH, KY, MO, IA, MN, and WI restricted to the transportation of traffic originating at or destined to the facilities of Personal Product Companies. An underlying ETA seeks 120 days authority. Supporting shipper: Personal Products Company, Kankakee River Road, Wilmington, IL 60481.

MC 153348 (Sub-4–1TA), filed December 31, 1980. Applicant: HAROLD J. FUNK (an individual), d.b.a. FUNK TRANSPORT, 405 South Polk St., Lancaster, WI 53813. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract;* Irregular; *petroleum products* from Dubuque, IA, to Lancaster, WI. Restriction: restricted to transportation to be performed under a continuing contract(s) with People's Community Oil Co-operative. An underlying ETA seeks 120 days authority. Supporting shipper: People's Community Oil Co-operative, Highway 61, Lancaster, WI 53813.

MC 146808 (Sub-4–2TA), filed December 31, 1980. Applicant: D & B TRUCKING, INC., d.b.a. ALCO EXPRESS, 4800 W. Jefferson, Detroit, MI 48209. Representative: James A. Russo, 4800 W. Jefferson, Detroit, MI 48209. *Iron and Steel Articles,* between Detroit, MI, commercial zone and Toledo, OH and it's commercial zone as defined by the Commission. Supporting shipper: Rouge River Steel, Inc., 25160 Lasher Rd., Southfield, MI 48034.

MC 5618 (Sub-4–1TA), filed December 30, 1980. Applicant: GEM CITY TRANSFER LINE, INC., 1811 North 30th Street, Quincy, IL 62301. Representative: Douglas G. Brown, P.C., The INB Center Suite 555, One North Old Capitol Plaza, Springfield, IL 62701. *General commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities, in bulk in tank vehicles) in trailers or containers having an immediate, prior to subsequent move by rail,* between points in IL, IA and MO. Supporting shippers: Knapheide Manufacturing Corp., P.O. Box 140, Quincy, IL, 62307; Speedrack, Inc., 7701 North 16th Street, Quincy, IL, 62301; Electric Wheel Company Division of Firestone Tire & Rubber, 1120 North 28th Street, Quincy, IL, 62301.

MC 133189 (Sub-4–9TA), filed December 30, 1980. Applicant: VANT TRANSFER, INC., 1257 Osborne Road,

Minneapolis, MN 55432. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. *Iron and steel articles,* from points in Johnson and Wyandotte Counties, KS to points in MN. Supporting shipper: Steel Supply and Culvert, Co., 441 East Villaume, So. St. Paul, MN 55075.

MC 133689 (Sub-4–59TA), filed December 30, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE, Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Foodstuffs, and materials, equipment and supplies used in the manufacture of Foodstuffs (except commodities in bulk),* between the facilities of Jeno's Inc., located at Duluth, MN; Superior, WI, and Atlanta, GA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Jeno's Inc., 525 Lake Avenue South, Duluth, MN 55802.

MC 142059 (Sub-4–13), filed January 2, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant). *Plastic articles and materials, equipment and supplies used in the manufacture, distribution and sale thereof (except in bulk),* between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Amoco Foam Products Co. Supporting shipper: Amoco Foam Products Co., 2111 Powers Ferry Rd., N.W., Atlanta, GA 30339.

MC 142449 (Sub-4–5TA), filed December 31, 1980. Applicant: SPEEDWAY HAULERS, INC., P.O. Box 1463, South Bend, IN 46624. Representative: Jo Ann Sawyer, P.O. Box 1463, South Bend, IN 46624. *General Commodities. . .* between points in IN (on the one hand) and points in IN; points in MI bounded by routes 94 and 52; and points in OH bounded by routes 109, 65, 75 and 70, (on the other.) Supporting shipper: Norfolk and Western Railway Company, 8 North Jefferson Street, Roanoke, VA 24042.

MC 116519 (Sub-4–7TA), filed December 31, 1980. Applicant: FREDERICK TRANSPORT LIMITED, R.R. #6, Chatham, Ontario, Canada, N7M 5J6. Representative: Jeremy Kahn, 1511 K Street, NW., Washington, D.C. 20005. *Empty aluminum tanks* from Charlotte, NC to ports of entry on the US-Canada boundary line in MI, NY, VT, NH and ME, restricted to traffic moving in foreign commerce destined to the Canadian provinces of Ontario, Quebec and Nova Scotia. Supporting shipper: DuPont Canada Inc., Box 2200 Streetsville Postal Station, Mississauga, Ontario, Canada, L5M 2H3.

MC 142449 (Sub-4–6TA), filed December 29, 1980. Applicant: SPEEDWAY HAULERS, INC., P.O. Box 1463, South Bend, IN 46624. Representative: Jo Ann Sawyer, P.O. Box 1463, South Bend, IN 46624. *Building materials and supplies and automotive parts, and materials and supplies used in the manufacture and distribution of both* between points in IL, IN, MI, and OH. Supporting shipper: Philips Industries, 2030 Main Street and 222 Collins Road, Elkhart, Indiana 46514.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 152671 (Sub-6–5TA), filed January 2, 1981. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O.B. 6699, Boise, ID 83707. Representative: Timothy R. Stivers, P.O.B. 162, Boise, ID 83701. *Contract Carrier,* Irregular routes: *Lumber, lumber mill products and building materials,* from points in CA, ID, MT, OR, WA to points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: D.A.S.-Prowood Inc., P.O.B. 947, New Westminster, BC V7L5C3 Lumbermens Merchandising Corp., 107 N. Averdeen Ave., Wayne PA 19087.

MC 116544 (Sub-6–25TA), filed January 2, 1981. Applicant: ALTRUCK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O.B. 10061, Palo Alto, CA 94303. *(1) Foodstuffs; such commodities as are dealt in by grocery and food business houses and (2) materials, equipment and supplies used in the manufacture and distribution of commodities in (1)* above between points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Mid-American Dairymen, Inc., P.O.B. 1837 S.S.S., Springfield, MO 65805.

MC 116544 (Sub-6–26TA), filed January 2, 1981. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O.B. 10061, Palo Alto, CA 94303. *Chemicals (except in bulk)* from CA and Loveloch, NV to Kansas City, KS; Omaha, NE; Davenport and Des Moines, IA; Minneapolis, MN; Oklahoma City, OK; and Dallas, TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Thompson-Hayward Chemical Company, 5200 Speaker Rd., Kansas City, KS 66106.

MC 153385 (Sub-6–1TA), filed December 31, 1980. Applicant: AUTOMOBILE TRANSPORT SPECIALISTS, INC., 10403 West Colfax Ave., Suite 620, Lakewood, CO 80215. Representative: George J. Nichols III (same address as applicant). *New and used motor vehicles,* secondary movements between AZ, CO, KS, NE, IA, MI, ND, SD, MT, IL, IN, OH, MO, TX, NM, UT, CA, WY, OK, and NV, for 270 days. Supporting shipper: There are thirteen (13) supporting shippers; their statements can be examined at the regional office listed.

MC 151028 (Sub-6–2TA), filed January 2, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Contract carrier,* irregular routes: *General commodities, except household goods as defined by the Commission and Classes A and B explosives),* from Harris, Fort Bend, Montgomery and Jefferson Counties, TX to points in IN, IL, MI, OH, WI, KS, and MO, for the account of Arco/Polymers, Inc., for 270 days. Supporting shipper: Arco/Polymers, Inc., 1500 Market St., P.O.B. 7258, Philadelphia, PA 19101.

MC 17745 (Sub-6–2TA), filed January 2, 1981. Applicant: CONTRACTORS CARGO COMPANY, 11100 S. Garfield Ave., South Gate, CA 90280. Representative: John H. Briggs (same as applicant). *Contract carrier,* irregular routes: *Separator Vessels* between Dallas, TX and Alameda, CA for 270 days. Supporting shipper: Peerless Manufacturing Company, 2811 Walnut Hill Lane, Dallas, TX 75220.

MC 143311 (Sub-6–1TA), filed January 2, 1981. Applicant: FAMCO TRANSPORT, INC., P.O.B. 80007 Seattle, WA 98108. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract carrier,* irregular routes: *Such commodities as are dealt in or used by retail and department stores,* between points in CA, NV, OR, on the one hand, and, on the other, points in ID, OR and WA, for 270 days. Supporting shipper: Modern Merchandising, Inc., 5101 Shady Oak Rd., Hopkins, MN 55343.

MC 145471 (Sub-6–1TA), filed December 29, 1980. Applicant: JOHN K. GRAY TRUCKING, 30 South "C" St., Arcata, CA 95521. Representative: John K. Gray (same as applicant). *Contract carrier,* irregular routes: *Lumber and lumber mill products; wood products; particleboard; woodpulp; paper and paper products; material and supplies used in the manufacture and distribution* thereof, between the

facilities of Louisiana Pacific Corporation at San Pedro, Fort Bragg, Samoa, CA, Tillamook, OR and Tacoma, WA on the one hand, and, on the other, points in the U.S. except HI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Louisiana Pacific Corporation, POB 158, Samoa, CA 95564.

MC 153409 (Sub-6–1TA), filed January 2, 1981. Applicant: THOMAS R. McROBERTS, d.b.a. H & M TRUCKING, 16758 Third Ave., Seattle, WA 98155. Representative: Thomas R. McRoberts (same as applicant). *Contract carrier,* irregular route: *Recyclable paper and paper products* between points in the U.S. under continuing contracts with Independent Paper Stock Company, Seattle, WA, for 270 days. Supporting shipper: Independent Paper Stock Company, 66 Menford St., Seattle, WA 98134.

MC 149124 (Sub-6–1TA), filed December 31, 1980. Applicant: HEDRICK SALES AND ENGINEERING, INC., 3415 Ridge Road, Cheyenne, WY 82001. Representative: Herman J. Hedrick (same address as applicant). *Contract carrier,* irregular routes: *Foods, Prepared Foods, Foodstuffs, and Food Products,* between points in the U.S. excluding AK and HI, for the account of Tortilla Manufacturing and Supply, Inc., for 270 days. Supporting shipper: Tortilla Manufacturing and Supply, Inc., 1007 S. Greeley Hwy., Cheyenne, WY 82001.

MC 145472 (Sub-6–1TA), filed December 30, 1980. Applicant: HOWARD L. AND M. ELAINE KIME d.b.a. K & K TRANSPORT, Foot of Washington, St., P.O. Box 4906, Eureka, CA 95501. Representative: M. Elaine Kime (same as above). *Contract carrier,* Irregular routes: *Lumber and Lumber Mill Products; Wood Products; Particleboard; Woodpulp; Paper and Paper Products; Materials and supplies used in the manufacturing and distribution thereof,* between the facilities of Louisiana-Pacific at San Pedro, Fort Bragg and Samoa, CA, Tillamook, OR and Tacoma, WA, on the one hand, and, on the other, points in the U.S. on return for 270 days. Supporting shipper: Louisiana-Pacific Corporation, P.O. Box 158, Samoa, California 95564.

MC 152523 (Sub-6–2TA), filed December 29, 1980. Applicant: ARLO G. LOTT, P.O.B. 174, Arco, ID 83213. Representative: Timothy R. Stivers, P.O.B. 162, Boise, ID 83701. *Lumber and lumber mill products,* from points in OR, WA, and ID to the facilities utilized by Chandler Corporation at or near Nampa, Meridian, and Boise, ID, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Chandler Corporation, P.O.B. 2840, Boise, ID 83701.

MC 142686 (Sub-6–22TA), filed December 31, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Avenue, Santa Fe Springs, CA 90670. Representative: Joseph Faizo (same as applicant). *Contract carrier,* Irregular routes: *Aluminum and Aluminum Articles,* Between Ferndale, WA, on the one hand, and, on the other, points in the U.S., for 270 days. Supporting shipper: Intalco Aluminum Corporation, P.O. Box 937, Ferndale, WA 98248.

MC 144572 (Sub-6–8TA), filed December 29, 1980. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Malt beverages* (except commodities in bulk), from Memphis, TN to the commercial zone of Denver, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Murray Bros. Distributing Co., 1505 W. 3rd Ave., Denver, CO 80223.

MC 153397 (Sub-6–1TA), filed January 2, 1981. Applicant: RODE OF CALIFORNIA, INC., d.b.a. RODEWAY TRANSPORT CORPORATION, P.O. Box 1111, Stockton, CA 95201. Representative: Ronald Graham, 1044 Sonora Ave., Manteca, CA 95336. *Contract carrier,* irregular routes: *Bakery goods and Supplies* (except in bulk), from Alameda County (Oakland), CA to points in NM, TX, and UT for the account of Mother's Cake and Cookie Co., for 270 days. Supporting shipper: Mother's Cake and Cookie, Co., 810 81st Avenue, Oakland, CA 94621.

MC 153383 (Sub-6–1TA), filed December 30, 1980. Applicant: SIERRA RENTAL AND TRANSPORT COMPANY, INC., 1305 Kleppe Lane, Sparks, NV 89431. Representative: Mike Soumbeniotis, 402 N. Division Street, Carson City, NV 89701. *Sand, gravel, clay, concrete, glass or stone products and aggregates, decorative bark, fill, soil, topsoil, blacktop, paving materials, cinders and cinder products, construction equipment, machinery and supplies, waste or scrap materials and shipping containers, carriers or devices,* between NV and CA, for 270 days. Supporting shippers: There are six (6) supporting shippers. Their statements may be examined at the Regional Office listed.

MC 153375 (Sub-6–1TA), filed December 29, 1980. Applicant: TRANS-ARCTIC FREIGHT, INC., P.O. Box 80564, College, AK 99708. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. (1) *General Commodities* (except household goods as defined by the Commission, class A or B explosives, items of extraordinary value, or freight in bulk); (2) *Iron or Steel Articles;* (3) *Machinery, Wire, Cable, Oil and Tools;* (4) *Auto, Truck and Machinery Parts, Machinery, Compressors and Tools;* between Anchorage, AK and points in AK. Restricted to freight having a prior of subsequent movement in interstate commerce. Supporting shipper: Sheet Metal, Inc., 6130 Nielson Way, Anchorage, AK 99502; Pacific Alaska Forwarders, 1725—8th Ave., S. Seattle, WA 98124; Jackovich Tractor & Equip. Co., Inc., P.O. Box 407, Fairbanks, AK 99707; B & C Supply Corp., 443 E. 4th Ave., Anchorage, AK 99501.

MC 153384 (Sub-6–1TA), filed December 31, 1980. Applicant: JOHN C. WARD, Route 4 Box 331, Newberg, OR 97132. Representative: John C. Ward (same as applicant). *Foundry and steel mill supplies and equipment* except oversize ht. wt. & width and bulk tank. From Cleveland, OH, Chicago, IL, Linden, UT, So. CA to points in OR and WA for 270 days. Supporting shipper: Faseco Inc., 20200 Sheldon Rd., Cleveland OH.

MC 145999 (Sub-6–7TA), filed December 31, 1980. Applicant: WESTERN DRYWALL TRANSPORT INC., d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: Norman A. Sorensen (same address as applicant). *Building Materials,* between all points in CA, OR, and WA, for 270 days. Supporting shipper: There are seven supporting shippers. Their statements may be examined at the Regional Office listed.

MC 141804 (Sub-6–93TA), filed January 2, 1981. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *General Commodities* (except those of unusual value, household goods as described by the Commission, commodities in bulk, frozen food and those requiring special equipment), between points in MN and points in the U.S. (except AK & HI), restricted to the accounts of Midwest Airfreight Shipper's Association, for 270 days. Supporting shipper: Midwest Airfreight Shipper's Association, 8068—26th Avenue South, Bloomington, MN 55420.

MC 141804 (Sub-6–94TA), filed January 2, 1981. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman

(same as applicant). Commodities of the type dealt in or used by manufacturers of *heating and cooling systems and solar energy and cooling systems*, between all 48 states (except AK & HI), for 270 days. Supporting shipper: Lennox Industries, Inc., P.O. Box 400450, Dallas, TX 75240.

MC 141804 (Sub-6-95TA), filed January 2, 1981. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Peanut combines; grain drills, cultivators; planters and fertilizers*, repair parts and other items manufactured by Lilliston, from Lilliston facilities from Albany, GA; Sioux City, IA; Waco, TX; Kansas City, KS between dealer destinations located in all 48 states, for 270 days. Supporting shipper: Lilliston Corporation, P.O. Box 3930, Albany, GA 31708.

MC 114416 (Sub-6-15TA), filed December 30, 1980. Applicant: WESTERN TRANSPORT CRANE & RIGGING, 100 Western Way, Missoula, MT 59801. Representative: Theodore F. Anno, P.O. Box 3507, Missoula, MT 59806. (1) *Commodities which because of size or weight require special handling or special equipment*, and (2) *related articles and supplies when their transportation is incidental to the transportation of the commodities in (1) above*, between points in the U.S. (except AK and HI) restricted to the transportation of shipments originating at, or destined to facilities used by Brown & Root for 270 days. Supporting shipper(s): Brown & Root, Inc., P.O. Box 3, Houston, TX 77001.

MC 99234 (Sub-6-1TA), filed December 31, 1980. Applicant: WESTWAY MOTOR FREIGHT, INC., 5601 Holly St., Commerce City, CO 80022. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. *Iron and steel articles; building materials;* and *building materials; equipment* and *supplies* between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY for 270 days. Supporting shipper(s): There are 44 shippers. Their statements may be examined at the Regional office listed.

MC 114897 (Sub-6-3TA), filed January 2, 1981. Applicant: WHITFIELD TANK LINES, INC., P.O. Box 7676, Phoenix, AZ 85011. Representative: Lee Carpenter (same address as applicant). *Liquids*, in bulk, in tank vehicles, between points in CA, on the one hand, and, on the other, the International Boundary between MX and the U.S. Supporting shipper(s): There are seven supporting shippers. Their statements may be examined at the Regional office listed.

MC 149118 (Sub-6-3TA), filed November 10, 1980. Applicant: BEST WAY TRANSPORT, INC., d.b.a. BEST TRANSPORT, INC., 3841 North Columbia Boulevard, Portland, OR 97217. Representative: Michael D. Crew, 1700 Standard Plaza, Portland, OR 97204. (1) *Contractors equipment, materials and supplies*, and (2) *commodities which because of their size or weight require the use of special equipment (except those in (1) above)* from points in Multnomah County, OR to points in Jefferson County, OR for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Voest-Alpine International Corp., 60 East 42nd Street, 46th Floor, New York, NY.

MC 148018 (Sub-6-2TA), filed November 12, 1980. Applicant: JAMES S. BATT, d.b.a. BATT TRUCKING, P.O. Box 921, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Contract Carrier*, Irregular routes: *Frozen foods*, from the facilities of Ore-Ida Foods, Inc., located at or near Ontario, OR; Burley, ID; Greenville, MI; Massillon, OH and Plover, WI to points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-1218 Filed 1-13-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-87]

Certain Coin-Operated Audio Visual Games and Brochures for the Advertisement Thereof; Commission Request for Comments Regarding Settlement Agreement

AGENCY: United States International Trade Commission.

ACTION: Request for public comment on proposed settlement agreement.

SUMMARY: The proposed settlement agreement would result in termination of this investigation as to respondents Universal Co., Ltd., Universal U.S.A. Inc., and Sunrise New Sound, Inc. This notice requests comments from the public on the proposed settlement agreement on or before February 13, 1981.

DATES: Comments will be considered if received on or before February 13, 1981. Comments should conform with section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: On November 18, 1980, complainant Midway Mfg. Co. and respondents Universal Co., Ltd., Universal U.S.A., Inc. and Sunrise New Sound, Inc. (the importer of record for Universal Co., Ltd., and Universal U.S.A.) filed a joint motion to terminate this investigation as to those respondents on the basis of a settlement agreement. On November 24, 1980, the presiding officer recommended that the joint motion be granted.

Notice of the institution of the investment was published in the Federal Register of June 25, 1980, (45 FR 124).

Written Comments Requested: In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effects of terminating this investigation as to respondents Universal Co. Ltd., Universal U.S.A., Inc. and Sunrise New Sound, Inc. on (1) the public health and welfare, (2) competitive conditions in the U.S. economy (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission no later than February 13, 1981. In addition, pursuant to 19 CFR Section 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

Additional Information: The original and 19 true copies of all written submission must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161. All comments must be filed no later than February 13, 1981. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW.,

Washington, D.C. 20436; telephone (202) 523-0148.

Issued: January 7, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-1268 Filed 1-13-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-87]

Certain Coin Operated Audio-Visual Games and Components Thereof; Termination of Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation as to respondent Taito America Corporation.

SUMMARY: The Commission has terminated the above-captioned investigation as to respondent Taito America Corporation based upon Taito's sworn statement that it is not and has not imported the articles in controversy in this investigation.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain coin operated audio-visual games and components thereof. The complainant, Midway Mfg. Co., the Commission investigative attorney, and respondent Taito America Corp. jointly moved to terminate the investigation as to Taito America on the basis of Taito America's sworn affidavit that it is not now, nor has it in the past imported the articles in controversy in this investigation.

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with the investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202-523-0155.

FOR FURTHER INFORMATION CONTACT: Clarence E. Mitchell, Esq., Office of the General Counsel, telephone 202-523-0143.

Issued: January 7, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-1267 Filed 1-13-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-76]

Certain Food Slicers and Components Thereof; Notice of Commission Request for Comments Regarding Licensing Agreement

AGENCY: United States International Trade Commission.

ACTION: Request for comments from the public regarding licensing agreement.

SUMMARY: The Commission is presently considering whether to terminate Investigation 337-TA-76 as to respondent Crest Industries Corp. on the basis of a licensing agreement entered into by complainant Prodyne Enterprises Inc. and Crest. Termination of Crest would not end the investigation as three other respondents would remain. This notice requests comments from the public on the licensing agreement on or before February 13, 1981.

SUPPLEMENTARY INFORMATION: This investigation, pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1,337), concerns alleged unfair acts in the importation and sale in the United States of certain food slicers. The unfair act specifically complained of is the infringement of claims of U.S. Letters Patent 3, 766,817.

The Commission instituted this investigation on December 4, 1980 and published notice thereof in the **Federal Register** on December 21, 1979 (44 FR 75738). The notice named E. Mishan and Sons, Albert E. Price, Inc., Crest Industries Corp., and Taiwan Timing Trading Co. as respondents.

On August 1, 1980 complainant Prodyne Enterprises, Inc., and respondent Crest Industries Corp. entered into a licensing agreement. Pursuant to the agreement, Prodyne agreed to grant Crest a license to practice the invention covered by U.S. Letters Patent 3,766,817, and to permit Crest to import up to 10,000 food slicing devices covered by the patent per year. The license is royalty free. In return, Crest agreed to withdraw from the active defense of Investigation No. 337-TA-76.

On September 10, 1980, Prodyne and the Commission investigative attorney submitted a joint motion for summary determination against Crest and two other respondents. The Commission has determined to deny the motion for summary determination as to all three respondents.

The Commission is presently considering whether to terminate the investigation as to Crest on the basis of the licensing agreement entered into by Crest and Prodyne.

License Agreement

Agreement made as of August 1, 1980 by and between Prodyne Enterprises Inc., a corporation organized under the laws of the State of California and having its principal office at P.O. Box 212, Montclair, California 91763 (hereinafter called Prodyne) and Crest Industries Corp., a corporation organized under the laws of the State of New York and having a principal office at 593 Acorn Street, Deer Park, New York 11729 (hereinafter called Crest).

Whereas, Prodyne is the owner of and has the right to grant licenses under United States Letters Patent No. 3,766,817, issued on October 23, 1973 (hereinafter called Patent Right);

Whereas, an investigation No. 337-TA-76 by the United States International Trade Commission, Washington, D.C., directed at the importation of certain food slicers and components thereof, initiated upon a complaint by Prodyne and involving as one of the Respondents, Crest; and

Whereas, the parties desire to resolve the conflict in the International Trade Commission and it is agreed that Crest will withdraw from active defense of this investigation upon the taking of a license upon the terms and conditions hereinafter set forth;

Now, therefore, in consideration of the premises and the performance of the covenants herein contained, it is agreed:

1. Prodyne warrants that it is the owner of the entire right, title and interest in and to the Patent Right and has a right to grant the within license.

2. Prodyne grants to Crest and Crest hereby accepts from Prodyne upon the terms and conditions hereinafter specified a non-exclusive and non-assignable license to practice the invention covered by the Patent Right in the United States in the manufacture, importation, use and sale of cheese slicing devices to the full end of the term for which the Patent Right is issued, unless sooner terminated as hereinafter provided.

3. The license shall be royalty free and no payment of any kind need be made by Crest to Prodyne with respect to the granting of this license.

4. Crest shall be entitled to import within the terms of the license granted up to 10,000 cheese slicing devices covered by the Patent Right per year. Prodyne shall give authorization to allow such importation by Crest when requested to do so by Crest.

5. Crest shall keep accurate books of account containing the quantity of cheese slicers covered by the Patent Right imported per year. Said books shall be kept by Crest at its usual places

where its like books are kept and shall be open at all reasonable times for one year following the end of the calendar year to which they pertain, to the inspection by an independent certified public accountant to whom Crest shall have no reasonable objection, retained by Prodyne for the purpose of verifying Crest's importation of said cheese slicers per year.

6. This constitutes the entire agreement between the parties with respect to the subject matter hereunder and supersedes all previous communications representations and agreements, either oral or written, between the parties.

7. All notices shall be made by certified or registered mail addressed as first noted above unless written notification to the contrary shall be given.

8. This agreement shall be binding upon the successors or assigns of the parties hereto.

In witness whereof, the parties hereto have duly executed this agreement in duplicate as of the day and year first written above.

Prodyne Enterprises, Inc.
By: _____
Crest Industries Corp.
By: _____
Herbert Adler,
President.

Written Comments Requested

There will be no oral argument regarding the proposed termination of the investigation as to Crest. However, in order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effects of terminating the investigation as to Crest on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission no later than February 13, 1981. In addition, pursuant to 19 CFR section 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service on the effects of the proposed settlement agreement.

The Licensing Agreement. A copy of the Prodyne/Crest licensing agreement follows this notice.

Additional Information

The original and 19 true copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street, N.W., Washington, D.C. 20436; telephone (202) 523-0161. All comments must be filed no later than February 13, 1981. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary of the Commission and must include a full statement of the resons why the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection in the Office of the Secretary.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436 telephone (202) 523-0143.

Issued: January 8, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-1209 Filed 1-13-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-37 (Preliminary)]

Certain Iron-Metal Castings From India

Determination

On the basis of the record[1] developed in investigation No. 731-TA-37 (Preliminary), the Commission determines (Chairman Alberger dissenting), pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, by reason of imports from India of certain iron-metal castings,[2] provided for in item 657.09 of the Tariff Schedules of the United States, which are allegedly being sold in the United States at less than fair value (LTFV).

Background

On November 19, 1980, the U.S. International Trade Commission and the U.S. Department of Commerce each received a petition from Pinkerton Foundry, Inc., Lodi, Calif., et al., alleging that certain iron-metal castings from India are being, or are likely to be, sold in the United States at LTFV. Accordingly, the Commission instituted a preliminary antidumping investigation under section 733 of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of the imports of such merchandise into the United States. The statute directs that the Commission make its determination within 45 days of its receipt of the petition, or in this case by January 5, 1981.

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C. and by publishing the notice in the **Federal Register** on December 3, 1980 (45 FR 80208). The public conference was held in Washington, D.C. on December 10, 1980, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Statement of Reasons for the Affirmative Determination of Vice Chairman Michael J. Calhoun and Commissioners George M. Moore and Catherine Bedell

On the basis of the best information available in investigation No.731-TA-37 (Preliminary), we determine that there is a reasonable indication that an industry[3] in the United States is materially injured, or threatened with material injury, by reason of imports from India of certain iron-metal castings, provided for in item 657.09 of the Tariff Schedules of the United States, which are allegedly being sold in the United States at less than fair value (LTFV).

The following findings and conclusions, based on the record in this investigation, support our determination.

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[1] The record is defined in sec. 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

[2] The specific articles included within the scope of this investigation are manhole covers and frames, catch-basin grates and frames, and cleanout covers and frames.

[3] In our final determination in a recently concluded investigation on these same products, investigation No. 303-TA-13 (Final), some Commissioners found that the U.S. industry being injured consists of the domestic producers of these products located in the Western United States, and that these States constituted a regional market. Since we determine that there is a reasonable indication of material injury to the domestic industry as a whole, we do not reach the issue of whether it would be appropriate in this case to treat the Western U.S. producers as if they were a separate industry. The determination in the instant case does not preclude the Commission from finding injury to a regional industry in the final phase of this case, should the data so warrant that determination.

The Imported Article and the Domestic Industry

The certain iron-metal castings which are the subject of the investigation are manhole covers and frames, catch-basin grates and frames, and cleanout covers and frames. These iron-metal castings are encompassed within a larger class of articles commonly called public works castings, and are used either for drainage or access purposes to public utility, water, and sanitary systems. Therefore, we find that under the heading of public works castings, there are three domestic like products which, for all practical purposes, are identical to the three imported articles which are the subject of this investigation and that the domestic industry is composed of the producers of these public works castings.

Reasonable Indication of Material Injury

Section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) directs that the Commission "shall make a determination, based upon the best information available to it at the time of the determination . . ."

The Act further specifies in section 771(7)(B) that "the Commission shall consider, among other factors,—(i) the volume of imports of the merchandise which is the subject of the investigation, (ii) the effect of imports of that merchandise on prices in the United States for like products, and (iii) the impact of imports of such merchandise on domestic producers of like products" (19 U.S.C. 1677(7)(B)). In light of these directives, we base our decision on the preliminary findings of fact and conclusions of law discussed below.

The estimated quantity of imports of certain public works castings from India increased from 25.0 million pounds in 1977, when they accounted for 7 percent of apparent U.S. consumption, to 94.4 million pounds in 1979, when they accounted for 20 percent. Although imports from India decreased slightly in January-September 1980 compared with those in the corresponding period of 1979, they continued to increase as a share of total imports, rising from 92 to 94 percent of total imports.[4] As a share of apparent U.S. consumption, imports from India increased by 38 percent in January-March 1980, to 29 percent.[5]

Price data collected by the Commission show that the imported product from India, whether offered by producer-importers or importers, undersold that of U.S. producers in each 3-month period from January 1978 to March 1980. Margins of underselling for the importers' product ranged from a high of 42 percent to a low of 28 percent for both types of manhole assemblies examined (a 270-pound model and a 775-pound model).[6] Margins of underselling for both models decreased noticeably in January–March 1980, primarily because of a drop in the price of the U.S.-produced product. Such behavior, given increased costs,[7] is clear evidence of price depression.

After adjusting importers' price data for January–March 1980 to reflect a complete pass-through of the mean countervailing duty of 13.3 percent assessed on Indian castings, these articles still undersold U.S.-produced like products by about 25 percent.[8] These remaining margins of underselling, coupled with increased imports and import penetration, are causal links to a reasonable indication of material injury to the U.S. public works castings industry which is beyond, and entirely separate from, any injury caused by the export subsidies already found to exist on the Indian castings.

Data from 43 U.S. producers of public works castings on domestic shipments, production, capacity utilization, and employment show a uniform trend of modest increases from 1977 to 1979, followed by relatively sharp declines in January–March 1980 compared with figures for January–March 1979.[9] Likewise, producers' inventories decreased slightly from 1977 to 1979, but increased sharply in January–March 1980.[10]

Although net sales of U.S. producers increased each year from 1977 to 1979, net operating profit declined irregularly [11] by 13 percent from 1977 to 1979, and U.S. producers reported a net operating loss of $63,000 in January–March 1980. The number of firms reporting such losses increased in each period from January 1977 to March 1980, with more than one-half of those firms which responded to Commission questionnaires reporting net operating losses for January–March 1980. As a ratio of net profit (loss) to net sales, the industry rate of 7.7 percent in 1977 fell to 3.9 percent in 1978, partially recovered to 5.2 percent in 1979, and then dropped to a negative 0.3 percent in January–March 1980.[12] The lackluster performance of the domestic industry from 1977 to 1979, followed by the recent rapid decline of the industry in January–March 1980, indicate that the increased imports and import penetration of Indian castings are having a substantial impact on the domestic industry.

Supporting this conclusion is unambiguous information concerning sales lost by domestic producers to imports from India. Fifteen domestic producers submitted specific information as to sales lost to imports from India. Of 35 allegations checked by the Commission staff, 32 purchasers confirmed they had purchased imported castings from India in lieu of the domestic product. Twenty of these purchasers cited the lower price of the imported castings as the most important factor affecting their purchasing decisions.[13]

Conclusion

On the basis of the information available to the Commission at this time, we determine that there is a reasonable indication that the public works castings industry in the United States is materially injured, or threatened with material injury, by reason of imports of such articles from India, which are allegedly sold in the United States at less than fair value.

Views of Commissioner Paula Stern

My determination in the present preliminary investigation of the impact of alleged less-than-fair-value (LTFV) imports of certain iron-metal castings from India has been based on economic information identical in all essentials to that developed in the recently completed countervailing duty investigation, *Certain Iron-Metal Castings from India*, Investigation No. 303–TA–13 (Final).[14] The products in these two cases are identical, as are the standards of injury and causation in countervailing duty and dumping investigations embodied in sections 731 and 701 of the Tariff Act of 1930. In the countervailing duty case completed in September 1980, I made an affirmative determination. I will not repeat that analysis here and incorporate it by reference.[15]

This is a preliminary dumping case, which requires a showing of a "reasonable indication" of material injury due to the subject imports. In effect, preliminary cases which take only 45 days have a less stringent

[4] Report, p. A–10.
[5] Report, p. A–28.
[6] Report, pp. A–34 and A–35.
[7] Report, pp. A–22 and A–39 through A–44.
[8] Report, p. A–37.
[9] Report, pp. A–13, A–15, and A–18.
[10] Report, p. A–16.
[11] The financial composite of the public works castings industry is worsened considerably by exclusion of one large firm, whose anomalous behavior in 1979 accounted for more than 90 percent of total industry profits in that year. Report, p. A–21.
[12] Report, p. A–22.
[13] Report, p. A–36.
[14] USITC Pub. No. 1098 (September 1980). *Also see*, accompanying Staff Report at p. A–2.
[15] *Ibid.*, "Statement of Reasons of Commissioner Paula Stern" at pp. 18–30.

information requirement than final cases. But even at this preliminary stage—because of our prior experience with these imports in the countervailing duty case—the information is rather complete.

The only new issue to emerge in the current investigation centered on the respondents claim that the petition requested compensation for margins already compensated for by the countervailing duties which resulted from the Commission's previous affirmative determination.[16] After adjusting the importers' price data for January-March 1980 to reflect a complete pass-through of the mean countervailing duty of 13.3 percent assessed on Indian castings, the staff found that these articles still undersold U.S.-produced like products by about 25 percent.[17]

These remaining margins of underselling, coupled with increased imports and import penetration, are causal links to a reasonable indication of material injury to the U.S. public works castings industry which is beyond, and entirely separate from, any injury caused by the export subsidies already found to exist on the Indian castings. The alleged LFTV margins (net of the countervailing duties) of approximately 25 percent are almost twice as large as the average subsidy encountered in Investigation No. 303–TA–13 (Final). In fact, the margin of underselling (adjusted for the countervailing duty) is substantially accounted for by the alleged LTFV margins. Given the fact that the indicators of injury remain unchanged, the logic for an affirmative preliminary finding in the present case is thus even more compelling than in the previous final case.[18]

[16] See "Statement of Dennis James, Jr. on Behalf of the Engineering Export Promotion Council of India in Connection with Investigation 731–TA–37," submitted at the conference (Dec. 10, 1980) at p. 4. Certain double compensation is prohibited by Article VI, paragraph 5, of the General Agreement on Tariffs and Trade (GATT).

[17] Report at pp. A–35 and A–37.

[18] The Engineering Export Promotion Council of India argues in its Post-Conference Brief (footnote at p. 6) that the imposition of the countervailing duty has not benefitted domestic foundries by working its way through the four-tiered price structure as I had suggested in my Statement of Reasons in Inv. No. 303–TA–13 (Final). Respondent concludes that Indian imports are therefore not the source of the industry's problems. Although the point is interesting, it is not persuasive. One can distinguish between general claims regarding the health of the industry and specific analysis of prevailing prices. Moreover, there is no systematic information available at this time reflecting price behavior since the imposition of the countervailing duties. Finally, there are many influences on prices other than the duties. I will welcome further information from all parties on this matter should the case return for a final determination.

Views of Chairman Bill Alberger

On the basis of the record in investigation No. 731–TA–37 (Preliminary), I determine that there is no reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or that the establishment of an industry is materially retarded by reason of imports from India of certain iron-metal castings which are allegedly sold at less than fair value (LTFV).

Petitioners allege that they are now being injured by imports believed to be sold at LTFV. The Commission staff did not, because of the recency of the agency's countervailing duty investigation concerning iron-metal castings from India (investigation No. 303–TA–13 (Final)), attempt to obtain additional data for this preliminary antidumping investigation and we have been provided no new data concerning the effect on the domestic industry of the imposition of the countervailing duty on such imports.

Although the price of domestic castings has increased from 1978 to 1979, imported castings consistently undersold the U.S. product by significant margins during that period. Staff estimates of the effect on margins of underselling of the addition of the mean countervailing duty of 13.3 percent and the dumping margin alleged in the petition, succeed only in narrowing the margin of underselling to around 25 percent on the most competitive model casting.[19] Thus, assuming that additional duty assessment costs will be passed on to customers, imported castings from India would still undersell their domestic counterparts by significant margins.

Having received no other information regarding changes in the status of the industry since the agency's countervailing duty determination, I find that there is no reasonable indication that the public works castings industry is being injured by imports from India. The complete basis for my decision regarding injury to the industry is thoroughly documented in my opinion issued in the previous countervailing duty case.[20] Therefore, I see no need to rewrite it here or to incur the additional printing costs of reproducing those views.

Issued: January 5, 1981.

[19] Report at A–37.

[20] Views of Chairman Bill Alberger, *Certain Iron-Metal Castings from India, USITC Pub. 1098, Sept. 1980, pp. 31–38.*

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-1270 Filed 1-13-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–75]

Certain Large Video Matrix Display Systems and Components Thereof; Change in Administrative Deadline

AGENCY: U.S. International Trade Commission.

ACTION: Change in deadline for recommended determination.

SUMMARY: The Comission grants the joint motion of the parties for a 30-day extension of the deadline for the presiding officer's recommendation in Investigation No. 337–TA–75, certain Large Video Matrix Display Systems and Components Thereof. The motion was approved by the presiding officer and certified to the Commission on December 8, 1980. The new deadline is March 19, 1981.

FOR FURTHER INFORMATION CONTACT: Michael B. Jennison, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E. Street, N.W., Washington, D.C. 20005 (202–523–0189).

Issued: January 7, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-1277 Filed 1-13-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–94]

Certain Wet Motor Circulating Pumps; Change of Commission Investigative Attorney

Louis S. Mastriani is designated Commission Investigative Attorney for Investigation No. 337–TA–94, Certain Wet Motor Circulating Pumps, replacing Robert M. M. Seto. The service of all papers on the Commission Investigative Attorney should henceforth be served upon Louis S. Mastriani effective January 7, 1981.

The Secretary is requested to publish this notice in the **Federal Register.**

Dated: January 7, 1981.

Talbot Lindstrom,

Chief Unfair Import Investigations Division.

[FR Doc. 81-1274 Filed 1-13-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-94]

Certain Wet Motor Circulating Pumps and Components Thereof; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: December 31, 1980.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81-1273 Filed 1-13-81; 8:45 am]

BILLING CODE 7020-02-M

Plastic Animal Identification Tags From New Zealand; Investigation No. 303-TA-14 (Final); Rescheduled Prehearing Conference

Notice is hereby given that the prehearing conference previously scheduled for 10:00 a.m., e.s.t., on January 14, 1981 (45 FR 76553, November 19, 1980), has been rescheduled for 2:00 p.m. on that date. The prehearing conference will be held in Room 117 at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. All persons desiring to appear and make oral presentations at the public hearing to be held in connection with this investigation on January 30, 1981, should attend the prehearing conference.

Issued: January 7, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-1271 Filed 1-13-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Council on the Role of Courts; Meeting

Notice is hereby given that the Council on the Role of Courts will meet in Washington, D.C., on Saturday, January 31, 1981. The meeting, which is scheduled for 9:00 a.m. to 5:30 p.m., will be held at the Federal Judicial Center, 1520 H Street, N.W., Washington, D.C.

The Council will consider several essays and studies commissioned by it that pertain to the role of specialized courts, the role of courts in housing and planning cases, and the adjudication of family and commercial disputes. Drafts of chapters of the Council's final report and the plans for a national conference will also be discussed.

The meeting will be open to the public. Minutes of the proceedings will be furnished upon request.

Additional information may be obtained from Richard B. Hoffman, Office for Improvements in the Administration of Justice, United States Department of Justice, Washington, D.C. 20530. Telephone: (202) 633-4609.

Charles F. Wellford,

Administrator, Federal Justice Research Program.

[FR Doc. 81-1282 Filed 1-13-81; 8:45 am]

BILLING CODE 4410-01-M

Guidelines for Litigation To Enforce Obligations To Submit Materials for Predissemination Review; Correction

Federal Register Document 80-40215, appearing at 45 FR 85529 (Daily ed. December 29, 1980), contained an error of omission in subparagraph II.B.2.b.ii (appearing on page 85530 in column 1). Corrected, that subparagraph reads as follows:

ii. Whether it reasonably appears that the individual will disclose or cause to be disclosed information or material required to be submitted to an agency of the United States without submitting such material or information for predissemination review.

Dated: January 6, 1981.

Stephen J. Wilkinson,

Department of Justice, Federal Register Liaison Officer (Alternate).

[FR Doc. 81-1291 Filed 1-13-81; 8:45 am]

BILLING CODE 4410-01-M

Attorney General

[AAG/A Order No. 59-81]

Privacy Act of 1974; New System of Records

Pursuant to the Privacy Act, 5 U.S.C. 552a, the Federal Bureau of Investigation, United States Department of Justice, proposes to establish a new system of records, the Security Access Control System (SACS). This system will consist of computerized records containing the names, issued badge numbers, and the dates and times of entries of individuals, including escorted visitors, who were issued access badges to the J. Edgar Hoover Building, Washington, D.C.

5 U.S.C. 552a(e) (4) and (11) require that the public be provided a 30-day period in which to comment on the proposed system; the Office of Management and Budget (OMB), which has oversight responsibility under provisions of the Act, requires a 60-day period in which to review the proposed system prior to implementation. Although a waiver of this 60-day requirement has been requested from OMB, the public, OMB and the Congress are invited to submit written comments on this system. Comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6315, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. If no comments are received from either the public, OMB, or the Congress by March 16, 1981, the system will be implemented without further notice in the **Federal Register.** No oral hearings are contemplated.

Appropriate reports have been filed with the Congress and OMB.

Dated: January 5, 1981.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/FBI-013

SYSTEM NAME:

Security Access Control System (SACS)

SYSTEM LOCATION:

Federal Bureau of Investigation, J. Edgar Hoover Building, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, both FBI employees and outside visitors, who have been granted access to the J. Edgar Hoover Building.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains computerized information concerning names, badge numbers, and the dates and times of entries of those individuals, including escorted visitors, who have been issued access badges to the J. Edgar Hoover Building.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The maintenance of this system is authorized by Executive Order 12065, the Privacy Act of 1974 (5 U.S.C. 552a(e)(10)) and Pub. L. No. 90-620, as amended (44 U.S.C. Chapters 21 and 33). Each of these two statutes, as well as the Executive Order, is directed toward security of United States Government records maintained by Federal agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Category of users: Federal Bureau of Investigation management officials and security personnel. The information is used to determine the status of individuals entering the building and maintain control of badges issued to

individuals requiring access to the J. Edgar Hoover Building.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The automated portion of the records is maintained on a magnetic tape. Documentary records are maintained in manual file folders.

RETRIEVABILITY:

Alphabetically by last name; numerically by access badge number.

SAFEGUARDS:

Maintained in a locked room, which is manned 24 hours per day, with access limited to FBI security personnel.

RENTENTION AND DISPOSAL:

Computerized information had been maintained for 1 year with hard copy computer listings maintained for 6 months. However, pursuant to the preliminary injunction with modifications, issued by Judge Harold H. Greene, United States District Court, District of Columbia, in the Civil Action *American Friends Service Committee, et al.* v. *William H. Webster, et al.*, (U.S.D.C. D.C.) Civil Action No. 79–1655, destruction programs have been suspended. In addition, cards containing badge information are maintained indefinitely, with duplicate badges being maintained on individuals granted permanent access to the building until access is no longer required and upon separation or transfer.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, J. Edgar Hoover Building, 10th and Pennsylvania Avenue NW., Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Inquiry concerning this system should be in writing and made to the system manager listed above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

See categories of individuals.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-1334 Filed 1-13-81; 8:45 am]

BILLING CODE 4410-02-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

December 29, 1980.

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, DC 20506.

Date: January 29–30, 1981.
Time: 9:00 a.m. to 5:00 p.m.
Room: 1134.
Program: This meeting will review applications submitted for Research Materials Program: Computer Panel Division of Research Programs, for projects beginning after June 15, 1981.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose,

(1) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724–0367.

Stephen J. McCleary,
Advisory Committee Management Officer.

[FR Doc. 81-1322 Filed 1-13-81; 8:45 am]

BILLING CODE 7536-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11541; 812-4772]

USAA Mutual Fund, Inc., USAA Capital Growth Fund, Inc., USAA Income Fund, Inc.; Filing of Application

January 7, 1981.

Notice is hereby given that USAA Mutual Fund, Inc. ("Successor"), USAA Capital Growth Fund, Inc. ("Growth") and USAA Income Fund, Inc. ("Income," collectively with Successor and Growth, "Applicants"), 9800 Fredericksburg Road, San Antonio, Texas 78288, each registered as a diversified, open-end, management investment company under the Investment Company Act of 1940 ("Act"), filed an application on November 26, 1980, and an amendment thereto on January 5, 1981, for an order of the Commission (1) pursuant to Section 17(b) of the Act exempting Applicants from the provisions of Section 17(a) of the Act to permit Growth and Income to effect a reorganization and (2) pursuant to Section 6(c) of the Act exempting Successor from the provisions of Section 2(a)(41) of the Act and Rule 2a–4 and 22c–1 thereunder to the extent necessary to permit Successor's money market series to value its portfolio assets by use of the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Growth and Income are both no-load investment companies organized as Texas corporations and have shares registered under the Securities Act of 1933. Successor is a Maryland corporation which was organized for the purpose of succeeding to the business of Growth and Income pursuant to a proposed plan of reorganization ("Plan"). According to the application, the Plan will be submitted for approval by the shareholders of Growth and Income and is scheduled to be effective on or about January 31, 1981. The application further states that Growth and Income are, and Successor will be, managed by USAA Investment Management Company, Inc. ("Adviser").

Applicants state that the Plan will be accomplished by merger of Growth and Income into Successor, which will be organized as a series company with three separate series of shares. The application states that the three series will be: (1) "Growth Fund" series which will be issued immediately following the reorganization to holders of Growth; (2) "Income Fund" series which will be

issued immediately following the reorganization to holders of Income; and (3) "Money Market Fund" ("Money") series which will represent interests in a new portfolio of securities and initially will be offered to the public following the reorganization.

Applicants state that in order to comply with certain shareholder voting requirements of the Act, prior to the reorganization, Successor will issue to Growth and Income one share of each of, respectively, Growth Fund series and Income Fund series and that the shareholders of Growth and Income will be asked to authorize Growth and Income to vote such shares to elect directors of Successor and to ratify the selection of auditors and the advisory agreement approved by Successor's directors. Applicants state as a result of such shareholdings, Growth and Income could be said to be affiliates of Successor and an affiliate of an affiliate of each other. Additionally, Applicants state, without conceding, that Income and Growth might be viewed as affiliated persons by virtue of their common investment adviser, officers and directors and that therefore it might be argued that the reorganization of Growth and Income into Successor is prohibited by Section 17(a) of the Act.

Applicants state that Money is to be a money market fund and is designed as an investment vehicle for institutional and individual investors with temporary cash balances or cash reserves. The objective of Money will be to seek as high a rate of current income as is consistent with preservation of capital and maintenance of liquidity. To achieve that objective, Applicants state that Money will invest in debt obligations consisting of marketable securities issued by or guaranteed by the United States Government or its agencies or instrumentalities, domestic bank negotiable certificates of deposit, bankers acceptances, commercial paper rated A–1 or Prime–1 and bonds with a maturity of one year or less.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company knowingly to sell or to purchase from such registersd company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, shall exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company involved and with the general purposes of the Act. While Applicants do not concede that they are affiliated persons of each other, or that they are affiliated persons of such persons, they acknowledge that the view has been taken that registered investment companies having a common investment adviser are under that adviser's common control and therefore are affiliated persons of each other. Applicants have, therefore, filed this application to avoid any question being raised under Section 17(a) of the Act with respect to the proposed transaction.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value or such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants submit that the exemptions they request satisfy these standards in view of their management policies and the conditions hereinafter set forth.

In support of the order requested pursuant to Section 17(b) of the Act exempting Applicants from the provisions of Section 17(a) of the Act, Applicants state that the terms of the Plan are reasonable and fair and do not involve overreaching by any of the Applicants and are consistent with the investment policies of each Applicant as well as the general purposes of the Act. Applicants assert that, in the view of the boards of directors of Growth and Income, the creation of a single company, which is able to offer shares of different series with distinct investment objectives and policies and which is able to create new series to serve as additional investment vehicles, has both operational and marketing advantages. Applicants assert that these advantages include the ability to combine reports and prospectuses, the holding of only one annual meeting and other administrative efficiencies which should result in legal, auditing, transfer agent fees and printing costs being lower than if the series were operated as separate corporations. Applicants also state that prior to the reorganization, Successor will have only nominal assets and liabilities and will have issued shares only to Growth and Income. Additionally the assets and liabilities of Growth and Income assumed by Successor will be designated as belonging to, respectively, Growth and Income Fund; and each share of Growth and Income will be converted into the same number of shares and will have the same net asset value per share as, respectively Growth Fund and Income Fund. Thus Applicants assert that shares of each such series into which the outstanding shares of Growth and Income will be converted, will continue to represent the same economic interests after the reorganization as they presently represent. The application also states that all expenses incurred by Growth and Income in connection with the reorganization in excess of normal operating expenses will be borne by

Adviser. Normal operating expenses will be determined on the basis of the expenses incurred during the proceeding fiscal year, adjusted to reflect any significant deviation in such costs as compared with the average operating expenses incurred in the last five fiscal years. Finally, Applicants state that Growth and Income have obtained a ruling from the Internal Revenue Service that the reorganization will be a non-taxable transaction.

In support of their request for an order pursuant to Section 6(c) of the Act exempting Applicants from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, Applicants state they believe that two features are necessary to market a "money market" fund effectively: (1) certainly of stability of principal and (2) a steady flow of predictable and competitive investment income. Applicants believe that by maintaining a portfolio of high quality, short-term money market instruments valued at amortized cost they can provide these features and the board of directors of Successor has properly determined in good faith under the provisions of the Act to value the portfolio of Money by use of the amortized cost method of valuation and that that method is in the best interests of shareholders of Money. Further, Successor's board of directors has determined in good faith that absent unusual or extraordinary circumstances, the amortized cost method of valuing the portfolio securities of Money is appropriate and will reflect the fair value of those securities.

Successor has agreed to adhere to the following conditions with respect to any order of exemption permitting the use of amortized cost valuation:

(1) In supervising Money's operations and delegating special responsibilities involving management of Money's portfolio to Successor's investment adviser, Successor's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Money's investment objectives, to stabilize Money's net asset value per share as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

(2) Included in the procedures to be adopted by the board of directors shall be the following:

(a) Review by Successor's board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share of Money as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share of Money exceeds ½ of 1 per cent, a requirement that the directors will promptly consider what action, if any, should be initiated.

(c) Where Successor's board of directors believes the extent of any deviation from Money's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to realize capital gains or losses or to shorten Money's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

(3) Successor will cause Money to maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share for Money; provided, however, that Money will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

(4) Successor will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Successor will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of directors' considerations and ge actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

(5) Successor will limit the portfolio investments of Money, including repurchase agreements, to those United States dollar-denominated instruments which the directors determine present minimal credit risks and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by Successor's directors.

(6) Successor will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than January 29, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–1191 Filed 1–13–81; 8:45 am]

BILLING CODE 8010–01–M

[1] Successor states that to fulfill this condition, it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value. In addition, Successor states that the quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Money will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 17426; SR-NYSE-80-35]

New York Stock Exchange, Incorporated; Proposed Rule Change

January 7, 1981.

On September 29, 1980, the New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10041, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change which clarifies the intent of Rule 326 regarding when members who carry customer accounts are required to cease expansion of or reduce its business because of the existence of conditions affecting its financial responsibility.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–17285, November 12, 1980) and by publication in the **Federal Register** (45 FR 76560, November 17, 1980). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchange and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

By the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-1196 Filed 1-13-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Class Life Asset Depreciation Range System; Study of Property Used in Converting Wind Energy

The Office of Industrial Economics of the Office of the Secretary of the Treasury has initiated a Class Life Asset Depreciation Range System study of property used in converting wind energy to electricity or to other useful forms. The purpose of the study is to provide an asset depreciation guideline class, a guideline depreciation period and range, and a repair allowance percentage for the property. This study is being made in order to help keep the Class Life Asset Depreciation Range System up to date, as required by IRC Secs. 167(m) and 263(e) and Reg. Sec. 1.167(a)–11.

All persons interested in this study may submit comments in writing to the Office of Industrial Economics. Information from all interested persons is solicited. All mail concerning this study should be addressed to: Office of Industrial Economics, Wind Energy Property Project, P.O. Box 28018, Washington, D.C. 20005.

Dated: January 8, 1981.

Emil M. Sunley,

Deputy Assistant Secretary (Tax Analysis).

[FR Doc. 81-1188 Filed 1-13-81; 8:45 am]

BILLING CODE 4810-25-M

U.S. REGULATORY COUNCIL

Publication and Availability of the Automobile Calendar

AGENCY: U.S. Regulatory Council.

ACTION: *The Automobile Calendar.*—Notice of publication and availability.

SUMMARY: This notice is to inform all interested parties that the U.S. Regulatory Council plans to publish *The Automobile Calendar: Recent and Pending Federal Activities Affecting Motor Vehicles* on January 21, 1981. The *Calendar* will be available from the U.S. Regulatory Council and the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783–3238, as stock No. 052–003–00791–6.

ADDRESS: U.S. Regulatory Council, New Executive Office Building, 726 Jackson Place, N.W., Room 5002, Washington, DC 20503, Telephone 202–395–6110.

FOR FURTHER INFORMATION CONTACT: For information about *The Automobile Calendar:*

David M. Klaus, Associate Director, U.S. Regulatory Council, New Executive Office Building, Room 5002, 726 Jackson Place, N.W., Washington, DC 20503, Telephone 202–653–7244.

For information about Regulatory Council Calendar Projects in general: Mark G. Schoenberg, Associate Director for Operations and Interagency Coordination, U.S. Regulatory Council, New Executive Office Building, Room 5002, 726 Jackson Place, N.W., Washington, DC 20503, Telephone 202–653–7240.

SUPPLEMENTARY INFORMATION: *The Automobile Calendar* provides a comprehensive review of recent and pending regulations and other Federal activities intended to affect the manufacture, sale, and use of the automobile and other motor vehicles. It is intended to be a pilot, industry specific calendar, modeled on the Council's *Calendar of Federal Regulations* which is published twice a year in May and November.

The *Automobile Calendar* is designed to promote and improve public debate of regulatory issues relating to the automobile and other motor vehicles by providing information to and facilitating the participation of trade and consumer groups, motor vehicle and motor vehicle parts manufacturers, research and academic groups, the Congress, and other government agencies. It is also intended to provide a data base for studies of the impact of regulation on the automobile. As a resource for research and academic groups, as well as others within and outside government involved in economic and regulatory policy development, the *Automobile Calendar* provides in one place important information about current regulatory activities that will be necessary to assess the impact of alternative future policies. It is a prototype of future calendars for other industries.

We will be interested in receiving public comments on the usefulness of this *Calendar* and whether similar calendars for other industries would be useful.

Dated: January 9, 1981.

Peter J. Petkas,

Director.

[FR Doc. 81-1255 Filed 1-13-81; 8:45 am]

BILLING CODE 6560-24-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 9
Wednesday, January 14, 1981

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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Civil Aeronautics Board 1, 2, 3
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[M-303 Amdt. 2, Jan. 7, 1981]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., January 8, 1981.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 6a. Docket 38863, Air Florida System, Inc.—Westgate-California Corporation Acquisition Show-Cause Proceeding (Memo 201, BDA, OGC, BCP).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-42-81 Filed 1-9-81; 4:53 p.m.]

BILLING CODE 6320-01-M

2

[M-303 Amdt. 3, Jan. 8, 1981]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., January 8, 1981.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 16. Procedures for Handling Section 419 Subsidy Rates at the End of the Current Subsidy Rate Periods: Request for instructions. (Memo No. 198, BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-43-81 Filed 1-9-81; 4:53 pm]

BILLING CODE 6320-01-M

3

[M-303 Amdt. 1, Jan. 7, 1981]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., January 8, 1981 (closed meeting will follow the 9:30 open meeting).

PLACE: Room 1012, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 21. Negotiations with Japan. (BIA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-44-81 Filed 1-9-81; 4:53 pm]

BILLING CODE 6320-01-M

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COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:00 a.m., Friday, January 23, 1981.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-45-81 Filed 1-12-81; 8:51 am]

BILLING CODE 6351-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, January 19, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,620-L—City and County Bank of Campbell County, Jellico, Tennessee

Memorandum re: Reducing Future Interest Expenses in Connection With Employee Transfers.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: January 12, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-48-81 Filed 1-12-81; 11:17 a.m.]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, January 19, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Truckee River Bank, a proposed new bank, to be located at 10066 Main Street, Truckee, California.

Nonotuck Savings Bank, Northampton, Massachusetts, an operating noninsured bank.

Comstock bank, a proposed new bank, to be located at the northeast corner of Stewart and Washington Streets, Carson City, Nevada.

Bank of Chapmanville, a proposed new bank, to be located at Railroad Avenue and Sixth Street, Chapmanville, West Virginia.

Request for modification of conditions imposed in granting Federal deposit insurance:

Investors Bank & Trust Company, Boston, Massachusetts.

Applications for consent to establish a branch:

Home Savings Bank of Upstate New York, Albany, New York, for consent to establish a branch on Columbia Turnpike, 200 yards southwest of Sherwood Avenue, Town of East Greenbush, New York.

The Community Savings Bank, Rochester, New York, for consent to establish a branch at the southeast corner of Muller Boulevard and Jefferson Road, Town of Henrietta, New York.

Application for consent to acquire assets and assume liabilities:

Old Stone Bank, Providence, Rhode Island, for consent to acquire the assets and assume the liabilities of Nationwide Real Estate Investors, Columbus, Ohio, a noninsured, nonbanking entity.

Notice of acquisition of control:

The Farmers State Bank of Norwich, Kansas, Norwich, Kansas.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,486-SR—American Bank & Trust Company, New York, New York
Case No. 44,603-L—Franklin National Bank, New York, New York
Case No. 44,617-L—The Drovers' National Bank of Chicago, Chicago, Illinois
Case No. 44,622-NR—United States National Bank, San Diego, California
Case No. 44,623-L—American City Bank & Trust Company, National Association, Milwaukee, Wisconsin

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552B(c)(2) and (c)(6)).

Reports of committees and officers:

Reports of the Director, Division of Liquidation:
Memorandum re: Reports Required Under Delegated Authority Sale of Real or Personal Property
Memorandum re: Reports Required Under Delegated Authority Foreclosure Bids
Memorandum re: Reports Required Under Delgated Authority Expenditures

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: January 12, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-49-81 Filed 1-12-81; 11:17 am]

BILLING CODE 6714-01-M

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FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., January 16, 1981.

PLACE: Room 9306, 825 North Capitol Street, Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Commission Deliberations Concerning an Investigation and the Agency's Participation in a Civil Action.

(2) Commission Deliberations Concerning Disposition by the Agency of a Particular Case of Formal Agency Adjudication.

(3) Commission Deliberations Concerning an Investigation and the Disposition by the Agency of a Case of Formal Agency Adjudication.

(4) Commission Deliberations Concerning an Investigation.

(5) Commission Deliberations Concerning an Investigation and the Agency's Participation in a Civil Action.

(6) Commission Deliberations Concerning the Agency's Participation in a Civil Action.

(7) Commission Deliberations Concerning an Investigation.

(8) Commission Deliberations Concerning an Investigation and the Disposition by the Agency of a Case of Formal Agency Adjudication.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

Kenneth F. Plumb,

Secretary.

[S-46-81 Filed 1-12-81; 8:58 am]

BILLING CODE 6450-85-M

8

FEDERAL RESERVE SYSTEM.

Board of Governors.

TIME AND DATE: 10 a.m., Monday, January 19, 1981.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Proposals relating to the building program and target budget for a new building for the Jacksonville Branch of the Federal Reserve Bank of Atlanta.

3. Proposed purchase, under competitive bidding, of computer equipment within the Federal Reserve System.

4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: January 9, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-41-81 Filed 1-9-81; 4:35 pm]

BILLING CODE 6210-01-M

9

MERIT SYSTEMS PROTECTION BOARD.

TIME AND DATE: 10:00 a.m., Wednesday, January 21, 1981.

PLACE: Room 401, U.S. Court of Customs and Patent Appeals, 717 Madison Place, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Hearing in *Acting Special Counsel v. Paul D. Sullivan,* Docket No. HQ120600018.

CONTACT PERSON FOR MORE INFORMATION: Kathy W. Semone, Director, Division of Records and Inquiries, Office of the Secretary, 202-632-4525.

Merit Systems Protection Board.

Ruth T. Prokop,

Chairwoman.

[S-47-81 Filed 1-12-81; 9:42 am]

BILLING CODE 6325-70-M

10

NUCLEAR REGULATORY COMMISSION.

DATE: Week of January 12, 1981.

PLACE: Commissioners' conference room, 1717 H Street NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: Monday, January 12:

No Commission meetings.

Tuesday, January 13:

2:00 p.m.: 1. Discussion of Near-Term CP Requirements (approximately 1½ hours, public meeting).

Wednesday, January 14:

10:00 a.m.: 1. Discussion and Vote on Full-Power OL for Salem (approximately 1½ hours, public meeting).

2:00 p.m.: 1. Briefing on Plan for Systematic Assessment of Currently Operating Reactors (approximately 2 hours, public meeting).

Thursday, January 15:

10:00 a.m.: 1. Briefing on Action Plan—Items due in January 1981 (approximately 1½ hours, public meeting).

2:00 p.m.: 1. Briefing on Status of Standard Review Plan (approximately 1½ hours, public meeting).

2. Affirmation Session (approximately 30 minutes, public meeting).

a. Affirmations.

1. EDO Delegations of Authority.

2. 12/19/80 Marshall memo on Waste Conf. Proceeding.

B. Discussion and Vote of above affirmation items, if required.

Friday, January 16.

No Commission Meetings.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of meeing.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

[S-61-81 Filed 1-12-81; 2:01 pm]

BILLING CODE 7590-01-M

11

NUCLEAR REGULATORY COMMISSION.

DATE: Week of January 12, 1981 (additional item).

PLACE: Commissioners' conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Thursday, January 15 (additional item):

4:00 p.m.: Discussion of Management-Organization and Internal Personnel Matters (Chairman's Conference Room) (approximately 30 minutes, closed—exemptions 2, 6).

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

[S-52-81 Filed 1-12-81; 2:10 pm]

BILLING CODE 7590-01-M

12

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 9:30 a.m., January 20, 1981.

PLACE: Board's meeting room, Eighth Floor, Headquarters Building, 844 Rush Street, Chicago, Illinois, 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS: Portion open to the public.

(1) Appeal on computation of annuity, Helen G. Talbot.

Portion closed to the public:

(A) Appeal from referee's denial of disability annuity, James P. Caldwell.

(B) Appeal from referee's denial of disability annuity, Florene K. Watts.

(C) Appeal from referee's denial of claim for a "period of disability", Howard J. Nicholas.

(D) Appeal from referee's denial of disability annuity, Jack T. Lyons.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board; COM No. 312–751–4920, FTS No. 387–4920.

[S-50-81 Filed 1-12-81; 12:24 pm]

BILLING CODE 7905-01-M

federal register

Wednesday
January 14, 1981

Part II

Department of the Interior

Water and Power Resources Service

Acreage Limitation; Water and Power Rules and Regulations and Availability of Draft Environmental Statement

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 426

Acreage Limitation; Water and Power Rules and Regulations

AGENCY: Water and Power Resources Service, Department of the Interior.

ACTION: Proposed rule.

SUMMARY: The Water and Power Resources Service, Department of the Interior, proposes to issue rules and regulations establishing policies and procedures to meet the responsibilities of the Secretary of the Interior in administering the acreage limitation and other provisions of Reclamation law. These proposed rules are issued in response to the order of the United States District Court for the District of Columbia in the case of National Land for People, Inc. v. the Bureau of Reclamation of the Department of the Interior (417 F. Supp. 499 (D.C.D.C. 1977)). The rules and regulations will provide uniform criteria and procedures to administer the acreage limitation provisions of law so as to assure uniform application of those provisions among all water user entities receiving irrigation water from Federal projects governed by Reclamation law. A draft environmental impact statement on acreage limitation which addresses the impacts of these proposed rules and several other alternatives for administering the acreage limitation provisions of Reclamation law has been prepared and a Notice of Availability for this statement is published separately in this issue of the **Federal Register.**

DATE: Comment period closes March 16, 1981.

ADDRESS: Comments on the proposed rules should be submitted to: Phillip T. Doe, Study Co-Team Leader, Water and Power Resources Service, Engineering and Research Center, P.O. Box 25007, D-700, Denver, CO 80225.

Comments can be incorporated with comments reviewers may wish to submit on the draft environmental impact statement on acreage limitation.

FOR FURTHER INFORMATION CONTACT: Vernon S. Cooper, Senior Staff Assistant for Special Projects, Operation and Maintenance Policy Staff, Water and Power Resources Service, Department of the Interior, Washington, DC 20240, (202) 343-2148.

SUPPLEMENTARY INFORMATION: On August 25, 1977, the Department of the Interior published proposed rules and regulations for acreage limitation in volume 42 of the **Federal Register,** pages 43044 to 43049. During the 128-day comment period on these proposed rules, the Department of the Interior received over 11,000 written comments and heard testimony from 1,075 witnesses at 17 public hearings. On December 7, 1977, during the comment period, the Department was enjoined from proceeding with the rulemaking actions by the United States District Court for the Eastern District of California, until an environmental impact statement on the proposed rules had been published. The Department revised the proposed rules, taking the comments received during the comment period into consideration and has based the draft environmental impact statement on these revised proposed rules. The principal revisions made to the proposed rules published on August 25, 1977, are as follows:

1. All owners and lessees of land that receives Federal project water must reside within 50 miles of the land. The residency requirement would be phased in gradually in that existing individual owners who acquired land prior to January 1, 1978, need not become residents. New owners acquiring land subsequent to January 1, 1978, must establish residency within 3 years to continue to receive Federal project water for the land so acquired. Non-family corporations and non-family multiple ownership would be given a 5-year period to transfer their land to eligible owners. Lessees of land receiving Federal project water would have to satisfy the residency requirement at the termination of any valid written lease in effect on January 1, 1978, or within 5 years of the effective date of the regulations, whichever is greater. New lessees would have to meet the residency requirement within 3 years.

2. The maximum acreage that an individual could irrigate with Federal project water would be 480 acres of which no more than 160 acres could be owned. Family multiple ownership arrangements could irrigate 960 acres of which no more than 640 acres could be owned. A multiple ownership composed of two unrelated adults could irrigate 960 acres of which mo more than 320 acres could be owned.

The revisions to the proposed rules were made in May 1978 under the direction of Leo Krulitz, former Solicitor of the Department of the Interior. The proposed rules, as revised, are published below.

The Department of the Interior has determined that this document is a significant rule because it will impact local governmental entities, require major record keeping by the administering agency, and may have a substantial economic effect in the areas where the rules would apply. The Department will make a determination if a regulatory analysis is required under Executive Order 12044 and 43 CFR Part 14 by April 1, 1981, and will publish an appropriate notice in the **Federal Register** when that determination has been made.

Dated: January 8, 1981.

Daniel P. Beard,

Acting Assistant Secretary—Land and Water Resources.

Part 426 is proposed to be added to read as follows:

PART 426—RULES AND REGULATIONS FOR PROJECTS GOVERNED BY FEDERAL RECLAMATION LAW

Sec.

426.1 Objectives.
426.2 Applicability.
426.3 Authority.
426.4 Definitions.
426.5 Residency.
426.6 Non-exess land, designation, price approval.
426.7 Class 1 equivalency.
426.8 Circumstances under which project water may be delivered to excess land.
426.9 Lands not eligible to receive project water.
426.10 Disposition of excess lands.
426.11 Appraisals.
426.12 Forms of ownership.
426.13 Leases.
426.14 Application of the acreage limitation.
426.15 Commingling.
426.16 Recordkeeping by districts.
426.17 Decisions and appeals.

Authority: The Administrative Procedure Act, 60 Stat. 237, 5 U.S.C. § 552, 553, the Reclamation Act of 1902, as amended and supplemented, 32 Stat. 388, 43 U.S.C. § 371 et seq.

§ 426.1 Objectives.

The Reclamation Act policies of limiting the amount of land under control of any one person for which project water may be supplied, and requiring the person controlling the land to reside on or in the neighborhood of the land benefited, are designed:

(a) To provide opportunity for a maximum number of farmers on the land, and for deserving individuals to get a start in farming;

(b) To distribute widely the benefits from federally-subsidized reclamation projects;

(c) To promote the owner-operated family farm;

(d) To preclude the accrual of speculative gain in the disposition of reclamation-benefited land.

It deserves emphasis that reclamation law imposes no restriction on the amount of land that may be owned or controlled by an individual or group of individuals. The law restricts only the land to which federally-subsidized project water may be delivered. These regulations establish procedures and criteria to govern control and ownership of all land receiving water subject to the acreage limitation and residency portions of reclamation law, in order to provide uniform administration of those provisions. These regulations will be interpreted and enforced to carry out the Reclamation Act policies described above.

§ 426.2 Applicability.

(a) These regulations apply to all lands, situated in projects receiving water subject to the acreage limitation or residency provisions of reclamation law. This includes excess land whether under recordable contract or not, and non-excess land.

(b) In part, these regulations define, consistent with but with greater specificity than existing recordable contracts, eligible taker of excess lands and procedures to be used in disposing of excess lands. These regulations also establish uniform rules with regard to residency and acreage limitations for all those owning or leasing lands which now benefit or will benefit from the delivery of federally-subsidized reclamation project water.

(c) These regulations shall be inapplicable to existing repayment, water service and recordable contracts only to the extent there is a clear, specific and irreconcilable conflict between these regulations and provisions in existing contracts, and then only to the extent those conflicting contractual provisions are valid and consistent with reclamation law.

(d) All new repayment or water service contracts executed after the effective date of these regulations shall expressly incorporate these regulations, including any changes made in them, by reference.

(e) Specific rules on the application of the residency and acreage limitation parts of these regulations are found in section 426.5(e) and 426.14 below.

§ 426.3 Authority.

These regulations are promulgated pursuant to authority vested in the Secretary by Congress in the Administrative Procedure Act, 60 Stat. 237, 5 U.S.C. §§ 55, 553, and the Reclamation Act of 1902, as amended and supplemented, 32 Stat. 388, 43 U.S.C. § 371 *et seq.* The basic acreage limitation and residency requirements of reclamation law were initially contained in the Reclamation Act of June 17, 1902. Congress has modified the reclamation law in the following situations:

(a) *Statutory Exemptions from Acreage Limitation.*

(1) Colorado-Big Thompson Project, Colorado, Act of June 16, 1938 (52 Stat. 764, 43 U.S.C. § 386).

(2) Truckee Storage and Humboldt Projects, Nevada, Act of November 29, 1940 (54 Stat. 1219).

(3) Owl Creek Unit, Missouri River Basin Project, Act of August 28, 1954 (68 Stat. 890).

(4) Santa Maria Project, California, Act of September 3, 1954 (68 Stat. 1190).

(5) Beaverhead Valley, Montana, East Bench Unit, Missouri River Basin Project, Act of July 24, 1957 (71 Stat. 309).

(6) San Felipe Division, Central Valley Project, California (North and South Santa Clara Subareas only), Section 5, Act of August 27, 1967 (81 Stat. 173, 43 U.S.C. § 616fff–5).

(7) Narrows Units, Missouri River Basin Project, Colorado, Act of August 28, 1970 (84 Stat. 830).

(b) *Statutory Modifications of Acreage Limitation.*

(1) Projects constructed pursuant to the Water Conservation and Utilization Act of August 11, 1939 (53 Stat. 1418, 16 U.S.C. § 5902(2)), as amended by the Act of October 14, 1940 (54 Stat. 1121).

(2) San Luis Valley Project, Colorado, Act of June 27, 1952 (66 Stat. 282).

(3) Nonexcess holding set at 480 irrigable acres, Kendrick Project, Wyoming, Act of September 4, 1957 (71 Stat. 608).

(c) *Congressionally-established Acreage Equivalency*

(1) Land equivalent to 120 acres of Class 1 land.

(i) Baker Project (Upper Division), Oregon, Act of September 27, 1962 (76 Stat. 634, 43 U.S.C. § 616u).

(2) Land equivalent to 130 acres of Class 1 land.

(i) East Bench Unit (bench lands only), Missouri River Basin Project, Montana, Act of July 24, 1957 (71 Stat. 309).

(3) Land equivalent to 160 acres of Class 1 land.

(i) Seedskadee Project, Wyoming, Act of August 28, 1958 (72 Stat. 963).

(ii) Savory-Pot Hook Project, Colorado-Wyoming, Act of September 2, 1964 (78 Stat. 852, 43 U.S.C. § 616jj).

(iii) Bostwick Park Project, Colorado, Act of September 2, 1964 (78 Stat. 852, 43 U.S.C. § 616jj).

(iv) Fruitland Mesa Project, Colorado, Act of September 2, 1964 (78 Stat. 852, 43 U.S.C. § 616jj).

(v) Animas-La Plata Project, Colorado-New Mexico, Act of September 30, 1968 (82 Stat. 885).

(vi) Dolores Project, Colorado, Act of September 30, 1968 (82 Stat. 885).

(vii) Dallas Creek Project, Colorado, Act of September 30, 1968 (82 Stat. 885).

(viii) San Miguel Project, Colorado, Act of September 30, 1968 (82 Stat. 885).

(ix) West Divide Project, Colorado, Act of September 30, 1968 (82 Stat. 885).

(x) Riverton Extension Unit, Missouri River Basin Project, Wyoming, Act of September 25, 1970 (84 Stat. 861).

(xi) Polecat Bench Project, Wyoming, Act of March 11, 1976 (90 Stat. 205, 43 U.S.C. § 615kkkk).

(xii) Pollock-Herried Project, South Dakota, Act of March 11, 1976 (90 Stat. 208, 43 U.S.C. § 615llll).

(xiii) Kanapolis Unit, Pick-Sloan Missouri Basin Project, Kansas, Act of September 28, 1976 (90 Stat. 1324).

(xiv) Oroville-Tonasket Unit Extension, Chief Joseph Dam Project, Washington, Act of September 28, 1976 (90 Stat. 1325).

(xv) Unitah Unit, Central Utah Project, Utah, Act of September 28, 1976 (90 Stat. 1327).

(xvi) Allen Camp Unit, Central Valley Project, California, Act of September 28, 1976 (90 Stat. 1328).

(d) *Staturtory Use of Interest Payment for Excess Lands.*

(1) Washoe Project, California-Nevada, Act of August 1, 1956 (70 Stat. 775, 43 U.S.C. § 614).

(2) Small Reclamation Projects, Act of August 6, 1956 (70 Stat. 1044, 43 U.S.C. § 422a–1), as amended.

(3) Mercedes Division, Lower Rio Grande Rehabilitation Project, Texas, Act of April 7, 1958 (72 Stat. 82).

(4) La Feria Division, Lower Rio Grande Rehabilitation Project, Texas, Act of September 22, 1959 (73 Stat. 641).

(e) *Delivery of Project Water to Certain Categories of Excess Lands Pursuant to Statute.*

(1) Involuntary acquisition of excess land (i) Act of July 11, 1956 (70 Stat. 524, 43 U.S.C. §§ 423e, 544).

(2) Surviving Spouse (i) Act of September 2, 1960 (74 Stat. 732, 43 U.S.C. § 423h).

(3) Columbia Basin Project, Washington, Act of October 1, 1962 (76 Stat. 678, 16 U.S.C. § 835–1, 835c).

(4) States, their political subdivisions and agencies thereof, Act of July 7, 1970 (84 Stat. 411, 43 U.S.C. § 425).

(5) Naval Air Station, Lemoore, California, Act of August 10, 1972 (86 Stat. 531).

(f) *Excess Land Provisions Modified by Acts of Congress Authorizing Execution of Specific Contracts Negotiated Pursuant to Section 7 of the*

Reclamation Project Act of 1939 (53 Stat. 1187, 43 U.S.C. 485f).

(1) Kittitas Reclamation District, Kittitas Division, Yakima Project, Washington, Act of May 6, 1949 (63 Stat. 64).

(2) Prosser Irrigation District, Yakima Project, Washington, Act of October 27, 1949 (63 Stat. 943).

(3) Roza Irrigation District, Yakima Project, Washington, Act of June 30, 1954 (68 Stat. 359).

(4) Vale Oregon Irrigation District, Vale Project, Oregon, Act of October 27, 1949 (63 Stat. 943).

(5) Frenchtown Irrigation District, Frenchtown Project, Montana, Act of June 23, 1952 (66 Stat. 153).

(6) Owyhee Irrigation District, Ontario-Nyssa Irrigation District, Gem Irrigation District, Ridgeview Irrigation District, Advancement Irrigation District, Payette-Oregon Slope Irrigation District, Crystal Irrigation District, Bench Irrigation District, and Slide Irrigation District, Owyhee Project, Idaho-Oregon, Act of June 23, 1952 (66 Stat. 152).

(7) Gering and Ft. Laramie Irrigation District, Goshen Irrigation District, and Pathfinder Irrigation District, North Platte Project, Nebraska-Wyoming, Act of July 17, 1952 (66 Stat. 754).

(8) Hermiston Irrigation District and West Extension Irrigation District, Umatilla Project, Oregon, Act of June 18, 1954 (68 Stat. 254).

(9) North Unit Irrigation District, Deschutes Project, Oregon, Act of August 10, 1954 (68 Stat. 679).

(10) American Falls Reservoir District No. 2, Minidoka Project, Idaho, Act of August 21, 1954 (68 Stat. 762).

(11) Black Canyon Irrigation District, Boise Project, Idaho, Act of August 24, 1954 (68 Stat. 794).

(12) Tulelake Irrigation District, Klamath Project, California-Oregon, Act of August 1, 1956 (70 Stat. 799).

§ 426.4 Definitions.

(a) *Adjoining neighbors* are eligible takers of excess land who own or lease land contiguous to the parcel which includes, in whole or in part, the excess land which is to be transferred.

(b) *Class 1 irrigable land,* is project land determined by the Secretary to be the most potentially productive, on a net income per acre basis, in a particular project. This concept is used to determine nonexcess land entitlement on those projects for which class 1 equivalency has been authorized. Class 1 equivalency allowances will be permitted only for those lower land classes where the maximum acreage allowable by law is not sufficient to provide a reasonable level of family income.

(c) *Commingled water* is water comprised of both project and nonproject water stored in or delivered by or through a common facility.

(d) *Date of unitial availability of water* shall mean the date that project water becomes available to an irrigation block (a designated portion of the irrigable land of a project) as determined by the Secretary.

(e) *Designated nonexcess land* is the land of an excess landowner which has been designated, under terms of the water service or repayment contract or as provided in these rules, to be eligible to receive project water as his or her nonexcess land.

(f) *District* shall mean any entity or individual which has a contract, lease, license or permit with the United States for a water supply for agricultural purposes.

(g) *Eligible taker* is an individual who (1) qualifies as a resident holder defined in 426.4(t) or who has under oath agreed to become, and shall become, a resident holder within three years of acquisition of the land; (2) will not, after the acquisition, be the owner of excess land as defined in 426.4(h); and (3) has met all other requirements of reclamation law and these rules.

(h) *Excess land* is irrigable land, other than exempt land, capable of being served with water from any Federal project under the reclamation law, owned or controlled by any person in excess of the maximum allowable acreage under reclamation law. In determining excess land all lands in all districts held by any one person shall be considered. Excess land refers only to the acreage limitation and not to the residency requirement; that is, a parcel of land within the maximum allowable acreage but held by a non-resident shall not be considered excess land.

(i) *Exempt land* is irrigable land in a project governed by Reclamation law to which the acreage limitation provisions do not apply. Exempt status may be based on: (1) express statutory exemptions, which include projects listed in § 426.3(a) and contracts approved by Congress which are listed in § 426.3(f); (2) implied statutory exemptions where the Solicitor has determined, in a formal indexed Memorandum Opinion, that Congress did not intend the restrictions to apply because no federal subsidy is involved in the storage or delivery of such water; i.e., the total cost to the Federal Government of such storage and delivery is recovered in full, or (3) exemptions based on a determination buy the Secretary, upon payout of construction charges over a full repayment period, that a general pattern of family-size ownership has developed (Sol. Op. M–36634, 68 I.D. 372, 400–401, Note 73 (1961)). Exemptions from the acreage limitation do not include exemptions from the residency requirements unless otherwise provided by Congress.

(j) *Family relationship* shall include persons in a direct lineal descendent relationship, siblings, and spouses. For example, brothers and sisters, their parents, grandparents, children, grandchildren and spouses are considered in a family relationship.

(k) *Irrigable land.* For the purpose of determining the areas to which acreage limitations are applicable, irrigable land is the acreage possessing irrigated crop production potential, after excluding areas occupied by and currently used for homesites, farmstead buildings, and corollary permanent structures such as feed lots, equipment storage yards, and similar facilities, together with dedicated roads open for unrestricted use by the public. Areas used for field roads, farm ditches and drains, tail water ponds, temporary equipment storage, and other improvements subject to change at will by the landowner, are included in the irrigable acreage.

(l) *Leasing* is a legal arrangement where the person owing the land (the leassor) relinquishes to another (the lessee) effective control operation and management of the land, in exchange for cash or other value. Contract arrangements for limited use of the land, such as for part-year livestock grazing, or for sale or use of crop residue, shall not be considered leasing.

(m) *Long-time tenants or employees* are eligible takers who have leased land from, or been employed by, the owner the excess lands being diposed of for 10 years preceding the disposal of the excess lands.

(n) *Neighborhood of the land* is an area comprised of a maximum 50-miles radius from the particular tract of land receiving water from a Federal project governed by Reclamation law. The Secretary may, after public hearing, reducing the maximum radius in particular districts, depending upon local conditions, where he determines modifications will help carry out the objectives of the law and these regulations to encourage owner-occupied family farming.

(o) *Non-excess land* is irrigable land capable of being served with project water, owned or controlled by one person, which does not exceed the maximum allowable acreage under Reclamation law.

(p) *Non-project water* is any water other than project water. Lands served by only non-project water shall not be subject to the limitations of Reclamation law.

(q) *Project water* is water that is developed or furnished under reclamation law by or through federally financed facilities to a District as defined in 426.4(f). All deliveries of project water shall be subject to the limitations of Reclamation law except to the extent the land served is exempt land as defined in 426.4(i).

(r) *Recordable contract* is an agreement by an excess landowner to sell specific excess lands upon terms and conditions satisfactory to the Secretary and at prices not to exceed those fixed by the Secretary, which renders those excess land eligible to receive project water. The contract must be recorded in the official records of the county in which the land is situated.

(s) *Repayment or water service contract* refers to any legal arrangement in which the United States agrees to supply agricultural water to particular districts, and includes any subcontracts to master agreements with particular districts.

(t) *Resident holder* is a person having a beneficial ownership interest in, or who leases, land receiving project water, who is eighteen years of age or older, who is an actual bona fide resident on or in the neighborhood of the land, and who is substantially involved in the farming operation on the land receiving project water.

(u) *Secretary or contracting officer* shall mean the Secretary of the Interior or his duly authorized representative.

§426.5 Residency.

(a) Except as provided by subsections (b), (c), (d), or (e) below, all persons who have a beneficial ownership interest in, or who lease, land receiving project water, shall be resident holders in order to maintain eligibility to receive project water.

(b) Notwithstanding subsection (a) above, the Secretary may, upon application submitted under oath by an individual showing that he or she has previously met the residency requirement while owning or controlling land receiving project water, but is no longer able to qualify as a resident because of ill-health, age, or other physical infirmity requiring the establishment of residency more than 50 miles from the land benefited, waive the residency requirement for that individual.

(c) Except as otherwise provided by subsection (d)(5), when land receiving project water is leased, both the lessor and lessee must qualify as resident holders in order for the land to remain eligible to receive project water.

(d) In recognition of the fact that the residency requirement has not been enforced for many years, and in order to avoid undue hardships that may arise if the requirement is enforced too abruptly, the following rules shall apply to allow gradual enforcement of the requirement:

(1) A taker of land after January 1, 1978 must be an eligible taker in order to maintain eligibility to receive project water on the land.

(2) Individuals who own land purchased prior to January 1, 1978, who are not now resident owners, but who otherwise qualify to receive project water on their lands, need not become resident holders. New owners taking at the first transfer of beneficial ownership, however it occurs, must be eligible takers.

(3) Where a family corporation or other form of multiple ownership comprised of individuals in a family relationship with each other, owned land eligible to receive project water prior to January 1, 1978, the individuals involved need not become resident holders to maintain their eligibility to receive project water. Transferees, by whatever means, of beneficial ownership interests in such family corporations or multiple ownerships referred to in the preceding sentence must be eligible takers.

(4) With respect to lands now owned by corporations or other entities, whose beneficial owners are not in a family relationship, a 5-year transition period shall be provided, to enable such owners to transfer their ownership to eligible takers, or to procure other supplies of water.

(5) Current lessees of lands receiving project water who are not now resident holders must become so at the termination of any valid written leases of a limited term in effect on January 1, 1978, or 5 years from the effective date of the regulations, whichever is greater.

§ 426.6 Non-excess land, designation, price approval.

(a) An owner holding only non-excess land may receive project water for that land if otherwise qualified under these rules and the district contract.

(b) An excess landowner may receive project water for his non-excess holdings only after the land is designated to receive project water as non-excess land. Such designation shall be made in accordance with provisions of the district contract with the United States or, in the absence of contract provisions, as determined by the Secretary.

(c) An excess landowner may, with the consent of the contracting officer, change the lands designated as non-excess, provided that at least an equal amount of irrigable land becomes excess by the redesignation, under the same terms and conditions as if such land had been excess at the time of the original designation.

(d) To retain its eligibility to receive project water, non-excess land originally acquired from excess status for an approved price must be sold at a price approved by the Secretary as not reflecting project benefits, if it is resold within 15 years from the date of acquisition into non-excess status. For a period after 15 years and until one-half of the total irrigation construction obligation of the district in which the lands are situated is paid in regularly scheduled installments, the Secretary shall review and approve sale prices to prevent unreasonable profit from accruing to the seller. The seller shall provide satisfactory assurance to the Secretary that the deed transferring land subject to the provisions of this section contains a covenant reflecting the need for price approval in subsequent sales.

§ 426.7 Class 1 equivalency.

(a) If Class 1 equivalency is authorized for a project, an individual's non-excess entitlement using the class 1 equivalency concept will be determined on the basis of his landholding in each land class.

(b) Class 1 land and irrigable lands in lower land classes will be determined by the Bureau of Reclamation in accordance with established procedures. Irrigable land on such a project will be classified on the basis of land productivity taking into consideration latitude, climate, land development, and farm production costs, soil type, drainage, and quality of water.

(c) Class 1 equivalency factors are determined by comparing the productive potential of class 1 land, under average management, with the productive potential of lower class land. The objective is to establish the fraction of an acre of class 1 land which is equal in net value of production to an acre of each other class of land. Equivalency factors based on physical and economic criteria shall be determined by the Secretary, unless Congress has established them by statute. Where determined by the Secretary, equivalency factors established for a district will be published in the Federal Register at least 60 days prior to their application to lands of the district.

(d) Class 1 equivalency can be used by a district only where authorized by Congress and only if its repayment or water service contract with the United States contains a provision for its use.

§ 426.8 Circumstances under which project water may be delivered to excess lands.

Project water may be delivered to excess lands only under the following circumstances:

(a) *Recordable contract.* (1) Excess land may receive project water if the owner, under terms and conditions satisfactory to the Secretary, executes a valid recordable contract for the sale of that land to an eligible taker. No excess land may become eligible to receive water by the execution of a recordable contract unless such excess land was owned, on the date of initial availability of water to the district, by the landowner requesting execution of the recordable contract. Where project water is made available to excess land through temporary diversion or withdrawal facilities, the Secretary may establish the date of initial availability of water for the land at that date, and require the execution of a recordable contract before further deliveries can be made.

(2) Land made excess because of new regulations, enforcement policies or court decisions may have been purchased at a price which reflects the availability of federally-subsidized water. Therefore, the Secretary may, in his discretion, execute contracts for such land which provide that the land may be sold under terms and at a price the Secretary deems fair and equitable considering all the circumstances, including the price at which the land was purchased. Where the Secretary decides to execute such a recordable contract, owners of such excess lands shall have one year from the effective date of these regulations to sign the recordable contract in order not to interrupt delivery of project water to such excess lands.

(3) Repayment and water service contracts executed after the date of these regulations shall include the following provisions for recordable contracts: (i) a landowner shall execute a recordable contract with respect to any excess land not later than 5 years after the date of initial availability of water; (ii) the sale price must not reflect value that can be attributed to the construction or proposed construction of the project; (iii) no recordable contract period shall extend beyond 5 years after the date of initial availability of water; (iv) if the disposition of the land is not completed by the end of the recordable contract period, irrevocable power of attorney shall vest in the Secretary as attorney in fact for the landowner to sell the lands under such conditions suitable to the Secretary; (v) prior to the end of the recordable contract period, excess land may, with approval of the contracting officer, be withdrawn from contract coverage and redesignated non-excess provided that at least an equal amount of irrigable land previously designated non-excess is substituted and becomes subject to all the terms of the recordable contract as though it were originally subject to them; (vi) recordable contracts shall remain in force until the sale of the land is consummated as approved by the Secretary; (vii) no recordable contract with respect to excess lands held in a multiple ownership arrangement will be of any force or effect unless all persons or entities having an interest in the ownership are bound by the terms of the recordable contract.

(b) *Involuntary Acquisition of Excess Land.* Project water may be delivered to lands which become excess when acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgage, by inheritance, or by devise, only in accordance with the Act of July 11, 1956 (70 Stat. 524).

(c) *Lands Acquired by Surviving Spouse.* Non-excess lands which become excess in the ownership of a surviving spouse upon the death of a husband or wife may receive project water only in accordance with the Act of September 2, 1960 (74 Stat. 732).

(d) *Excess Lands Owned by States, Political Subdivisions, and Agencies Thereof.* Such lands are eligible for project water in accordance with the Act of July 7, 1970 (84 Stat. 411).

(e) *Lands Administered or Controlled by Federal Agencies.* If project water is delivered to lessees of Federal lands for irrigated farming purposes, the lessees shall be bound by the same restrictions as the landowner unless the Solicitor has published a formal indexed Memorandum Opinion holding Congress did not intend the reclamation law to apply.

(f) *Excess Lands Subject to the Small Reclamation Project Act and Other Special Statutory Provisions.* These provisions, listed at § 426.3(d), allow for payment of interest on excess lands to allow delivery of project water.

(g) *Projects exempted by statutes.* These provisions are listed at § 426.3(a) and exempt those projects from the acreage limitation restrictions of reclamation law. The residency requirement, however, remains in effect unless and until Congress otherwise provides.

§ 426.9 Lands not eligible to receive project water.

(a) Excess lands are not eligible to receive project water except as provided by § 426.8.

(b) Land acquired into excess status after the announded date of initial availability of project water and after the effective date of these regulations is not eligible to be placed under recordable contract, except as provided in § 426.8(a)(2).

(c) Land owned or leased by individuals who do not comply with the residency requirements set forth in § 426.5 are not eligible to receive project water.

(d) Land owned or leased by corporations or multiple ownerships which do not meet the requirements set forth in section 426.12 are not eligible to receive project water.

§ 426.10 Disposition of excess lands.

(a) Except as provided in section 426.8(a)(2), in order to become eligible to receive project water in the hands of the taker, excess lands must be disposed of to an eligible taker at a price approved by the Secretary, based on their bona fide value at the date of appraisal without reference to the enhancement to the construction or proposed construction of project works.

(b) Up to one year before expiration of the recordable contract disposition period the owner of excess land can dispose of the excess land to an eligible taker of his choice provided the taker is a family relation, a long-time tenant or employee, or an adjoining neighbor of the excess landowner. When excess land under recordable contract is not sold prior to the expiration of the recordable contract period, power of attorney shall vest in the Secretary, who shall sell the land by lottery or other impartial means to an eligible taker of excess land.

(c) If the excess landowner has not sold his or her excess land to a person eligible under subsection (b) of this section by one year before power of attorney vested in the Secretary, the excess landowner shall divide his land under recordable contract into parcels of no more than 160 acres. If he or she fails to do so, the Secretary shall divide the land.

(1) When the excess landowner desires to sell his or her land other than to a person eligible under subsection (b), and in no event less than six months before the power of attorney vests in the Secretary as provided in the recordable contract, the Secretary shall publish widely a notice of availability of such land, which describes the land and its possible uses, and which includes the

expiration date of the recordable contract.

(2) All prospective eligible non-excess owners interested in the purchasing a particular parcel shall file with the Regional Director formal expression of interest which will describe their financial and other capacity to own and farm the land.

(3) When the owner of the particular parcel under recordable contract desires to sell the land other than to a person eligible under subsection (b) of this section, or when power of attorney vests in the Secretary under the recordable contract, the Secretary shall, by lottery or other impartial means, select from those expressing an interest, a purchaser of the land at the approved price.

(4) The propsective purchaser shall have ninety days to obtain financing. Extension of this period may be granted upon good cause. Such financing must comply with reasonable terms established by the owner or, if power of attorney has vested, with the terms of the district contract with the United States.

(d) Applications for excess land sale price approval and for owner or buyer eligibility determinations shall be filed with the district and the appropriate office of the Bureau of Reclamation in a form satisfactory to the Secretary.

(e) The seller will not be permitted to lease the land back from the purchaser. The seller must not retain any interest in the land sold other than a purchase money mortgage or other equivalent purchase money security instrument. The seller may retain mineral rights and rights-of-way or access to his or her remaining holdings.

(f) The purchaser shall not be required to purchase personal, nonfixture farm property as a condition to purchasing excess land. Personal nonfixture property with a value of more than $500 that the seller wishes to sell at approximately the same time as the excess land must be reported in a manner satisfactory to the Secretary for inclusion in the appraisal of the property. A full disclosure of all items to be sold, including the prices at which they are to be sold, ust be made in application for excess land sale price approval.

(g) A gift or exchange of excess land must be approved in the same manner as a bona fide sale for value, in order for the land to be eligible to receive project water.

(h) The Secretary shall have a power of attorney to sell the land of a person who has stated his intent to become a resident holder as described in § 426.4(t), but who fails to do so within the time allowed. The deed by which the excess land is conveyed shall contain this restriction for those who do not qualify as resident owners at the time of purchase.

(i) Excess land sold in violation of these regulations will not be eligible to receive project water.

§ 426.11 Appraisals.

All appraisals of excess land and non-excess land subject to the price approval requirement of § 426.5(d) shall be made as follows:

(a) Appaisals of excess land shall be made upon request of the landowners or a prospective buyer, or when power of attorney provided for in a recordable contract vests in the Secretary.

(b) Appraisals shall be based on the fair market value of the land at the time of appraisal, without reference to the enhancement attributable to the construction or proposed construction of the project.

(c) Appraisals shall be made by an appraiser(s) designated by the Secretary. The cost of the first appraisal shall be paid by the United States. The landowner or prospective buyer may request a reappraisal within 60 days of notification from the United States of the appraised value. The party requesting a reappraisal may determine whether the appraisal is to be made by a single appraiser or a panel of three appraisers approved by the Secretary. The cost of this reappraisal shall be paid by the party requesting it.

(d) The value of all improvements on excess land, including structures, wells, pumps, permanent plantings and other property that may be included with a sale of excess land consistent with section 426.10(f), shall be appraised on the basis of its fair market value in accordance with standard appraisal procedures.

(e) The Secretary will funish the appraiser with the following information about nonproject water that may be available to irrigate the parcel being appraised. The Secretary shall determine the amount of nonproject water available to the parcel being appraised, giving consideration to any lawful and vested water rights. If an unadjudicated underground water supply is involved, an allocation will be made to the land being appraised of the lawfully available nonproject groundwater as of the date of initial availability of water. The amount allocated shall be reduced by the quantity that would have been used on the basis of preproject cropping patterns up to the date of appraisal. This allocation shall then be increased by the amount of nonproject recharge available to the land being appraised. The value of the designated property must reflect the projected continuing availability or nonavailability of the nonproject water supply considering preproject cropping patterns and nonproject recharge.

(f) The Secretary shall not approve appraisals of excess lands made after the sale has been consummated, except as provided in 426.6(d).

§ 426.12 Forms of ownership.

A multiple ownership shall not own more than 160 acres for each owner, shareholder, partner, or beneficiary who is qualified to be a participant in the multiple ownership. In no event shall a multiple ownership own more that 640 acres of land served with project water. A multiple ownership may lease an amount of land which, when added to the land it owns, equals no more than 960 acres. All multiple ownerships must meet the conditions set forth below:

(a) *Individual ownership.* An individual may receive project water for his or her lands if he or she meets all the requirements of an eligible taker as defined in section 426.4(g)

(b) *Tenancies in common, joint tenancies, and tenancies by the entirety.* In order for these ownerships to hold more than the maximum acreage allowed for an individual, (1) each owner included must qualify as an eligible taker of excess land, and (2) a family relationship must exist among all the owners.

(c) *Corporations.* In order for a corporation to hold more than the maximum acreage allowed for an individual, (1) each shareholder must qualify as an eligible taker, and (2) a family relationship must exist among all the shareholders.

(d) *Partnerships.* A partnership must comply with each of the following in order to hold more than the maximum allowable acreage for an individual: (1) each partner must qualify as an eligible taker, and (2) each partner must have a right to partition or alienate his share of the property, and (3) a family relationship must exist among all the partners.

(e) *Trusts.* A trust may hold up to one nonexcess entitlement of land per beneficiary provided each of the following criteria is met:

(1) Each beneficiary qualifies as an eligible taker.

(2) The trustee is unrelated to the trustor or the beneficiaries and is not an employee of the trustor.

(3) The trust is irrevocable and constitutes a grant of all ownership, dominion, and control over a specifically described parcel of land.

(4) The trust property consists solely of the land granted;

(5) The trust document identifies each person who is a beneficiary and prescribes the undivided interest of each in the trust property, which undivided interest in no event shall represent a share in the total corpus of the trust greater than the ratio of one non-excess entitlement to the total acreage of the trust.

(6) The trustee named receives compensation only for management services, and neither acquires any interest of a beneficiary nor transacts in his individual capacity any business with the trust. Any attempt to do either shall void the eligibility of the land in the trust to receive water.

(7) The trustee makes periodic distribution of net returns from operations to beneficiaries in proportion to their undivided interests in the trust property.

(8) If at any time the undivided interest of a beneficiary represents an area of irrigated land excess to that which he might hold as a non-excess owner, the trustee shall designate the land which is to receive water as non-excess based on § 426.5(a). In the absence of such designation all land in the trust shall be deemed excess so long as that situation continues to exist. If a beneficiary acquires other land not in the trust which, together with his beneficial interest, exceeds that which he may hold as a non-excess owner, the land not in the trust that exceeds the non-excess entitlement of the beneficiary shall be deemed excess land.

(9) Each beneficiary or guardian of a beneficiary has the right, at his option, to a partition within the trust of his interest in the trust.

(10) A family relationship exists among all the beneficiaries.

(f) *Unrelated adults.* Notwithstanding the requirements set forth in (a) through (e) above, any two eligible takers may own land in the forms of ownership in (a) through (e) above regardless of whether they are in a family relationship with each other.

(g) *Minors.* An individual under eighteen years of age may beneficially own land served by project water so long as the acreage involved is counted against the ownership entitlement of an eligible taker.

§ 426.13 Leases.

(a)(1) Each individual owner may lease an amount of land served with project water which, when added to the land served with project water he or she owns, equals no more than 480 acres. If an individual does not own land served with project water, he or she may lease up to 480 acres.

(2) A multiple ownership authorized under section 426.12 may lease an amount of land served with project water which, when added to the land served with project water it owns, equals no more than 960 acres.

(b) Except as provided in section 426.5, both the lessor and lessee must qualify as resident holders as defined in 426.4(t). If the lessor or lessee is a multiple ownership, all owners, shareholders, partners, or beneficiaries of the multiple ownership must qualify as resident owners.

(c) Each lease of lands served by project water must be filed by the lessee with the District, which shall maintain a file for public inspection and report to the Secretary annually on the number and terms of outstanding leases of lands within the District served by project water, including such specific information as the Secretary may request.

(d) This section shall not apply during the term of any valid written lease of a limited term in effect on January 1, 1978, or 5 years from the effective date of these regulations, whichever is greater.

§ 426.14 Application of the acreage limitation.

(a) The provisions of §§ 426.12 and 426.13 will apply immediately to any purchaser or lessee of lands, excess or non-excess, occurring after January 1, 1978.

(b) The acreage limitation of reclamation law shall apply to all land owned by any one individual or entity regardless of whether the lands (1) are served by more than one federal project subject to reclamation law; or (2) are located in more than one district receiving project water subject to reclamation law. Owners of land made excess by this provision shall have one year from the effective date of these regulations in which to comply with the provisions of these regulations to allow continued delivery of federally-subsidized project irrigation water.

(c) Corporations or multiple ownerships, in which all shareholders, tenants, owners, partners or beneficiaries were not in a family relationship as defined in section 426.4(j) on August 25, 1977, will have five years from the effective date of these regulations to transfer their lands receiving project water to eligible takers as defined in section 426.4(g) in order for the lands to maintain eligibility to receive project water. Recordable contracts in effect on the effective date of these regulations will, however, be honored.

§ 426.15 Commingling.

(a) Project water may be stored in or transported from, through, or by means of nonfederally constructed facilities used to convey nonproject water if, in the opinion of the Secretary, such mingling is necessary to avoid duplication of facilities. The provisions of Reclamation law and of these regulations shall be applicable only to the quantity of project water thus involved.

(b) When mingling project water with nonproject water is permitted, the contractor shall be required to take such actions, keep such records, and install and maintain such measuring devices as in the opinion of the Secretary are necessary to ensure that at no time is the quanity of water delivered to, or removed as drainage water from, lands ineligible for project irrigation benefits under Reclamation law greater than the quantity introduced from nonproject sources.

(c) Federally financed facilities constructed to replace private facilities previously used to serve private lands but destroyed, impaired or rendered inoperative by project construction, are considered non-federally constructed facilities for the purposes of this section, if the Secretary finds no additional water is made available as a result of the construction of the new facilities.

§ 426.16 Recordkeeping by districts.

In addition to specific requirements established in these regulations, the Districts shall compile and maintain residency, land ownership, and lease records and such other information and records that the Secretary determines are reasonably necessary to assist in enforcing these regulations and reclamation law. These records shall be in a form satisfactory to the Secretary and shall include, but may not be limited to: (i) identity and residence of owners and lessees of lands receiving project water, and number of acres owned or leased; and (ii) sale price of excess and formerly excess lands. Reports shall be furnished to the Secretary by the District in such form and on such dates as the Secretary may require. Subject to applicable laws and regulations, the Secretary shall have the right to examine and copy the records kept by the District.

§ 426.15 Decisions and appeals.

Unless otherwise provided by the Secretary, the Regional Director shall make any determination required under these rules and regulations. A party directly affected by such determination may appeal in writing to the Commissioner of the Bureau of

Reclamation within 30 days of receipt of the Regional Director's determination. The affected party shall have an additional 30 days thereafter within which to submit a supporting brief or memorandum to the Commissioner. The Regional Director's determination will be held in abeyance until the Commissioner has reviewed the matter and rendered a decision. Pertinent addresses are shown below:

Commissioner, Water and Power Resources Service, Department of the Interior, 18th and C Street, NW., Washington, DC 20240

Regional Director, Pacific Northwest Region, Water and Power Resources Service, 550 West Fort Street, P.O. Box 043, Boise, ID 83724

Regional Director, Mid-Pacific Region, Water and Power Resources Service, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825

Regional Director, Lower Colorado Region, Water and Power Resources Service, Nevada Highway and Park Street, P.O. Box 427, Boulder City, NV 89005

Regional Director, Upper Colorado Region, 125 South State Street, P.O. Box 11568, Salt Lake City, UT 84147

Regional Director, Southwest Region, Water and Power Resources Service, 714 South Tyler, Amarillo, TX 79101

Regional Director, Upper Missouri Region, 316 North 26th Street, P.O. Box 2553, Billings, MT 59103

Regional Director, Lower Missouri Region, Water and Power Resources Service, Building 20, Denver Federal Center, P.O. Box 25247, Lakewood, CO 80225

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DEPARTMENT OF THE INTERIOR

Water and Power Resources Service

[INT-DES 81-1]

Acreage Limitation; Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Policy Act of 1969, as amended, the Department of the Interior has prepared a draft environmental impact statement on proposed rules and regulations for administering the acreage limitation provisions of Reclamation law. The statement examines the effects of the proposed rules, as well as several alternatives, on farms in the 17 Western States which are served with federally developed water and subject to the acreage limitation provisions. Written comments may be submitted to: Phillip T. Doe, Study Co-Team Leader, Water and Power Resources Service, Engineering and Research Center, P.O. Box 25007, D-700, Denver, CO 80225, Telephone: (303) 234-2016. The closing date for written comments is March 16, 1981.

Copies of the draft environmental statement are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7622, Water and Power Resources Service, Washington, DC 20240, Telephone: (202) 343-4991

Division of Management Support, General Services, Library Section, Code 950, Engineering and Research Center, P.O. Box 25007, Denver Federal Center, Denver, CO 80225, Telephone: (303) 234-3019

Regional Director, Pacific Northwest Region, Water and Power Resources Service, 550 West Fort Street, P.O. Box 043, Boise, ID 83724, Telephone: (208) 384-1208

Regional Director, Mid-Pacific Region, Water and Power Resources Service, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825, Telephone: (415) 916-4680

Regional Director, Lower Colorado Region, Water and Power Resources Service, Navada Highway and Park Street, P.O. Box 427, Boulder City, NV 89005, Telephone: (703) 293-7652

Regional Director, Upper Colorado Region, 125 South State Street, P.O. Box 11568, Salt Lake City, UT 84147, Telephone: (801) 234-5457

Regional Director, Southwest Region, Water and Power Resources Service, 714 South Tyler, Amarillo, TX 79101, Telephone: (806) 378-5400

Regional Director, Upper Missouri Region, 316 North 26th Street, P.O. Box 2553, Billings, MT 59103, Telephone: (406) 657-6412

Regional Director, Lower Missouri Region, Water and Power Resources Service, Building 20, Denver Federal Center, P.O. Box 25247, Lakewood, CO 80225, Telephone: (303) 234-3327

Copies will also be available for inspection at other Federal offices and public and university libraries within each region. Their location may be obtained by contacting the appropriate regional office.

Individual copies of the statement may be obtained on request to any of the offices shown above.

Public hearings on the draft environmental impact statement at locations throughout the 17 Western States and in Washington, D.C. will be scheduled. Publication of the dates and locations for these hearings will be made in a subsequent notice in the **Federal Register.**

Dated: January 7, 1981.

Cecil D. Andrews,

Secretary of the Interior.

[FR Doc. 81-1091 Filed 1-13-81; 8:45 am]

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federal register

Wednesday
January 14, 1981

Part III

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Comments on Proposed Red Lechwe Reclassification

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Comments on Proposed Red Lechwe Reclassification

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Omission of comments from final rule.

SUMMARY: The Service inadvertently omitted from its final rulemaking of October 1, 1980, on the reclassification of the red lechwe *(Kobus leche)*, comments received from Monitor pertaining to the proposed action. The Service regrets this oversight and herewith presents Monitor's comments and the Service's response.

FOR FURTHER INFORMATION CONTACT: John L. Paradiso, (703) 235–1975.

SUPPLEMENTARY INFORMATION:

Background

On November 27, 1979, the Service published a proposed rulemaking to reclassify the red lechwe *(Kobus leche)* from Endangered to Threatened status. Since the red lechwe is on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the reclassification would permit the importation of red lechwe sport hunting trophies. On January 23, 1980, Monitor, a Washington based environmental organization, submitted official comments pertaining to the proposed reclassification in which were presented Monitor's views in opposition. Unfortunately these comments were not received in the Office of Endangered Species and hence were not addressed in the final rulemaking which was published on October 1, 1980 (45 FR 65132). This oversight was called to the Service's attention in a letter from Monitor dated October 2, 1980. The Service regrets this oversight and herewith publishes a summary of Monitor's comments and the Service's responses.

Monitor made the following points in its communication:

(1) that thousands of miles of wetland habitat for the red lechwe have been destroyed through drought and construction of dams and reservoirs;

(2) that the Zambia and Zaire populations of the red lechwe are small, while the Botswana population remains vulnerable and endangered due to continuing loss of habitat;

(3) that permitting trophy hunting (which the reclassification does) will further deplete wild populations; and

(4) that no new scientific or biological information was submitted to support the reclassification.

The Service responds to these points as follows:

(1) although much of the once extensive habitat of the red lechwe has been destroyed, there are still thousands of square miles of original habitat remaining, which in the Service's opinion, are quite adequate to support existing populations and to provide for future increased populations of all three races of the species;

(2) in response to this comment, the Service cites from its final rulemaking of October 1, 1980 (45 FR 65132):

> Since early in this century, all subspecies have undergone marked declines in number, attributed in part to uncontrolled market and subsistence hunting and in part to a decrease in habitat. The red subspecies is still reasonably abundant in the Okavango and Chobe areas, except along the Caprivi Strip in South West Africa. It has been reported that 250 lechwe occur in the Busanga and Masozhi areas: 150 in the Luswishi River, 500 on Chisenga Island; 1,000 on the Simaraba flats and unknown numbers elsewhere in Zambia. In 1966, however, no lechwe were seen on Chisenga Island, but 600 were observed in the Lukanga Swamp. By 1971, the Busanga flats population had increased to 1,500 and to 3,000 in 1976. Other population estimates based on aerial surveys in 1976, were: Okavango Delta (Botswana), 30–40,000; Chobe River areas (Botswana), 10–15,000; and several thousand in the Okavango areas in Angola. The black subspecies was probably at its population low in the early 1950's, and since 1954, the count had not exceeded 15,000 until 1975 when Grunsdell and Bell of the Serengeti Institute reported an estimated 30,000 black lechwe in the Bangweulu Basin of Zambia (the estimate based on aerial surveys in 1976 was 20,000). The numbers of Kafue lechwe has stayed relatively stable since 1971 (90–100,000 on the Kafue flats in Zambia).

(3) trophy hunting has never at any time posed a threat to the survival of the red lechwe. A few lechwes will be taken as trophies under the new reclassification, but it will be under the control of CITES and will certainly not deplete wild populations as suggested by Monitor; and finally,

(4) the biological data that form the basis for the rulemaking were obtained from a special report prepared by Harry Goodwin titled "A Report on the Status of the Lechwe," September 1977.

Based on the above considerations, the Service finds that the comments submitted by Monitor do not warrant any change in the final determination of the lechwe as a Threatened species as published in the **Federal Register** on October 1, 1980. Again, the Service regrets that Monitor's comments were not incorporated into the final rulemaking as published on October 1, 1980. This notice was prepared by John L. Paradiso, Office of Endangered Species (703/235–1975).

Dated: January 7, 1981.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

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Part IV

Environmental Protection Agency

Assessing the Environmental Effects Abroad of EPA Actions

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 6

[ER-FRL 1555-4]

Assessing the Environmental Effects Abroad of EPA Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On January 4, 1979, President Carter signed Executive Order 12114 entitled "Environmental Effects Abroad of Major Federal Actions." This Executive Order required Federal agencies to develop implementing procedures. This amendment to the EPA regulations implementing the National Environmental Policy Act under 40 CFR Part 6 sets forth general policy, criteria, and requirements to be carried out within this Agency.

DATE: These regulations will be effective on February 13, 1981.

ADDRESS: Comments submitted on the regulations may be inspected at the Public Information Reference Unit, EPA Headquarters Room 2922, Waterside Mall 401 M Street, S.W., Washington, D.C., between 8:00 am and 4:30 pm on business days.

FOR FURTHER INFORMATION CONTACT: Judith Troast, Office of Environmental Review (A-104), 401 M Street, S.W., Washington, D.C. 20460, Telephone 202-755-0780.

SUPPLEMENTARY INFORMATION: Executive Order 12114 requires Federal agencies undertaking major actions to assess the effects of such actions abroad. This includes the possibility of preparing environmental impact statements for major actions significantly affecting the global commons as well as conducting environmental reviews of major actions affecting the global commons and foreign nations as required by these procedures. This final rule adds a new Subpart J under 40 CFR Part 6.

Proposed regulations were published in the **Federal Register** on November 29, 1979. EPA received two comment letters on the proposed regulations. As a result of the comments and further Agency analysis, we have made a number of changes to the proposed regulations. The following is the response to the comments:

1. Focusing on where the effects occur rather than where the action takes place—One set of comments addressed EPA's interpretation of Executive Order 12114 respecting the type of federal action that should come under environmental review. In the proposed regulations, EPA focused on significant federal actions which take place outside the boundaries of the United States. The Executive Order, however, makes no distinction as to where the action takes place but rather emphasizes the need for an environmental review based upon where the effects occur. The wording in the regulations has been changed to clarify this.

2. Definitions.—Comments suggested that EPA should define what is meant by the terms "environment," "significant," and "global commons," which are used throughout the regulations. We have adopted the definitions used in the Executive Order and added them to the text. Additionally, we have added a definition for "responsible official."

3. Coordinating with the State Department.—One comment stated that the regulations should make clear the need for Agency coordination with the State Department on foreign contacts. We note that the regulations do require responsible EPA officials to work with the State Department in communicating with foreign nations. We feel nothing further needs to be addressed with respect to this.

4. Addressing considerations which could modify the environmental review.—The Executive Order lists several considerations which could modify the contents, timing, and availability of documents to other affected agencies and nations. A comment suggested that these considerations should be addressed in the regulations. We have added a discussion of this to the text.

5. Changing the term "environmental assessment."—Two sections of the draft regulations, referred to an applicant's environmental evaluation as an "environmental assessment." One comment noted the inconsistency between this term and the word used in EPA's amended NEPA regulations (40 CFR Part 6) which refers to an EPA prepared document. To avoid confusion, we have changed this term to "environmental analysis."

6. Eliminating the word "contiguous."—In Sections 6.1002(a)(3) and 6.1004(c) the word "contiguous" has been eliminated because, as one comment suggested, there could be undertakings which would affect foreign nations not contiguous to the United States.

7. Changing reference to determine significance.—In Section 6.1003(a) reference is made to the criteria discussed in 40 CFR 6.506(a) (1) through (6) and (b) in determining significant effect. One comment stated that these criteria pertained to wastewater construction grants projects and was not applicable to the many other undertakings covered by these regulations. We agree and have changed the reference to CEQ's regulations (40 CFR 1508.27) which provide clearer guidance on what constitutes a significant impact.

8. Adding a subsection on Wastewater Facility Planning.—As a result of one comment, we have added a subsection (d) on Wastewater Facility Planning to Section 6.1003. Upon examination we determined that some activities addressed in a facility plan could have impacts abroad. Consequently, the impact of these activities should be assessed in the environmental review of the project.

9. Eliminating the section on "Notification."—Several comments suggested that we eliminate from the text the section on "Notification" (previously Section 6.1004) which addresses notification requirements to foreign nations under Section 12(b) of TSCA and 17(b) of the Federal Insecticide, Fungicide and Rodenticide Act. The present regulations do not create any additional obligations under these statutes. However, the impression was given that these activities fell under the purview of these regulations. While the discussion on notification was included only for information purposes, to avoid confusion we have eliminated it from the text.

Note.—EPA has determined that because this document does not constitute a major regulation within the meaning of Executive Order 12044 preparation of a regulatory analysis is not required.

Dated: January 7, 1981.

Douglas M. Costle,

Administrator.

40 CFR Part 6 is amended by adding a new Subpart J to read as follows:

Subpart J—Assessing the Environmental Effects Abroad of EPA Actions

Sec.

6.1001 Purpose and policy.
6.1002 Applicability.
6.1003 Definitions.
6.1004 Environmental review and assessment requirements.
6.1005 Lead or cooperating agency.
6.1006 Exemptions and considerations.
6.1007 Implementation.

Authority: Executive Order 12114.

Subpart J—Assessing the Environmental Effects Abroad of EPA Actions

§ 61.001 Purpose and policy

(a) *Purpose.* On January 4, 1979, the President signed Executive Order 12114 entitled "Environmental Effects Abroad

of Major Federal Actions." The purpose of this Executive Order is to enable responsible Federal officials in carrying out or approving major Federal actions which affect foreign nations or the global commons to be informed of pertinent environmental considerations and to consider fully the environmental impacts of the actions undertaken. While based on independent authority, this Order furthers the purpose of the National Environmental Policy Act (NEPA) (42 U.S.C. Sections 4321 et seq.) and the Marine Protection Research and Sanctuaries Act (MPRSA) (33 U.S.C. Sections 1401 et seq.). It should be noted, however, that in fulfilling its responsibilities under Executive Order 12114, EPA shall be guided by CEQ regulations only to the extent that they are made expressly applicable by this subpart. The procedures set forth below reflect EPA's duties and responsibilities as required under the Executive Order and satisfy the requirement for issuance of procedures under Section 2-1 of the Executive Order.

(b) *Policy.* It shall be the policy of this Agency to carry out the purpose and requirements of the Executive Order to the fullest extent possible. EPA, within the realm of its expertise, shall work with the Department of State and the Council on Environmental Quality to provide information to other Federal agencies and foreign nations to heighten awareness of and interest in the environment. EPA shall further cooperate to the extent possible with Federal agencies to lend special expertise and assistance in the preparation of required environmental documents under the Executive Order. EPA shall perform environmental reviews of activities significantly affecting the global commons and foreign nations as required under Executive Order 12114 and as set forth under these procedures.

§ 6.1002 Applicability

(a) Administrative actions requiring environmental review. The environmental review requirements apply to the activities of EPA as set forth below:

(1) Major research or demonstration projects which affect the global commons or a foreign nation.

(2) Ocean dumping activities carried out under section 102 of the MPRSA which affect the related environment.

(3) Major permitting or licensing by EPA of facilities which affect the global commons or the environment of a foreign nation. This may include such actions as the issuance by EPA of hazardous waste treatment, storage, or disposal facility permits pursuant to section 3005 of the Resource Conservation and Recovery Act (42 U.S.C. Section 6925), NPDES permits pursuant to section 402 of the Clean Water Act (33 U.S.C. Section 1342), and prevention of significant deterioration approvals pursuant to Part C of the Clean Air Act (42 U.S.C. Section 7470 et seq.).

(4) Wastewater Treatment Construction Grants Program under Section 201 of the Clean Water Act when activities addressed in the facility plan would have environmental effects abroad.

(5) Other EPA activities as determined by OER and OIA (see Section 6.1007(c)).

§ 6.1003 Definitions

As used in this subpart, "environment" means the natural and physical environment and excludes social, economic and other environments; "global commons" is that area (land, air, water) outside the jurisdiction of any nation; and "responsible official" is either the EPA Assistant Administrator or Regional Administrator as appropriate for the particular EPA program. Also, an action "significantly" affects the environment if it does *significant* harm to the environment even though on balance the action may be beneficial to the environment. To the extent applicable, the responsible official shall address the considerations set forth in the CEQ Regulations under 40 CFR 1508.27 in determining significant effect.

§ 6.1004 Environmental review and assessment requirements

(a) *Research and demonstration projects.* The appropriate Assistant Administrator is responsible for performing the necessary degree of environmental review on research and demonstration projects undertaken by EPA. If the research or demonstration project affects the environment of the global commons, the applicant shall prepare an environmental analysis. This will assist the responsible official in determining whether an EIS is necessary. If it is determined that the action significantly affects the environment of the global commons, then an EIS shall be prepared. If the undertaking significantly affects a foreign nation EPA shall prepare a unilateral, bilateral or multilateral environmental study. EPA shall afford the affected foreign nation or international body or organization an opportunity to participate in this study. This environmental study shall discuss the need for the action, analyze the environmental impact of the various alternatives considered and list the agencies and other parties consulted.

(b) *Ocean dumping activities.* (1) The Assistant Administrator for Water and Waste Management shall ensure the preparation of appropriate environmental documents relating to ocean dumping activities in the global commons under section 102 of the MPRSA. For ocean dumping site designations prescribed pursuant to section 102(c) of the MPRSA and 40 CFR Part 228, EPA shall prepare an environmental impact statement consistent with the requirements of EPA's Procedures for the Voluntary Preparation of Environmental Impact Statements dated October 21, 1974 (see 39 FR 37419). Also EPA shall prepare an environmental impact statement for the establishment or revision of criteria under section 102(a) of MPRSA.

(2) For individual permits issued by EPA under section 102(b) an environmental assessment shall be made by EPA. Pursuant to 40 CFR Part 221, the permit applicant shall submit with the application an environmental analysis which includes a discussion of the need for the action, an outline of alternatives, and an analysis of the environmental impact of the proposed action and alternatives consistent with the EPA criteria established under Section 102(a) of MPRSA. The information submitted under 40 CFR Part 221 shall be sufficient to satisfy the environmental assessment requirement.

(c) *EPA permitting and licensing activities.* The appropriate Regional Administrator is responsible for conducting concise environmental reviews with regard to permits issued under Section 3005 of the Resource Conservation and Recovery Act (RCRA permits), Section 402 of the Clean Water Act (NPDES permits), and Section 165 of the Clean Air Act (PSD permits), for such actions undertaken by EPA which affect the global commons or foreign nations. The information submitted by applicants for such permits or approvals under the applicable consolidated permit regulations (40 CFR Parts 122 and 124) and Prevention of Significant Deterioration (PSD) regulations (40 CFR Part 52) shall satisfy the environmental document requirement under Section 2-4(b) of Executive Order 12114. Compliance with applicable requirements in Part 124 of the consolidated permit regulations (40 CFR Part 124) shall be sufficient to satisfy the requirements to conduct a concise environmental review for permits subject to this paragraph.

(d) *Wastewater Treatment Facility Planning.* 40 CFR 6.507 details the environmental review process for the

facilities planning under the wastewater treatment works construction grants program. For the purpose of these regulations, the facility plan shall also include a concise environmental review of those activities that would have environmental effects abroad. This shall apply only to the Step 1 grants awarded after the effective date of these regulations. Where water quality impacts identified in a facility plan are the subject of water quality agreements with Canada or Mexico, nothing in these regulations shall impose on the facility planning process coordination and consultation requirements in addition to those required by such agreements.

(e) *Review by other Federal agencies and other appropriate officials.* The responsible officials shall consult with other Federal agencies with relevant expertise during the preparation of the environmental document. As soon as feasible after preparation of the environmental document, the responsible official shall make the document available to the Council on Environmental Quality, Department of State, and other appropriate officials. The responsible official with assistance from OIA shall work with the Department of State to establish procedures for communicating with and making documents available to foreign nations and international organizations.

§ 6.1005 Lead or cooperating agency.

(a) *Lead Agency.* Section 3–3 of Executive Order 12114 requires the creation of a lead agency whenever an action involves more than one federal agency. In implementing Section 3–3, EPA shall, to the fullest extent possible, follow the guidance for the selection of a lead agency contained in 40 CFR 1501.5 of the CEQ regulations.

(b) *Cooperating Agency.* Under section 2–4(d) of the Executive Order, Federal agencies with special expertise are encouraged to provide appropriate resources to the agency preparing environmental documents in order to avoid duplication of resources. In working with a lead agency, EPA shall to the fullest extent possible serve as a cooperating agency in accordance with 40 CFR 1501.6. When other program commitments preclude the degree of involvement requested by the lead agency, the responsible EPA official shall so inform the lead agency in writing.

§ 6.1006 Exemptions and considerations.

Under section 2–5 (b) and (c) of the Executive Order, Federal agencies may provide for modifications in the contents, timing and availability of documents or exemptions from certain requirements for the environmental review and assessment. The responsible official, in consultation with the Director, Office of Environmental Review (OER), and the Director, Office of International Activities (OIA), may approve modifications for situations described in 2–5(b). The responsible official, in consultation with the Director, OER and Director OIA, shall obtain exemptions from the Administrator for situations described in section 2–5(c). The Department of State and the Council on Environmental Quality shall be consulted as soon as possible on the utilization of such exemptions.

§ 6.1007 Implementation.

(a) *Oversight.* OER is responsible for overseeing the implementation of these procedures and shall consult with OIA wherever appropriate. OIA shall be utilized for making formal contacts with the Department of State. OER shall assist the responsible officials in carrying out their responsibilities under these procedures.

(b) *Information exchange.* OER with the aid of OIA, shall assist the Department of State and the Council on Environmental Quality in developing the informational exchange on environmental review activities with foreign nations.

(c) *Unidentified activities.* The responsible official shall consult with OER and OIA to establish the type of environmental review or document appropriate for any new EPA activities or requirements imposed upon EPA by statute, international agreement or other agreements.

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January 14, 1981

Part V

Department of Energy

Economic Regulatory Administration

Procedures for Obtaining Crude Oil for the Strategic Petroleum Reserve by Exchange of Naval Petroleum Reserves Crude Oil and Other Means; Final Rule

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-80-23]

Obtaining Crude Oil for the Strategic Petroleum Reserve by Exchange of Naval Petroleum Reserves Crude Oil and Other Means

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is adopting amendments to the Mandatory Petroleum Allocation Regulations, 10 CFR Part 211, to establish procedures for obtaining crude oil for storage in the Strategic Petroleum Reserve (SPR) by exchange of Naval Petroleum Reserves (NPR) crude oil and other means. The amendments adopted establish a new provision (§ 211.68) in the allocation regulations authorizing DOE to require the fifteen major integrated refiners and other refiners with refining capacities in excess of 175,000 barrels per day (B/D) to supply crude oil for storage in the SPR in exchange for NPR crude oil. This provision also authorizes DOE to compensate a refiner delivering oil to the SPR in cash. Also included in the amendments adopted is a provision to accord special temporary relief, through the Emergency Buy/Sell Program, for certain small refiners suffering a crude oil supply loss due to the withdrawal by the Federal Government of NPR crude oil from the market.

EFFECTIVE DATE: February 13, 1981.

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SUPPLEMENTARY INFORMATION:

I. Background
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A. Section 404 of the DOE Act
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I. Background

On August 8, 1980, we issued a notice of proposed rulemaking (NOPR) to give notice of and obtain public comment on proposed alternative amendments to the allocation regulations to establish procedures for obtaining crude oil for storage in the SPR by exchange of NPR crude oil and other means (45 FR 54662, August 15, 1980). Two alternative amendments were proposed, each of which was designed to provide a regulatory framework under which DOE could require certain refiners to deliver crude oil to the SPR to meet the storage needs of the SPR.

The Energy Security Act ("ESA", Pub. L. 96-294, June 30, 1980) provided that unless a 100,000 B/D average annual fill rate is achieved beginning with the 1981 fiscal year, DOE may not, except in a few specific instances, sell or otherwise dispose of the Federal Government's share of crude oil from the Naval Petroleum Reserve No. 1 at Elk Hills, California other than to fill the SPR directly or by exchange for other crude oil.*

Shortly after issuance of the NOPR in August, the Defense Fuel Supply Center (DFSC) of the Department of Defense, on behalf, of DOE, issued a solicitation for competitively-conducted exchanges of NPR crude oil for other crude oil to be delivered to the SPR (RFP-DLA-600-80-R-0369, August 11, 1980, as reissued October 17, 1980). As a result of the DFSC solicitation, contracts now have been entered into for the delivery of crude oil to the SPR at an average rate of 100,364 B/D over the period October 1, 1980, through September 30, 1981, in exchange for NPR crude oil. In addition, a direct shipment via pipeline of 641,490 barrels of NPR oil was placed in storage in the SPR during the period October 8 through November 30, 1980. These efforts so far have been successful in achieving the 100,000 B/D minimum fill rate specified in the ESA.

In addition, subsequent to our August NOPR, the Department of Interior and Related Agencies Appropriations Act for the Fiscal Year Ending September 30, 1981 (Pub. L. 96-514, December 12, 1980) was passed. That Act provides that the President shall seek to undertake crude oil acquisition of an average of at least 300,000 B/D, or of a quantity that would fully utilize appropriated funds, for SPR storage.

The proposed regulatory amendments are being issued as a final rule at this time primarily to serve as a standby measure to be implemented in the event that the voluntary exchanges and competitive Government purchases are viewed as ineffective in procuring sufficient quantities of crude oil for the SPR, during the time the Emergency Petroleum Allocation Act ("EPAA", Pub. L. 93-159, as amended) is in effect.[1]

The first alternative amendment proposed in the August NOPR provided for a new § 211.68 in the allocation regulations to require specified refiners (termed "exchange partners") to supply crude oil suitable for storage in the SPR in exchange for NPR crude oil. In lieu of delivering NPR crude oil to an exchange partner, DOE could elect to compensate an exchange partner in cash. Under this proposal, the exchange partners would consist of the fifteen major integrated refiners that currently are classified as refiner-sellers (as defined in § 211.62) for the Buy/Sell Program, and other refiners with refining capacities in excess of 175,000 B/D (the so-called "large independent refiners"). The second alternative proposal provided for an amendment to the current Buy/Sell Program to add the SPR to the Buy/Sell

*For a more detailed discussion of the ESA, as well as other background issues, see the preamble to the NOPR.

[1]The EPAA, which provides the legal authority for this regulation, is currently due to expire September 30, 1981.

List as an eligible buyer of allocated crude oil for storage in the SPR. Under this proposal, each refiner-seller's sales obligation would be increased proportionately and would consist of a portion of the total "purchase opportunity" of the SPR. A refiner-seller delivering oil to the SPR could be compensated in cash, as compensation is currently provided for under the Buy/Sell Program regulations, or at DOE's election, by delivery of NPR crude oil in exchange. The August NOPR also proposed special temporary relief through the Emergency Buy/Sell Program for small refiners experiencing a crude oil supply loss due to the withdrawal by the Government of NPR oil from the market.

II. Related Rulemakings

On August 21, 1980, we adopted, effective August 29, 1980, a final rule (45 FR 56788, August 25, 1980) amending the Entitlements Program regulations (10 CFR 211.67) so as to achieve the same effect as if lower tier crude oil were directly allocated to the Federal Government for the SPR. This rule was adopted to impelement the Congressional directive set forth in section 805(a) of the ESA. The amendments adopted provide for the issuance of entitlements to the Federal Government for upper tier and uncontrolled domestic crude oil and imported crude oil acquired for the SPR so that the Government will pay lower tier prices for such oil.

On October 23, 1980, we adopted as a final rule, effective September 24, 1980, conforming amendments to the price and allocation regulations regarding crude oil acquired for the SPR (45 FR 71764, October 30, 1980). We deleted § 212.95, which previously set forth a special pricing rule for crude oil acquired by the Federal Government for the SPR. Consequently, transactions involving crude oil sales for the SPR generally will be subject to the same rules as any other transaction. Technical provisions previously in § 212.95 concerning certifications and first sales into U.S. commerce were retained as amendments to other sections of our regulations. In addition, we amended § 211.67(a)(7)(ii) in two respects to clarify the treatment of exchanges involving crude oil acquired for the SPR. First, in a matching purchase and sale transaction in which oil is acquired for the SPR, the Government may pay, and the seller may receive, market level prices for the price-controlled crude oil involved. Second, crude oil deemed to be retained by a refiner in an exchange or matching purchase and sale is required to be included in that refiner's crude oil receipts in the month that the SPR receives such crude oil.

III. Comments

Hearings on the proposed amendments were held on August 27, 1980, in Los Angeles, California, and on September 4, 1980, in Washington, D.C. Written comments also were solicited and received through September 15, 1980. Comments and testimony from a total of 35 respondents were received, including 14 major integrated refiners, 5 large independent refiners, 12 small refiners (all of which are located in PADD V), two refiners associations, one producers association, and one public interest law firm.

The commenters addressed a number of issues that were both within and without the scope of this rulemaking. This section summarizes the major comments on the principal issues that are within the scope of this rulemaking. Our response to the public comments is set forth either in this section or in the next section of this preamble in which we discuss our reasons for selecting the alternative adopted.

A. Support for the Rulemaking

The overwhelming majority of commenters agreed that resumption of filling the SPR at a significant rate is an important and necessary national objective. A smaller majority (about 60 percent) of the commenters, including most major refiners and most small refiners, supported one of the proposed regulatory alternatives. The remaining commenters, including most of the large independent refiners, opposed any mandatory regulatory program for obtaining crude oil for storage in the SPR.

The commenters that opposed any regulatory approach generally cited, as reasons for their opposition, the greater advantages offered by a voluntary over a mandatory program. These include: (1) A voluntary program would meet the minimum fill rate required by the ESA, and would provide more than 100,000 B/D for the SPR in a crude oil market like that of the past several months; (2) the proposed regulations are too cumbersome and complex to administer when compared to the ease of administering a purely voluntary program; and (3) a voluntary program would allow the exchange ratio to be negotiated at "arms length", as is the standard industry practice.

We agree with the commenters that obtaining oil for the SPR through voluntary exchanges of NPR oil is preferable over obtaining such oil through mandatory exchanges. In accord with this view, we have solicited and received voluntary offers to deliver oil to the SPR in exchange for NPR oil. We have decided to issue this final rule, however, to ensure that a regulatory program is available, while the EPAA is in effect, if additional voluntary offers are not feasible (1) to obtain additional quantities of oil for the SPR, or (2) in the event that any of the current voluntary suppliers are unable to fully deliver oil to the SPR as contracted. Unless voluntary offers are not deemed feasible to provide these volumes of oil to the SPR, this regulatory program is not intended to be implemented, even though it will be effective on a standby basis 30 days following publication in the **Federal Register**.[2]

B. Adoption of Alternative Proposal No. 1 or Alternative Proposal No. 2

Of the commenters that expressed a preference for one of the alternative proposals, most favored the second alternative, placing the Government on the Buy/Sell List as a buyer of oil for the SPR. This preference for the Buy/Sell alternative, however, apparently was based in large part on the misconception that DOE could make cash payments for oil delivered to the SPR only under the Buy/Sell alternative. Most of the small refiners were opposed to exchanges involving NPR crude oil because of their reliance on NPR oil for their crude supplies; their preference for Alternative 2 was predicated upon payment for oil delivered to the SPR to be made strictly in cash rather than in NPR oil. Most of the large independents preferred the second alternative proposal because they would not be required to participate in that program as they would under the first proposal. Some of the commenters supported the second alternative proposal because of an erroneous impression that the second alternative proposal, but not the first alternative proposal, would expire concurrently with the EPAA on September 30, 1981.

Commenters in favor of the first alternative proposal, all major refiners, generally stated that it provided a more equitable distribution of the burden of supplying oil to the SPR, and would be less cumbersome to administer because of its independence from other regulatory programs. We generally agree with these comments and have decided to adopt the first alternative proposal, a new and separate regulatory program,

[2] As discussed later in this preamble, the amendments adopted to provide special temporary relief through the emergency Buy/Sell Program for small refiners dependent on NPR crude oil, however, will be effective and will be implemented 30 days following publication in the **Federal Register**.

principally for these reasons and because the Buy/Sell alternative entails significant administrative problems. Further discussion of our reasons for selecting the first alternative are discussed in the "Amendments Adopted" section.

C. Inclusion of Large Independent Refiners

As mentioned above, most of the large independent refiners preferred the second alternative proposal because it imposed an obligation to supply oil to the SPR upon only the 15 major integrated refiners. None of the large independent refiners, however, provided specific evidence of their inability to enter into the proposed exchange or sale transactions, or of any significant adverse impact of their inclusion as potential suppliers of oil for the SPR. As also mentioned above, the major refiners generally contended that including the large independent refiners as suppliers of oil for the SPR would result in a more equitable distribution of any burden associated with filling the SPR.

Because the SPR is a national program, benefiting all sectors of the refining industry, we believe that any burden associated with filling the SPR should be borne by as many refiners as reasonable. Because of the degree to which large independent refiners are familiar with and participate in large-scale crude oil acquisition and exchanges, there appears to be no basis for excluding them as potential exchange partners. This rule must be consistent, however, with the requirement in section 4(c) of the EPAA that (to the extent practicable and consistent with other EPAA objectives) each independent refiner be assured of a supply of crude oil not less than its supply during 1972. Therefore, we have decided to include the large independent refiners as exchange partners so long as their crude supplies do not fall below the 1972 level.

Our analysis and the comments we received, with respect to the ability of large independent refiners to act as exchange partners, were limited to those refiners that came within the definition of large independent refiners as of the date the NOPR was issued, August 8, 1980. Therefore, even though other refiners may qualify as large independent refiners after August 8, 1980, only those refiners meeting the definition of large independent refiners as of August 8, 1980, are included in the final rule as exchange partners.

D. Exchange Ratio for NPR Crude Oil

In the August NOPR we proposed, under either major alternative, the establishment of an exchange ratio by which to determine the quantity of NPR crude oil that would be given up by the Government in exchange for oil delivered to the SPR. Three alternative methods of calculating the exchange ratio were proposed. Under the first alternative method proposed the exchange ratio would be defined in terms of refiners' actual acquisition costs for crude oil similar in quality to the crude oils being exchanged. We requested comments as to whether the numerator of the ratio should include the estimated average delivered cost of crude oil to each refiner supplying oil to the SPR rather than the cost to all refiners. In response, commenters overwhelmingly favored the use of single refiner averages instead of the industry average. The commenters observed that using the single refiner average cost not only would be simpler administratively, but also would be a more equitable method than using an average for the entire industry, due to the wide divergence in relative costs among individual refiners. We proposed using as the denominator of the ratio the two highest posted prices for uncontrolled crude oil similar to the NPR oil being exchanged. Commenters generally supported this part of the exchange ratio proposal, and overall, commenters preferred this first method over the other two methods.

The second alternative method proposed basically would result in barrel-for-barrel exchanges of NPR crude oil for crude oil delivered to the SPR, with certain adjustments for quality (based on sulfur and gravity differences). The differential proposed for adjustments was $0.05 per barrel per 0.1 (one-tenth) degree API gravity and $0.10 per barrel per 0.1 (one-tenth) percent sulfur. No significant objections were raised to this method, but it was rejected by most refiners in favor of the first alternative method. Most commenters indicated, however, a preference for this method over the third alternative method.

The third alternative method proposed would define the exchange ratio in terms of relative crude oil values imputed from refinery product yield and wholesale product price data in a given base period. The numerator of the ratio would be the imputed value of the crude oil type being delivered to the SPR. The denominator of the ratio would be the imputed value of the NPR crude oil type being exchanged. The third alternative was unanimously rejected by refiners who made comments on the exchange ratio provision as being too complex and impossible to administer in a fair and equitable manner. Most refiners who made comments simply recommended that this method, as well as the second, receive no further consideration.

As discussed in the "Amendments Adopted" section, we have adopted an exchange ratio that is generally consistent with the preferences of the commenters for: (1) The first alternative, and (2) the use of a single refiner rather than industry average in calculating the numerator.

E. Special Temporary Relief for Small Refiners Dependent Upon NPR Crude Oil

We included a proposal in the NOPR to allow a small refiner entry into the emergency Buy/Sell Program if it could demonstrate that: (1) Its refinery has processed an amount of NPR crude oil in excess of five percent of that refinery's runs to stills during the preceding allocation period; (2) its refinery has incurred or will incur at least a fifty percent loss of its supply of such crude oil due to the Government's exchange of NPR crude oil for oil delivered to the SPR; (3) it has exhausted any opportunity to obtain NPR crude oil under the NPR Act small refiner set-aside for the period for which an allocation is sought; (4) its refinery cannot reasonably be expected to replace its lost supplies of NPR oil; and (5) its projected runs to stills for its refinery will be less than ERA's estimate of the national utilization rate for all refiners.

The small refiners that historically have used NPR crude oil submitted comments giving evidence of their dependence on NPR crude oil. Generally these small refiners opposed any regulatory program that utilized exchanges of NPR oil because of the diversion of such oil from the small and independent refiners that historically have used most of the NPR oil. If DOE did require such exchanges, however, these refiners generally supported the idea of special relief through the Buy/Sell Program. Some refiners commented that the threshold loss requirement of 50 percent of NPR crude oil is too high. We have determined, however, that the 50 percent loss threshold is reasonable and appropriate. If, for example, NPR crude oil comprised only 20 percent of a small refiner's total crude supply, and the refiner lost 50 percent of its supply of NPR oil, the refiner would suffer a net supply loss of only 10 percent, and might, under the new provision, still qualify for an allocation. On the other hand, if NPR crude oil comprised 80

percent of a small refiner's total supply, and the refiner lost only 40 percent of its NPR oil supply, the refiner would suffer a net supply loss of 32 percent of its total supply. Although the refiner would not be eligible for an allocation under the new provision, it could still qualify for an allocation under the 25 percent loss eligibility requirement of the current Emergency Buy/Sell Program. Therefore, the 50 percent loss requirement is being adopted in the final rule.

IV. Amendments Adopted

As noted above, we have decided to adopt as a final rule, substantially as proposed, the first alternative proposal, which provides in new § 211.68 a new program for requiring certain exchange partners [3] to supply oil to the SPR.

We proposed alternative ways of determining the proper amount of cash compensation under § 211.68(c)(2)(iii). Generally we have adopted the alternative that bases the regulatory prescribed amount on the weighted average landed per barrel cost of the exchange partner's imported crude oil for the month in which the oil is delivered to the SPR. Certain important changes, however, have been made. First, the amount of the cash payment will initially be determined by negotiation between the exchange partner and DOE, rather than by regulatory prescription. Only if an agreement cannot be reached within 30 days after the Exchange Notice [4] is published will the payment be required to be based on the average landed cost of imported crude oil. Second, the exchange partner's average costs will be segregated by sulfur pool, and adjustments will be allowed for transportation and gravity and sulfur content. This pricing scheme is essentially the same as that currently used to determine the sales price for crude oil sold under the Buy/Sell Program. *See* § 212.94; Special Rule No. 2 (44 FR 9372, February 13, 1979). In addition, a handling fee of 25 cents per barrel will be allowed. As mentioned in the NOPR, the weighted average landed per barrel cost of the exchange partner's imported crude oil will have to be estimated for the month of delivery, and adjusted two months later to reflect actual average cost, due to the two-month delay in availability of that information. These changes were made in response to comments which suggested that the amount of cash compensation to exchange partners should be determined (1) by free negotiation, if possible, and (2) if such negotiations fail, then by a method based on a weighted average landed cost, based on sulfur content, of imported crude oil acquired by the exchange partner in the month of delivery.

The exchange ratio for NPR crude oil, as defined in new § 211.68(f)(1), is adopted in a form essentially the same as the first method proposed, which was the method preferred by most commenters. The denominator of the ratio is determined by the two highest posted prices for uncontrolled crude oil similar to the NPR oil being exchanged. The numerator is based on the estimated weighted average delivered cost of crude oil for the month in which the NPR oil is to be delivered to the exchange partner. In response to the commenters' overwhelming preferences, the average cost used is that of the exchange partner delivering oil to the SPR, rather than an industry average. In addition, to be consistent with the determination of the amount of any cash payment under new § 211.68(c)(2)(iii), the numerator is calculated by segregating the exchange partner's average crude costs by sulfur pool, and by allowing for adjustments for transportation and gravity and sulfur content.

In the NOPR, we proposed, in new § 211.68(e)(5), a carryover of exchange/sale obligations to succeeding exchange periods, if a particular exchange partner were directed to deliver oil to the SPR in a quantity that differed from its exchange/sale obligation for that period. As an alternative, we proposed that exchange partners that were not directed to deliver oil to the SPR during an exchange period be required to reimburse the exchange partners that actually delivered oil to the SPR in that period, by sales or trades of crude oil in the volumes owed by the non-delivering exchange partner. No comments were received in regard to these alternative proposals. Because of the likelihood that there would be no more than one exchange period, we are adopting the second alternative, which requires reimbursement among exchange partners, as there would be no following period into which obligations could be carried.

Several other procedural changes have been adopted which are somewhat different than proposed under Alternative No. 1 in the NOPR. First, in response to suggestions by commenters, the period during which exchange partners could submit voluntary exchange offers (if voluntary exchanges are provided for in the Exchange Notice) under § 211.68(c)(1)(i) has been extended to 30 days, instead of 15 days, following publication of the Exchange Notice. The purpose of this change is to further encourage voluntary exchange offers that would be acceptable to DOE, thereby avoiding as much as possible the need for regulated exchanges or sales. Second, the rule requires the submission of proposed delivery schedules under § 211.68(h)(1) no later than 30 days (instead of 15 days as specified in the NOPR) after publication of the Exchange Notice, or after notification by DOE that voluntary exchanges are insufficient. An exchange partner would become obligated to the delivery schedule once notified of acceptance by DOE, but with DOE's permission the schedule could be further changed by the exchange partner up to 30 days prior to the previously scheduled delivery date. This change is made in response to comments received that indicated 15 days is an insufficient period in which to prepare and submit a reasonable delivery schedule, and that suggested changes in delivery schedules be allowed up to 30 days before delivery. Third, we are adopting as the base period runs to stills for calculating exchange/sale obligations the runs to stills for the 12 month period ending two months prior to the beginning of the exchange period. This "rolling" base period is being adopted in response to comments that favored such a period over a fixed period because it would reflect more recent changes in refiners' crude oil supplies, as well as the impact of supplying crude oil to the SPR. Lastly, the final rule requires the balancing of exchange transactions only at the end of each exchange period instead of at 90-day intervals, as was proposed in the NOPR. This change was adopted because the administrative burden of balancing accounts at 90-day intervals outweighs the expected time-value of money benefits of balancing accounts at the more frequent 90-day interval.

V. Procedural Requirements

A. Section 404 of the DOE Act

Pursuant to the requirements of section 404(a) of the Department of

[3] The term exchange partner is used in both this preamble and the regulation to describe the refiner required to supply oil under the rule's provisions, but, as the definition of "exchange partner" makes clear in § 211.68, the use of this term does not limit this standby program to situations where oil is exchanged to fill the SPR. Under the new regulation DOE can mandate a pure sale of oil to the SPR, and the seller is still referred to as the "exchange partner."

[4] The term "Exchange Notice" is used in both this preamble and the regulation, but, as similarly noted above with respect to the term "exchange partner," this use of the word exchange does not limit the Notice to matters concerned with exchanges of crude oil for the SPR. As the substantive provisions of new § 211.68 make clear, an Exchange Notice could mandate a pure sale of oil to the SPR.

Energy Organization Act, we have referred these amendments to the Federal Energy Regulatory Commission (FERC) for a determination whether they would significantly affect any matter within the Commission's jurisdiction. The Commission has advised us that it "has decided not to exercise its discretion to determine that the proposed rule significantly affects any function within the jurisdiction of the Commission."

B. National Environmental Policy Act

As indicated in the preamble to the NOPR, it has been determined that these amendments will not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*), and therefore neither an environmental assessment nor an environmental impact statement is required by NEPA and the applicable DOE regulations for compliance with NEPA.

C. Executive Order 12044

1. *Waiver of 60-Day Public Comment Period and Authorization to Adopt a Final Rule on 30 Days Notice*

Section 2(c) of Executive Order 12044 imposes a 60 day comment period requirement with respect to the promulgation of proposed significant regulations. If the agency determines a 60-day comment period is not possible, it must provide a brief statement of the reasons for a shorter period. The Executive Order also requires that a regulatory analysis be prepared for all significant regulations that are likely to have a major impact.

Paragraph 12 of the DOE Order 2030.1, which implements Executive Order 12044, requires that whenever a procedural rulemaking requirement imposed by Executive Order 12044 is waived the **Federal Register** notices of both the proposed and final regulations must include an explanation of the circumstances justifying the waiver.

The Secretary granted a waiver of the normal 60-day public comment period and authorized the notice and comment period to be shortened to 30 days with respect to this rulemaking. The Secretary also waived the regulatory analysis requirement. The waiver was granted so that the amendments which are being adopted as a result of this rulemaking can be implemented as soon as possible. The same reasons discussed in the preamble to the NOPR, which justified the Secretary's decision to grant the waiver, remain applicable.

(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 211 of Chapter II, title 10 of the Code of Federal Regulations, is amended as set forth below, effective February 13, 1981.

Issued in Washington, D.C., January 5, 1981.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

§ 211.62 [Amended]

1. Section 211.62 is amended by adding the definitions of "Naval Petroleum Reserves (NPR)" and "NPR crude oil" in proper alphabetical order to read as follows:

* * * * *

"Naval Petroleum Reserves (NPR)" means Naval Petroleum Reserve Number 1 (Elk Hills), located in Kern County, California, established by Executive Order of the President, dated September 2, 1912; Naval Petroleum Reserve Number 2 (Buena Vista), located in Kern County, California, established by Executive Order of the President, dated December 13, 1912; Naval Petroleum Reserve Number 3 (Teapot Dome), located in Natrona County, Wyoming, established by Executive Order of the President, dated April 30, 1915.

"NPR crude oil" means crude oil produced from the Naval Petroleum Reserves.

* * * * *

2. Part 211 is amended by adding a new § 211.68 to read as follows:

§ 211.68 Allocation of crude oil for the strategic petroleum reserve through exchange of NPR crude oil and other means.

(a) *Definitions.* For purposes of this section, the following definitions apply:

"Exchange partner" means any refiner that is a refiner-seller as defined in § 211.62. "Exchange partner" also means any other refiner that, on August 8, 1980, was not a small refiner as defined in § 211.62 of this part, unless the refiner's crude oil supplies for any exchange period fall below the refiner's crude oil supplies for the corresponding period in 1972.

"Exchange period" means a consecutive six-month calendar period. The first exchange period shall be established by DOE in the first Exchange Notice.

"High sulfur crude oil "means crude oil the sulfur content of which is equal to or greater than 0.6% (six-tenths of one percent) by weight.

"Low sulfur crude oil" means crude oil the sulfur content of which is less than 0.6% (six-tenths of one percent) by weight.

"Lower forty-eight states" means the forty-eight contiguous states of the United States.

(b) *Required delivery of crude oil to the Strategic Petroleum Reserve.* For the purpose of meeting the storage needs of the Strategic Petroleum Reserve, DOE may through publication of an Exchange Notice direct one or more exchange partners to deliver to the Strategic Petroleum Reserve crude oil of one or more suitable types in quantities determined in accordance with paragraph (e) of this section, in exchange for NPR crude oil or for compensation in cash in accordance with paragraph (c)(2)(iii) of this section.

(c) *Discharge of exchange/sale obligations.* The DOE may specify in the Exchange Notice one or more of the methods set forth in paragraphs (c)(1) and (c)(2) of this section for discharging exchange/sale obligations for each exchange period:

(1) *Voluntary exchange offers*—(i) *Submission of exchange offers.* If so stated in the Exchange Notice for any exchange period, during the 30 days following the publication of the Exchange Notice any exchange partner may submit an exchange offer to DOE. Such an exchange offer shall specify the type or types of crude oil offered to be delivered to the Strategic Petroleum Reserve, the respective volumes of each type of crude oil offered, the week or weeks during which such crude oil is offered to be delivered, the terminal or terminals of the Strategic Petroleum Reserve to which such crude oil is to be delivered, and the ratio for determining the volume of NPR crude oil that the offeror would receive in exchange.

(ii) *Acceptance of exchange offers.* At any time during the 45 days following the publication of the Exchange Notice, DOE may accept any voluntary exchange offer submitted in accordance with paragraph (c)(1)(i) of this section. The exchange/sale obligation of any exchange partner whose offer is accepted by DOE shall be reduced to the extent of the volume of oil actually delivered to the Strategic Petroleum Reserve pursuant to such offer.

(iii) *Voluntary exchanges insufficient.* In the event voluntary exchange offers of crude oil of suitable quality and

sufficient quantity are not invited, offered, or accepted for any exchange period to meet the volume of total exchange/sale obligations, then DOE shall so notify the exchange partners and any remaining exchange/sale obligations shall be discharged in accordance with paragraph (c)(2) of this section.

(2) *Mandatory exchange or sale*—(i) *Delivery of oil to the Strategic Petroleum Reserve.* Each exchange partner shall deliver to the Strategic Petroleum Reserve crude oil in a quantity equal to its exchange/sale obligation for that period and of a quality satisfactory to DOE: *Provided, however,* That DOE may direct certain exchange partners to deliver suitable crude oil to the Strategic Petroleum Reserve in specified quantities, whether such quantities are equal to or more or less than the exchange partner's exchange/sale obligation for that period. In determining whether to utilize this proviso, DOE shall consider the relative capabilities of the exchange partners to consummate delivery of the type of oil needed, the volumes of oil involved, and the need to facilitate deliveries to the Strategic Petroleum Reserve. Any exchange partner required under this proviso to deliver a quantity of crude oil in excess of its exchange/sale obligation shall be reimbursed by other exchange partners pursuant to paragraph (e)(5) of this section.

(ii) *Direct exchange for NPR oil.* Each exchange partner making delivery of oil to the Strategic Petroleum Reserve under paragraph (c)(2) of this section shall be entitled to receive at the lease automatic custody transfer units a volume of NPR crude oil in exchange determined by multiplying the volume of crude oil delivered to the Strategic Petroleum Reserve by the exchange ratio specified in paragraph (f) of this section, unless DOE elects to compensate any such exchange partner under paragraph (c)(2)(iii) of this section.

(iii) *Compensation by means other than direct exchange for NPR oil.* For any exchange period DOE may make a cash payment to any exchange partner making delivery of oil to the Strategic Petroleum Reserve under paragraph (c)(2)(i) of this section. The amount of the cash payment shall be determined by negotiations between the exchange partner and DOE. If no agreement as to the amount of the cash payment is reached within 30 days after publication of the Exchange Notice, then the exchange partner shall be paid an amount equal to the exchange partner's estimated weighted average per barrel landed cost of all low sulfur or high sulfur imported crude oil (other than crude oil imported from Canada) delivered to the exchange partner in the month in which the oil is delivered to the Strategic Petroleum Reserve, depending upon whether the oil delivered to the Strategic Petroleum Reserve by that exchange partner is low sulfur or high sulfur crude oil, plus a handling fee of 25 cents per barrel, and any transportation, gravity and sulfur content adjustments as specified in paragraphs (c)(2)(iii)(A) through (c)(2)(iii)(C) of this section. In the second month following the month of delivery an adjustment shall be made to account for any differences between the estimated and actual weighted average per barrel landed costs of the exchange partner.

(A)(*1*) The amount of the cash payment made to an exchange partner under paragraph (c)(2)(iii) of this section shall include an adjustment for transportation expenses by adding to the weighted average costs as calculated under paragraph (c)(2)(iii) of this section: (*i*) Where domestic crude oil (other than Alaskan crude oil) is delivered to the Strategic Petroleum Reserve, the actual cost of transporting the domestic crude oil from (1) the wellhead, in the event the refiner-seller owns the crude oil so delivered or (2) the point of purchase or exchange in the event the refiner-seller acquires the crude oil so delivered pursuant to a purchase or exchange, to the Strategic Petroleum Reserve terminal; (*ii*) where Alaskan crude oil is delivered, the actual cost of transporting the Alaskan crude oil from the port of entry into the lower forty-eight states to the Strategic Petroleum Reserve terminal; (*iii*) where imported crude oil is delivered, the actual cost of transporting the imported crude oil from the U.S. port of entry to the Strategic Petroleum Reserve terminal.

(*2*) The calculation of transportation adjustments under paragraph (c)(2)(iii)(A) of this section shall include pipeline tariffs, water transportation and terminalling costs, exchange differentials, insurance and taxes paid to deliver the domestic or imported crude oil to the Strategic Petroleum Reserve terminal.

(B) The amount of the cash payment made to an exchange partner under paragraph (c)(2)(iii) of this section shall include an adjustment for gravity differential of crude oil delivered to the Strategic Petroleum Reserve by adding to or subtracting from the weighted average costs as calculated under paragraph (c)(2)(iii) of this section three cents per barrel for each degree API (°API) that the crude oil delivered is above or below, respectively, the weighted average degree API (°API) of imports of crude oil of the same sulfur content category (other than crude oil imported from Canada) for the exchange partner in the month of delivery.

(C) The amount of the cash payment made to an exchange partner under paragraph (c)(2)(iii) of this section shall include an adjustment for sulfur content differential of crude oil delivered to the Strategic Petroleum Reserve by adding to or subtracting from the weighted average costs as calculated under paragraph (c)(2)(iii) of this section three cents per barrel per one tenth percent that the sulfur content by weight of the crude oil being delivered to the Strategic Petroleum Reserve is either below or above, respectively, the percentage representing the weighted average sulfur content of imports of crude oil of the same sulfur content category (other than crude oil imported from Canada) for the exchange partner in the month of delivery.

(D) To calculate the amount of the cash payment made under paragraph (c)(2)(iii) of this section where the exchange partner receives deliveries of only imported low sulfur crude oil (or only imported high sulfur crude oil) and delivers to the Strategic Petroleum Reserve high sulfur crude oil (or low sulfur crude oil) the exchange partner shall utilize its weighted average per barrel cost of imported crude oil as determined under paragraph (c)(2)(iii) of this section for the particular category of crude oil so imported, and apply the gravity and sulfur adjustments specified in paragraphs (c)(2)(iii) (B) and (C) of this section.

(d) *Exchange Notices.* Whenever the DOE determines that an allocation of crude oil for the Strategic Petroleum Reserve shall be made under this section, the DOE shall issue an Exchange Notice at least 20 days prior to the beginning of the exchange period. The Exchange Notice shall specify the total quantity of crude oil to be delivered to the Strategic Petroleum Reserve; the relative quantities of each type of crude oil and the specifications of each such type; the exchange/sale obligation of each exchange partner; which method or methods of discharging exchange/sale obligations will be required for that exchange period under paragraph (c) of this section; and any other special terms or conditions applicable to exchange/sale transactions for that exchange period.

(e) *Exchange partners' exchange/sale obligations.*—(1) *Total exchange/sale obligation.* The total exchange/sale obligation for each exchange period

shall be that quantity of crude oil which the DOE determines should be acquired for the Strategic Petroleum Reserve for that exchange period by means of the regulated exchange or sale transactions provided for in this section. The total exchange/sale obligation shall be published in the Exchange Notice for each exchange period.

(2) *Calculation of exchange/sale obligation of each exchange partner.* (i) The DOE shall compute an exchange/sale obligation for each exchange partner for each exchange period as provided in paragraph (e)(3) of this section.

(ii) Upon notice to DOE, part or all of any exchange partner's exchange/sale obligation may be traded to any other firm any time prior to the beginning of or during the exchange period. Any such trade, however, shall not relieve the exchange partner of its obligation in the event the other firm fails to perform.

(3) *Computation of exchange/sale obligation.* (i) The exchange/sale obligation for each exchange partner shall consist of that exchange partner's share as calculated under paragraph (e)(3)(ii) of this section multiplied by the total exchange/sale obligation for all exchange partners for the exchange period.

(ii) An exchange partner's share is its proportionate share of the total runs to stills of all exchange partners reported during the twelve month period ending on the last day of the third month preceding the beginning of the exchange period expressed as a percentage.

(4) *Credit for oil supplied through non-regulated exchange or sale.* For each barrel of crude oil an exchange partner delivers to the Strategic Petroleum Reserve after July 1, 1980, in a sale or exchange other than pursuant to this section, the exchange partner shall receive a one-barrel credit against its exchange/sale obligations pursuant to this section.

(5) *Required adjustments among exchange partners.* If any exchange partner is directed to supply crude oil to the Strategic Petroleum Reserve in any exchange period under paragraph (c)(2)(i) of this section in an amount in excess of its exchange/sale obligation for that period then such exchange partner shall be reimbursed in that period in the amount of such excess by means of sales or trades of crude oil, or in the discretion of such exchange partner by reimbursement in cash, by those exchange partners that have not been directed to satisfy fully their exchange/sale obligations for that period. Any exchange partner that is unable to obtain such reimbursement may request, in accordance with the procedures established in Subpart G of Part 205 of this chapter, that DOE direct one or more exchange partners to provide such reimbursement by means of a sale of a suitable type of crude oil to the exchange partner making the request. Upon receipt of such a request, DOE may direct one or more exchange partners to sell crude oil to the exchange partner making the request at a price not to exceed the price those exchange partners would have received if they had supplied crude oil to the Strategic Petroleum Reserve.

(f) *Exchange ratio for NPR oil defined*—(1) *Numerator.* The numerator of the ratio shall be the exchange partner's estimated weighted average per barrel landed cost of all low sulfur of high sulfur imported crude oil (other than crude oil imported from Canada) delivered to the exchange partner in the month in which the NPR crude oil is to be delivered to the exchange partner, depending on whether low sulfur or high sulfur crude oil was delivered to the Strategic Petroleum Reserve, plus a handling fee of 25 cents per barrel, and any transportation, gravity and sulfur content adjustments as specified in paragraphs (f)(1)(i) through (f)(1)(iii) of this section. In the second month following the month of delivery an adjustment shall be made to account for any differences between the estimated and actual weighted average per barrel landed costs of the exchange partner.

(i)(A) The numerator of the ratio shall include a positive adjustment for transportation expenses in the following amount: (*1*) Where domestic crude oil (other than Alaskan crude oil) is delivered to the Strategic Petroleum Reserve, the actual cost of transporting the domestic crude oil from (*i*) the wellhead, in the event the refiner-seller owns the crude oil so delivered or (*ii*) the point of purchase or exchange in the event the refiner-seller acquires the crude oil so delivered pursuant to a purchase or exchange, to the Strategic Petroleum Reserve terminal; (*2*) where Alaskan crude oil is delivered, the actual cost of transporting the Alaskan crude oil from the port of entry into the lower forty-eight states to the Strategic Petroleum Reserve terminal; (*3*) where imported crude oil is delivered, the actual cost of transporting the imported crude oil from the U.S. port of entry to the Strategic Petroleum Reserve terminal.

(B) The calculation of transportation adjustments under paragraph (f)(1)(i) of this section shall include pipeline tariffs, water transportation and terminalling costs, exchange differentials, insurance and taxes paid to deliver the domestic or imported crude oil to the Strategic Petroleum Reserve terminal.

(ii) The numerator of the ratio shall include a positive or negative adjustment for gravity differential of crude oil delivered to the Strategic Petroleum Reserve in the amount of three cents per barrel for each °API that the crude oil delivered is above or below, respectively, the weighted average °API of imports of crude oil of the same sulfur content category (other than crude oil imported from Canada) for the exchange partner in the month of delivery.

(iii) The numerator of the ratio shall include a positive or negative adjustment for sulfur content differential of crude oil delivered to the Strategic Petroleum Reserve in the amount of three cents per barrel per one tenth percent that the sulfur content by weight of the crude oil being delivered to the Strategic Petroleum Reserve is either below or above, respectively, the percentage representing the weighted average sulfur content of imports of crude oil of the same sulfur content category (other than crude oil imported from Canada) for the exchange partner in the month of delivery.

(iv) In calculating the numerator of the ratio where the exchange partner receives deliveries of only imported low sulfur crude oil (or only imported high sulfur crude oil) and delivers to the Strategic Petroleum Reserve high sulfur crude oil (or low sulfur crude oil), the exchange partner's weighted average per barrel cost of imported crude oil as determined under paragraph (f)(1) of this section for the particular category of crude oil so imported shall be used, and the gravity and sulfur adjustments specified in paragraphs (f)(1)(ii) and (iii) of this section shall be applied.

(2) *Denominator.* (i) For purposes of an exchange of NPR crude oil from Reserve Number 3 (Teapot Dome), the denominator of the ratio shall be the average of the two highest posted prices for domestic crude oil the first sale of which is exempt from the ceiling price limitations of Part 212 of this chapter of like quality produced in the State of Wyoming.

(ii) For the purposes of an exchange of NPR crude oil from Reserves Number 1 (Elk Hills) or Number 2 (Buena Vista), the denominator of the ratio shall be the average of the two highest posted prices for domestic crude oil the first sale of which is exempt from the ceiling price limitations of Part 212 of this chapter of like quality produced from each of at least three fields to be designated by DOE.

(iii) The posted prices used shall be those in effect at the time the NPR crude

oil is to be delivered to the exchange partner. However, if subsequent to the delivery of the NPR crude oil any price is posted having a retroactive effective date encompassing the delivery date, then the exchange ratio shall be adjusted accordingly. No posted price shall be used in the computation unless an actual purchase has been completed at that price.

(g) *Post-delivery adjustments.* In any exchange transaction, if, subsequent to the time deliveries are completed, adjustments to the volumes of crude oil received and delivered by DOE are necessary to equalize the transaction, and DOE finds it impracticable to deliver or receive additional crude oil, DOE may provide such adjustments by making a cash payment to the exchange partner or by directing the exchange partner to make a cash payment to DOE.

(h) *Delivery of oil to the Strategic Petroleum Reserve.* (1) When exchange/sale obligations are required to be discharged in accordance with paragraph (c)(2) of this section, each exchange partner (unless DOE directs certain exchange partners to deliver crude oil to the SPR) shall submit a proposed delivery schedule to DOE at the address specified in the Exchange Notice as soon as practicable, but no later than 30 days after publication of the Exchange Notice. If, however, the Exchange Notice permits the submission of voluntary exchange offers for that exchange period under paragraph (c)(1) of this section, then the proposed delivery schedule shall be submitted no later than 30 days after DOE notified the exchange partners that voluntary exchanges are insufficient and that exchange/sale obligations are to be discharged by means of mandatory exchange/sale transactions in accordance with paragraph (c)(2) of this section. The proposed delivery schedule shall list, for each proposed delivery date, the types of oil to be delivered, the relative volumes of each oil type, and the exchange partner's preference regarding the terminal to which the oil is proposed to be delivered.

(2) DOE shall consider each proposed delivery schedule submitted under paragraph (h)(1) of this section in the order received and shall notify each exchange partner within five days of receipt of the proposed schedule whether the proposed schedule has been accepted or rejected in whole or in part. All ship nomination and acceptance procedures shall be in accordance with any then-current port manual of the relevant receiving terminal of the Strategic Petroleum Reserve. In determining whether to accept or reject a proposed delivery schedule, DOE shall consider the Strategic Petroleum Reserve's dock and terminal availability and capacity and prior delivery commitments. In its notice rejecting a proposed schedule in whole or in part DOE shall explain its reasons for the rejection and may propose alternative dates, volumes, and/or types of oil which would be appropriate for delivery. To account for daily receipt capabilities at the various terminals, DOE shall in all cases specify the terminal to which a particular shipment shall be delivered.

(3) Upon notice by DOE of acceptance of an exchange partner's delivery schedule, the exchange partner shall be obligated to make delivery of the type and volume of crude oil scheduled on the date scheduled, plus or minus two days. Within five days of receipt of a DOE notice rejecting an exchange partner's delivery schedule, the exchange partner shall submit an alternative proposed delivery schedule to DOE. If such proposed delivery schedule is unacceptable, DOE may specify the delivery schedule. An exchange partner may change its delivery schedule, subject to DOE approval, by giving notice of such change not later than 30 days prior to the delivery date as previously scheduled.

(4) Each exchange partner shall coordinate its deliveries of oil to the Strategic Petroleum Reserve with its receipts from the NPR in a manner such that at the end of each exchange period the exchange partner has not received a volume of NPR crude oil that is greater, multiplied times the exchange ratio, than the volume of crude oil it has delivered to the Strategic Petroleum Reserve.

3. Section 211.65 is amended by adding a new paragraph (c)(2)(iv) to read as follows:

§ 211.65 Method of allocation.

* * * * *

(c) *Review of eligibility for allocations, adjustments to purchase opportunities, and emergency allocations.* * * *

(2) *Emergency allocations.* * * *

(iv) *Special allocation due to loss of supply of NPR crude oil.* (A) *Eligibility.* Any small refiner may apply to ERA for a special allocation of crude oil with respect to one or more of its refineries if: (*1*) The refiner has processed in the refinery for which an allocation is sought a volume of NPR crude oil in excess of five percent of such refinery's crude oil runs to stills during the allocation period that ended on September 30, 1980; (*2*) the refinery has incurred or will incur, during the period for which an allocation is sought, at least a fifty percent loss, from the volumes received in the allocation period that ended on September 30, 1980, of its supply of NPR crude oil for such refinery due to the exchange of NPR crude oil for oil delivered to the Strategic Petroleum Reserve; (*3*) the refiner has exhausted any opportunity to obtain NPR crude oil under 10 U.S.C. 7430(d), during the period for which an allocation is sought; (*4*) the refinery as a result of the loss of its supply of NPR crude oil projects that the crude oil runs to stills for such refinery during the period for which an allocation is sought will be less than the national utilization rate (as used in paragraph (c)(2)(iii) of this section) for all refiners during the second month prior to the period for which an allocation is sought; and (*5*) the refiner cannot reasonably be expected to replace its lost supplies through its own efforts.

(B) *Allocation.* In the event ERA determines that a small refiner is eligible for a special allocation with respect to one or more of its refineries, ERA may assign a maximum allocation for the eligible refinery or refineries for one or more months equal to the volume of NRP crude oil which has been lost for that period, except that no small refiner may receive a special allocation of crude oil for any of its refineries for more than two allocation periods.

* * * * *

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January 14, 1981

Part VI

Department of Education

Transition Program for Refugee Children and Educational Services for Cuban and Haitian Entrant Children; Final Regulations

DEPARTMENT OF EDUCATION

Office of Bilingual Education and Minority Languages Affairs

34 CFR Part 538

Transition Program for Refugee Children

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations to implement the Transition Program for Refugee Children under the authority of the Refugee Act of 1980 (Pub. L. 96–212). Implementation of these regulations will provide supplementary educational assistance to meet the special educational needs of refugee children and to enhance their transition into American society.

EFFECTIVE DATE: These final regulations will be effective February 13, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James Lockhart, Office of Bilingual Education and Minority Languages Affairs, Department of Education, (Room 505, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 472–7177.

SUPPLEMENTARY INFORMATION:

I. Authority

The statutory authority for this program is the Immigration and Nationality Act, as amended by the Refugee Act of 1980, Pub. L. 96–212 (8 U.S.C. 1522(d)).

II. Background

On September 11, 1980, the Secretary of Education published a Notice of Proposed Rulemaking (NPRM) to implement the transition Program for Refugee Children. The Secretary invited the public to comment on the proposed regulations and received extensive recommendations in response to that invitation. All comments and recommendations received in the Office of Bilingual Education and Minority Languages Affairs prior to October 27, 1980 were considered in the development of those final regulations. A summary of those comments and the Secretary's responses to them are contained in the appendix to the regulations.

These regulations will govern the award of educational assistance grants to benefit eligible refugee children enrolled in elementary and secondary schools, as authorized by the Refugee Act of 1980.

III. Relationship to Other Programs Serving Refugee Children

Commenters asked for clarification on the relationship between this program and a number of other programs, regulations, and laws concerned with providing for the needs of refugee children. Commenters mentioned the following: assistance to States provided under the Refugee Act of 1980; the Educational Services for Cuban and Haitian Entrant Children Program; the Refugee Education Assistance Act of 1980; the Bilingual Education Program; and the proposed regulations governing the rights of language minority students (Nondiscrimination Under Programs Receiving Federal Financial Assistance Through the Education Department ("*Lau*") NPRM). Following is a discussion of the relation of the Transition Program for Refugee Children to each of the programs, regulations, and statutes mentioned by commenters.

1. *Assistance to States provided under the Refugee Act of 1980.* To be eligible for assistance under the Transition Program for Refugee Children, a State must meet the requirements in the Refugee Resettlement Program regulations (45 CFR Part 400) that establish conditions for receiving assistance under the Refugee Act of 1980. Those regulations require a State to submit to the Director of the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS) a plan detailing the State's program for delivering assistance and services to refugees. A State is required to identify in the plan a State Coordinator who will have the responsibility and authority to ensure coordination of resources for refugee resettlement, including the provision of educational services to eligible children.

2. *Educational Services for Cuban and Haitian Entrant Children.* In the preamble to the NPRM for Transition Program for Refugee Children, the Secretary proposed that final regulations for this program be used to administer a program of educational services for Cuban and Haitian entrant children under the Secretary's Discretionary Authority (Section 303 of the Elementary and Secondary Education Act (ESEA)). Public comment strongly supported the Secretary's proposal. Final regulations for the Educational Services for Cuban and Haitian Entrant Children Program (34 CFR Part 539) appear in this issue of the **Federal Register.** With the exception of a different definition for "eligible children" and the absence of the eligibility requirements established in the Refugee Act of 1980 and the regulations governing the Refugee Resettlement Program (45 CFR Part 400), the provisions in 34 CFR Part 539 are identical to the regulations issued in this part (34 CFR Part 538).

3. *Refugee Education Assistance Act of 1980.* Signed into law on October 10, 1980, this Act authorizes a three-year formula grant program for States. Title II of the Act authorizes assistance for local school districts to meet the basic educational needs of recently arrived Cuban and Haitian entrant children. Title III of the Act authorizes assistance for local school districts which have experienced heavy enrollments of Cuban and Haitian entrant and Indochinese refugee children to provide supplementary and basic educational services for those children. The Secretary is preparing to propose regulations to implement the two authorities. The level of funding which a State is entitled to receive under the Refugee Education Assistance Act will not be reduced because of funds made available under the Transition Program for Refugee Children or under the Educational Services for Cuban and Haitian Children Program.

To minimize the reporting burden on SEAs and LEAs eligible for assistance under the various ED programs that provide educational services to refugee and entrant children, the Secretary expects to require only one annual count of eligible refugee and entrant children that identifies whether the children are of Indochinese, Cuban or Haitian, or other origin and the recency of their arrival in the United States (in years). The Secretary believes this counting and reporting format will provide reasonable estimates of children eligible for assistance under the various programs, will simplify the reporting and administrative responsibilities and requirements for SEAs and LEAs, and will enable the Department to promptly administer the Refugee Education Assistance Act when funds are made available.

4. *Bilingual Education Program.* The differences between the Transition Program for Refugee Children and the programs authorized under Title VII of ESEA are essentially the distinctions between a formula grant program that offers a wide range of supplementary assistance exlusively to refugees (Transition Program) and discretionary grant programs that focus on a particular instruction technique, bilingual education (Title VII). Refugee children served by the Transition Program are also eligible for the educational services provided under the Title VII Basic Projects and

Demonstration Projects Program, if those refugee children are limited English proficient, and if the Title VII grant would be supplementary to the basic program of instruction offered by the school district and the educational services provided under this program. The Secretary makes grant awards under Title VII to applicants that demonstrate need for assistance and submit applications proposing high quality projects.

The Title VII support services network (i.e., the National Clearinghouse for Bilingual Education (NCBE), the Bilingual Education Service Centers (BESCs), and the Evaluation, Dissemination, and Assessment Centers (EDACs)) may also provide support for applicants, grantees, subgrantees, and others applying for assistance and serving refugee children under the Transition Program for Refugee Children and the Educational Services for Cuban and Haitian Entrant Children Program. Based on public comment, a selection criterion has been added under the Development and Dissemination Projects Program to evaluate the extent to which an applicant proposes to coordinate activities with existing resource and dissemination centers, such as the Title VII centers. An applicant desiring more information on Title VII support services should contact the person listed in the preamble.

5. *Proposed Regulations Governing Nondiscrimination Under Programs Receiving Federal Financial Assistance Through the Education Department.* On August 5, 1980, the Secretary proposed regulations in the **Federal Register** (45 FR 52052) to implement provisions in Title VI of the Civil Rights Act of 1964 that prevent school districts receiving Federal Financial assistance from denying equality of access to any student because of that student's limited proficiency in English. The proposed *"Lau"* regulations (34 CFR Part 100) are undergoing review in response to extensive public comment. One issue raised by a large number of commenters was the longstanding controversy over the effectiveness of two of the teaching approaches (bilingual education and English as a second language (ESL)) used to improve English language skills of the limited English proficient. The regulations issued here do not specifically support either technique for improving proficiency in the use of the English language. However, as stated in the Education Division General Administrative Regulations (34 CFR 75.500 and 76.500), States and local school districts receiving assistance under Education Department programs must meet the requirements of Title VI of the Civil Rights Act. If the Secretary issues final *Lau* regulations that specify requirements or appropriate methods of instruction, those regulations would apply to all recipients of Federal financial assistance. Civil rights regulations are not to be confused with regulations governing the operation of education programs assisted by the Education Department.

IV. Summary of Changes

Based on a review of the comments on the NPRM, the Secretary has made important changes in the substance and structure of the final regulations. Following is a discussion of some of the major changes in the final regulations.

Restructuring the Regulations.—In comparing the final regulations with the NPRM, the reader will notice many changes in format. Some of these changes were made in response to public comment; they will be discussed in greater detail in the appendix. Other changes resulted from the Secretary's concern that the format of the regulations be easy to understand and to follow, and that the structure of the regulations be consistent with other regulations issued by the Department.

In addition, the part number of the NPRM has been changed (from 45 CFR Part 122b to 34 CFR Part 537) as a result of the transfer of Education Department (ED) regulations from Title 45 to Title 34 in the Code of Regulations (CFR) and the subsequent redesignation of part numbers for ED regulations.

General Comments.—The Secretary particularly invited public comment on six provisions in the proposed regulations.

1. The Secretary invited comment on whether SEAs and LEAs should be required to develop comprehensive applications and compete for grants and subgrants.

The overwhelming public response suggested that this program be operated as a State-administered entitlement program with as few application requirements as possible. The final regulations provide for the award of a formula grant to a SEA and a formula subgrant to an LEA based on the number of eligible children in the State and the LEA.

2. The Secretary invited comment on whether an LEA that does not enroll a sufficient number of refugee children to meet the eligibility criteria established for State-administered subgrants should be eligible to receive a subgrant to serve eligible children enrolled in schools within its jurisdiction.

Commenters consistently rejected the proposed eligibility criteria. That approach has been eliminated. Any LEA with eligible children in schools within its jurisdiction may apply for a subgrant to serve those children.

3. The Secretary invited comment on whether the formula and weights used to distribute funds are appropriate and whether the Secretary should adjust the weights annually.

Public comment supported the concept of additional costs associated with the education of students in secondary schools and recognized that recent arrivals have greater needs which generate additional costs. Although several commenters suggested that the weights be changed from one year intervals to two year intervals, the intervals remain one year. The final regulations retain the provision whereby the Secretary may adjust the formula and the weighting factors through a notice published in the **Federal Register.** The Secretary will carefully consider the commenters' suggestions in determining whether to adjust the formula or the weights.

4. The Secretary invited comment on whether the 15 percent limit on the amount of any grant that may be used for purposes other than English language instruction was too restrictive and whether the Secretary should annually adjust the limit.

While some commenters suggested that the 15 percent limit was too low, experience with the Bilingual Education: Basic Projects Program (Title VII, ESEA) has shown that 15 percent provides more than adequate support for in-service training costs. However, the final regulations retain the provision which allows the Secretary to adjust 15 percent limit, if experience under this program demonstrates that such an adjustment is appropriate. To ensure that school districts may make the best use of a limited amount of funds, the final regulations provide that the 15 percent limit does not apply where a subgrant, contract, or cooperative agreement is made, or direct services are provided, on behalf of 40 or fewer eligible children.

5. The Secretary invited comment on whether the Secretary should annually establish priorities for the Development and Dissemination Projects Program.

Public comment strongly supported this program and the Secretary's annual announcement of program priorities.

6. The Secretary invited comment on whether the Educational Services for Cuban and Haitian Entrant Children Program should be administered under regulations similar to the regulations proposed for the Transition Program for Refugee Children.

Public comment supported the concept that regulations for that program should parallel the procedures and requirements of the regulations issued here. Regulations governing the Educational services for Cuban and Haitian Entrant Children Program (34 CFR Part 539) are published in this issue of the **Federal Register.**

Citation of Legal Authority

The reader will find a citation of statutory or other legal authority placed in parentheses in the line following each substantive provision of the regulations.

Dated: December 16, 1980.

Shirley M. Hufstedler,

Secretary of Education.

Approved: January 8, 1981.

Patricia Roberts Harris,

Secretary of Health and Human Services.

(Catalog of Federal Domestic Assistance Program No. 84.146, Transition Program for Refugee Children)

The Secretary amends Title 34 of the Code of Federal Regulations by adding a new Part 538 to read as follows:

PART 538—TRANSITION PROGRAM FOR REFUGEE CHILDREN

Subpart A—General

Sec.

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538.2 Who is eligible to apply for financial assistance?
538.3 What regulations apply to this program?
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Subpart B—What Activities May the Transition Program Support?

538.10 What activities are eligible for support under State-administered program?
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Subpart C—How To Apply for a Grant or a Subgrant Under the State-Administered Program and the Development and Dissemination Projects Program?

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538.21 How is the number of eligible children determined?
538.22 To what extent must a State provide educational services to eligible children enrolled in nonprofit schools?
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538.24 What documents must an applicant submit to an SEA to receive a subgrant?
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Sec.

538.30 How does the Secretary review an application submitted by an SEA?
538.31 What formula will be used to distribute funds to SEAs with approved applications?
538.32 How does the Secretary provide for a substantial and disproportionate increase in the enrollment of eligible children that may occur after a grant has been made?
538.33 How are the amounts available for eligible children in each LEA determined?
538.34 [Reserved]
538.35 What criteria does the Secretary use to review an application under the Development and Dissemination Projects Program?

Subpart E—How Are Funds Under the State-Administered Program To Be Spent?

538.40 What are the restrictions on costs under the State-administered program?

Authority: Immigration and Nationality Act, as amended by the Refugee Act of 1980, Pub. L. 96-212, 8 U.S.C. 1522(d).

Subpart A—General

§ 538.1 What is the transition program for refugee children?

(a) This program provides educational services to meet the special educational needs of eligible children who are enrolled in public and nonprofit private elementary and secondary schools.

(b) This program funds—

(1) Formula grants to States (under the State-Administered Program) based on the number of eligible children in the States; and

(2) Discretionary projects (under the Development and Dissemination Projects Program) designed to produce and demonstrate exemplary approaches, materials, and strategies to meet the special educational needs of eligible children.

(Sec. 412(d)(1) of the Immigration and Nationality Act, as amended)

§ 538.2 Who is eligible to apply for financial assistance?

(a) *State Administered Program.* (1)(i) A State educational agency (SEA) is eligible to apply for a grant to assist local educational agencies (LEAs) in its State in providing special educational services to eligible children, if the State has an approved plan for the administration of refugee resettlement programs in its State on file with the Director of the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS).

(ii) Requirements pertaining to submission and approval of the State plan are contained in 45 CFR Part 400 (Refugee Resettlement Program; Plan and Reporting Requirements for States).

(2) An LEA or a consortium of LEAs may apply to the SEA for a subgrant to provide services to eligible children enrolled in public and nonprofit private schools within its jurisdiction.

(3) If an LEA does not apply for a subgrant to serve eligible children in schools within its jurisdiction, an SEA—

(i) Arranges through subgrants, contracts, or cooperative agreements with public and nonprofit agencies, organizations, and institutions (including institutions of higher education (IHEs)) for the provision of services to those children; or

(ii) Provides services directly to those children.

(b) *Development and Dissemination Projects Program.* The following may apply for a Development and Dissemination project:

(1) An SEA;

(2) An LEA;

(3) An IHE; and

(4) Any other public or nonprofit public agency, organization, or institution.

(Sec. 412(a)(6); 412 (d)(1) of the Immigration and Nationality Act, as amended)

§ 538.3 What regulations apply to this program?

The following regulations apply to this program:

(a) *General.* (1) The regulations in this part 538.

(2) The Education Division General Administrative Regulations (EDGAR) 34 CFR Parts 74, 77, and 78.

(b) *State-Administered Program.* (1) The regulations in 34 CFR Part 76, except—

(i) Section 76.101(a)–(d);

(ii) Section 76.102;

(iii) Section 76.103; and

(iv) Section 76.105.

(2) The regulations in 45 CFR Part 400 (Refugee Resettlement Program; Plan and Reporting Requirements for States).

(c) *Development and Dissemination Projects Program.* The regulations in 34 CFR Part 75.

(d) If any sections or provisions of 45 CFR Part 400 or 34 CFR Parts 74–78 do not apply to this program, the inapplicability of those sections or provisions is explicitly stated in these regulations.

(20 U.S.C. 3474(a))

§ 538.4 What definitions apply to this program?

(a) The following definitions are specific to these regulations:

"Act" means the Refugee Act of 1980 (Pub. L. 96-212) as amended.

"Application" includes the terms "State plan" and "general application" as used in EDGAR 34 CFR Parts 74–78.

"Bilingual education" means instruction given in, and study of, both English and, to the extent necessary to allow the children to achieve competence in the English language, the native language of the eligible children.

"Eligible children" means children who are—

(1)(i) Admitted into the United States as refugees under the authority of the Immigration and Nationality Act, Secs. 203(a)(7) (repealed), 207, or granted asylum in the United States under the authority of Sec. 208 (8 U.S.C. 1153(a)(7)(repealed), 1157, 1158); or

(ii) Paroled into the United States as refugees under the authority of the Immigration and Nationality Act, Sec. 212(d)(5)(8 U.S.C. 1182(d)(5)); or

(iii) Allowed to remain in the United States as refugees because their deportation has been withheld under the authority of the Immigration and Nationality Act, Sec. 243(h)(8 U.S.C. 1253(h)); or

(iv) Granted asylum in the United States as refugees under the authority of 8 CFR Part 108; or

(v) Admitted into the United States as refugees under the authority of the Refugee Act of 1980, Pub. L. 96–212; and

(2) Who are within the age limits for which the applicable State is required or permitted under State law to provide free public elementary and secondary school education for students in kindergarten through grade 12.

"Indochinese children" means aliens who have fled from Cambodia, Vietnam, or Laos, and who—

(1) Have been admitted into the United States as refugees under Section 207 of the Immigration and Nationality Act;

(2) Have been paroled into the United States by the Attorney General under Section 212(d)(5) of the Immigration and Nationality Act; or

(3) Are applicants for asylum, or have been granted asylum in the United States.

(b) The following definitions in EDGAR (34 CFR Part 77) apply to these regulations:

Applicant
Application
Award
Local educational agency (LEA)
Nonprofit
Private
Project
Secretary
State
State educational agency (SEA)

(c) The following definitions in the Elementary and Secondary Education Act of 1965, as amended, apply to these regulations.

Construction
Elementary school
Secondary school

Immigration and Nationality Act, as amended, 20 U.S.C. 2943, and 20 U.S.C. 3474(a)

Subpart B—What Activities May the Transition Program Support?

§ 538.10 What activities are eligible for support under the State-administered program?

The following services may be provided:

(a) Supplemental educational services—with emphasis on instruction to improve English language skills of eligible children—to enable those children to achieve and maintain a satisfactory level of academic performance. These services include—

(1) Testing to determine the educational needs of eligible children;

(2) Special English language instruction;

(3) Bilingual education;

(4) Remedial programs of instruction; and

(5) Special materials and supplies.

(b)(1) Up to 15 percent of the award may be used to provide support services for the eligible children, including but not limited to—

(i) Inservice training for educational personnel to work with eligible children to enable them more effectively to provide services to those children;

(ii) Training for parents of eligible children to enable them to participate more effectively in the education of their children, and

(iii) School counseling and guidance services for eligible children, including referrals to appropriate social services and health agencies.

(2)(i) In a given year, the Secretary may increase or decrease the 15 percent limit in paragraph (b)(1) of this section if the Secretary determines that the need for these services is proportionately greater or less than the need to provide special educational services.

(ii) To make this determination, the Secretary considers evaluations of ongoing projects under this program and recommendations from persons experienced in educating refugee children.

(iii) The Secretary announces any change in the 15 percent limit through publication of a notice in the **Federal Register.**

(3) The restrictions in paragraph (b)(1) of this section do not apply where a subgrant, contract, or cooperative arrangement is made, or direct services are provided, on behalf of 40 or fewer eligible children.

(c)(1) An SEA may use up to one percent of the total funds it receives under the State-Administered Program—

(i) To ensure proper and efficient administration of funds under this program; and

(ii) To provide technical assistance to subgrantees and others who are providing services under this program to eligible children.

(2) The total amount of funds used by an SEA for the costs in paragraph (c)(1) of this section may not exceed $200,000.

(Sec. 412(a)(1)(B); 412(a)(6)(B); 412(d)(1) of the Immigration and Nationality Act, as amended)

§ 538.11 What activities are eligible for support under the development and dissemination projects program?

(a) The following activities are eligible for support—

(1) Development of innovative methods, strategies, curricula, instructional materials, instructional programs, personnel development, or other techniques to meet the special educational needs of eligible children, in general, or of eligible children from particular areas of the world;

(2) Examination of the extent to which various projects effectively meet the special educational needs of eligible children; or

(3) Dissemination through national or regional centers, curriculum materials or exemplary practices that meet the special educational needs of eligible children.

(b) The Secretary may, through a notice published in the **Federal Register,** select specific activities for funding from among those listed in paragraph (a) of this section to respond to the changing national needs for educating eligible children in general or for educating eligible children from particular areas of the world.

(Sec. 412(d)(1) of the Immigration and Nationality Act, as amended, and 20 U.S.C. 3474(a))

Subpart C—How Does One Apply for a Grant or a Subgrant Under the State-Administered Program and the Development and Dissemination Projects Program?

§ 538.20 What documents does the State submit to receive a grant?

To receive a grant, an SEA shall submit to the Secretary an application containing the following:

(a) A count of the number of eligible children in the State, as required in § 537.21.

(b) A program plan that includes—

(1) A description of the SEA's method of counting children eligible for assistance under this program;

(2) A brief description of the services to be provided for those children; and

(3) A brief description of the SEA's plan for administering, monitoring, and evaluating the program.

(c) The following assurances:

(1) An assurance that the SEA will make subgrant awards to LEAs or consortia of LEAs in the State within 60 days of the receipt of the grant award.

(2) An assurance that the SEA will not disapprove in whole or in part an application submitted by an LEA for a subgrant without first affording the LEA a hearing according to the provisions in EDGAR (34 CFR 76.401(d)).

(3) The assurances required in EDGAR (34 CFR 76.101(e)).

(Sec. 412(a)(4) of the Immigration and Nationality Act, as amended, and 20 U.S.C. 347(a))

§ 538.21 How is the number of eligible children determined?

(a) On a date specified by the Secretary through a notice published in the **Federal Register**, an SEA shall count the number of eligible children enrolled in public and nonprofit private schools in each LEA, who have been admitted into the United States—

(1) Less than one year;

(2) One to two years;

(3) Two to three years; or

(4) Three to four years.

(b)(1) For each category in paragraph (a) of this section, the SEA shall count the number of children enrolled at the elementary school level and the number enrolled at the secondary school level.

(2) For the purpose of this count—

(i) Children who are "enrolled at the elementary school level" means children in grades K–6; and

(ii) Children who are "enrolled at the secondary school level" means children in grades 7–12.

(c) The SEA identifies for each category in paragraphs (a) and (b) of this section the number of Indochinese children and eligible children with another national origin.

(Sec. 412(d)(1) of the Immigration and Nationality Act, as amended, and 20 U.S.C. 3474(a))

§ 538.22 To what extent must a State provide educational services to eligible children enrolled in nonprofit private schools?

(a)(1) The SEA shall provide opportunities for eligible children enrolled in nonprofit private schools to receive educational services under this program.

(2) The requirements which must be met by an SEA with respect to eligible children enrolled in nonprofit private schools are contained in EDGAR (34 CFR 76.651–76.662).

(b) If an LEA is unwilling or unable to provide educational services to eligible children enrolled in nonprofit private elementary and secondary schools, an SEA—

(1) Arranges through a subgrant, contract, or cooperative agreement with a public or nonprofit private agency, organization, or institution for the provision of services to those children; or

(2) Provides services directly to those children.

(c) If a State is prohibited by law from providing educational services to children enrolled in nonporofit private elementary and secondary schools, or if the Secretary determines that an SEA is unwilling or has substantially failed to provide educational services on an equitable basis to eligible children enrolled in nonprofit private schools, the Secretary may—

(1) Proportionally reduce the funds granted to the State; and

(2) Arrange for other means of providing services to those children.

(20 U.S.C. 3474(a))

§ 538.23 When does a State submit its application for a grant?

To be eligible for funds, an SEA must transmit its application in accordance with the application notice published in the **Federal Register** that establishes a deadline for the transmittal of State applications.

(20 U.S.C. 3474(a))

§ 538.24 What documents must an applicant submit to an SEA to receive a subgrant?

To receive a subgrant, an applicant shall submit to the SEA an application containing the following information:

(a) A count of the number of eligible children in its jurisdiction, as required in § 538.21.

(b) A brief description of the educational services to be provided for the eligible children.

(c) The assurances required in EDGAR (34 CFR 76.301(c)).

(Sec. 412(a)(4) of the Immigration and Nationality Act, as amended and 20 U.S.C. 3474(a))

§ 538.25 When does an applicant submit its application?

An SEA establishes a deadline for receipt of applications for subgrants under this program.

(20 U.S.C. 3474(a))

Subpart D—How Are Grants and Subgrants Made to Applicants Under the State-Administered Program?

§ 538.30 How does the Secretary review an application submitted by an SEA?

The Secretary reviews and approves an application submitted by an SEA if the application complies with the requirements in this part.

(20 U.S.C. 3474(a))

§ 538.31 What formula will be used to distribute funds to SEAs with approved applications?

(a)(1) The most weight will be given to eligible children who have been admitted into the United States for less than one year on the date the child count was made.

(2) Eligible children in paragraph (a)(1) of this section enrolled in elementary and secondary grades will be weighted equally.

(b)(1) Less weight will be given for eligible children who have been admitted into the United States for more than one year on the date the child count was made.

(2) Eligible children in paragraph (b)(1) of this section enrolled in secondary schools will be given more weight than eligible children enrolled in elementary schools.

(c)(1) The Secretary uses the weighting factors in paragraph (d) of this section.

(2) The Secretary may increase or decrease any weighting factor by one or two points on an annual basis to respond to changing needs of eligible children.

(3) The Secretary announces the weighting factors each year through publication of a notice in the **Federal Register**.

(d) Weighting factors for the fund distribution formula are presented in the following table:

Recency of arrival in the United States (in years)	Weighting factors by school level	
	Elementary	Secondary
Less than 1	10	10
1 to 2	7	9
2 to 3	4	7
3 to 4	1	3
More than 4	0	0

(e) To determine the amount of a grant—

(1) The applicant's child count for each recency of arrival category is multiplied by the weighting factor for the category;

(2) The products for each category are added; and

(3) The sum of the products are multipiled by the weighted per pupil allocation.

Example: The following table presents a computation for a hypothetical LEA based on the weighting factors in paragraph (d) of this section:

Recency of arrival in the United States (in years)	a Number of eligible children	b Sample weighting factor	Weighted count (product of col. a times b)
Enrolled in Elementary Grades			
0 to 1	10	10	100
1 to 2	10	7	70
2 to 3	5	4	20
3 to 4	0	1	0
More than 4	0	0	0
Enrolled in Secondary Grades			
0 to 1	10	10	100
1 to 2	10	9	90
2 to 3	5	7	35
3 to 4	0	3	0
More than 4	0	0	0
Total	50		415

(4) In the example above, if the weighted per pupil allocation is $50, the grant award would be $20,750. As an example of how much would be paid on behalf of an individual student, if the weighted per pupil allocation is $50, the payment for a student who has been in this country less than a year would be $500; for a secondary grade student who has been in this country between 3 and 4 years, the payment would be $150.

(Sec. 412(d) of the Immigration and Nationality Act, as amended, and 20 U.S.C. 347(a))

§ 538.32 How does the Secretary provide for a substantial and disproportionate increase in the enrollment of eligible children that many occur after a grant has been made?

(a)1) If the Secretary determines that there has been a substantial and disproportionate increase in the enrollment of eligible children, the Secretary may provide SEAs an opportunity to submit evidence of the increase of the number of eligible children enrolled in schools in the State.

(2) Through a notice published in the **Federal Register**, the Secretary invites SEAs with increased enrollments of eligible children to submit a recount of the number of eligible children enrolled in schools in the State, according to the provisions in § 538.21.

(b) Where funds are available, the Secretary may provide additional assistance to SEA based on the increase in the number of eligible children in the State, provided that the SEA submits a plan outlining how the additional funds would be spent to provide services for those children.

(c) In distributing funds under paragraph (b) of this section, the Secretary uses the weighting factors in § 538.31.

(d) The Secretary does not decrease the amount of an award to SEA where there is a decrease in the enrollment of eligible children.

(Secs. 412(a)(1)(B); 412(a)(6)(B); 412(d)(1) of the Immigration and Nationality Act, as amended, and 20 U.S.C. 3474(a))

§ 538.33 How are the amounts available for eligible children in each LEA determined?

In determining the amounts available for eligible children in each LEA, the SEA—

(a) Subtracts from the SEA's award the costs budgeted for the administration of the SEA grant award and for technical assistance (These costs may not exceed one percent of the SEA award); and

(2) Applies the formula in § 538.31 to determine the amounts of funds available for eligible children in each LEA.

(Sec. 412(d)(1) of the Immigration and Nationality Act, as amended, and 20 U.S.C. 3474(a))

§ 538.34 (Reserved)

§ 538.35 What criteria does the Secretary use to review an application under the development and dissemination projects program?

The Secretary uses the following selection criteria worth a total of 100 points. The relative importance of each criterion is indicated next to the heading of that criterion.

(a) *Plan of operation.* (20 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 members of racial or ethnic minority groups, women, handicapped persons, and elderly.

(b) *Quality of key personnel.* (7 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use 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 paragraphs (b)(2)(i) and (ii) of this section plans 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 members of racial or ethnic groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, 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.

Note.—The qualification of project personnel should relate to the population served by the project. For example, when reviewing projects that serve Indochinese refugee children, the Secretary looks for project personnel who have extensive experience or expertise in the culture and language of Indochinese populations.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) 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 show the quality of the evaluation plan for the project. (See 34 CFR 76.590—Evaluation by the grantee.)

(2) The Secretary looks for information that show 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.* (3 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 appilicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Problems addressed.* (20 points)

(1) The Secretary looks for information that shows the extent to which educational problems of national significance are addressed by the project.

(2) The Secretary looks for information that shows the extent to which the project addresses needs that cannot be, or are not being, effectively addressed by State or local efforts.

(g) *Innovativeness.* (20 points)

The Secretary looks for information that shows the extent to which the project involves techniques that are new nationally but that build on current knowledge and research.

(h) *Scope.* (10 points)

The Secretary looks for information that shows the extent to which the applicant proposes a project that—

(1) Is national or regional in scope; and

(2) Provides services, or is likely to improve educational programs, for eligible children throughout the area served.

(i) *Coordination.* (10 points)

The Secretary looks for information that shows the extent to which the project coordinates activities with existing resource and dissemination centers.

(20 U.S.C. 3474(a))

Subpart E—How Are Funds Under the State-Administered Program To Be Spent?

§ 538.40 What are the restrictions on costs under the State-administered program?

(a)(1) Funds may not be used under this program for—

(i) Construction, repair, remodeling, or alteration of facilities or sites;

(ii) Payments of stipends to participants in inservice training or other workshops, including costs of participant travel, meals, or lodging associated with this training; or

(iii) Payments for the provision of health or social services.

(2) The restrictions in paragraph (a) of this section do not apply where a subgrant, contract, or cooperative arrangement is made, or direct services are provided, on behalf of 40 or fewer eligible children.

(b) Allowable costs are subject to the applicable cost principles in 34 CFR Part 74.

(Sec. 412(d)(1) of the Immigration and Nationality Act, as amended, and 20 U.S.C. 3474(a))

Note.—This Appendix is being published for informational purposes only and will not be published in Title 34 Code of Federal Regulations.

Appendix

Summary of Comments and Responses

The following is a summary of the approximately 115 comments received on the notice of proposed rulemaking (NPRM) for the Transition Program for Refugee Children. The comments are arranged in the order of the sections of the proposed regulations to which they pertain. Each set of comments is followed by a response that indicates any change that has been made to the regulations or why no change was considered appropriate.

Many of the added provisions and changes in the language and format of the final regulations are not discussed below. They were prompted by numerous commenters who expressed confusion about the meaning of certain provisions.

Part 537—Transition Program for Refugee Children

§ 122b.1 What is the transition program for refugee children?

Comment. This section and the following section of the proposed regulations generated the greatest number of comments. While commenters strongly supported the purposes and provisions governing the discretionary Development and Dissemination Projects Program, commenters uniformly opposed the dual (entitlement and competitive) nature of the State-administered grants program. Commenters suggested that assistance for refugee children should not be made contingent on the State's ability to prepare competitive proposals. The commenters feared that this competitive approach would tend to favor States that employ superior proposal writers. Commenters overwhelmingly supported an entitlement approach, where a formula grant award is made to a State based on the number of eligible children in the State for whom services are proposed.

Response. A change has been made. The final regulations eliminate the dual grant approach and provide for the award of formula grants to States based on the number of eligible children in the States for whom services are proposed under this program. When a local educational agency (LEA) does not apply to the State for a subgrant to serve the eligible children within its jurisdiction, the State educational agency (SEA) may directly provide services to those children or may arrange, through subgrants, contracts, or cooperative agreements with public and nonprofit private agencies, organizations, and institutions, for services to be provided to those children.

Based on the elimination of the competitive approach, a number of changes to the final regulations have been made. Public comment on those provisions in the proposed regulations that governed the competitive approach of the State-administered projects will not be addressed in this appendix, since that approach has been eliminated from the final regulations.

Comment. Two commenters suggested that services under this program made available to preschool-age refugees and refugee adults.

Response. No change has been made. Section 412(d) of the Refugee Act of 1980 authorizes the provision of special educational services only to refugee children in elementary and secondary schools. Refugee adults are eligible for services under the Adult Education for Immigrants and Indochinese Refugees Program and under the Adult Education Program for Cuban/Haitian Entrants (34 CFR Part 432). Refugee children enrolled in elementary and secondary schools and preschool age refugee children, if limited English porficient, are eligible for special educational services under the Bilingual Education: Basic Projects and Demonstration Projects Programs (34 CFR Parts 501 and 502) authorized under Title VII of the Elementary and Secondary Education Act (ESEA).

Comment. Several commenters requested clarification of the relationship between this program and other programs, legislation, and regulations providing for the needs of refugee and entrant children. The commenters specifically mentioned the following: assistance to States provided under the Refugee Act of 1980; the Educational Services for Cuban and Haitian Entrants Program (Secretary's Discretionary Authority, Section 303 of ESEA; the Refugee Education Assistance Act of 1980 (Pub. L. 96–422), the Bilingual Education Program (Title VII of ESEA, Pub. L. 95–561), and the proposed regulations governing the rights of language minority students (Nondiscrimination Under Programs Receiving Federal Financial Assistance Through the Education Department) (34 CFR Part 100) published on September 11, 1980 in the **Federal Register** (45 FR 52052).

Response. The preamble to these regulations discusses the relation of this

program to the programs, legislation, and regulations mentioned by commenters.

§ 122b.2 Who is eligible to apply for financial assistance?

Comment. A number of commenters questioned the rationale for the concentration/proportion eligibility threshold established in the proposed regulations for LEAs applying to SEAs for subgrants. Commenters feared that eligible children who were enrolled in schools in LEAs that did not meet the eligibility requirement for a subgrant, would be left unserved. Commenters recommended that all LEAs be permitted to apply for subgrants to serve eligible children in their jurisdiction, regardless of the number, concentration, or proportion of eligible children in schools in their jurisdictions.

Response. A change has been made. The eligibility threshold has been eliminated. Any LEA with eligible children enrolled in schools within its jurisdiction may apply to the SEA for a subgrant to serve those children. When an LEA does not apply either singly or in a consortium for a subgrant, an SEA may provide services directly to the eligible children or may arrange for services to those children.

Comment. One commenter asked whether there were special conditions and restrictions for LEAs that apply as a consortium for a subgrant.

Response. The Education Division General Administrative Regulations (EDGAR) establishes the requirements for eligible parties that apply as a consortium, the LEAs that submit a joint application for a subgrant (34 CFR 76.303). All the conditions in these regulations that govern an LEA that applies singly for a subgrant also govern an LEA that applies in a consortium.

Comment. One commenter asked whether a State was required by law to submit to the Director of the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS) a plan for the administration of refugee resettlement programs in its State to be eligible to apply under this program.

Response. A change has been made. The regulations now state that a State must have an approved State plan on file with the Director of ORR. Requirements pertaining to the submission of that plan are contained in 45 CFR Part 400 (Refugee Resettlement Program; Plan and Reporting Requirements for States), published on September 9, 1980 in the **Federal Register** (45 FR 59318).

§ 122b.3 What regulations apply to this program?

Comment. One commenter suggested that this section of the regulations should specify which provisions in EDGAR apply to applicants and grantees under the different types of programs.

Response. A change has been made. This section now specifies which provisions in EDGAR apply to the different types of programs.

§ 122b.4 What definitions apply to this program?

Comment. One commenter questioned whether a change in the status of refugee children to permanent residents affects their eligibility under this program.

Response. No change has been made. A change in the refugee status of an eligible child does not preclude that child from receiving services under this program since program eligibility is based on the authority under which the child has entered the United States and not on the current status of the child.

§ 122b.10 What are the two types of State-administered projects?

Comment. Most of the commenters on this section questioned whether the list of eligible activities was inclusive and suggested additional activities eligible for support. Commenters suggested that the list of eligible activities be expanded to include remedial programs of instruction, training for parents, and mental health counseling. Three commenters asked whether bilingual instruction under this program was transitional in nature. One commenter suggested that instruction be conducted with appreciation for the cultural heritage and ethnic background of the eligible children.

Response. A change has been made. The regulations now state that the activities eligible for support under this program include, but are not limited to, the activities listed in this section. In response to public comment, the list of eligible activities has been expanded to include remedial instruction and parent training activities. Mental health counseling is allowable to the extent that a school provides that type of service as part of its ordinary counseling and guidance services.

The regulations now state that educational services should emphasize instruction to improve the English language skills of eligible children. A definition of "bilingual education", which emphasizes the transitional nature of the bilingual instruction supported under this program, has been added to the definition section of the regulations. While it is hoped that instructional activities for refugee children would be conducted with appreciation of the cultural heritage and ethnic backgrounds of those children, these regulations do not specify particular instructional approaches, subjects, or courses of study.

Comment. Several commenters suggested that the regulations establish education or certification requirements for teachers of eligible children.

Response. No changes have been made. Establishing requirements for teachers is not authorized by statute.

Comment. Three commenters suggested that SEAs be allowed to provide technical assistance, where needed, to subgrantees and others assisting eligible children under this program. Several commenters suggested that the limit on funds spent for administration of a State grant be reduced from five percent to one percent, in line with the restrictions on administrative costs established in the Refugee Education Assistance Act of 1980.

Response. A change has been made. The regulations now state that an SEA may use up to one percent of the funds it receives in a State-administered grant for administration of the grant and for provision of technical assistance to subgrantees and others who are providing services under this program to eligible children.

§ 122b.11 What is a development and dissemination project?

Comment. One commenter asked why the format of this section did not parallel the format of the section describing eligible activities under the State-Administered Program. Another commenter asked whether development and dissemination projects would use existing centers, such as the Bilingual Education Service Centers (BESCs) funded under Title VII of ESEA, to disseminate materials and exemplary practices.

Response. A change has been made. The format of this section has been revised. The preamble to these regulations addresses the relation of the activities supported under the Transition Program for Refugee Children to the activities supported under the Bilingual Education Program. In addition, a selection criterion has been added that measures the extent to which the applicant under the Development and Dissemination Projects Program will coordinate activities with existing resource and dissemination centers.

§ 122b.20 What are the application requirements for grants under both types of State-administered projects?

Comment. Several commenters expressed confusion about the application and child count requirements for SEAs. A few commenters suggested that the SEA report in its application its plans for administering and monitoring the grant. Other commenters stated that identification of an eligible child's country of origin was burdensome. They suggested that the identification requirement either be eliminated or that a list of possible countries of origin be attached to the application to simplify the identification process.

Response. A change has been made. The section outlining application requirements has been rewritten. An SEA is now required to briefly describe its plan for administering and monitoring the program. In addition, this section cites the EDGAR provisions that govern assurances required from applicants.

To minimize the reporting burden of SEAs and LEAs eligible for assistance under the various ED programs (this program, Educational Services for Cuban and Haitian Entrant Children Program, and Titles II and III of the Refugee Education Assistance Act of 1980) that provide educational services to different refugee and entrant groups, the Secretary requires from SEAs and LEAs a single count of refugee and entrant children that identifies whether the children are of Indochinese, Cuban and Haitian, or other origin and records the recency of their arrival in the United States (in years).

The Secretary will use the counts reported under the various categories for recency of arrival in the United States to determine those Cuban and Haitian entrant children eligible under the Educational Services for Cuban and Haitian Entrant Children Program and those Cuban, Haitian, and Indochinese refugee children eligible under the Refugee Education Assistance Act of 1980 based on the date of their entry into the United States. The Secretary will use the single count to determine the amount of funds available for SEAs and LEAs under each of the refugee and entrant assistance programs. The Secretary believes this counting and reporting format will provide the best estimate of children eligible for assistance under the various programs and will greatly simplify the reporting and administrative responsibilities and requirements for SEAs.

In the event that funds are made available to implement Title II of the Refugee Education Assistance Act of 1980, the Secretary may make an additional request to States to identify those Cuban and Haitian entrant children who are enrolled in public schools, since the form recording the State's single count does not distinguish between eligible children enrolled in public or nonprofit private schools. To make awards under Title III of the Refugee Education Assistance Act of 1980 which weights the recent of arrival of eligible children in an LEA, the Secretary will compare the LEA's current count with previous counts to determine the number of children who are new arrivals.

Comment. A few commenters suggested a second child count be conducted to allow for increases in the enrollment of eligible children that may occur between the first count and the beginning of the school year for which funds are made available.

Response. A section has been added which explains how the Secretary may provide for a substantial and disproportionate increase in the enrollment of eligible children that may occur after grants have been made. If the Secretary determines that there has been such an increase in the enrollment of eligible children, the Secretary may invite SEAs with increased enrollments to submit recounts of the number of eligible children. Where funds are available, the Secretary may provide additional funds to the SEA based on the increases in the number of eligible children, using the weighting factors in the regulations.

§ 122b.21 What are the application requirements for development and dissemination projects?

Comment. A few commenters questioned how an application under this program should be developed. They asked whether the narrative should address the requirements in this section as well as the selection criteria listed in § 122b.34 or whether the requirements in the two sections are the same.

Response. A change has been made. Section 122b.21 has been deleted. An applicant under this program should develop an application that addresses the selection criteria.

§ 122b.32 How is a subgrant under a State-administered subgrant project made?

Comment. Several commenters questioned the rationale for establishing the provision whereby the Secretary may increase by up to 100 percent the amount an LEA may receive based on a high concentration of eligible children (at least four percent) in schools within the jurisdiction of the LEA. Commenters suggested that the needs of LEAs with high concentrations of refugee children were not necessarily greater than the needs of LEAs enrolling few eligible children. They recommended that this provision be eliminated from the final regulations and that, to the extent possible, funds be distributed equitably among all eligible children according to the weighted formula in the regulations.

Response. The concentration provisions have been deleted from the final regulations.

§ 122b.33 What formula will be used to distribute funds under both types of State-administered projects?

Comment. Commenters on this section generally accepted the Secretary's definition of elementary school (grades K–6) and secondary school (grades 7–12). They supported the concept of additional costs associated with the education of secondary school students and acknowledged that recent arrivals have greater needs which generate additional costs. A few commenters recommended that the weights be set at intervals of two years, instead of the one year intervals in the proposed regulations. They noted that their educational experience indicated that refugee children generally required more than a single year of special educational services to adapt to the new environment and to achieve a satisfactory level of academic performance.

Response. No change has been made to the regulations. Through a notice published in the **Federal Register** the Secretary may increase or decrease the weighting factors, if such change is deemed appropriate. The Secretary will carefully consider the comments received on this section in making that determination.

§ 122b.40 What are the restrictions on costs a grant or subgrant may support?

Comment. One commenter suggested that travel costs be allowed, as well as stipends for inservice training. A few commenters questioned the rationale for the 15 percent maximum allowed for support services, such as training and counseling activities. One commenter recommended raising the $200,000 limit on administrative costs. Several commenters suggested that a "supplement not supplant" requirement be added to this section.

Response. Under the final regulations, the restrictions on costs under this program do not apply where a subgrant, contract, or cooperative agreement is made, or direct services are provided, on behalf of 40 or fewer eligible children.

Since the anticipated level of funding for this program is low (less than $300 per eligible child) compared to the needs of the eligible children, funds must be concentrated on the provision of direct services to the children. It is expected that LEAs will assume, or find resources to cover, the travel and stipend costs for education personnel. However, it is conceivable that the best use of a limited amount of funds may be to cover the costs of sending a teacher to a workshop on the education of refugee children or providing health care for a refugee child so that the child may attend school.

A similar provision has been added to the section in the final regulations describing eligible activities that makes the 15 percent limit on the amount of funds available for support services applicable only where a subgrant, contract, or cooperative agreement is made, or direct services are provided, on behalf of more than 40 children. The Secretary believes 15 percent to be a reasonable allowance for support services under this program. Experience under the Bilingual Education: Basic Projects Program (Title VII, ESEA) indicates that 15 percent is more than adequate to cover inservice training costs. The average expenditure for inservice training is ten percent under the Basic Projects Program, which supports programs of bilingual education for children of limited English proficiency. However, the final regulations have retained a provision that enables the Secretary to decrease or increase that limit if experience indicates that a change in the limit is needed.

Provisions governing support services and administrative activities have been deleted from this section and placed in the section in the final regulations that govern eligible activities under the State-Administered Program. Many commenters believed that funds should directly benefit eligible children. As a result, the program was greatly streamlined so more funds would pass directly to LEAs. A single State administered program replaced the dual programs of direct and indirect assistance to eliminate unnecessary and costly administrative burdens. Furthermore, to increase the total amount of funds reaching children, in light of the reduced administrative burdens on the States, the maximum administrative set-aside was reduced from 5% to 1% of the total grant. The Secretary believes that a 1% limit on administrative costs is more in keeping with the amount set aside for administration under a similar program (the Refugee Education Assistance Act of 1980) and provides adequate support for State administrative costs.

The legislation does not authorize a "supplement not supplant" requirement.

§ 122b.41To what extent must a grantee or subgrantee provide an opportunity for eligible private school students to participate in a project?

Comment. Several commenters requested clarification of the requirements pertaining to the participation of children enrolled in nonprofit private schools. A few commenters suggested that bypass provisions be added to permit an SEA to arrange for or provide services to eligible children enrolled in nonprofit private schools, if an LEA is unwilling or unable to provide services to those children and to permit the Secretary to arrange for services for eligible children enrolled in nonprofit private schools when an SEA is not permitted by law to serve those children.

Response. Bypass provisions have been added.

[FR Doc. 81-1246 Filed 1-13-81; 8:45 am]
BILLING CODE 4000-01-M

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34 CFR Part 539

Educational Services for Cuban and Haitian Entrant Children

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations to implement the Educational Services for Cuban and Haitian Entrant Children Program under the Secretary's Discretionary Authority, Section 303 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended. These regulations provide supplementary educational assistance to meet the special educational needs of Cuban and Haitian entrant children and to enhance their transition into American society.

EFFECTIVE DATE: These final regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the **Federal Register**. The effective date is changed if 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: Mr. James Lockhart, Office of Bilingual Education and Minority Languages Affairs, Department of Education, (Room 505, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 472-7177.

SUPPLEMENTARY INFORMATION:

I. Authority

The statutory authority for this program is Section 303 of ESEA, as amended, Pub. L. 95-561 (20 U.S.C. 2943).

II. Backgrounds

On September 11, 1980, the Secretary of Education published a Notice of Proposed Rulemaking (NPRM) to implement the Transition Program for Refugee Children. Since the "entrant" status of the Cuban and Haitian children preclude them from receiving services under the Transition Program for Refugee Children, the Secretary proposed in the preamble to the NPRM that a program of educational services for those children be operated under the Secretary's Discretionary Authority using regulations that parallel the final regulations for the Transition Program for Refugee Children. Public comment strongly supported the Secretary's proposal. Therefore, except for a different definition of "eligible children" and the absence of State eligibility requirements that are specific to the Transition Program for Refugee Children, the regulations issued in this part (34 CFR Part 539) are identical to those issued for the Transition Program for Refugee Children (34 CFR Part 538).

Readers should review the preamble and the appendix to the regulations governing the Transition Program for Refugee Children for a discussion of the relationship between this program and other programs and legislation providing for Cuban and Haitian entrant/refugee children and for a summary of the public comments and the Secretary's responses. The regulations for the Transition Program for Refugee Children are published in this issue of the **Federal Register.**

Citation of Legal Authority

The reader will find a citation of statutory or other legal authority placed in parentheses on the line following each substantive provision of the regulations.

Dated: December 16, 1980.

Shirley M. Hufstedler,

Secretary of Education.

(Catalog of Federal Domestic Assistance Program No. 84.138, Educational Services for Cuban and Haitian Entrant Children)

The Secretary amends Title 34 of the Code of Federal Regulations by adding a new Part 539 to read as follows:

PART 539—EDUCATIONAL SERVICES FOR CUBAN AND HAITIAN ENTRANT CHILDREN

Subpart A—General

Sec.
539.1 What is the Educational Services for Cuban and Haitian Entrant Children?
539.2 Who is eligible to apply for financial assistance?
539.3 What regulations apply to this program?
539.4 What definitions apply to this program?

Subpart B—What Activities May Be Supported under the Educational Services for Cuban and Haitian Entrant Children Program?

539.10 What activities are eligible for support under State-Administered Program?
539.11 What activities are eligible for support under the Development and Dissemination Projects Program?

Subpart C—How to Apply for a Grant or a Subgrant Under the State-Administered Program and the Development and Dissemination Projects Program?

539.20 What documents does the State submit to receive a grant?
539.21 How is the number of eligible children determined?
539.22 To what extent must a State provide educational services to eligible children enrolled in nonprofit schools?
539.23 When does a State submit its application for a grant?
539.24 What documents must an applicant submit to an SEA to receive a subgrant?
539.25 When does an applicant submit its application?

Subpart D—How Are Grants and Subgrants Made to Applicants Under the State-Administered Program?

539.30 How does the Secretary review an application submitted by an SEA?
539.31 What formula will be used to distribute funds to SEAs with approved applications?
539.32 How does the Secretary provide for a substantial and disproportionate increase in the enrollment of eligible children that may occur after a grant has been made?
539.33 How are the amounts available for eligible children in each LEA determined?
539.34 [Reserved]
539.35 What criteria does the Secretary use to review an application under the Development and Dissemination Projects Program?

Subpart E—How Are Funds Under the State-Administered Program To Be Spent?

539.40 What are the restrictions on costs under the State-Administered Program?

Authority: Secretary's Discretionary Authority, Section 303 of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978, Pub. L. 95-561, 20 U.S.C. 2943

Subpart A—General

§ 539.1 What is the Educational Services for Cuban and Haitian Entrant Children Program?

(a) This program provides educational services to meet the special educational needs of eligible children who are enrolled in public and nonprofit private elementary and secondary schools.

(b) This program funds—

(1) Formula grants to States (under the State-Administered Program) based on the number of eligible children in the States; and

(2) Discretionary projects (under the Development and Dissemination Projects Program) designed to produce and demonstrate exemplary approaches, materials, and strategies to meet the special educational needs of eligible children.

(20 U.S.C. 2943)

§ 539.2 Who is eligible to apply for financial assistance?

(a) *State Administered Program.* (1) A State educational agency (SEA) is eligible to apply for a grant to assist local educational agencies (LEAs) in its State in providing special educational services to eligible children.

(2) An LEA or a consortium of LEAs may apply to the SEA for a subgrant to provide services to eligible children enrolled in public and nonprofit private schools within its jurisdiction.

(3) If an LEA does not apply for a subgrant to serve eligible children in schools within its jurisdiction, an SEA—

(i) Arranges through subgrants, contracts, or cooperative agreements with public and nonprofit agencies, organizations, and institutions (including institutions of higher education (IHEs)) for the provision of services to those children; or

(ii) Provides services directly to those children.

(b) *Development and Dissemination Projects Program.* The following may apply for a Development and Dissemination project:

(1) An SEA;

(2) An LEA;

(3) An IHE; and

(4) Any other public or nonprofit public agency, organization, or institution.

(20 U.S.C. 2943)

§ 539.3 What regulations apply to this program?

The following regulations apply to this program:

(a) *General.* (1) The regulations in this part 539.

(2) The Education Division General Administrative Regulations (EDGAR) 34 CFR Parts 74, 77, and 78.

(b) *State-Administered Program.* The regulations in 34 CFR Part 76, except—

(1) Section 76.101(a)–(d);

(2) Section 76.102;

(3) Section 76.103; and

(4) Section 76.105.

(c) *Development and Dissemination Projects Program.* The regulations in 34 CFR Part 75.

(d) If any sections or provisions of 34 CFR Parts 74–78 do not apply to this program, the inapplicability of those sections or provisions is explicitly stated in these regulations.

(20 U.S.C. 3474(a))

§ 539.4 What definitions apply to this program?

(a) The following definitions are specific to these regulations:

"Application" includes the terms "State plan" and "general application" as used in the EDGAR 34 CFR Parts 74–78.

"Bilingual education" means instruction given in, and study of, both English and, to the extent necessary to allow the children to achieve competence in the English language, the native language of the eligible children.

"Eligible children" means aliens who—

(1) Are Cuban-Haitians entrants (status pending) who entered the United States on or after November 1, 1979; and

(2) Who are within the age limits for which the applicable State is required or permitted under State law to provide free public elementary and secondary school education for students in kindergarten through grade 12.

(b) The following definitions in EDGAR (34 CFR Part 77 apply to these regulations:

Applicant
Application
Award
Local educational agency (LEA)
Nonprofit
Private
Project
Secretary
State
State educational agency (SEA)

(c) The following definitions in the Elementary and Secondary Education Act of 1965, as amended, apply to these regualtions.

Construction
Elementary school
Secondary school

(20 U.S.C. 2854, and 20 U.S.C. 3474(a))

Subpart B—What Activities May Be Supported Under the Educational Services for Cuban and Haitian Entrant Children Program?

§ 539.10 What activities are eligible for support under the State-Administered Program?

The following services may be provided:

(a) Supplemental educational services—with emphasis on instruction to improve English language skills of eligible children—to enable those children to achieve and maintain a satisfactory level of academic performance. These services include—

(1) Testing to determine the educational needs of eligible children;

(2) Special English language instruction;

(3) Bilingual education;

(4) Remedial programs of instruction; and

(5) Special materials and supplies.

(b)(1) Up to 15 percent of the award may be used to provide support services for the eligible children, including but not limited to—

(i) Inservice training for educational personnel to work with eligible children to enable them more effectively to provide services to those children;

(ii) Training for parents of eligible children to enable them to participate more effectively in the education of their children, and

(iii) School counseling and guidance services for eligible children, including referrals to appropriate social services and health agencies.

(2)(i) In a given year, the Secretary may increase or decrease the 15 percent limit in paragraph (b)(1) of this section, if the Secretary determines that the need for these services is proportionately greater or less than the need to provide special educational services.

(ii) To make this determination, the Secretary considers evaluations of ongoing projects under this program and recommendations from persons experienced in educating refugee children.

(iii) The Secretary announces any change in the 15 percent limit through publication of a notice in the **Federal Register.**

(3) The restrictions in paragraph (b)(1) of this section do not apply where a subgrant, contract, or cooperative arrangement is made, or direct services are provided, on behalf of 40 or fewer eligible children.

(c)(1) An SEA may use up to one percent of the total funds it receives under the State-Administered Program—

(i) To ensure proper and efficient administration of funds under this program; and

(ii) To provide technical assistance to subgrantees and others who are providing services under this program to eligible children.

(2) The total amount of funds used by an SEA for the costs in paragraph (c)(1) of this section may not exceed $200,000.

(20 U.S.C. 2943)

§ 539.11 What activities are eligible for support under the Development and Dissemination Projects Program?

(a) The following activities are eligible for support—

(1) Development of innovative methods, strategies, curricula, instructional materials, instructional programs, personnel development, or other techniques to meet the special educational needs of eligible children, in general, or of eligible children from particular areas of the world;

(2) Examination of the extent to which various projects effectively meet the special educational needs of eligible children; or

(3) Dissemination through national or regional centers, curriculum materials or exemplary practices that meet the special educational needs of eligible children.

(b) The Secretary may, through a notice published in the **Federal Register,** select specific activities for funding from among those listed in paragraph (a) of this section to respond to the changing national needs for educating eligible children in general or for educating eligible children from particular areas of the world.

(20 U.S.C. 2943 and 20 U.S.C. 3474(a))

§ 539.21 How is the number of eligible children determined?

(a) On a date specified by the Secretary through a notice published in the **Federal Register,** an SEA shall count the number of eligible children enrolled in public and nonprofit private schools in each LEA, who have been admitted into the United States—

(1) Less than one year;

(2) One to two years;

(3) Two to three years; or

(4) Three to four years.

(b)(1) For each category in paragraph (a) of this section, the SEA shall count the number of children enrolled at the elementary school level and the number enrolled at the secondary school level.

(2) For the purpose of this count—

(i) Children who are "enrolled at the elementary school level" means children in grades K–6.

(ii) Children who are "enrolled at the secondary school level" means children in grades 7–12.

(20 U.S.C. 2943 and 20 U.S.C. 3474(a))

§ 539.22 To what extent must a State provide educational services to eligible children enrolled in nonprofit private schools?

(a)(1) The SEA shall provide opportunities for eligible children enrolled in nonprofit private schools to receive educational services under this program.

(2) The requirements which must be met by an SEA with respect to eligible children enrolled in nonprofit private schools are contained in EDGAR (34 CFR 76.651–76.662).

(b) If an LEA is unwilling or unable to provide educational services to eligible children enrolled in nonprofit private elementary and secondary schools, an SEA—

(1) Arranges through a subgrant, contract, or cooperative agreement with a public or nonprofit private agency, organization, or institution for the provision of services to those children; or

(2) Provides services directly to those children.

(c) If a State is prohibited by law from providing educational services to children enrolled in nonprofit private elementary and secondary schools, or if the Secretary determines that an SEA is unwilling or has substantially failed to provide educational services on an equitable basis to eligible children enrolled in nonprofit private schools, the Secretary may—

(1) Proportionally reduce the funds granted to the State; and

(2) Arrange for other means of providing services to those children.

(20 U.S.C. 3474(a))

§ 539.23 When does a State submit its application for a grant?

To be eligible for funds, an SEA must transmit its application in accordance with the application notice published in the **Federal Register** that establishes a deadline for the transmittal of State applications.

(20 U.S.C. 3474(a))

§ 539.24 What documents must an applicant submit to an SEA to receive a subgrant?

To receive a subgrant, an applicant shall submit to the SEA an application containing the following information:

(a) A count of the number of eligible children in its jurisdiction, as required in § 539.21.

(b) A brief description of the educational services to be provided for

the eligible children and the estimated costs.

(c) The assurances required in EDGAR (34 CFR 76.301(c)).

(Sec. 412(a)(4) of the Immigration and Nationality Act, as amended and 20 U.S.C. 3474(a))

§ 539.25 When does an applicant submit its application?

An SEA establishes a deadline for receipt of applications for subgrants under this program.

(20 U.S.C. 3474(a))

Subpart D—How Are Grants and Subgrants Made to Applicants Under the State-Administered Program?

§ 539.30 How does the Secretary review an application submitted by an SEA?

The Secretary reviews and approves an application submitted by an SEA if the application complies with the requirements in this part.

(20 U.S.C. 3474(a))

§ 539.31 What formula will be used to distribute funds to SEAs with approved applications?

(a)(1) The most weight will be given to eligible children who have been admitted into the United States for less than one year on the date the child count was made.

(2) Eligible children in paragraph (a)(1) of this section enrolled in elementary and secondary grades will be weighted equally.

(b)(1) Less weight will be given for eligible children who have been admitted into the United States for more than one year on the date the child count was made.

(2) Eligible children in paragraph (b)(1) of this section enrolled in secondary schools will be given more weight than eligible children enrolled in elementary schools.

(c)(1) The Secretary uses the weighting factors in paragraph (d) of this section.

(2) The Secretary may increase or decrease any weighting factor by one or two points to respond to changing needs of eligible children.

(3) The Secretary announces the weighting factors through publication of a notice in the Federal Register.

(d) Weighting factors for the fund distribution formula are presented in the following table:

Recency of arrival in the United States (in years)	Weighting factors by school level	
	Elementary	Secondary
Less than 1	10	10
1 to 2	7	9
2 to 3	4	7
3 to 4	1	3
More than 4	0	0

(e) To determine the amount of a grant—

(1) The applicant's child count for each recency of arrival category is multiplied by the weighting factor for the category;

(2) The products for each category are added; and

(3) The sum of the products are multiplied by the weighted per pupil allocation.

Example: The following table presents a computation for a hypothetical LEA based on the weighting factors in paragraph (d) of this section:

Recency of arrival in the United States (in years)	(a) Number of eligible children	(b) Sample weighting factor	Weighted count (project of col. a times b)
Enrolled in Elementary Grades			
0 to 1	10	10	100
1 to 2	10	7	70
2 to 3	5	4	20
3 to 4	0	1	0
More than 4	0	0	0
Enrolled in Secondary Grades			
0 to 1	10	10	100
1 to 2	10	9	90
2 to 3	5	7	35
3 to 4	0	3	0
More than 4	0	0	0
Total	50		415

(4) In the example above, if the weighted per pupil allocation is $50, the grant award would be $20,750. As an example of how much would be paid on behalf of an individual student, if the weighted per pupil allocation is $50, the payment for a student who has been in this country less than a year would be $500; for a secondary grade student who has been in this country between 3 and 4 years, the payment would be $150.

(20 U.S.C. 2943 and 20 U.S.C. 3474(a))

§ 539.32 How does the Secretary provide for a substantial and disproportionate increase in the enrollment of eligible children that may occur after a grant has been made?

(a)(1) If the Secretary determines that there has been a substantial and disproportionate increase in the enrollment of eligible children, the Secretary may provide SEAs an opportunity to submit evidence of the increase of the number of eligible children enrolled in schools in the State.

(2) Through a notice published in the Federal Register, the Secretary invites SEAs with increased enrollments of eligible children to submit a recount of the number of eligible children enrolled in schools in the State, according to the provisions in § 539.21.

(b) Where funds are available, the Secretary may provide additional assistance to an SEA based on the increase in the number of eligible children in the State, provided that the SEA submits a plan outlining how the additional funds would be spent to provide services for those children.

(c) In distributing funds under paragraph (b) of this section, the Secretary uses the weighting factors in § 539.31.

(d) The Secretary does not decrease the amount of an award to an SEA where there is a decrease in the enrollment of eligible children.

(20 U.S.C. 2943 and 20 U.S.C. 3474(a)).

§ 539.33 How are the amounts available for eligible children in each LEA determined?

In determining the amounts available for eligible children in each LEA, the SEA—

(a) Subtracts from the SEA's award the costs budgeted for the administration of the SEA grant award and for technical assistance (These costs may not exceed one percent of the SEA award.); and

(2) Applies the formula in § 539.31 to determine the amounts of funds available for eligible children in each LEA.

(20 U.S.C. 2943 and 20 U.S.C. 3474(a))

§ 539.34 [Reserved]

§ 539.35 What criteria does the Secretary use to review an application under the Development and Dissemination Projects Program?

The Secretary uses the following selection criteria worth a total of 100 points. The relative importance of each criterion is indicated next to the heading of that criterion.

(a) *Plan of operation* (20 points)

(1) The Secretary reviews each application for information that shows that 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 members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(b) *Quality of key personnel.* (7 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use 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 paragraphs (b)(2) (i) and (ii) of this section plans 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 members of racial or ethnic groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, 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.

Note.—The qualification of project personnel should relate to the population served by the project. For example, when reviewing projects that serve Haitian children, the Secretary looks for project personnel who have extensive experience or expertise in the culture and language of the Haitian population.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) 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. (See 34 CFR 76.590—Evaluation by the grantee)

(2) The Secretary looks for information that show 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.* (3 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) *Problems addressed.* (20 points)

(1) The Secretary looks for information that shows the extent to which educational problems of national significance are addressed by the project.

(2) The Secretary looks for information that shows the extent to which the project addresses needs that cannot be, or are not being, effectively addressed by State or local efforts.

(g) *Innovativeness.* (20 points)

The Secretary looks for information that shows the extent to which the project involves techniques that are new nationally but that build on current knowledge and research.

(h) *Scope.* (10 points)

The Secretary looks for information that shows the extent to which the applicant proposes a project that—

(1) Is national or regional in scope; and

(2) Provides services, or is likely to improve educational programs, for eligible children throughout the area served.

(i) *Coordination.* (10 points)

The Secretary looks for information that shows the extent to which the project coordinates activities with existing resource and dissemination centers.

(20 U.S.C. 3474(a))

Subpart E—How Are Funds Under the State-Administered Program To Be Spent?

§ 539.40 What are the restrictions on costs under the State-Administered Program?

(a)(1) Funds may not be used under this program for—

(i) Construction, repair, remodeling, or alteration of facilities or sites;

(ii) Payments of stipends to participants in inservice training or other workshops, including costs of participant travel, meals, or lodging associated with this training; or

(iii) Payments for the provision of health or social services.

(2) The restrictions in paragraph (a) of this section do not apply where a subgrant, contract, or cooperative arrangement is made, or direct services are provided, on behalf of 40 or fewer eligible children.

(b) Allowable costs are subject to the applicable cost principles in 34 CFR Part 74.

(20 U.S.C. 2943 and 3474(a))

[FR Doc. 81-1247 Filed 1-13-81; 8:45 am]
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federal register

Wednesday
January 14, 1981

Part VII

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

January 1, 1981.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of January 1, 1981 of 26 deferrals contained in the first two special messages for FY 1981. These messages were transmitted to the Congress on October 1, and December 2, 1980.

Deferrals (Table A and Attachment A)

As of January 1, 1981, $2,737.8 million in 1981 budget authority was being deferred from obligation and another $6.7 million in 1981 obligations was being deferred from expenditure. Attachment A shows the history and status of each deferral reported during FY 1981.

Information From Special Messages

The special messages containing information on the deferrals covered by the cumulative report are printed in the **Federal Register** of:

Monday, October 6, 1980 (Part VIII, Vol. 45, No. 195)

Friday, December 5, 1980 (Part VII, Vol. 45, No. 236)

James T. McIntyre, Jr.,

Director.

Table A—Status of 1981 Deferrals

	Amount (in millions of dollars)
Deferrals proposed by the President	4,236.1
Routine Executive releases (–1,491.6 million) and adjustments (–0–) through January 1, 1981	–1,491.6
Overturned by the Congress	–0–
Currently before the Congress	[1]2,744.5

[1] This amount includes $6.7 million in outlays for a Department of the Treasury deferral (D81–19A).

Attachments.

BILLING CODE 3110-01-M

ATTACHMENT A - STATUS OF DEFERRALS - FISCAL YEAR 1981

AS OF 01/03/81 17:11

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-01-81
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Foreign military credit sales	BA	D81-23	659,250		12 2 80	-409,250			250,000
Economic support fund	BA	D81-24	1,984,500		12 2 80	-690,880			1,293,620
DEPARTMENT OF AGRICULTURE									
Forest Service									
Timber salvage sales	BA	D81- 1	16,481		10 1 80				16,481
Expenses, brush disposal	BA	D81- 2	37,342		10 1 80				37,342
DEPARTMENT OF AGRICULTURE TOTAL	BA		53,823						53,823
DEPARTMENT OF COMMERCE									
General Administration									
Participation in U.S. expositions	BA	D81- 3	2,867		10. 1 80				2,867
National Oceanic and Atmospheric Administration									
Construction	BA	D81- 4	10,230		10 1 80	-5,230			5,000
DEPARTMENT OF COMMERCE TOTAL	BA		13,097			-5,230			7,867

PAGE 2 ATTACHMENT A - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 01/03/81 17:11

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-01-81
DEPARTMENT OF DEFENSE-MILITARY									
Procurement									
Procurement activities	BA	D81- 5	139,700		10 1 80	-107,900			31,800
Research, Development, Test, and Evaluation									
RDT&E Activities	BA	D81- 6	46,500		10 1 80				46,500
Military Construction									
Military construction (medical facilities)	BA	D81-25	111,300		12 2 80				111,300
Military construction, all services	BA	D81- 7	6,983		10 1 80				
	BA	D81- 7A		600,344b	12 2 80	-237,537			369,790
Family Housing, Defense									
Family housing, Defense	BA	D81- 8	18,651		10 1 80	-18,651			
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA			323,134	600,344		-364,088			559,390
DEPARTMENT OF DEFENSE-CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation, all services	BA	D81- 9	667		10 1 80	-136a			531
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Alcohol, Drug Abuse & Mental Health Administration									
Construction & renovation, St. Elizabeths Hospital	BA	D81-10	10,698		10 1 80				10,698
Office of Assistant Secretary for Health									

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-01-81
Special foreign currency program	BA	D81-11	8,000		10 1 80				8,000
Human Development Services									
White House Conference on Children and Youth	BA	D81-12	562		10 1 80				562
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA			19,260						19,260
DEPARTMENT OF THE INTERIOR									
Heritage Conservation and Recreation Service									
Land and water conservation fund	BA	D81-13	30,000		10 1 80				30,000
Geological Survey									
Payments from proceeds, sale of water	BA	D81-14	41		10 1 80				41
Bureau of Mines									
Drainage of anthracite mines	BA	D81-15	765		10 1 80				765
DEPARTMENT OF THE INTERIOR TOTAL BA			30,806						30,806
DEPARTMENT OF JUSTICE									
Federal Prison System									
Buildings and facilities	BA	D81-16	15,750		10 1 80				15,750
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration									
Facilities & equip. (Airport & airway trust fund)									

PAGE 4 ATTACHMENT A - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 01/03/81 17:11

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-01-81
	BA	D81-17	133,823		10 1 80				
	BA	D81-17A		240,603	12 2 80				374,426
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
State and local government fiscal assistance fund									
	BA	D81-18	111,773		10 1 80	-1,095			110,678
	O	D81-19	5,485		10 1 80				
	O	D81-19A		5,209	12 2 80	-3,956			6,738
Bureau of the Mint									
Construction of mint facilities									
	BA	D81-20	5,730		10 1 80				5,730
DEPARTMENT OF THE TREASURY									
TOTAL	BA		117,503			-1,095			116,408
TOTAL	O		5,485	5,209		-3,956			6,738
OTHER INDEPENDENT AGENCIES									
Federal Emergency Management Agency									
Emergency planning, preparedness, and mobilization									
	BA	D81-21	80		10 1 80				80
Tennessee Valley Authority									
Tennessee Valley Authority fund									
	BA	D81-22	17,000		10 1 80	-17,000			
	BA	D81-26	15,800		12 2 80				15,800
OTHER INDEPENDENT AGENCIES									
TOTAL	BA		32,880			-17,000			15,880
TOTAL	BA		3,384,493	840,947		+1,487,679			2,737,761
TOTAL	O		5,485	5,209		-3,956			6,738

FOOTNOTES

a. This amount was released before the special message containing the deferral was transmitted to the Congress.

[FR Doc. 81-1345 Filed 1-13-81; 8:45 am]
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federal register

Wednesday
January 14, 1981

Part VIII

Department of Education

Graduate and Professional Study Fellowships

DEPARTMENT OF EDUCATION

34 CFR Part 649

Graduate and Professional Study Fellowships

AGENCY: Department of Education.

ACTION: Final regulations with invitation to comment.

SUMMARY: The Secretary issues final regulations for the Graduate and Professional Study Fellowships Program. The regulations, which implement Title IX, Part B of the Higher Education Act of 1965, have been amended to reflect the statutory changes in the Education Amendments of 1980 and to reflect changes required by the Education Department General Administrative Regulations (EDGAR).

These regulations specify the selection criteria the Secretary uses in evaluating applications for fellowships for graduate and professional study, public service education, and studies in domestic mining and mineral and mineral fuel conservation. These regulations also describe application procedures, eligibility requirements, and the terms and conditions of an award.

DATES: Comments must be received on or before March 16, 1981. The 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 Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

ADDRESS: Comments should be addressed to: Donald N. Bigelow, Chief, Graduate Training Branch, Division of Training and Facilities, Room 3060, ROB #3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Donald N. Bigelow, Telephone (202) 245-2347.

SUPPLEMENTARY INFORMATION:

Waiver of Proposed Rulemaking Procedures

In accordance with Section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), it has been the practice of the Secretary to offer interested parties the opportunity to comment on these proposed regulations. The Secretary then reviews these comments and makes appropriate changes before republishing the regulations in final form.

For the reasons described in the following paragraph, the use of that practice in connection with the provisions of these regulations is impracticable and contrary to the public interest under 5 U.S.C. 553(b). However, the Secretary invites the public to comment on these final regulations and will consider appropriate comments before publishing the final regulations again.

The Secretary has waived proposed rulemaking procedures because it would be impossible to invite applications against final regulations and still make awards by April 1, 1981, which is required if institutions of higher education are to be able to recruit qualified students for the 1981-82 academic year. With the publication of proposed regulations followed by a minimum thirty-day comment period, final regulations could be issued only by mid-to-late-March. If applications were invited against the final regulations, they would not be due until early May. Review of applications would delay awards until July. For 1981-82, this would undermine the program's purpose to recruit eligible students in supported academic areas.

Issues

Several changes were made in the program by the Education Amendments of 1980. Issues related to these changes include—

1. *Level of financial need.* The statute requires that an institution, in assessing applications for fellowships, apply a measurement of financial need approved by the Secretary. The Secretary intends to provide as much flexibility as possible to institutions of higher education in determining financial need.

Under these regulations, an applicant institution shall state in its application the method it proposes to use for determining financial need. The Secretary's approval of the application constitutes approval of the method.

2. *Broader authority of the statute.* Prior to the reauthorization of the Higher Education Act of 1980, Title IX-B consisted only of Graduate and Professional Opportunities Fellowships. Under the amended legislation Title IX-B consolidates these fellowships with those previously authorized in Title IX, Parts C and D, namely fellowships for Public Service Education and Domestic Mining and Mineral and Mineral Fuel Conservation.

Under the consolidated part, Section 922(e) requires that at least as much money be spent each year on Public Service fellowships, Mining fellowships, and Graduate and Professional Opportunity fellowships, as was spent in fiscal year 1979 for each of these categories, namely, $4 million, $4.5 million, and $8 million, respectively.

The Secretary interprets the authority of the amended Title IX-B not to be exhausted by these three categories of fellowships. The statute appears to be broad enough to authorize the establishment of additional fellowship categories for graduate students in financial need. However, given the minimum funding requirement in Section 922(e) of the Act, at present, no funds are being provided for this purpose. The Secretary will regulate with respect to this broader authority if funds are made available.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these regulations. Written comments and recommendations may be sent to the address given at the beginning of this preamble. All comments received on or before the 60th day after publication of this document will be considered in any future revision of the final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3060, ROB #3, 7th and D Streets SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week, except for Federal holidays.

Assessment of Educational Impact

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, 1980 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.

Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (Pub. L. 96-354, enacted Sept. 19, 1980) requires each Federal agency to prepare an initial regulatory flexibility analysis and a final regulatory flexibility analysis for each regulation that—

(1) Is published as a notice of proposed rulemaking after January 1, 1981, and

(2) Has a significant economic impact on a substantial number of small entities (small businesses, small organizations, or small governmental jurisdictions).

Because the Department has not yet established its own definitions of "small organization" and "small governmental jurisdiction," as contemplated by the Act, it is not possible to prepare a full initial regulatory flexibility analysis at this time. Further, since the regulations in this document are required by statute to be published in final form no later than May 31, 1981, it is impracticable to delay publication while the necessary definitions are being developed. As noted elsewhere in this preamble, it was impracticable to take public comments before publishing these regulations as final. For the same reasons, it was impracticable to delay the regulations while an initial regulatory flexibility analysis was prepared. In these circumstances, the Regulatory Flexibility Act permits a waiver or delay of the initial regulatory flexibility analysis. If it is determined that these regulations are subject to that Act, the Secretary will prepare the necessary analyses at a later date.

As an interim measure, this document, to the maximum extent possible, includes information of the kind contemplated by the Regulatory Flexibility Act, including the reasons for the regulations, the objectives and legal basis for the regulations, and any significant issues and alternatives for consideration by the public. To assist the Department in determining whether the Regulatory Flexibility Act applies to these regulations, and in complying with the Act's requirements, public comment is especially invited on the following matters:

(1) The number and kind of small entities (small businesses, small organizations, or small governmental jurisdictions) affected by the regulations;

(2) The reporting, recordkeeping, and compliance burdens imposed by the regulations on small entities;

(3) The type of professional skills necessary for preparation of any reports or records required by the regulations;

(4) Any Federal rules that may duplicate, overlap, or conflict with the regulations;

(5) Any significant alternatives that would accomplish the purposes of the applicable statute but would minimize any significant economic impact of the regulations on small entities. The Secretary is particularly interested in suggestions on alternatives such as the following:

- The establishment of differing reporting or compliance requirements or timetables that take into account the resources available to small entities.
- The clarification, consolidation, or simplification of compliance and reporting requirements for small entities.
- The use of performance rather than design standards.
- An exemption for small entities from coverage of part or all of the regulations.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provisions of these regulations.

Dated: January 9, 1981.

Shirley M. Hufstedler,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.094, Graduate and Professional Study Fellowships)

Part 649 of Title 34 of the Code of Federal Regulations is revised to read as follows:

PART 649—FELLOWSHIPS FOR GRADUATE AND PROFESSIONAL STUDY

Subpart A—General

Sec.

649.1 Fellowships for Graduate and Professional Study.
649.2 Eligible parties.
649.3 Regulations that apply to the Fellowship Program.
649.4 Definitions.

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Authority: Part B of Title I of the Higher Education Act, as amended by Pub. L. 96-374 (94 Stat. 1367, 1487; 20 U.S.C. 1134e-1134g).

Subpart A—General

§ 649.1 Fellowships for graduate and professional study.

(a) Fellowships for Graduate and Professional Study—referred to in these regulations as the Fellowship Program—provides Federal assistance to enable institutions of higher education to make available fellowship awards in post-baccalaureate education to graduate and professional students who demonstrate financial need.

(20 U.S.C. 1134d)

(b) An institution of higher education may apply for a grant under this program to award one or more of the following types of fellowships:

(1) *Graduate and Professional Opportunity Fellowships,* awarded to individuals from groups who are underrepresented in graduate or professional study;

(2) *Public Service Education Fellowships,* awarded to individuals who plan to begin or continue a career in public service;

(3) *Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships,* awarded to individuals who plan to begin advanced study in domestic mining and mineral and mineral fuel conservation, including oil, gas, coal, oil shale, and uranium.

(20 U.S.C. 1134e(e))

§ 649.2 Eligible parties.

Institutions of higher education are eligible for grants under these regulations.

(20 U.S.C. 1134e)

§ 649.3 Regulations that apply to the fellowship program.

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and Part 77 (General), except that §§ 75.116, 75.117, and 75.232

are inapplicable to this program; and §§ 75.510–.568 are inapplicable to the institutional allowances to institutions of higher education under this program.

(b) The regulations in this Part 649.

(20 U.S.C. 1221e–3)

§ 649.4 Definitions.

(a) The following terms used in this part are defined in 34 CFR Part 77 (EDGAR):

Applicant
Application
Award
Budget Period
Department
Secretary

(b) The following definitions apply specifically to this part:

"Academic area" means a professional school, academic department, or similar organizational unit within an institution of higher education.

"Academic career beyond high school" means a career as a teacher, administrator, or educational specialist at some level of postsecondary education.

"Act" means the Higher Education Act of 1965, as amended.

"Domestic mining" means the process of extracting from the earth mineral and mineral fuel resources of the United States.

"Fellow" means a fellowship recipient.

"Fellowship" means an award made by an institution of higher education to a person for graduate or professional study under Title IX–B of the Act.

"Financial need" means the difference between a student's projected costs for the year—including books, materials, suplies, room and board, and other reasonable costs—and the student's resources, including available income and other available assets.

"Independent institution" means an institution of higher education, other than one that is publicly controlled, that meets the definition of an institution of higher education in section 1201(a) of the Act.

"Internship" means a supervised administrative experience that provides a student with a practical introduction to a career in public service.

"Mineral and mineral fuel conservation" is the means by which an adequate supply of the Nation's non-renewable resources is maintained through exploration of new sources, more efficient extraction of existing reserves, or better use of already processed minerals and mineral fuels.

"Public service education" means the preparation for leadership and management careers in local, State, or national government or in nonprofit community service organizations.

"Underrepresented groups" means miniorities and other groups, including women, who are underrepresented in the specific graduate area of study or profession in which the award is made.

(20 U.S.C. 1134d–1134g)

Subpart B—How Does an Institution Apply for and Obtain Approval of its Program?

§ 649.10 How to apply for funds.

(a) In order to apply for a grant under this part, an institution of higher education must submit an application that responds to the appropriate criteria in §§ 649.12, 649.813, and 649.14.

(b) The application must describe how the institution of higher education will select eligible individuals to receive fellowships. This description must include evidence that the selected individual—

(1) Will achieve the academic goals of the fellowship; and

(2) Can demonstrate a level of financial need based on the institution's method or methods which the Secretary approves for determining financial need. An institution may—

(i) Use its own financial need analysis system, which may or may not incorporate or adapt a more general system such as that provided by the College Scholarship Service (CSS), the American College Testing Service (ACT), or the Graduate and Professional School Financial Aid Service (GAPSFAS); or

(ii) Use exclusively one of the systems referred to in paragraph (b)(2)(i) of this section; and

(iii) Under either paragraph (b)(2) (i) or (ii) of this section, take into account—as evidence of financial need—an individual's prior receipt of fellowship assistance under this program.

(20 U.S.C. 1134f(a))

§ 649.11 How does the Secretary evaluate an application?

(a) *Funding reservations.*

(1) The Secretary reserves funds for Graduate and Professional Opportunity Fellowships, Public Service Education Fellowships, and Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships in accordance with section 922(e) of the Act (referring to the amount the Secretary is required to expend for each category of fellowships) and applicable appropriation statutes.

(20 U.S.C. 1134e(e))

(2) Before considering applications that include support for new fellowships, the Secretary provides funds to continue support for qualified students—

(i) Who were awarded fellowships under this program in a previous year; and

(ii) Who are maintaining satisfactory progress as determined by the institution.

(20 U.S.C. 1134f(b))

(3) From the sums appropriated under this program for any fiscal year, the Secretary does not make to a single institution of higher education a grant less than $75,000, except to the extent that payments are made for continuation fellowships only—without any new fellowship—and the total sum equals less than $75,000.

(20 U.S.C. 1134e(b))

(b) *Selection criteria.*

Subject to the funding reservations, the Secretary—in determining whether to select an institution of higher education for a grant and how many fellowships to authorize under the grant—assesses an application on the basis of the criteria in § 649.12 for Graduate and Professional Opportunity Fellowships; the criteria in § 649.13 for Public Service Education Fellowships; and the criteria in § 649.14 for Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships.

(1)(i) In assessing applications for Graduate and Professional Opportunity Fellowships, the Secretary ranks each academic area in which an applicant proposes to award fellowships. The Secretary ranks each academic area according to the combined scores for institution-wide criteria and criteria for that area.

(ii) The Secretary awards up to 56 possible points for the institution-wide criteria (§ 649.12 (a)–(e)), and up to an additional 44 possible points for the criteria specific to the academic area submitted (§ 649.12 (f)–(k)).

(2) In assessing an application for Public Service Fellowships, the Secretary awards up to 100 possible points.

(3) In assessing an application for Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships, the Secretary awards up to 100 possible points.

(4) The maximum possible score for each criterion is indicated in parentheses following the heading for that criterion.

(5) In evaluating an application from an institution that previously received a grant under this program, the Secretary assesses the extent to which the

previously funded grant achieved its objectives.

(20 U.S.C. 1134e(d) (1) and (2))

(c) *Other considerations.*

For applications of substantially equal quality, the Secretary gives priority to applications that will contribute to achieving the following:

(1) An equitable geographic distribution of grants.

(2) An equitable distribution of awards among eligible public and independent institutions of higher education.

(20 U.S.C. 1134e(b)(1))

(3) An appropriate balance of fellowships with regard to academic areas, taking account of present and projected needs for highly trained individuals in all academic careers beyond the high school level and in other than academic career fields of high national priority.

(20 U.S.C. 1124e(d))

§ 649.12 What selection criteria does the Secretary use for graduate and professional opportunity fellowships?

Institution-Wide Criteria

(a) *Institutional commitment.* (18 points)

(1) The Secretary reviews each application for information that shows the overall strength of an institution's commitment to meet the needs of the students it proposes to serve from underrepresented groups.

(2) The institution may demonstrate this commitment in such ways as the following:

(i) The provision of evidence that the institution's social and academic environment is supportive of the academic success of students from underrepresented groups on the applicant's campus.

(ii) The availability of other sources of financial aid and support mechanisms for these students.

(iii) The hiring of faculty and administrators from underrepresented groups.

(b) *Recruitment plan.* (14 points)

(1) The Secretary reviews each application for information that describes that institution's recruitment plan.

(2) The Secretary looks for information that shows:

(i) An active, aggressive, and imaginative effort to identify and attract qualified individuals from underrepresented groups.

(ii) The applicant's previous and current efforts in attracting and successfully preparing students from underrepresented groups for careers, including Graduate and Professional Opportunity Fellows, and other graduate and professional and undergraduate students.

(c) *Net increase of underrepresented students.* (8 points)

The Secretary reviews each application for information that shows that the proposed arrangements to assign the fellowships to the approved academic areas—

(1) Will result in a net increase of students from underrepresented groups in each area; and

(2) Will not result in a decrease in the amount of the institution's own financial support available for other students from underrepresented groups in the academic area and in the institution as a whole.

(d) *Program director.* (8 points)

The Secretary reviews each application for information that shows that the director has clear responsibilities, ample time, and sufficient institutional or academic authority to coordinate the overall administration of the program.

(e) *Employment opportunities.* (8 points)

The Secretary reviews each application for information that shows that the institution's educational program leads to immediate career opportunities in the graduate or professional study areas for which students from underrepresented groups have been recruited.

Academic Area Criteria

(f) *Evidence of underrepresentation.* (10 points)

The Secretary reviews each application for evidence that the students whom the institution proposes to recruit are from underrepresented groups in the proposed academic areas.

(g) *Evidence of national need.* (10 points)

The Secretary reviews each application for information that justifies the need for more highly trained individuals in academic careers beyond the high school level or in other career fields of high national priority.

(h) *Quality of academic program.* (7 points)

(1) The Secretary reviews each application for information that shows high quality of the academic program in terms of course offerings and academic requirements for students.

(2) The Secretary also looks for information that shows the appropriateness of the level of the degree to prepare the individual for an academic or professional career.

(i) *Quality of key faculty.* (7 points)

(1) The Secretary reviews each application for information that shows the qualifications of the faculty in the academic area.

(2) The Secretary looks for information that shows that the background, education, research interests, and relevant experience of the faculty qualify them to plan and implement a successful program of high academic quality.

(j) *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 academic area.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment that the applicant plans to use is adequate.

(k) *Special orientations and experiences.* (5 points)

The Secretary reviews each application for information that shows the applicant plans to provide special orientations, practical experiences, and necessary assistance designed to prepare fellowship recipients for academic careers or other professional careers of high national priority.

(20 U.S.C. 1134e(e)(3))

§ 649.13 What selection criteria does the Secretary use for public service fellowships?

(a) *Program objectives.* (10 points)

The Secretary looks for information that demonstrates present and projected needs for highly trained individuals in the fields of public service, including academic careers beyond the high school level focused on public service education.

(b) *Underrepresented groups.* (10 points)

The Secretary reviews each application for information that demonstrates the extent to which the program provides public service education to individuals from underrepresented groups.

(c) *Quality of academic program.* (10 points)

(1) The Secretary reviews each application for information that shows high quality of the academic program in terms of course offerings and academic requirements for students.

(2) The Secretary also looks for information that shows the appropriateness of the level of the degree to prepare the individual for a career in public service.

(d) *Practical experiences and internships.* (15 points)

The Secretary reviews each application for information that shows the program offers opportunities for relevant, supervised practical experiences and internships.

(e) *Quality of key personnel.* (25 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use in its program of public service education.

(2) The Secretary looks for information that shows—

(i) The qualifications of the program director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the program;

(iii) The time that each person referred to in paragraph (e)(2)(i) and (ii) of this section will 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 personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the program, as well as other information that the applicant provides.

(f) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to its program of public service education.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment that the applicant plans to use is adequate.

(g) *Cooperative arrangements.* (10 points)

The Secretary reviews each application for information that shows that the program establishes arrangements with governmental agencies or other nonprofit agencies for such activities as program development, personnel exchanges among faculty and agency staff, and field workers.

(h) *Institutional cooperation.* (5 points)

The Secretary reviews each application for information that shows that the applicant has considered and, if appropriate, entered into cooperative arrangements with other graduate units of the applicant in supportive efforts of practical benefit to public service education.

(i) *Success of graduates.* (5 points)

The Secretary reviews each application for evidence of past success of graduates of the program in achieving leadership and management positions in public service careers.

(20 U.S.C. 1134e(d))

§ 649.14 What selection criteria does the Secretary use for domestic mining and mineral and mineral fuel conservation fellowships?

(a) *Program objectives.* (15 points)

The Secretary reviews each application for information that shows the present and projected needs for highly trained individuals in the field of domestic mining and mineral and mineral fuel conservation—including academic careers beyond the high school level—in any of the following areas:

(1) The improvement of technologies for the efficient extraction and processing of nonrenewable minerals and mineral fuels including the development of—

(i) Improved systems of underground, underwater, and surface mining techniques;

(ii) Improved methods to protect the health and safety of people involved in extraction and processing operations; and

(iii) Improved methods to protect and restore the environment in extracting and processing operations.

(2) The development of ways to ensure the availability of nonrenewable minerals and mineral fuels through—

(i) Improved exploration or discovery techniques;

(ii) Optimum recovery of existing mineral and mineral fuel reserves;

(iii) Improved use of processed minerals and mineral fuels through recycling technology; and

(iv) Improved understanding of mineral economics.

(b) *Underrepresented groups.* (10 points)

The Secretary reviews each application for information that demonstrates the extent to which the program prepares individuals from underrepresented groups for careers in domestic mining or mineral and mineral fuel conservation.

(c) *Quality of academic program.* (20 points)

(1) The Secretary reviews each application for information that shows the high quality of the academic program in terms of course offerings and academic requirement for students.

(2) The Secretary also looks for information that shows the appropriateness of the level of the degree to prepare an individual for a career in domestic mining or mineral and mineral fuel conservation.

(d) *Quality of key personnel.* (25 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use in its program of domestic mining and mineral fuel conservation.

(2) The Secretary looks for information that shows—

(i) The qualifications of the program director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the program;

(iii) The time that each person referred to in paragraph (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications 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 personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the program, as well as other information that the applicant provides.

(e) *Adequacy of resources.* (20 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to its program of domestic mining and mineral fuel conservation.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment that the applicant plans to use is adequate.

(f) *Employment opportunities.* (10 points)

The Secretary reviews each application for information that shows that the educational program leads to immediate career opportunities in domestic mining and mineral fuel industries, including careers in teaching in those subject areas at institutions of higher education.

(20 U.S.C. 1134e(e)(2))

Subpart C—How Does a Person Apply for a Fellowship?

§ 649.20 Application procedures.

(a) A student applies directly to an institution of higher education that has received an allocation of fellowships.

(b) The student must meet all the institutional eligibility requirements for admission into one of the approved graduate or professional programs for which the institution awards fellowships.

(20 U.S.C. 1134f(a))

Subpart D—How Are Fellows Selected?

§ 649.30 What are the criteria for selecting fellows?

To receive a fellowship, a person must—

(a) Have been accepted for or be enrolled in a program of study leading to a postbaccalaureate graduate degree—such as a doctor of philosophy or doctor of arts—or to a postbaccalaureate professional degree—such as doctor of jurisprudence or master of business administration—necessary for professional practice in a given field;

(b) Have been accepted for or be enrolled in the program referred to in paragraph (a) of this section at an institution of higher education that has received a grant;

(c) Plan to pursue—

(1) An academic career or some other professional career of importance in the academic area of study approved by the Secretary;

(2) A career in public service; or

(3) A career in domestic mining or mineral fuel conservation.

(d)(1) Be a national of the United States;

(2) Be in the United States for other than a temporary purpose and intend to become a permanent resident; or

(3) Be a permanent resident of the Trust Territories of the Pacific Islands.

(e) Demonstrate financial need under an approved financial need analysis system as described in § 649.10(b).

(20 U.S.C. 1134e)

Subpart E—What Conditions Must Be Met by an Institution and a Fellow?

§ 649.40 Tenure of fellowship.

(a) A fellowship award is for a period of up to 36 months.

(b)(1) A fellow who maintains satisfactory progress in his or her course of study may have the fellowship renewed annually, subject to the availability of funds.

(2) However, no fellow may receive assistance under this fellowship for more than 36 months of support except as provided in paragraph (c) of this section.

(c)(1) Depending on the availability of funds and under special circumstances, the Secretary may provide for a fellowship extension of not more than 12 months in addition to the 36 months of support a fellow receives under this program. Generally, special circumstances would be the need for additional months to complete the doctorate or equivalent degree.

(2) A fellow who wishes to request an extension must make that request to the institution of higher education well in advance of the application closing date for the subsequent academic year.

(3) The institution of higher education must request approval for the additional support in its application and must request appropriate sums in the proposed budget.

(20 U.S.C. 1134f)

§ 649.41 Vacated fellowships.

(a)(1) If a fellow vacates a fellowship prior to the end of the first year of the award, the institution of higher education to which the fellowship is allocated may reaward the fellowship to another individual.

(2) This individual must meet the eligibility requirements stated in § 649.30 and be chosen in accordance with the institution's fellowship award procedures.

(b) A fellow awarded a vacated fellowship may apply for renewal of the fellowship for up to 36 months.

(c)(1) Second and third year continuation fellowships must be for the same individual who held the fellowship at the end of the first academic year.

(2) If a continuation fellowship is vacated after the first year, it may not be awarded to another individual. The fellowship terminates at that time.

(d) If a fellow graduates at any time during tenure of the fellowship, the fellowship terminates at that time.

(20 U.S.C. 1134f(b))

§ 649.42 Fellowship conditions.

In order to continue to receive payments under a fellowship, a fellow must:

(a) Maintain satisfactory progress as determined by the institution of higher education;

(b) Devote essentially full time to study or research in the field in which the fellowship was awarded; and

(c) Not engage in gainful employment during the period of the fellowship, except on a part-time basis in teaching, research, or similar activities approved by the Secretary.

(20 U.S.C. 1134f(b))

Subpart F—What Are the Administrative Responsibilities of the Institution?

§ 649.50 Amount of a fellowship.

(a) The maximum stipend that an institution may award to any fellow is $4,500 for a twelve-month year. A fellow who is enrolled in the program for an entire academic year that includes summer sessions will be considered to be enrolled in the program for the full 12 months.

(b) A fellow who is enrolled in the program for fewer than 12 months shall receive a pro rata share of the stipend.

(20 U.S.C. 1134f(a))

§ 649.51 Institutional allowance.

(a) In accordance with section 922(f) of the Act, the Secretary pays an institutional allowance to an institution of higher education in the amount of $3,900 per 12-month period for each fellowship allocated to that institution.

(b) If the fellow is enrolled for fewer than 12 months, the Secretary pays the institution of higher education a pro rata share of this amount.

(c) If the institution of higher education charges a fellow for tuition or nonrefundable fees that are required by the institution as a part of the fellow's instructional program, the Secretary deducts that amount from the institutional allowance.

(d) The institutional allowance is in lieu of any administrative or other costs for an institution of higher education. The allowance is not subject to restrictions on allowable costs.

(20 U.S.C. 1134e(f))

§ 649.52 Payment procedures.

(a)(1) The Secretary pays to the institution of higher education the fellowship stipends and institutional allowances.

(2) The institution of higher education is responsible for disbursing stipends to the fellows.

(b) The institution of higher education determines the frequency with which payments of the stipend will be made to fellows, except that the institution shall make no fewer than two payments a year.

(c) If a fellow, for any reason, fails to complete the period of study for which any payment under the fellowship has been made, the institution of higher education is responsible for recovery of excess payments.

(d) If the institution of higher education does not award a vacated fellowship to another qualified student, the institution must refund to the

Federal government the remaining pro rata share of the institutional allowance and the stipends.

(e) If an institution of higher education is unable to use all of the amounts available to it under this program, the Secretary will—on such dates each fiscal year as determined by the Secretary—reallot the amounts not needed to institutions of higher education which can use the grants authorized under this program.

(20 U.S.C. 1134e(f), 1134f(a))

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Part IX

Environmental Protection Agency

Agenda of Regulations

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[AS-FRL 1724-7]

Agenda of Regulations

AGENCY: Environmental Protection Agency.

ACTION: Agenda of Regulations.

SUMMARY: The Agency periodically publishes an Agenda of Regulations that summarizes significant regulations under development. The purpose is to keep interested parties informed of the progress of these regulations. The Agenda includes new regulations, existing regulations that the Agency is reviewing or revising, and also certain non-regulatory actions which the Agency believes are important enough to be listed.

FOR FURTHER INFORMATION CONTACT: For information on a regulation in the Agenda, please contact the person whose name is listed next to the regulation.

If you have suggestions for improving this publication, or need general information about the Agenda, please call or write to David Sahr, Regulation Management Staff, Environmental Protection Agency, PM-223, Washington, D.C. 20460, (202) 287-0776.

If you want to be on the mailing list for the Agenda of Regulations, please call or write to Penelope Parker, Regulation Management Staff, Environmental Protection Agency, PM-223, Washington, D.C. 20460, (202) 287-0783.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 12044, *Improving Government Regulations*, establishes certain procedures that executive agencies must follow in developing their regulations. One of these procedures is publishing an agenda of the significant regulations that the agency has under development. EPA published its most recent Agenda of Regulations on June 30, 1980, 45 FR 44107. EPA will publish its next Agenda in April 1981, and thereafter on a semi-annual basis. We are changing our schedule from June to April to comply with the Regulatory Flexibility Act.

Regulations Covered in the Agenda

We have attempted to include all significant regulations which the Agency is currently developing. Regulations enter this development process when the Assistant Administrator for a program office, for instance, the Office of Air, Noise and Radiation, sends a Start Action Notice (SAN) to senior management. This notice informs the rest of the Agency that the program office is starting work on a new regulation. If the Agency classifies the new regulation significant, it will appear in the Agenda.

The Agenda includes all significant regulations which are scheduled for publication as a proposal or final rule within the coming year. Where possible, it also includes regulations with scheduled actions that are more than a year away. In addition, it includes some actions which are *not* regulations, but which nonetheless represent major policy decisions, such as policy statements or Agency guidelines.

Regulations that appeared in our last Agenda but that are no longer under consideration (usually because they have been published as final regulations) appear in a separate section at the end of the Agenda. We will delete them from future Agendas.

There are 183 regulation entries in this Agenda. An additional 44 entries appear in the section of regulations to be deleted from the Agenda.

Agency Classification of Regulations

EPA's system for classifying regulations is described in detail in *Improving Environmental Regulations; Final Report Implementing Executive Order 12044*, 44 FR 30988 (May 29, 1979). The Agency assumes that all regulations are significant, unless they are:

(1) Administrative or procedural in nature;

(2) Minor amendments to existing regulations;

(3) Regulatory actions resulting from highly specific Congressional mandates that leave EPA no discretion to evaluate alternatives (e.g., deadline changes);

(4) EPA actions or regulations developed by State and local governments (such as State Implementation Plans); or

(5) Pesticide tolerances and regulations to exempt pesticides from the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

The Agency further divides significant regulations into routine and major regulations. Major regulations are those that are likely to have a substantial impact in any of several areas, including health, ecology, the economy, particular communities or regions, and the activities of other Federal and State agencies. Major regulations receive extra attention from the Agency's senior management. Of the regulations in this Agenda, 52 are major and 117 are routine. Five significant regulations that have just begun the development process have not yet been designated routine or major.

Important policy statements and other non-regulatory actions which appear in the Agenda are not classified as either major or routine. Instead, they are classified according to the type of action involved. The three classifications for these kinds of actions are: (1) Policy Statements, (2) Guidance and (3) Listings. The actions classified this way in the Agenda are:

- Listing of Coke Oven Emissions as a Hazardous Air Pollutant under Section 112 of the Clean Air Act
- Listing of Acrylonitrile Emissions as a Hazardous Air Pollutant under Section 112 of the Clean Air Act
- Policy and Procedures for Regulating Airborne Carcinogens
- Guidance for Occupational Radiation Exposure
- Transuranic Elements Guidance
- Environmental Criteria for Disposal of Radioactive Wastes
- Radiofrequency Radiation Guidance
- Exemption Policy under Section 4 of the Toxic Substances Control Act
- Policy on Public Participation

Explanation of Information in the Regulatory Agenda

There are four columns of information for each entry in the Agenda.

The *first* column contains the title, the Start Action Notice (SAN) number, and the docket number of the regulation. The Agency assigns the SAN number to a new significant regulation when the program office begins work on it. The SAN number prevents confusion if the title of a regulation changes, or if there are other similarly-titled regulations. For those regulations which have them, the docket number is useful in getting access to files on the regulation that are open to the public. If a bullet "•" precedes the title of the regulation, additional information on that regulation appeared in the *Calendar of Federal Regulations* published by the United States Regulatory Council in the **Federal Register** on November 24, 1980. Reprints of this Agenda, which EPA distributes directly to persons and organizations on its mailing list, include an appendix consisting of the expanded entries that appeared in the Calendar.

The *second* column contains most of the descriptive information on the regulation. It includes information under the following categories:

Description: This entry describes the problem addressed by the regulation and explains the need for the regulation.

CFR Changes: This entry identifies the part or subpart where the final regulation will appear, in volume 40 of the Code of Federal Regulations (CFR).

In some cases, it also specifies how the regulation will change an already existing subpart (revising the subpart, adding to it, or deleting from it).

Statutory Authority: This entry lists the sections of the statutes that authorize the regulation. It also lists the sections from the United States Code where the statutes are codified. (See the section below entitle "Summary of Contents" for abbreviations of the titles of the statutes.)

Classification: This entry identifies significant regulations as "major" or "routine". For those regulations that have not yet been designated major or routine, the Agenda identifies the regulation as significant. Non-regulatory actions are classified as policy statements, guidance, or listings. (For explanation of these terms see the section above on "Agency Classification of Regulations.")

Analysis: EPA prepares a standard economic analysis for *all* significant regulations. This entry indicates whether the Agency plans to perform any additional special analyses, i.e., a Regulatory Analysis, an Urban and Community Impact Analysis (UCIA), an Environmental Impact Statement (EIS), a Reporting Impact Analysis (RIA) or an Operations/Resource Impact Analysis (ORA). We have dropped this category for those regulations for which we will not prepare any of these special analyses.

The *third* column lists the person to contact for additional information on the regulation.

The *fourth* column lists documents published in the **Federal Register** in connection with the regulation, and provides the timetable for future actions. Published documents include: (i) the Advance Notice of Proposed Rulemaking, which describes the purpose of the proposed action and the issues and alternatives which the Agency will consider; (ii) the Notice of Proposed Rulemaking, which is the regulation which the Agency proposes to publish; and (iii) the Final Rule. In many cases, the timetable for future actions is only tentative.

The Agenda uses the following abbreviations:

Advance Notice of Proposed Rulemaking	ANPRM
Notice of Proposed Rulemaking	NPRM
Notice of Reproposed Rulemaking	RPRM
Interim Final Rule	IFR
Final Rule	FR

Non-regulatory actions like policy statements are not rulemakings but, for purposes of convenience, we use the same abbreviations.

Organization of the Agenda

The Agenda lists regulations by the titles we give to our major pollution control program areas, e.g., air, water quality, solid wastes. Within each program area the regulations are ordered numerically by section number of the authorizing legislation. For example, all air regulations under Section 109 of the Clean Air Act will appear before those under Section 111. The program areas and their authorizing legislative acts appear in the "Summary of Contents" below.

Summary of Contents

Program Area and Legislation

Air:
- The Clean Air Act (CAA)
- The Energy Policy and Conservation Act (EPCA)

Drinking Water: The Safe Drinking Water Act (SDWA)

Noise: The Noise Control Act (NCA)

Pesticides:
- The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
- The Food, Drug and Cosmetics Act (FDCA)

Radiation:
- The Atomic Energy Act (AEA)
- The Uranium Mill Tailings Radiation Control Act (UMTRCA)

Solid Waste: The Resource Conservation and Recovery Act (RCRA)

Toxic Substances: The Toxic Substances Control Act (TSCA)

Water:
- The Clean Water Act (CWA)
- The Marine Protection, Research, and Sanctuaries Act (MPRSA)

General: The National Historic Preservation Act and Executive Order 12114

Regulations Deleted From the Previous Agenda

After listing all significant regulations currently under consideration, the Agenda lists all the regulations that appeared in the last Agenda but that are now no longer under consideration. These regulations will not appear in our next Agenda.

The information given on these regulations is less detailed than for those still under consideration. Generally, it includes the date and **Federal Register** citation, if any, of the last action on the regulation, and explains why the Agency is deleting the regulation from the Agenda. The explanation is usually that the regulation has been completed.

Reviews of Existing Regulations

The Agency reviews many of its regulations under statutory or judicial mandate. A large proportion of the regulation entries in this Agenda are actions to satisfy these requirements. In addition, EPA is conducting a comprehensive review of existing regulations not subject to statutory or judicial mandate, as required under Executive Order 12044. These reviews comprise the Agency's Regulation Screening Project.

This Agenda includes significant regulations which EPA has begun to revise as a result of the Screening Project. Future Agendas will include other regulations which the Agency decides to revise as a result of its Screening Project. EPA's normal requirements under Executive Order 12044 will apply to these regulations.

Regulatory Flexibility Act

On September 19, 1980, the Regulatory Flexibility Act (Pub. L. No. 96-354) became law. This law requires that federal agencies take into account the impact of their regulations on "small entities," including small businesses, small governmental jurisdictions and other small organizations. Section 602 (5 USC 602) of the Act requires that federal agencies publish in April and October of every year an agenda of regulations under development that are likely to have a significant impact on a substantial number of small entities. The purpose of this requirement is to give small entities advance warning of regulations on which they may wish to comment.

EPA plans to combine the regulatory flexibility agenda with this agenda. We are changing our publication schedule from June and December to April and October to comply with the Act's requirements. Because the Act takes effect in January 1981, the Agenda we publish in April 1981 will be the first to identify those regulations that we expect will have a significant impact on small entities.

Improving the Agenda of Regulations

In response to comments received on our last two Agendas (published in the **Federal Register** on March 14 and June 30, 1980), we are considering some changes in the content and format of our Agenda. The suggestions under consideration and on which we would like public comment are:

- Instead of organizing our regulations by program area (e.g. water quality, toxic substances), should we list regulations by authorizing act (e.g. Clean Water Act, Toxic Substances Control Act)?
- In addition to listing regulations according to their statutory authority should we include an appendix that lists regulations chronologically by next expected action, i.e., according to the projected dates for NPRM, etc., that appear in the timetable section? Should we include ANPRM's NPRM's and FR's in the same list, or should we have separate lists for proposals and for final rules?

- Should we indicate the effective date for final regulations?
- For those regulations that require compliance action by affected parties before the effective date, should we identify what those steps for compliance are?

We may incorporate some changes into our next Agenda scheduled for April. We would appreciate any comments, positive or negative, that Agenda users may have on these suggestions. We would also welcome any additional suggestions. Comments should be directed to: David Sahr, Regulation Management Staff, Environmental Protection Agency, PM–223, Washington, D.C. 20460.

Henry E. Beal,

Director, Standards and Regulations Division.

BILLING CODE 6560-36-M

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
AIR			
The goal of The Clean Air Act is to protect the public health and welfare from the harmful effects of air pollution. To achieve the goal, EPA develops national ambient air quality standards and the States adopt State Implementation Plans (SIP)to meet these standards. States are also required, pursuant to EPA regulations, to develop plans to prevent significant deterioration of air quality in areas where the ambient standards have been attained and to enhance visibility. EPA also develops New Source Performance Standards (NSPS) under CAA 111 and National Emission Standards for Hazardous Air Pollutants (NESHAPS) under CAA 112 to control emissions from stationary sources of air pollution. We have already or are now developing the items below under the authority of Sections 108 and 109 of the Clean Air Act (CAA), which directs the Administrator to establish National Ambient Air Quality Standards (NAAQS). To write a NAAQS for a pollutant, we first prepare a criteria document, which contains the latest scientific knowledge on the kind and extent of public health and welfare problems caused by the pollutants in the air. If we revise the criteria document, we may find it necessary to change the NAAQS. A National Primary Ambient Air Quality Standard defines the maximum amount of an air pollutant which in the judgment of the Administrator provides an adequate margin of safety to protect the public health. A National Secondary Ambient Air Quality Standard defines levels of air quality which the Administrator judges necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.			
• *NAAQS for Carbon Monoxide* SAN No. 1001 Docket No. OAQPS-79-7	Description: Carbon monoxide is a major source of air pollution, which endangers people with heart and central nervous system diseases, pregnant women and other people (5–12% of U.S. population in all). EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for CO. The Agency will revise the criteria document and the standards where appropriate to protect public health and welfare. Classification: Major Statutory Authority: CAA 108, 109 / 42 USC 7408, 7409 CFR Change: 40 CFR 50 – Revision Analysis: Reg. Analysis, EIS, UCIA	Joseph Padgett EPA (MD-12) Research Triangle Park, NC 27711 FTS:8-541-5204 COMM:919-629-5204	ANPRM: 43FR56250 (12/01/78) NPRM: 45FR55066 (08/18/80) FR: 03/00/81
• *NAAQS for Nitrogen Dioxide* SAN No. 1004 Docket No. OAQPS 78-9	Description: Nitrogen dioxide is a major source of air pollution, damaging the lungs and respiratory system, as well as contributing to acid rain. EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for nitrogen dioxide. The Agency will revise the criteria document and the standards where appropriate to protect public health and welfare. Classification: Major Statutory Authority: CAA 108 / 42 USC 7408 CFR Change: 40 CFR 50 – Revision Analysis: EIS, UCIA, Reg. Analysis	Joe Padgett EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5204 COMM:919-541-5204	NPRM: 06/00/81
Incorporation of Lead into Part 58 Air Monitoring Regulations SAN No. 1500 Docket No. A-80-3	Description: This rule will set forth requirements and network designs for state and local stations to monitor lead in the ambient air. It applies to large urban areas as well as those areas violating prescribed levels since 1974. Classification: Routine Statutory Authority: CAA 108, 110 / 42 USC 7408, 7410 CFR Change: 40 CFR 58 – Revision Analysis: EIS	Bob Neligan EPA (MD-14) Research Triangle Park NC 27711 FTS:8-629-5447 COMM:919-541-5447	NPRM: 45FR67654 (10/10/80) FR: 04/00/81
• *NAAQS for Sulfur Oxides* SAN No. 1002 Docket No. OAQPS-79-7	Description: Sulfur oxides are a major source of ambient air pollution, aggravating respiratory diseases, irritating eyes, and helping to form acid rain. EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for sulfur dioxide. The Agency will revise the criteria document and the standards where appropriate to protect public health and welfare. Classification: Major Statutory Authority: CAA 108 / 42 USC 7408 CFR Change: 40 CFR 50 – Revision Analysis: Reg. Analysis, EIS, UCIA	Joe Padgett EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5204 COMM:919-541-5204	ANPRM: 44FR56730 (10/02/79) NPRM: 06/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
AIR			
• *NAAQS for Particulate Matter (TSP)* SAN No. 1003 Docket No. A-79-29	Description: Particulate matter is one of the major pollutants in the ambient air. EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for particulate matter. The Agency will revise the criteria document and the standards themselves when appropriate to protect public health and welfare. Classification: Major Statutory Authority: CAA 108 / 42 USC 7408 CFR Change: 40 CFR 50 – Revision Analysis: Reg. Analysis, EIS, UCIA	Joe Padgett EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5204 COMM:919-541-5204	ANPRM: 44FR56730 (10/02/79) NPRM: 06/00/81
Restructure CFR Parts 51, 52 SAN No. 1503 Docket No. A-80-11	Description: This rule will update Part 51 in two phases. First, EPA will streamline the rules and improve the language and organization for greater clarity. An addition to Part 52 will show the pertinent reference number changes for that section. Phase 2 of the rule will add to Part 51 the new requirements established by the 1977 Clean Air Act amendments. Classification: Routine Statutory Authority: CAA 110 / 42 USC 7410 CFR Change: 40 CFR 51, 52 – Revision	Richard Rhoads EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5251 COMM:919-541-5251	NPRM: 06/00/81
Continuous Monitoring SAN No. 1613 Docket No. OAQPS-79-4	Description: This regulation revises performance specifications for continuous monitors applied to air pollution sources; including monitors for opacity, sulfur dioxide, nitrogen oxide, carbon monoxide, and ozone. Classification: Routine Statutory Authority: CAA 110(a) / 42 USC 7410(a) CFR Change: 40 CFR 60 – New	Roger Shigehara EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-2237 COMM:919-541-2237	NPRM: 44FR58602 (10/10/79) RPRM: 01/00/81 FR: 12/00/81

EPA is developing performance standards to control emissions from the following industries under Section 111(b) of the CAA. This section requires that the Administrator develop and periodically update New Source Performance Standards (NSPS) for stationary sources which significantly contribute to air pollution. The NSPS are based on the best systems demonstrated to reduce emissions continually, taking into account costs and energy requirements. The standards will apply to both new sources and existing sources which are modified after approval of the regulation.

Revision of Priority List of New Source Performance Standards SAN No. 1678 Docket No. A-80-23	Description: This action will revise the priority list of major source categories for which EPA is developing new source performance standards (NSPS), by deleting 19 categories and changing the title of one. Classification: Routine Statutory Authority: CAA 111(f) / 42 USC 7411(f) CFR Change: 40 CFR 60.16 – Revision	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5421 COMM:919-541-5421	FR: 44FR49222 (08/21/79) NPRM: 02/00/81 FR: 10/00/81
NSPS: Stationary Internal Combustion Engines SAN No. 1008 Docket No. OAQPS-79-5	Description: These regulations will require the application of best available demonstrated technology to control nitrogen oxide emissions from stationary diesal and dual-fuel internal combustion engines. EPA will issue separate standards for gas and gasoline-fueled stationary I.C. engines later. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.320 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5477 COMM:919-541-5477	NPRM: 44FR43173 (07/23/79) FR: 05/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	AIR—Continued		
NSPS: Non-Metallic Mineral Operations SAN No. 1009 Docket No. OAQPS-78-11	Description: This regulation will control particulate emissions from 20 different industries which process the largest amounts of non-metallic minerals. The regulation applies to various polluting processes within each plant, and to both stationary and portable facilities. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.380 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 01/00/81 FR: 12/00/81
NSPS: Organic Solvent Cleaners SAN No. 1010 Docket No. OAQPS 78-12	Description: This rule will control evaporative emissions from metal cleaning and degreasing operations. It will also require States to act under Section III(d) to control some specific solvent emissions from existing sources. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.360 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 45FR39766 (06/11/80) FR: 11/00/81
NSPS: Synthetic Organic Chemical Manufacturing-Fugitive Emissions SAN No. 1112 Docket No. A-79-32	Description: This rule will control fugitive emissions from the manufacture of volatile organic chemicals from new process units within the synthetic organic chemical manufacture industry. It requires a leak detection and repair program and the use of certain equipment to reduce emissions. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.480 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 01/05/81 FR: 01/00/82
NSPS: Industrial Surface Coating: Cans SAN No. 1113 Docket No. A-80-4	Description: These standards will limit VOC emissions from new, modified, and reconstructed two and three piece beverage can and beverage can end surface coating facilities. The standards will cover base coat, varnish, inside coat, and end-seal operations. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.490 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 45FR78980 (11/26/80) FR: 12/00/81
NSPS: Industrial Surface Coating: Pressure Sensitive Tapes and Labels SAN No. 1114 Docket No. A-79-38	Description: This regulation will establish emission standards for volatile organic compound emissions from pressure sensitive tapes and labels coating operations. It will apply to new, modified or reconstructed coating lines. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.440 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	45FR86278 NPRM: (12/30/80) FR: 11/00/81
NSPS: Industrial Surface Coating: Metal Furniture SAN No. 1115 Docket No. A-79-47	Description: This regulation will establish emission standards for volatile organic compounds from surface coating of metal furniture. The "affected facility" includes applications, flash-off, and oven areas of coating line. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.310 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-514-5271	NPRM: 45FR79390 (11/28/80) FR: 11/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	AIR—Continued		
NSPS: Industrial Surface Coating: Metal Coils SAN No. 1508 Docket No. A-80-5	Description: This rule will control emissions of volatile organic compounds from metal coils industrial surface coating operations. It will affect each prime coating and each finish coating operation. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.460 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 01/00/81 FR: 12/00/81
NSPS: Industrial Surface Coating: Large Appliances SAN No. 1599 Docket No. A-80-6	Description: This regulation will control volatile organic compound emissions from industrial surface coating operations for large appliances. It applies to each prime coat or top coat operation. The "affected facility" is application station(s), flashoff area and curing oven. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.450 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 45FR85085 (12/24/80) FR: 01/00/82
NSPS: Lead-Acid Battery Manufacture SAN No. 1116 Docket No. OAQPS-79-1	Description: This regulation will establish standards for particulate lead emissions from new, modified, or reconstructured lead-acid battery manufacturing facilities that have a production capacity of at least 500 batteries per day. The affected facilities are several different processes in the production line: lead oxide production, grid casting, paste mixing, 3-process operation, lead reclamation and other lead emitting operations. Control technology is fabric filters or high energy scrubbers. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.370 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 45FR2790 (01/14/80) FR: 01/00/81
NSPS: Phosphate Rock Operations SAN No. 1118 Docket No. OAQPS-79-6	Description: This regulation will control the emission of particulate matter from phosphate rock processes. It applies to new, reconstructed, or modified plants, and calls for both weight emission limits and visable emission limits of zero percent opacity in rock dryers, calciners, and grinders. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.400 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 44FR62914 (11/01/79) FR: 04/00/81
NSPS: Perchloroethylene Dry Cleaning SAN No. 1119 Docket No. A-79-30	Description: This regulation will control hydrocarbon emissions, including perchloroethylene, from professional and coin-operated dry cleaning establishments. It will also reduce the ambient ozone problem. The rule will limit process wastes and leaks, and will require the use of a carbon adsorber, or equivalent control device, to control emissions from exhausts and vents. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.410 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 45FR78174 (11/25/80) FR 11/00/81
NSPS: Publication Rotogravure Printing SAN No. 1120 Docket No. A-79-50	Description: This regulation will control emissions of volatile organic compounds from large-scale publication rotogravure printing presses. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.430 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 45FR71538 (10/28/80) FR 11/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	AIR—Continued		
• *NSPS: Industrial Boilers* SAN No. 1586 Docket No. A-79-02	Description: Industrial boilers are a major stationary source of sulfur dioxide particulates, and nitrogen oxide emissions. EPA is developing performance standards for industrial boilers to achieve continuous emission reduction. The Agency will base emission limits upon the best available system of control, taking costs, environmental impacts and energy requirements into account. Classification: Major Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.520 – New Analysis: Reg. Analysis, EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	ANPRM: 44FR37632 (06/28/79) NPRM: 08/00/81
NSPS: Nitrate Fertilizer Industry SAN No. 1588	Description: This rule will control particulate emissions from production of ammonium nitrate fertilizer and explosives. It will regulate only the solids production end of the process and not the liquid solution end. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 06/00/81
NSPS: Bulk Gasoline Terminals SAN No. 1589 Docket No. OAQPS-78-2	Description: This rule will control volatile organic compound (VOC) emissions from new, modified, and reconstructed gasoline tank truck leading racks at bulk gasoline terminals. It will require installation of VOC vapor collection equipment, set VOC emission limits, and restrict loadings only to gasoline tank trucks that pass an annual vapor-tight test. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.500 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 45FR83126 (12/17/80) FR: 02/00/82
NSPS: Sodium Carbonate Manufacture SAN No. 1590 Docket No. A-79-54	Description: This regulation will control particulate emissions from production of sodium carbonate. It applies to calciners, dryers and predryers, and bleachers in the process plants; and limits emissions by mass and opacity. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.350 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 45FR68616 (10/15/80) FR: 11/00/81
NSPS: Asphalt Roofing Manufacture SAN No. 1591 Docket No. A-79-39	Description: This rule will control particulate emissions from the manufacture of asphalt roofing. The standard applies to emissions from asphalt blowing stills and asphalt saturators, by mass and opacity. Storage and handling operations are also under opacity limits. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.470 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 45FR76427 (11/18/80) FR: 11/00/81
NSPS: Urea Production SAN No. 1592 Docket No. A-79-48	Description: This rule will control particulate emissions from the production of urea for fertilizer. It will regulate the solids production end of the process and not the liquid solution end. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 06/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	AIR—Continued		
NSPS: Non-Fossil Fuel Fired Boilers SAN No. 1614 Docket No. A-79-22	Description: This rule will control particulate emissions from combustion of wood, municipal solid waste, refuse derived fuels, and bagasse. It will also control particulate emissions of the above when combined with fossil fuels. The rule will set an individual control level for each non-fossil fuel addressed. EPA is considering the highest volume fuels first, but will consider others later. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.550 – New	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5421 COMM:919-541-5421	NPRM: 05/00/81
NSPS: Rubber Products Industry-Tire Manufacturing SAN No. 1615 Docket No. A-80-9	Description: This standard will control VOC (volatile organic compound) emissions from solvent application during undertread/sidewall cementing, tread end cementing, bead cementing and green tire coating in rubber tire manufacturing plants. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.540 – New	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 05/00/81
NSPS: Electric Arc Furnaces in Ferrous Foundries SAN No. 1617 Docket No. A-80-3	Description: This standard will control particulate emissions from electric arc furnaces in ferrous foundries during the melting and refining phase of the furnace operation. It sets both mass and opacity limits. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.510 – New	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 01/00/81 FR: 12/00/81
NSPS: Volatile Organic Liquids Storage SAN No. 1613 Docket No. A-80-51	Description: This standard will control volatile organic compound emissions from the storage of organic liquids. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.530 – new Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 05/00/81
NSPS: Basic Oxygen Furnace SAN No. 1671 Docket No. A-79-06	Description: This regulation will control particulate emissions from basic oxygen process furnaces in steel mills. Classification: Routine Statutory Authority: CAA 111 / 42 USC 7411 CFR Change: 40 CFR 60.140 – Revision Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 04/00/81

EPA is developing emission standards for hazardous air pollutants under section 112 of the CAA. This section requires that the Administrator develop National Emission Standards for Hazardous Air Pollutants (NESHAPS) for emissions that cause or contribute to air pollution which results in an increase in mortality or in serious or incapacitating illness. The standards will apply to both new sources and existing sources.

The 1977 amendments extended the definition of air pollution to include radioactive substances. The Agency has listed radionuclides as a hazardous air pollutant and is developing regulations for radionuclides under section 112.

NESHAPS: Benzene Fugitive Emissions SAN No. 1126 Docket No. A-79-27	Description: This regulation would limit benzene emissions from fugitive emission sources in new and existing petroleum refineries and organic chemical manufacturing plants. The standards would allow no detectable emissions due to leaks from safety/relief valves and product accumulator vessels. The standards would also require a leak detection and repair program for pipeline valves, and would require certain equipment for pumps, compressors, sampling connections, and open-ended valves. Classification: Major Statutory Authority: CAA 112 / 42 USC 7412 CFR Change: 40 CFR 61 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 01/05/81 FR: 01/00/82

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
AIR—Continued			
NESHAPS: Maleic Anhydride Manufacture SAN No. 1127 Docket No. OAQPS 79-3	Description: This regulation will control the emission of benzene from process vents in the manufacture of maleic anhydride. Classification: Major Statutory Authority: CAA 112 / 42 USC 7412 CFR Change: 40 CFR 61 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 42FR26660 (04/18/80) FR: 09/00/81
NESHAPS: Ethylbenzene/Styrene Manufacture SAN No. 1128 Docket No. A-79-49	Description: This regulation will control the emission of benzene from process vents in the manufacture of ethylbenzene and styrene at new and existing plants, through the use of boilers or process heaters. Process vents account for almost 90 percent of total uncontrolled plant emissions. Excess emissions during startup/shutdown or malfunction must be controlled by smokeless flares. Classification: Major Statutory Authority: CAA 112 / 42 USC 7412 CFR Change: 40 CFR 61 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	NPRM: 45FR83448 (12/18/80) FR: 12/00/81
NESHAPS: Benzene Storage SAN No. 1593 Docket No. A-80-14	Description: This regulation will limit benzene emissions resulting from the storage of pure benzene. EPA will require new and existing storage tanks to meet certain structural standards (a combination of roofs and seals) and require industry to inspect the equipment periodically to ensure that it functions properly. Classification: Routine Statutory Authority: CAA 112 / 42 USC 7412 CFR Change: 40 CFR 61 – New Analysis: EIS	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5279	NPRM: 45FR83952 (12/19/80) FR: 01/00/82
NESHAPS: Listing of Coke Oven Emissions as Hazardous Air Pollutant SAN No. 1594 Docket No. A-79-15; A-79-16	Description: EPA is conducting a health risk assessment of coke oven emissions. If we determine that these emissons are hazardous, we will list them as hazardous air pollutants under Section 112 and will propose emission standards. Classification: Listing Statutory Authority: CAA 112 / 42 USC 7412 CFR Change: 40 CFR 61 – New	Joe Padgett EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5204 COMM:919-541-5204	Listing: 05/00/81
NESHAPS:Listing of Acrylonitrile SAN No. 1677	Description: EPA is conducting a health risk assessment of acrylonitrile emissions. If the Agency determines that these emissions are hazardous, it will list them under Section 112 and will propose emission standards. Classification: Listing Statutory Authority: CAA 112 / 42 USC 7412 CFR Change: 40 CFR 61 – New	Joe Padgett EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5204 COMM:919-541-5204	Listing: 01/00/81
NESHAPS: Airborne Radionuclides SAN No. 1595 Docket No. A-79-11	Description: Radionuclides are a hazardous air pollutant. EPA is determining from which source categories radionuclide emissions create a significant health risk. The Agency will issue separate standards for each source named. Classification: Major Statutory Authority: CAA 112 / 42 USC 7412 CFR Change: 40 CFR 61 – New	William Mills EPA (ANR-460) Washington, DC 20460 FTS:8-557-0704 COMM:703-557-0704	NPRM: 12/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	AIR—Continued		
• *Policy and Procedures for Airborne Carcinogens* SAN No. 1596 Docket No. OAQPS-79-14	Description: This is a policy statement to establish the procedures the Agency uses in identifying, assessing, and regulating substances in the air which increase the risk of cancer to the general population. The policy is to: (1) determine the carcinogenicity and carcinogenic risks of air pollutants for regulatory purposes; (2) establish priorities for evaluating the need for further action; (3) specify the degree of source control required by CAA 112, and how EPA will determine the control level for individual standards; and (4) provide for greater public participation. Classification: Policy Statement Statutory Authority: CAA 112 / 42 USC 7412 CFR Change: 40 CFR 61 – New	Joe Padgett EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5204 COMM:919-541-5204	ANPRM: 44FR58662 (10/10/79) NPRM: 44FR61620 (10/26/79) FR: 04/00/81
Generic Standards for Airborne Carcinogens SAN No. 1618 Docket No. A-79-13	Description: These generic standards are to reduce fugitive emissions of organic chemical carcinogens listed in the future under CAA 112. These standards will provide a quick and non-burdensome first step in regulating organic chemical air carcinogens by leak detection and repair programs. They will be proposed when a carcinogenic volatile organic chemical is listed as a hazardous air pollutant. Classification: Significant Statutory Authority: CAA 112 / 42 USC 7412 CFR Change: 40 CFR 61 – New	Don Goodwin EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5271 COMM:919-541-5271	ANPRM: 44FR58662 (10/10/79)
Stack Height Regulations SAN No. 1303 Docket No. A-79-01	Description: This regulation will determine the conditions under which State Implementation Plans can use stack height in determining emission requirements for individual firms. The agency will use the standard of "Good Engineering Practices" (GEP) to determine the maximum acceptable stack height. Classification: Major Statutory Authority: CAA 123 / 42 USC 7423 CFR Change: 40 CFR 51 – New Analysis: Reg. Analysis, EIS	Richard Rhoades EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5251 COMM:919-541-5251	NPRM: 44FR2608 (01/12/79) FR: 04/00/81
• *Prevention of Significant Deterioration: Set II Pollutants* SAN No. 1306 Docket No. A-79-34	Description: This rule will protect air quality in areas which meet National Ambient Air Quality Standards from significant degradation from "Set II" pollutants. These pollutants include carbon monoxide, hydrocarbons, nitrogen oxides, ozone, and lead. Similar rules exist for control of sulfur dioxide and particulate matter (Set I pollutants). EPA will develop guidance for State plans. Classification: Major Statutory Authority: CAA 165, 166 / 42 USC 7475, 7476 CFR Change: 40 CFR 51 Analysis: Reg. Analysis, EIS	Richard Rhoades MD-12 Research Triangle Park NC 27711 FTS:8-629-5251 COMM:919-541-5251	ANPRM: 45FR3088 (05/07/80) NPRM: 08/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	AIR—Continued		
Emissions Banking SAN No. 1605	Description: EPA is developing a regulation designed to introduce greater certainty and consistency into its emissions banking program. Emissions banking enables firms with lower pollution control costs to sell emission reduction credits to firms with higher control costs, or to bank their credits for future use. This regulation will establish a framework to govern revisions in state implementation plans that will incorporate emissions banking. This will lead to a more consistent set of procedures and requirements for state approval and certification of emission credits which are banked, traded, and sold. Classification: Major Statutory Authority: CAA 173 / 42 USC 7503 CFR Change: 40 CFR 51 – New Analysis: Reg. Analysis, RIA	John Hoffman EPA (PM-221) Washington, DC 20460 FTS:8-426-7422 COMM:202-426-7422	NPRM: 02/00/81 FR: 08/00/81
Conformity of Federal Actions to State Implementation Plans SAN No. 1543	Description: These regulations will ensure the conformity of all relevant federal actions in areas subject to the provisions of a state implementation plan approved, conditionally approved or promulgated by EPA. Two types of regulations are being considered: (1) requiring other federal departments to establish a process for determining the conformity of their actions with SIPs; and (2) requiring state and local review of these decisions of federal departments. Classification: Routine Statutory Authority: CAA 176(c) / 42 USC 7506(c) CFR Change: 40 CFR 51, 52, 59 – New	Cary B. Hinton EPA (ANR-445) Washington, DC 20460 FTS:8-755-0570 COMM:202-755-0570	ANPRM: 45FR21590 (04/01/80) NPRM: 03/00/81 FR: 09/00/81
The purpose of Title II of the Clean Air Act is to control emissions from moving sources of air pollution. Mobile sources (cars, trucks, motorcycles and buses) are major sources of carbon monoxide, hydrocarbons, nitrogen oxides and particulate matter. Title II also authorizes EPA to regulate fuels and fuel additives.			
• *Heavy-Duty Diesel Particulate Standards* SAN No. 1310 Docket No. OMSAPC-78-3	Description: Although these standards are required by the Clean Air Act for 1981 models, development of a new heavy-duty testprocedure to be used as the basis for a standard delayed progress. Promulgation of the transient heavy-duty test procedure allows work to proceed on the standard. The agency intends to have a standard for the 1985 model year. Classification: Major Statutory Authority: CAA 202(a)(3) / 42 USC 7521(a)(3) CFR Change: 40 CFR 86 – New Analysis: Reg. Analysis, EIS	Richard Rykowski EPA Ann Arbor, MI 48105 FTS:8-374-8339 COMM:313-668-4339	NPRM: 01/07/81 FR: 11/00/81
Heavy-Duty Evaporative Emissions SAN No. 1312 Docket No. OMSAPC-79-1	Description: The Clean Air Act requires that EPA promulgate a test procedure to require measurement of evaporative emissions from vehicles. EPA is also developing standards for heavy-duty gasoline vehicles which will regulate fuel evaporation emissions beginning not earlier than model year 1984. Classification: Routine Statutory Authority: CAA 202(a) / 42 USC 7521(a) CFR Change: 40 CFR 86 – New Analysis: Reg. Analysis, EIS	Tim Mott EPA Ann Arbor, MI 48105 FTS:8-374-8462 COMM:313-668-4462	NPRM: 45FR28922 (04/30/80) FR: 05/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
AIR—Continued			
• *NOx Regulations for 1985 and Later Model Year Light-Duty Trucks and Heavy-Duty Engines* SAN No. 1315 Docket No. OMSPAC-78-4	Description: The Clean Air Act requires EPA to establish emission standards for heavy-duty vehicles incorporating a 75% reduction in nitrogen dioxide beginning with model year 1985. EPA has developed a new test procedure for measuring exhaust emissions which will be used to measure baseline emissions. Classification: Major Statutory Authority: CAA 202 / 42 USC 7521 CFR Change: 40 CFR 86 - New Analysis: Reg. Analysis, EIS	Chet France EPA Ann Arbor, MI 48105 FTS:8-374-8447 COMM:313-668-4497	ANPRM:01/00/81
Investigation of Averaging for Heavy-Duty and Light-Duty NOx Truck Emissions SAN No. 1646 Docket No. A-80-49	Description: The Agency is developing emissions averaging of NOx applicable to heavy-duty and light-duty trucks. This regulation will allow manufacturers flexibility in setting emissions levels for individual engine families at the same time that it retains the benefits of current, non-averaging emission regulations Classification: Major Statutory Authority: CAA 202(a) / 42 USC 7521(a) CFR Change: 40 CFR 86 - New Analysis: EIS, RIA	Glenn Passavant EPA Ann Arbor MI 48105 FTS:8-374-8408 COMM:313-668-4408	ANPRM: 45FR79382 (11/28/80) NPRM: 05/00/81 FR: 12/00/81
Importation of Motor Vehicles and Motor Vehicle Engines SAN No. 1317 Docket No. EN-79-9	Description: These revised regulations allow only certified vehicles and engines to be imported except that an individual may import an uncertified version for one time only. The purpose is to improve the effectiveness and administration of EPA's present regulation. Classification: Routine Statutory Authority: CAA 203 / 42 USC 7522 CFR Change: 40 CFR 85 - Revision	Gerard C. Kraus EPA (EN-340) Washington, D.C. 20460 FTS:8-472-9413 COMM:202-472-9413	NPRM: 45FR48812 (07/21/80) FR: 08/00/81
Tampering Enforcement Regulations SAN No. 1601 Docket No. EN-80-3	Description: These regulations will clarify EPA's enforcement policy against tampering with the emission control systems of motor vehicles Classification: Routine Statutory Authority: CAA 203(a)(3), 301 / 42 USC 7522(a)(3), 7601 CFR Change: 40 CFR 85 - New	Barbara C. Giliberti EPA (EN-340) Washington, DC 20460 FTS:8-472-9350 COMM:202-472-9350	ANPRM: 02/00/81 NPRM: 12/00/81 FR: 06/00/82
Vehicle Maintenance and Use Regulations SAN No. 1517 Docket No. EN-79-11	Description: These regulations in conjunction with existing use and maintenance regulations will help ensure that manufacturers require only appropriate maintenance of emission - related components and that owners are fully informed of their maintenance burden and resulting liabilities. Classification: Routine Statutory Authority: CAA 203(a)(4), 204, 205, 206, 207(c)(3), 301(a)(1) / 42 USC 7522(a)(4), 7523, 7524, 7525, 7541(c)(3), 7601(a)(1) CFR Change: 40 CFR 85 Subpart V - New	Richard Friedman EPA (EN-340) Washington, DC 20460 FTS:8-557-7413 COMM:202-557-7413	NPRM: 04/00/81 FR: 12/00/81
1984 High Altitude Standards SAN No. 1322 Docket No. A-80-01	Description: These regulations require all vehicles to meet standards at all altitudes beginning with 1984 models. Classification: Routine Statutory Authority: CAA 206(f)(1) / 42 USC 7525(f)(1) CFR Change: 40 CFR 86 - New Analysis: Reg. Analysis, EIS	Richard Wilcox EPA Ann Arbor, MI 48105 FTS:8-374-8390 COMM:313-668-4390	

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SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	AIR—Continued		
Nonconformance Penalties for 1984 Model Year Heavy-Duty Engines (HDEs) SAN No. 1571	Description: This regulation will allow manufacturers of 1984 HDEs to sell their engines even though they fail to meet 1984 regulatory requirements for specific pollutants, provided that emissions do not exceed a specified maximum level and that the manufacturer pays a nonconformance penalty for each HDE sold. The penalty will remove any competitive advantage of noncompliance. Classification: Routine Statutory Authority: CAA 206(g), 301(a) / 42 USC 7525(g), 7601(a) CFR Change: 40 CFR 86 – New Analysis: Reg. Analysis, RIA	Timothy Fields EPA (EN-340) Washington, D.C. 20460 FTS:8-472-9417 COMM:202-472-9417	NPRM: 44FR9485 (02/13/79) NPRM: 03/00/81 FR: 12/00/81
Nonconformance Penalties for Light-Duty Trucks SAN No. 1632	Description: This regulation will allow manufacturers of 1984 light duty trucks over 6,000 pounds gross vehicle weight to sell their vehicles even though they fail to meet 1984 regulatory requirements for specific pollutants, provided that emissions do not exceed a specified maximum level and that the manufacturer pays a nonconformance penalty for each truck sold. The penalty will remove any competitive advantage of noncompliance. Classification: Routine Statutory Authority: CAA 206(g), 301(a) / 42 USC 7525(g), 301(a) CFR Change: 40 CFR 86 – New Analysis: RIA	Timothy Fields EPA (EN-340) Washington DC 20460 FTS:8-472-9417 COMM:202-472-9417	NPRM: 44FR40791 (07/12/79) NPRM: 03/00/81 FR: 12/00/81
Emissions Design and Defect Warranty SAN No. 1324 Docket No. MSED-78-1	Description: This regulation will insure that owners are able to take advantage of the 207(a) warranty and that dealers and manufacturers understand their liability. It will also establish uniform procedures for administering the warranty and require owners to be informed of its coverage. Classification: Routine Statutory Authority: CAA 207(a)(1), 301(a)(1), 203(a)(4) / 42 USC 7541(a)(1), 7601(a)(1), 7522(a)(4) CFR Change: 40 CFR 85 – new	Richard Friedman EPA (EN-340) Washington, DC 20460 FTS:8-557-7413 COMM:202-557-7413	ANPRM: 41FR50566 (11/16/76) NPRM: 06/00/81 FR: 11/00/81
Allowable Maintenance for Light Duty Vehicles SAN No. 1597	Description: The Clean Air Act requires that automobile manufacturers furnish to the purchaser written instructions for proper use and maintenance of new motor vehicles and engines. This regulation will determine the content of those instructions on the basis of maintenance which is likely to be performed and which is necessary. The Agency has temporarily postponed completion of this regulation. Classification: Routine Statutory Authority: CAA 207(c)(3) / 42 USC 7541(c)(3) CFR Change: 40 CFR 86 – New	Richard Rykowski EPA Ann Arbor, MI 48105 FTS:8-374-8339 COMM:313-668-4339	
• *Fuels and Fuel Additives* SAN No. 1328	Description: These protocols will help determine effects of fuel and fuel additives on public health and emission control devices. Classification: Major Statutory Authority: CAA 211 / 42 USC 7545 CFR Change: 40 CFR 79.6 – New Analysis: Reg. Analysis, EIS, RIA	Richard A. Rykowski EPA Ann Arbor, MI 48105 FTS:8-374-8339 COMM:313-668-4339	ANPRM: 04/00/81 NPRM: 01/00/82

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
AIR—Continued			
Turbine Aircraft Gaseous Emissions Retrofit and Modification of 1973 Standards SAN No. 1330 Docket No. OMSAPC-78-1	Description: This regulation proposes revisions in emission standards for commercial aircraft to reduce hydrocarbons, carbon monoxide and nitrogen oxide. Classification: Major Statutory Authority: CAA 231 / 42 USC 7571 CFR Change: 40 CFR 87 – New	Richard Munt EPA Ann Arbor MI 48105 FTS:8-374-8378 COMM:313-668-4378	NPRM: 43FR12615 (03/24/78) FR: 06/00/81
Fuel Economy Data – 1982 Model Year SAN No. 1629 Docket No. A-80-32	Description: This action will revise Part 600 to incorporate several provisions intended to ensure the representativeness of data used to calculate fuel economy values. These revisions will 1) decrease the maximum allowable test vehicle system mileage accumulation, 2) redefine transmission class to differentiate between front- and rear-wheel drive, 3) require additional test data when base level fuel economy would otherwise be from a zero sales vehicle configuration, and 4) allow for more accurate and thorough reflection of the fuel economy effect of running changes. Classification: Routine Statutory Authority: EPCA 1901 CFR Change: 40 CFR 600 – Revision	Phillip Leung EPA Ann Arbor, MI 48105 FTS:8-374-8248 COMM:313-668-4248	ANPRM: 45FR64540 (09/29/80) NPRM: 01/00/81 FR: 07/00/81
DRINKING WATER			
The Safe Drinking Water Act of 1974 requires EPA to establish primarey and secondary drinking water regulations to assure safe drinking water supplies for the public. Primary regulations are aimed at protecting public health. They establish maximum allowable containment levels in drinking water and provide for water treatment technologies and general criteria for water supply system operation. Secondary regulations are designed to protect public welfare and deal with taste, odor, and appearance of drinking water. The act also provides for developing regulations to protect underground sources of drinking water (aquifers) from contamination. The chief source of such contamination is the injection into the ground of various waste products as a means of disposing of them.			
• *Control of Organic Chemical Contaminants in Drinking Water by Granular Activated Carbon Systems* SAN No. 1201	Description: The regulation will require use of granular activated carbon (GAC) or equivalent technology in those public water systems subject to contamination by synthetic organic chemicals. Classification: Major Statutory Authority: SDWA 1412 / 42 USC 300g-1 CFR Change: 40 CFR 141 – New Analysis: Reg. Analysis	Craig Vogt EPA (WH-550) Washington DC 20460 FTS:8-472-5030 COMM:202-472-5030	ANPRM: 41FR28991 (07/14/76) NPRM: 43FR5756 (02/09/78) NPRM: 43FR2935 (04/04/78) RPRM: 06/00/82 FR: 06/00/83
• *Maximum Contaminant Levels for Volatile Organic Chemicals Found in Ground Water* SAN No. 1567	Description: The regulation will establish the Maximum Contaminant Level (MCL) for certain organic chemicals that are most commonly found in drinking water drawn from groundwater sources and that may have adverse effects on human health. These chemicals include trichloroethylene, tetrachloroethylene, and vinyl chloride. Classification: Major Statutory Authority: SDWA 1412 / 42 USC 300g-1 CFR Change: 40 CFR 141 – Addition	Tom Thornton EPA (WH-550) Washington DC 20460 FTS:8-426-6920 COMM:202-426-6920	ANPRM: 41FR23991 (07/14/76) ANPRM: 01/00/81 NPRM: 07/00/81 FR: 07/00/82
NOISE			
The Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978, authorizes EPA to promulgate regulations to protect the public health and welfare from noise pollution. Sections 5 and 6 of the Act require that the Agency identify major sources of noise pollution and promulgate noise emission standards for newly manufactured products listed as major sources of noise that are distributed in commerce Under section 8, EPA is authorized to require labeling of consumer products as to their noise-related characteristics. The Agency has established general labeling requirements and will expand the number of products covered under this program. Section 17 of the Act provides for limiting noise from railroad engines, cars and facilities. These regulations are enforced by the Federal Railroad Administration of the Department of Transportation.		
Noise Emission Standards for Buses SAN No. 1170 Docket No. OANC-77-6	Description: This regulation sets noise emission standards for new interstate, city, and school buses Classification: Routine Statutory Authority: NCA 5,6 / 42 USC 4904, 4905 CFR Change: 40 CFR 205 – Addition Analysis: EIS, Reg. Analysis	Francine Cannon EPA (ANR-490) Washington DC 20460 FTS:8-557-7666 COMM:202-557-7666	NPRM: 42FR45775 (09/12/77) FR: 01/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	NOISE—Continued		
Noise Emission Standards for Wheel and Crawler Tractors SAN No. 1172 Docket No. ONAC-77-2	Description: This regulation sets noise emission standards for new wheel and crawler tractors manufactured for construction applications. Classification: Major Statutory Authority: NCA 5, 6 / 42 USC 4904 CFR Change: 40 CFR 204 – Addition Analysis: EIS,Reg. Analysis	John Fuchs EPA (ANR-490) Washington, DC 20460 FTS:8-557-2710 COMM:202-557-2710	NPRM: 42FR35803 (07/11/77) FR: 12/00/82
Noise Emission Standards for Motorcycles SAN No. 1173 Docket No. OANC-77-10	Description: This regulation sets noise emission standards for new motorcycles and new motorcycle replacement exhaust systems distributed in commerce. Classification: Major Statutory Authority: NCA 5, 6 / 42 USC 4904, 4905 CFR Change: 40 CFR 208 – Addition Analysis: EIS, Reg. Analysis	Fred Newberry EPA (ANR-490) Washington, DC 20460 FTS:8-557-7666 COMM:202-557-7666	NPRM: 43FR10822 (03/15/78) FR: 45FR86694 (12/31/80)
Additional Testing Requirement for Motorcycle and Motorcycle Exhaust Systems SAN No. 1670 Docket No. ONAC 80-03	Description: This action proposes to require manufacturers to remove all easily removable components from their exhaust systems before conducting the tests necessary to show compliance with any applicable motorcycle Noise Emission Standards. Classification: Routine Statutory Authority: NCA 6,13 / 42 USC 4905,4912 CFR Change: 40 CFR 205 – Revision	Fred Newberry EPA (ANR-490) Washington, D.C. 20460 FTS:8-557-7666 COMM:202-557-7666	NPRM: 45FR86732 (12/31/80)
Low Noise Emission Products SAN No. 1177 Docket No. ONAC-77-7	Description: If a product has a low noise emission level, it may be entitled to special consideration in Federal purchasing. This regulation establishes procedures for making low level determinations. Classification: Routine Statutory Authority: NCA 15 / 42 USC 4914 CFR Change: 40 CFR 203, 204, 205 – Addition Analysis: EIS	Henry Thomas EPA (ANR-490) Washington, DC 20460 FTS:8-557-7743 COMM:202-557-7743	NPRM: 42FR27441 (05/27/77) FR: 04/00/81
Noise Emission Standards for Transportation Equipment; Interstate Rail Carriers – Property Line Noise Standards SAN No. 1179A Docket No. ONAC 80-1	Description: This regulation establishes noise emission standards (limits) on the overall noise generated from railroad facilities (including operations and equipment noise). The DC Circuit has set January 1981 as the deadline for promulgation of the final rule. See Association of American Railroads v. Costle, CA No. 76-1353. Classification: Routine Statutory Authority: NCA 17 / 42 USC 4916 CFR Change: 40 CFR 201 – New Analysis: EIS	Robert C. Rose EPA (ANR-490) Washington, DC 20460 FTS:8-557-7744 COMM:202-557-7744	NPRM: 44FR22960 (04/17/79) NPRM: 44FR25268 (04/30/79) FR: 00/00/81
Railroad Noise Emission Standards: Special Local Determinations SAN No. 1180 Docket No. ONAC 76-11	Description: This regulation establishes procedures and criteria for State and local governments to apply for exceptions from federal rules. The Agency expects that it will only make exceptions on those rare occasions when special circumstances make the federal rules inapplicable. Classification: Routine Statutory Authority: NCA 17(c)2 / 42 USC 4916(c)(2) CFR Change: 40 CFR 201 – New	Robert C. Rose EPA (ANR-490) Washington, DC 20460 FTS:8-557-7744 COMM:202-557-7744	NPRM: 41FR52317 (11/29/76) RPRM: 00/00/82

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
PESTICIDES			
The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), with the cooperation of the States for certain activities, regulate the use of pesticide products in the United States. Under Section 3 of the Act all manufacturers of pesticides must register their products with EPA. The Agency is presently working on regulations (SAN Nos. 1141–1148,1619–1623) that specify the test data standards and the reporting and labeling requirements for registration applications. EPA is also simplifying procedures for registration and reregistration of pesticide products (SAN No. 1524).			
• *Pesticide Registration Guidelines: Introduction* SAN No. 1141	Description: This action states the general guidelines and specifies the degree of flexibility in their requirements and in the use of interim data. It also defines terms used throughout the guidelines and sets out requirements for keeping data and test samples at laboratories. Classification: Routine Statutory Authority: FIFRA 3 / 7 USC 136a CFR Change: 40 CFR 163 Subpart A – New	Bill Preston EPA (TS-769) Washington DC 20460 FTS:8–557–1405 COMM:703–557–1405	NPRM: 43FR29696 (07/10/78) FR: 04/00/81
• *Pesticide Registration Guidelines: Applicability of Data Requirements* SAN No. 1619	Description: This action provides instruction for registration applicants as to expected data requirements based on product type and use pattern. It will indicate whether the requirements apply to products from basic manufacturers or formulators, and who will be required to develop the data. Classification: Routine Statutory Authority: FIFRA 3 / 7 USC 136a CFR Change: 40 CFR 163 Suppart B	Bill Preston EPA (TS-769) Washington DC 20460 FTS:8–557–1405 COMM:703–557–1405	ANPRM: 04/00/81 NPRM: 12/00/81 FR: 09/00/82
• *Chemistry Requirements: Product Chemistry* SAN No. 1143	Description: This regulation covers requirements for data on formation, identification, and quantification of the ingredients and impurities in pesticide products, and on chemical and physical characteristics of the products and their components. The Agency will propose a new section on bioassays to detect unwanted contaminants and impurities. Classification: Major Statutory Authority: FIFRA 3 / 7 USC 136a CFR Change: 40 CFR 163 Subpart D – New	Bill Preston EPA (TS-769) Washington DC 20460 FTS:8–557–1405 COMM:703–557–1405	NPRM: 43FR29696 (07/10/78) FR: 02/00/81 NPRM(II): 02/00/81 FR(II): 09/00/81
• *Hazard Evaluations: Wildlife and Aquatic Organisms* SAN No. 1144	Description: This action covers data requirements for studies of pesticide effects on birds, wild animals, fish, and aquatic animals. Classification: Routine Statutory Authority: FIFRA 3 / 7 USC 136a CFR Change: 40 CFR 163 Subpart E – New	Bill Preston EPA (TS-769) Washington DC 20460 FTS:8–557–1405 COMM:703–557–1405	NPRM: 43FR29696 (07/10/78) FR: 01/00/81
• *Hazard Evaluation: Humans and Domestic Animals* SAN No. 1145	Description: This regulation specifies data requirements for studies of pesticide effects in laboratory animals for assessment of potential hazards to humans and domestic animals. The sections on mutagenicity data requirements will be promulgated in September 1981. Classification: Major Statutory Authority: FIFRA 3 / 7 USC 136a CFR Change: 40 CFR 163 Subpart F – New	Bill Preston EPA (TS-769) Washington DC 20460 FTS:8–557–1405 COMM:703–557–1405	NPRM: 43FR37336 (08/22/78) FR: 08/00/81
Product Performance SAN No. 1146	Description: This action specifies the data that registrants must submit to demonstrate that pesticide products will control pests as specified in label claims. Classification: Routine Statutory Authority: FIFRA 3 / 7 USC 136(a) CFR Change: 40 CFR 163 Subpart G – New	Bill Preston EPA (TS-769) Washington DC 20460 FTS:8–557–1405 COMM:703–557–1405	NPRM: 01/00/81 FR: 11/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	PESTICIDES—Continued		
• *Label Development and Improvement* SAN No. 1147	Description: This action describes all essential parts of a pesticide product label, including how labeling must comply with the requirements of FIFRA and how claims, precautions and directions must correspond to evidence developed in tests performed by or for the registration applicant. Classification: Routine Statutory Authority: FIFRA 3 / 7 USC 163(a) CFR Change: 40 CFR 163 Subpart H – New	Bill Preston EPA (TS-769) Washington DC 20460 FTS:8-557-1405 COMM:703-557-1405	NPRM: 01/00/81 FR: 11/00/81
• *Experimental Use Permits* SAN No. 1142	Description: This action specifies that data and labeling must be submitted in support of an application for an experimental use permit. It also defines procedures which must be followed to obtain a permit. Classification: Routine Statutory Authority: FIFRA 3 / 7 USC 136(a) CFR Change: 40 CFR 163 Subpart I – New	Bill Preston EPA (TS-769) Washington DC 20460 FTS:8-557-1405 COMM:703-557-1405	NPRM: 01/00/81 FR: 09/00/81
• *Hazard Evaluation: Non-Target Plants and Micro-Organisms* SAN No. 1148	Description: This action describes data required to evaluate adverse effects on plants in nontarget areas and on desirable plants in target areas. It also provides guidance on developing data regarding spray draft. Classification: Routine Statutory Authority: FIFRA 3 / 7 USC 136(a) CFR Change: 40 CFR 163 Subpart J – New	Bill Preston EPA (TS-769) Washington DC 20460 FTS:8-557-1405 COMM:703-557-1405	NPRM: 45FR72948 (11/03/80) FR: 09/00/81
• *Exposure Data Requirements* SAN No. 1620	Description: This action provides guidance on means to calculate the length of time required before persons can safely re-enter a pesticide-treated area, and the data requirements needed for the calculation. Classification: Routine Statutory Authority: FIFRA 3 / 7 USC 136(a) CFR Change: 40 CFR 163 Subpart K – New	Bill Preston EPA (TS-769) Washington DC 20460 FTS:8-557-1405 COMM:703-557-1405	NPRM: 04/00/81 FR: 03/00/82
• *Hazard Evaluation: Nontarget Insects* SAN No. 1621	Description: This regulation specifies the data requirements for tests designed to reveal any potential adverse effects on bees and other useful nontarget insects. Classification: Routine Statutory Authority: FIFRA 3 / 7 USC 136a CFR Change: 40 CFR 163 Subpart L – New	Bill Preston EPA (TS-769) Washington DC 20460 FTS:8-557-1405 COMM:703-557-1405	NPRM: 01/00/81 FR: 09/00/81
• *Data Requirements for Biorational Pesticides* SAN No. 1622	Description: This action prescribes data requirements for studies conducted with pest control organisms such as bacteria, fungi, protozoa, and viruses to determine possible adverse effects to humans and other nontarget organisms in the environment. Studies with chemicals derived from organisms, such as sex attractants and insect growth regulators, are also covered by data requirements in this subpart. Classification: Major Statutory Authority: FIFRA 3 / 7 USC 136a CFR Change: 40 CFR 163 Subpart M – New	Bill Preston EPA (TS-769) Washington DC 20460 FTS:8-557-1405 COMM:703-557-1405	NPRM: 01/00/81 FR: 10/00/81
• *Chemistry Requirements: Environmental Fate* SAN No. 1623	Description: This regulation specifies the data requirements to demonstrate fate of pesticides in the environment, such as through degradation, metabolism, mobility dissipation accumulation and similar routes. (This action was proposed as part of Subpart D). Classification: Routine Statutory Authority: FIFRA 3 / 7 USC 136a CFR Change: 40 CFR 163 Subpart N – New	Bill Preston EPA (TS-769) Washington DC 20460 FTS:8-557-1405 COMM:703-557-1405	NPRM: 43FR29696 (07/10/78) FR: 03/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	PESTICIDES—Continued		
Modification of Regulations for Pesticides Registration, Classification, and Incorporation of Generic Standards SAN No. 1524	Description: These regulations will revise procedures and requirements for the registration of new pesticide chemicals and products, the registration and reregistration of old pesticide chemicals and products, and the classification and rebuttal presumption against registration (RPAR) process. Classification: Major Statutory Authority: FIFRA 3(c)(2)(C) / 7 USC 136d CFR Change: 40 CFR 162 – Revision Analysis: Reg. Analysis	Henry Jacoby EPA (TS-767) Washington DC 20460 FTS:8-755-2562 COMM:202-755-2562	ANPRM: 44FR76311 (12/26/79) NPRM: 05/00/81 FR: 01/00/82
State Registration To Meet Special Local Needs SAN No. 1153	Description: This regulation defines the scope of state jurisdiction to register pesticides for uses that Federal registrations do not cover. It also establishes procedures for disapproval by EPA of certain State registrations, and procedures for suspension of State registration authority under certain circumstances. Classification: Routine Statutory Authority: FIFRA 24(c) / 7 USC 136v CFR Change: 40 CFR 162 Subpart D – New	Phil Gray EPA (TS-770-m) Washington DC 20460 FTS:8-472-9400 COMM:202-472-9400	NPRM: 44FR46414 (08/07/79) FR: 01/00/81
Revised Worker Protection Standards for Agricultural Pesticides SAN No. 1640	Description: This revision will clarify the authority of EPA to enforce and establish standards that protect farm families and workers from unreasonable adverse effects of agricultural pesticides. Classification: Routine Statutory Authority: FIFRA 3, 7, 25 / 7 USC 136 a, w CFR Change: 40 CFR 170 – Revision	Stanley Weissman EPA (TS 766) Washington, DC 20460 FTS:8-755-8035 COMM:703-755-8035	ANPRM: 04/00/81 NPRM: 08/00/81 FR: 01/00/82
Closed System Packing SAN No. 1523	Description: The objective of this rule is to reduce the hazards associated with the transfer mixing, and loading of pesticides. These hazards have resulted in adverse effects on pesticide mixers and loaders of certain classes of pesticides. Classification: Routine Statutory Authority: FIFRA 25(c)(3) / 7 USC 136e CFR Change: 40 CFR 162 – Addition	William Jacobs EPA (TS-767) Washington, DC 20460 FTS:8-755-4851 COMM:202-755-4851	ANPRM: 44FR54508 (09/20/79) NPRM: 04/00/81 FR: 12/00/81
State Enforcement of Pesticide Violations SAN No. 1563	Description: This interpretive rule will give the Agency interpretation of Sections 26 and 27 of FIFRA which provide for State enforcement of pesticide violations. Under Section 27(b) the Agency is writing a related specialized regulation to establish procedural rules for rescinding State enforcement primacy if the Administrator determines that a State is not carrying out its enforcement responsibility Classification: Routine Statutory Authority: FIFRA 26, 27 / 7 USC 136-W-1, W-2 CFR Change: 40 CFR 173 – New	Steve Leifer EPA (EN-342) Washington, DC 20460 FTS:8-755-0970 COMM:202-755-0970	NPRM: 02/00/81 FR: 07/00/81
Reporting Requirements for States with Enforcement Primacy SAN No. 1647	Description: This regulation details the reporting and recordkeeping requirements for States that have primacy for pesticide use enforcement. These requirements will provide EPA with the information necessary to judge the adequacy of State enforcement. Classification: Routine Statutory Authority: FIFRA 26(a)(3) CFR Change: 40 CFR 173 – New Analysis: RIA	Laura Campbell EPA (EN-342) Washington, D.C. 20460 FTS:8-755-0970 COMM:202-755-0970	ANPRM: 02/00/81 NPRM: 05/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
PESTICIDES—Continued			
Tolerance Revocation Program SAN No. 1560	Description: This regulation prescribes methods for revoking tolerance petitions when a pesticide registration is cancelled. It applies to dieldrin, aldrin, DDT, and BHC. Classification: Routine Statutory Authority: FDCA 408,409 / 21 USC 678, 679 CFR Change: 40 CFR 180.147, 180.135, – Deletions 180.37, 180.140Θ	Jesse Mayes EPA (TS-767) Washington, DC 20460 FTS:8-426-9490 COMM:202-426-9490	NPRM: 03/00/81 FR: 05/00/81
RADIATION			
Reorganization Plan No. 3 of 1970 transferred to EPA the authorities of the Federal Radiation Council. This included authority to develop guidance for other federal agencies to follow in limiting radiation exposures. This guidance is issued by the President. Additionally, EPA was given authority, under the Atomic Energy Act, to establish generally applicable environmental standards to protect public health from exposure to radiation. The NRC, the Department of Energy, and other federal agencies are responsible for implenting and enforcing these standards. EPA is also developing regulations for clean up and disposal of uranium mill tailingΘ;Θ piles under the Uranium Mill Tailings Radiation Control Act of 1978.			
Guidance for Occupational Radiation Exposure SAN No. 1161 Docket No. A-79-46	Description: This guidance updates existing (1960) radiation occupational exposure limits for all workers except radiation exposure to uranium miners. Classification: Guidance Statutory Authority: AEA 274(h);Reorganization Plan No. 3 of 1970 / 42 USC 2021(h) CFR Change: This action will not be codified in CFR – Revision	Luis Garcia EPA (ANR 460) Washington, DC 20460 FTS:8-557-8224 COMM:703-557-8224	ANPRM: 44FR53785 (09/17/79) NPRM: 01/00/81 FR: 01/00/82
Transuranic Elements SAN No. 1162	Description: This guidance to Federal Agencies establishes dose rate limits for people exposed to transuranic elements in the general environment. The guidance considers both human inhalation and ingestion of transuranium elements, and establishes a maximum dose rate to lungs and bones for members of the general population. This dose rate limit can be associated with an estimated maximum risk of one additional death per million persons continuously exposed at this rate per year. EPA has approved this guidance and has sent it to the President for signature. Classification: Guidance Statutory Authority: AEA 274(h); Reorganization Plan No. 3 of 1970 / 42 USC 2021(h) CFR Change: This action will not be codified in CFR.	Gordon Burley EPA (ANR 460) Washington, DC 20460 FTS:8-557-0704 COMM:703-557-0704	NPRM: 42FR60956 (11/30/77) FR: Pending
• *Environmental Protection Standards for High-level Radioactive Waste* SAN No. 1163	Description: EPA is developing environmental standards which state the public health and environmental requirements to be met for disposal of high-level radioactive waste. These consist of general design and site selection principles as well as numerical performance requirements for high level waste repositories. DOE and NRC will use EPA's regulation to set their standards to govern the licensing, design and operation of permanent high-level radioactive waste disposal facilities. Classification: Major Statutory Authority: AEA 274(h); Reorganization Plan No. 3 of 1970 / 42 USC 2021(h) CFR Change: 40 CFR 191 – New Analysis: Reg. Analysis, EIS	Dan Egan EPA (ANR-459) Washington, DC 20460 FTS:8-557-8610 COMM:703-557-8610	ANPRM: 41FR53363 (12/06/76) NPRM: 03/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
RADIATION—Continued			
Environmental Criteria for Radioactive Wastes SAN No. 1164	Description: The criteria are general guidance to Federal agencies on definitions of radioactive wastes and factors they should consider in evaluating disposal modes and sites. Classification: Guidance Statutory Authority: AEA 274(h); Reorganization Plan No. 3 of 1970 / 42 USC 2021(h) CFR Change: This action will not be codified in CFR.	Robertson Augustine EPA (ANR-458) Washington DC 20460 FTS:8-557-8950 COMM:703-557-8950	NPRM: 43FR53262 (11/15/78) FR: 03/00/81
Radiofrequency Radiation Guidance SAN No. 1525	Description: This guidance will serve to limit exposure to radiofrequency monitoring radiation which poses a potential health risk. Classification: Guidance Statutory Authority: AEA 274(h); Reorganization Plan No. 3 of 1970 / 42 USC 2021(h) CFR Change: This action will not be codified in CFR. Analysis: EIS	David Janes EPA (ANR-461) Washington DC 20460 FTS:8-427-7604 COMM:301-427-7604	NPRM: 12/00/81
• *Remedial Action Standards for Inactive Uranium Processing Sites* SAN No. 1166 Docket No. A-79-25	Description: This regulation defines standards for the clean-up and disposal of uranium mill tailings from inactive sites. Based on the EPA standards, the Department of Energy will take remedial action. In order to expedite clean-up, the Agency is separating the timetables for the clean-up, and disposal sections of the regulation. Classification: Major Statutory Authority: UMTRCA 206, AEA 275 / 42 USC 2022 CFR Change: 40 CFR 192 – New Analysis: EIS	Stan Lichtman EPA (ANR-458) Washington, DC 20460 FTS:8-557-8927 COMM:703-557-8927	NPRM: 45FR27370 (04/22/80) (clean-up) IFR: 45FR27366 (04/22/80) (clean-up) NPRM: 01/00/81 (disposal) FR: 11/00/81
Environmental Standards for Active Uranium Mill Processing Sites SAN No. 1166A	Description: The Administrator is required to issue generally applicable standards for protecting the public health and safety, and the environment, from certain radiological and nonradiological hazards of uranium. These are the hazards associated with processing, keeping, transfering and disposing of uranium byproduct material at sites which either (a) process the uranium ore primarily for its source material content or (b) dispose of the uranium byproduct material. Classification: Routine Statutory Authority: UMTRCA 206, AEA 275(b) / 42 USC 2022(b) CFR Change: 40 CFR 192 – New	Stan Lichtman EPA (ANR-458) Washington DC 20460 FTS:8-557-8927 COMM:703-557-8927	NPRM: 03/00/82
SOLID WASTE			

The primary goals of the Resource Conservation and Recovery Act are 1) to improve the management of solid wastes in order to protect human health and the environment and 2) to conserve valuable material and energy resources. More specifically, the Act calls for State programs authorized by EPA to regulate hazardous waste management from generation through disposal, and for the States to regulate the disposal on land of all other solid wastes in accordance with minimum Federal criteria. The Act also establishes resource recovery and conservation as the preferred approach to solid waste management. The Act requires EPA to establish regulations and guidelines to achieve these objectives and to provide for financial and technical assistance to State and local governments, research and special studies, and public participation and education.

• *Identification and Listing of Hazardous Waste* SAN No. 1191 Docket No. 3001	Description: This regulation defines wastes that EPA or the States will control under the nationwide hazardous waste management program. It defines criteria for identifying characteristics of hazardous wastes based on ignitability, corrosivity, reactivity, and extract procedure toxicity. It also defines criteria for listing hazardous wastes. In March 1981 EPA will issue an interim final rule concerning wastes listed in Appendix B. Classification: Major Statutory Authority: RCRA 3001 / 42 USC 6921 CFR Change: 40 CFR 261 – New Analysis: Reg. Analysis, EIS, ORA	Alan Corson EPA (WH-565) Washington DC 20460 FTS:8-755-9187 COMM:202-755-9187	ANPRM: 42FR22332 (05/02/77) NPRM: 43FR58916 (12/18/78) FR: (05/19/80) FR: 45FR47835 (07/16/80) FR: 45FR74884 (11/12/80) IFR: 03/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
SOLID WASTE—Continued			
• *Standards Applicable to Owners and Operators of Hazardous Waste Treatment and Disposal Facilities* SAN No. 1194 Docket No. 3004	Description: This regulation requires facilities that manage hazardous waste to meet certain standards for financial responsibility, operating practices, location, and design. These standards have been set to protect the quality of air, surface-water, and groundwater. Classification: Major Statutory Authority: RCRA 3004 / 42 USC 6924 CFR Change: 40 CFR 264,265,266 – New Analysis: Reg. Analysis, EIS, ORA	John Lehman EPA (WH-565) Washington DC 20460 FTS:8-755-9185 COMM:202-755-9185	ANPRM: 42FR22332 (05/02/77) NPRM: 43FR58946 (12/18/78) FR: 45FR33154 (05/19/80) FR(II): 01/00/81
Guidelines for Federal Procurement of Cement and Concrete Containing Fly Ash SAN No. 1200 Docket No. 6002(e)	Description: These guidelines are to help Federal agencies ensure procured products contain as much recycled material as possible. Section 6002(e) of RCRA directs EPA to prepare these guidelines to help maximize the energy and materials that the Federal Government recovers from solid waste. The first of these guidelines will cover regulations for fly ash in cement and concrete. Classification: Routine Statutory Authority: RCRA 6002(e) / 42 USC 6962(e) CFR Change: 40 CFR 249 – New	John Heffelfinger EPA (WH-565) Washington DC 20460 FTS:8-755-9206 COMM:202-755-9206	NPRM: 45FR76906 (11/20/80) FR: 07/00/81
Guidelines for Federal Procurement for Recycled Paper Products SAN No. 1200A	Description: RCRA directs EPA to prepare guidelines to help maximize energy and materials recovered from solid waste. This guideline gives advice to Federal purchasing agencies concerning purchasing practices which will increase the percentage of recycled paper products bought. Classification: Routine Statutory Authority: RCRA 6002(e) / 42 USC 6962(e) CFR Change: EPA will assign a CFR part to this regulation.	Frank Smith EPA (WH-563) Washington, D.C. 20460 FTS:8-755-9140 COMM:202-755-9140	NPRM: 12/00/81
TOXIC SUBSTANCES			
EPA is writing regulations under four sections of the Toxic Substances Control Act (TSCA): under Section 4, standards for the development of test data and rules that require the testing of specific chemical substances and mixtures; under section 5, premanufacture notification rules and premanufacture testing guidance; a series of specific control actions under Section 6, including chemical hazard labeling warnings; and under Section 8, reporting and recordkeeping requirements.			
Health Test Standards for Chemical Substances and Mixtures SAN No. 1130 Docket No. OTS-046003	Description: This regulation establishes general provisions and requirements for testing. It covers the scope, purpose, authority and applicability of testing requirements. It offers appropriate definitions, and it deals with confidentiality of public access to information, compliance and revision, and modification of test standards. Classification: Major Statutory Authority: TSCA 4 / 15 USC 2603 CFR Change: 40 CFR 771 – New	Sarah Robinson EPA (TS-792) Washington DC 20460 FTS:8-755-4894 COMM:202-755-4894	NPRM: 44FR27334 (05/09/79) FR: 08/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
TOXIC SUBSTANCES—Continued			
• *Test Rules for Chloromethanes and Chlorinated Benzenes* SAN No. 1131 Docket No. OPTS 47002	Description: This regulation may require chemical manufacturers and processors to test chloromethanes and chlorinated benzenes for specified health and environmental effects. EPA is acting under Section 4 of TSCA, which specifies that if a substance may present an unreasonable risk of injury, or there may be substantial human exposure, and if data on effects are inadequate and testing is necessary to obtain it, EPA may require testing. This is EPA's first rule under Section 4 requiring testing of specific chemicals. Classification: Major Statutory Authority: TSCA 4 / 15 USC 2603 CFR Change: 40 CFR 771 – New Analysis: Reg. Analysis	Steven Newburg-Rinn EPA (TS-792) Washington, DC 20460 FTS:8-557-5781 COMM:202-557-5781	NPRM: 45FR48524 (07/18/80) FR: 10/00/81
Test Rule for Nitrobenzene, Dichloromethane and 1, 1, 1-Trichloroethane SAN No. 1668	Description: This regulation may require chemical manufacturers and processors to test nitrobenzene, dichloromethane and 1,1,1-trichloroethane for specified health and environmental effects. This is the second of EPA's rules issued under Section 4 to require testing of specific chemicals. Classification: Major Statutory Authority: TSCA 4 / 15 USC 2603 CFR Change: 40 CFR 771 – New	Steven Newberg-Rinn EPA (TS-792) Washington, D.C. 20460 FTS:8-557-5781 COMM:202-557-5781	NPRM: 05/00/81
Test Rules SAN No. 1667	Description: This is the third of EPA's rules issued under Section 4 to require testing of specific chemicals. Eight of the following sixteen chemicals will be acted on in this rulemaking: Acetonitrile, alkyl, phthalates, antimony, antimony trioxide, antimony sulfide, aryl phosphates, benzidine dyes, chloroparaffins, chlorinated naphthalenes, cresols, dianisidine dyes, hexachloro-1,3,-butadiene, 4,4-methylene-dianile, o-tolidine dyes, thenylene-dianines, and polychlorinated terphenyls. Classification: Major Statutory Authority: TSCA 4 / 15 USC 2603 CFR Change: 40 CFR 771 – New	Steven Newburg-Rinn EPA (TS-792) Washington, D.C. 20460 FTS:8-557-5781 COMM:202-557-5781	NPRM: 12/00/81
Standards for Development of Chronic Health Effects Data SAN No. 1132	Description: This regulation sets standards for testing for oncogenic and non-oncogenic chronic effects and good laboratory practices for health effects testing. The chemical specific test rules will refer to these standards. Classification: Major Statutory Authority: TSCA 4 / 15 USC 2603 CFR Change: 40 CFR 772 – New	Diane Beal EPA (TS-796) Washington, DC 20460 FTS:8-755-2890 COMM:202-755-2890	NPRM: 44FR27334 (05/09/79) FR: 08/00/81
Standards for Development of Test Data SAN No. 1461	Description: This regulation sets standards for tests to determine health effects including acute and sub-chronic toxicity, mutagenicity, teratogenicity and reproductive effects. The chemical specific test rules will refer to these standards. Classification: Routine Statutory Authority: TSCA 4 / 15 USC 2603 CFR Change: 40 CFR 772 – New	Diane Beal EPA (TS-796) Washington, DC 20460 FTS:8-755-2890 COMM:202-755-2890	NPRM: 44FR44054 (07/26/79) FR: 08/00/81
Environmental Effects Test Standards for Development of Test Data SAN No. 1462	Description: This regulation proposes standards for tests to determine environmental effects, including (I) fish acute toxicity, fish embryo larval tests and arian diet and reproduction, (II) bioconcentration tests, and (III) invertebrate acute toxicity, invertebrate chronic toxicity, algal bioassay, and plant toxicity. Classification: Routine Statutory Authority: TSCA 4 / 15 USC 2603 CFR Change: 40 CFR 772 – New	James Gilford EPA (TS-796) Washington, DC 20460 FTS:8-755-0300 COMM:202-755-0300	NPRM(I): 02/00/81 NPRM(II): 03/00/81 NPRM(III): 05/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
TOXIC SUBSTANCES—Continued			
Section 4 Exemption Policy SAN No. 1669	Description: This is a final notice of the policies EPA will use to grant exemption from testing under Section 4(c) of TSCA. Section 4(c) requires EPA to exempt applicants from testing if the chemical they manufacture or process is equivalent to one which is already being tested or if testing by applicants for exemptions would duplicate data already submitted to EPA. Classification: Policy Statement Statutory Authority: TSCA 4(c) / 15 USC 2603(c) CFR Change: 40 CFR 773 – New	Steven Newberg-Rinn EPA (TS-792) Washington D.C. FTS:8-557-5781 COMM:202-557-5781	NPRM: 45FR48512 (07/18/80) FR: 10/00/81
• *Premanufacture Notification Requirements and Review Procedures* SAN No. 1134 Docket No. OPTS-50019	Description: This regulation establishes procedures for chemical manufacturers to submit notices to EPA prior to manufacturing new chemical substances for commercial purposes. Notice forms will stipulate the date that manufacturers must submit and the format for their submissions. Classification: major Statutory Authority: TSCA 5 / 15 USC 2604 CFR Change: 40 CFR 720 – New	Joe DeSantis EPA (TS-792) Washington, DC 20460 FTS:8-426-8493 COMM:202-426-8493	NPRM: 44FR2242 (01/10/79) RPRM: 44FR59764 (10/16/79) Interim Policy: 45FR74378 (11/07/80) FR: 02/00/81
Follow-up of new chemical substances SAN No. 1531 Docket No. OPTS-50012	Description: This rule will establish procedures and data reporting requirements to be used in issuing significant new use rules (SNUR) and follow-up reporting rules related to new chemical substances. Classification: Major Statutory Authority: TSCA 5(a)(2), TSCA 8a / 15 USC-2604(a)(2), 2607a CFR Change: 40 CFR 722 – New	Joe DeSantis EPA (TS-792) Washington, DC 20460 FTS:8-426-8493 COMM:202-426-8493	ANPRM: 01/00/81 NPRM: 07/00/81
Asbestos-Containing Materials in School Buildings – Identification and Notification (Part I) SAN No. 1519A Docket No. OPTS-61004	Description: The purpose of this regulation is to protect school children and employees from unreasonable risks of exposure to asbestos. Part I will require local education agencies for some 109,000 public and private school buildings to inspect and identify friable asbestos-containing materials in their buildings and notify employees and parent-teacher associations of the presence of such materials. EPA is coordinating this program with the Department of Education, which will require educational agencies to notify the States under the School Asbestos Act. Part II will require corrective action to remove unreasonable risks. Classification: Major Statutory Authority: TSCA 6(a)(3) / 15 USC 2605 CFR Change: 40 CFR 765 – New	Larry Longanecker EPA (TS-794) Washington, DC 20460 FTS:8-755-6600 COMM:202-755-6600	ANPRM: 44FR54676 (09/20/79) NPRM: 45FR61966 (08/17/80) FR(I): 02/00/81 NPRM(II): 05/00/81 FR(II): 07/00/82
Asbestos-Containing Materials in Commercial Buildings SAN No. 1550	Description: This regulation will reduce unreasonable risks of exposure to asbestos in commercial buildings. Classification: Major Statutory Authority: TSCA 6 / 15 USC 2605 CFR Change: EPA will later assign a CFR Part to this regulation. Analysis: Reg. Analysis	Larry Dorsey EPA (TS-792) Washington, DC 20460 FTS:8-755-6660 COMM:202-755-6660	ANPRM: 11/00/81 NPRM: 11/00/82
• *Rules Restricting the Commercial and Industrial Use of Asbestos Fibers* SAN No. 1627	Description: The Agency is investigating regulation of the commercial and industrial use of asbestos. Among the options under consideration are: (1) prohibiting the non-essential uses of asbestos; (2) establishing quotas for the use of asbestos; and (3) requiring the labeling of asbestos and asbestos-containing products. Classification: Major Statutory Authority: TSCA (6) / 15 USC 2605 CFR Change: 40 CFR 763 – New Analysis: Reg. Analysis	Peter Principe EPA (TS-794) Washington, DC 20460 FTS:8-755-8023 COMM:202-755-8023	ANPRM: 44FR60056 (10/17/79) NPRM: 09/00/81 FR: 09/00/82

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
TOXIC SUBSTANCES—Continued			
Proposed Production Restriction for Chlorofluorocarbons SAN No. 1644 Docket No. OPTS-62009	Description: This action will restrict growth in the production and use of chlorofluorocarbons (CFC's) in order to prevent degradation of the stratospheric ozone layer and to encourage international action on the problem. Classification: Major Statutory Authority: TSCA 6(c), CAA 157 / 15 USC 2605(c), 42 USC 7450–7459 CFR Change: EPA will assign a CFR number to this regulation. Analysis: Reg. Analysis, EIS	Gordon Olson EPA (TS-794) Washington, DC 20460 FTS:8–755–1260 COMM:202–755–1260	ANPRM: 45FR66726 (10/07/80) NPRM: 03/00/81 FR: 10/00/81
Preliminary Assessment Information SAN No. 1137 Docket No. OTS-082004	Description: This rule is the first in a series of reporting regulations designed to obtain information for pre-regulatory assessment on toxic substances. The rule would apply to manufacturers of 2300 chemicals requiring them to fill out a short form on general production, use and exposure. Additional chemicals will be subject to this rule in later amendments. Classification: Routine Statutory Authority: TSCA 8(a) / 15 USC 2607(a) CFR Change: 40 CFR 712 – New	Barbara Ostrow EPA (TS-778) Washington, DC 20460 FTS:8–755–2778 COMM:202–755–2778	ANPRM: 44FR37517 (06/27/79) NPRM: 45FR13646 (02/29/80) FR: 04/00/81
General Assessment Information Reporting 8(a) SAN No. 1551	Description: This rule will require chemical manufacturers and processors to supply information on their products including exposures, by-products and toxicity. EPA and other Agencies will use the information to identify chemicals for possible regulation. Classification: Routine Statutory Authority: TSCA 8(a) / 15 USC 2607(a) CFR Change: 40 CFR 712 – New	Barbara Ostrow EPA (TS-778) Washington, DC 20460 FTS:8–755–2778 COMM:202–755–2778	NPRM: 07/00/81 FR: 07/00/82
Detailed Assessment Reporting 8(a) SAN No. 1553	Description: This is the third in a series of reporting regulations to obtain preregulatory assessment information. This rule will help provide detailed information on chemicals for which regulatory controls are being developed. The rule will apply to chemical manufacturers and processors. Classification: Routine Statutory Authority: TSCA 8(a) / 15 USC 2607(a) CFR Change: 40 CFR 712(D) – New	Barbara Ostrow EPA (TS-778) Washington, DC 20460 FTS:8–755–2778 COMM:202–755–2778	ANPRM: 01/00/81
Standards for Excluding Small Manufacturers and Processors from TSCA 8(a) SAN No. 1529	Description: This rule will establish a general standard which the Administrator can use under most section 8(a) rules to specify which manufacturers qualify as "small" for the purpose of exemptions. Classification: Routine Statutory Authority: TSCA 8(a) / 15 USC 2607(a) CFR Change: 40 CFR 712 – New	Barbara Ostrow EPA (TS-778) Washington, DC 20460 FTS:8–755–2778 COMM:202–755–2778	ANPRM: 45FR66180 (09/06/80) NPRM: 04/00/81 FR: 04/00/82
Asbestos Use and Substitutes Reporting SAN No. 1552 Docket No. OPTS 84004	Description: This rule will use the reporting authority of Section 8(a) to obtain information on the industrial and commercial uses of asbestos fiber. EPA will use this information to support regulation of asbestos under TSCA Section 6. The rule will require information on quantities of asbestos used in various processes, employee exposure and monitoring, and waste disposal and pollution control. It will apply to asbestos manufacturers, importers, and processors. Classification: Routine Statutory Authority: TSCA 8(a) / 15 USC 2607(a) CFR Change: 40 CFR 763 – New Analysis: RIA	Suzanne Rudzinski EPA (TS-778) Washington DC 20460 FTS:8–755–5851 COMM:202–755–5851	ANPRM: 44FR60061 (10/17/79) NPRM: 01/00/81 FR: 08/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
TOXIC SUBSTANCES—Continued			
Records and Reports of Allegations of Significant Adverse Reactions to Health or the Environment SAN No. 1138 Docket No. OPTS-083001	Description: This regulation will establish procedures for recording and reporting allegations of adverse effects on health or the environment. Classification: Routine Statutory Authority: TSCA 8(c) / 15 USC 2607(c) CFR Change: 40 CFR 717 – New	Suzanne Rudzinski EPA (TS-778) Washington, DC 20460 FTS:8-755-5851 COMM:202-755-5851	ANPRM: 42FR56686 (03/11/77) NPRM: 45FR47008 (07/11/80) FR: 08/00/81
Health and Safety Data Reporting SAN No. 1139 Docket No. OTS-084003	Description: This rule would require chemical manufacturers, processors, distributors, and others who possess health and safety studies on specifically listed chemicals to submit them to EPA. EPA will use these studies to assess the health and environmental effects of the chemicals and to determine what kind of testing rules the agency should promulgate under section 4(a) of TSCA. EPA will amend this rule from time to time by adding to the list of chemicals subject to this rule. Classification: Routine Statutory Authority: TSCA 8(d) / 15 USC 2607(d) CFR Change: 40 CFR 716 – New	Suzanne Rudzinski EPA (TS-778) Washington DC 20460 FTS:8-755-5851 COMM:202-755-5851	NPRM: 44FR77470 (12/31/79) FR: 03/00/81
WATER QUALITY			
The goal of the Clean Water Act is to achieve fishable and swimmable water quality in the Nation's waters by 1983. The Act defines two major strategies for reaching this goal: 1) limitations on effluent discharges from industrial and municipal sources and 2) adoption by the States of water quality standards for specific bodies of water. EPA is presently working on regulations which involve both strategies. Under Sections 301, 304, 306, and 307 of the Act, the Agency is developing regulations to control the discharge of toxic and other substances from different industries. Under Sections 303 and 304, the Agency is revising the program under which States adopt water quality standards. In addition, the Act requires that EPA address spills of oil and hazardous substances under Section 311, that it develop guidelines for permissable dumping of dredged and fill material under Section 404, and that it develop guidelines for land disposal of sewage sludge under Section 405. Section 402 requires dischargers to apply for permits from the State or EPA before they can discharge pollutants. EPA has set up the National Pollutant Discharge Elimination System (NPDES) in order to fulfill this requirement. NPDES permits are the main enforcement mechanism provided for in the Act. The basic structure of the Act was created by the Federal Water Pollution Control Act of 1972. The 1977 amendments changed the name to the Clean Water Act and supplied the impetus for most of the regulations now under development.		
Requirements for Application for 301(c) Variances SAN No. 1404	Description: Section 301(c) of the Clean Water Act provides for waivers on economic grounds of the strict requirements of BAT controls for non-toxic, non-conventional pollutants. This regulation will establish application ground rules and national criteria for granting variances from BAT requirements. Classification: Routine Statutory Authority: CWA 301(c) / 33 USC 1311(c) CFR Change: 40 CFR 125 – Addition	Tom Laverty EPA (EN-336) Washington, DC 20460 FTS:8-426-7010 COMM:202-426-7010	NPRM: 03/00/81 FR: 09/00/81
Waivers from BAT for Non-conventional Pollutants under 301(g) SAN No. 1634	Description: Section 301(g) allows NPDES permit applicants to request a waiver from BAT effluent limitations for nonconventional pollutants whenever the application can show that a less stringent permit limit will not interfere with the attainment or maintenance of water quality and will not endanger human health or the environment. This regulation will establish guidelines for evaluating waiver applications. Classification: Routine Statutory Authority: CWA 301(g) / 33 USC 1311(g) CFR Change: 40 CFR 125 Subpart F – New	Robert Cantilli EPA (EN-336) Washington, DC 20460 FTS:8-426-7010 COMM:202-426-7010	NPRM: 04/00/81 FR: 11/00/81
Innovative Technology for Industrial Discharge SAN No. 1608	Description: Section 301(k) allows NPDES permit applicants to request an extension of the compliance date for BAT until July 1, 1987 if they will install an innovative technology. This technology must be either (1) superior to BAT or (2) equivalent to BAT and allow significant cost savings. Classification: Routine Statutory Authority: CWA 301(k) / 33 USC 1311(k) CFR Change: 40 CFR 125 – New Analysis: RIA	Tom Laverty EPA (EN-336) Washington, DC 20460 FTS:8-426-7010 COMM:202-426-7010	ANPRM: 45FR62509 (09/19/80) NPRM: 02/00/81 FR: 08/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable

WATER QUALITY—Continued

The Clean Water Act and a modified consent decree in *NRDC v. Costle*, 12 ERC 1833(D.D.C. 1979), require that EPA develop guidelines to control toxic substances in industrial effluents. Section 307(a) of the Act identifies 65 toxic pollutants; they are listed in Table 1 of the Committee Print 95-30 of Committee on Public Works and Transportation, House of Representatives.

Section 304 requires that EPA determine the best available technology (BAT) to control toxic pollutants from existing point sources. BAT will consist of the most effective technology which can still be economically achieved by the affected industries. EPA will also determine best conventional technology (BCT) which industries can use on conventional pollutants which do not require BAT.

Under Section 306 of the Act, EPA is establishing new source performance standards (NSPS) for new plants. Under Section 307(b) and 307(c), EPA will set pretreatment standards for both existing and new sources which discharge into municipal waste treatment systems. These sets of standards will in most cases require technologies equivalent to BAT.

Major issues raised in setting effluent guidelines are:

(1) Identification of the major pollutants discharged to and from treatment systems;
(2) Determination of the major technology options to control pollutants;
(3) Determination of the capital and annual costs of the technology options; and
(4) Determination of the resulting economic impacts.

EPA is developing guidelines for each of the industries listed below.

Effluent Guidelines for Petroleum Refining SAN No. 1406	Description: The Agency is developing BAT and BCT for 182 direct discharges and pretreatment standards for 48 indirect discharges. Major pollutants are chromium, zinc, phenol, and polynuclear aromatic hydrocarbons. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501/33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 419 – Revision	John Lum EPA (WH-552) Washington DC 20460 FTS:8-426-4617 COMM:202-426-4617	NPRM: 44FR75926 (12/21/79) FR: 11/00/81
• *Effluent Guideline for Iron and Steel Manufacturing* SAN No. 1405	Description: The Agency is developing BPT, BCT BAT, NSPS and pretreatment standards for industry. The steel industry's approximately 650 plants process more than 6 billion gallons of water per day. Major toxic discharges include zinc, chromium, lead, naphthalene benzene, and cyanide. Classification: Major Statutory Authority: CWA 301, 304, 306, 307, 501/33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 420 – Revision Analysis: Reg. Analysis	Edward Dulaney EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 01/00/81 FR: 07/00/81
• *Effluent Guidelines for Steam Electric Power Plants* SAN No. 1408	Description: The steam electric power industry consists of 1000 plants which produce about 80% of the United States energy supply. The Agency is proposing BAT limitations for total residual chlorine, chromium, copper and zinc. Classification: Major Statutory Authority: CWA 301, 304, 306, 307, 501/33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 423 – Revision Analysis: Reg. Analysis	John Lum EPA (WH-522) Washington, DC 20460 FTS:8-426-4617 COMM:202-426-4617	NPRM: 45FR68328 (10/14/80) FR: 04/00/81
Effluent Guidelines for Timber Products Processing SAN No. 1407	Description: The timber industry is a diverse group of manufacturing plants whose primary raw material is wood; products range from finished lumber and other wood products to hardboard and preserved wood. It is composed of thousands of industrial operations. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501/33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 429 – Revision	Richard E. Williams EPA (WH-552) Washington, DC 20460 FTS:8-426-2554 COMM:202-426-2554	NPRM: 44FR62810 (10/31/79) FR: 01/00/81
Effluent Guidelines for Leather Tanning and Finishing SAN No. 1409	Description: The leather tanning industry consists of 170 indirect and 18 direct discharges. The Agency has proposed BPT, BAT, NSPS and pretreatment standards for seven subcategories. Major pollutants of concern are chromium and phenol. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501/33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 425 – Revision	Donald F. Anderson EPA (WH-552) Washington, DC 20460 FTS:8-426-2707 COMM:202-426-2707	NPRM: 44FR38746 (07/02/79) FR: 06/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	WATER QUALITY—Continued		
Effluent Guidelines for Nonferrous Metals Manufacturing SAN No. 1410	Description: The nonferrous metals industry includes 700 direct and indirect discharges divided into 58 subcategories. EPA is developing BAT and other standards for subcategories that account f for 90% of the discharges. Major pollutants include thallium, selenium, copper, zinc, lead, silver, cadmium, nickel and mercury. Classification: Major Statutory Authority: CWA 301, 304, 308, 307, 501/33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 421 – Revision	Patricia E. Williams EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	FR(BPT): 45FR44926 (07/02/80) NPRM: 06/00/81 FR: 02/00/82
Effluent Guidelines for Paint Formulation SAN No. 1411	Description: The Agency is developing BAT, NSPS, and pretreatment standards for the caustic water wash subcategory and pretreatment standards for the solvent wash subcategory of the paint formulating industry Toxic pollutants of concern are chromium, copper, nickel, lead, zinc, and mercury. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501/33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 446 – Revision	Ben Honaker EPA (WH-552) Washington, DC 20460 FTS:8-426-2554 COMM:202-426-2554	NPRM: 45FR912 (01/03/80) FR: 12/00/81
Effluent Guidelines for Ink Formulation SAN No. 1411A	Description: EPA is developing BAT, NSPS, and pretreatment standards for the caustic-water wash subcategory and pretreatment standards for the solvent wash subcategory. Toxic pollutants of concern include lead, zinc, copper, and chromium. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501/33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 447 – Revision	James Berlow EPA (WH 552) Washington, DC 20460 FTS:8-426-2554 COMM:202-426-2554	NPRM: 45FR928 (01/03/80) FR: 12/00/81
Effluent Guidelines for Ore Mining and Dressing SAN No. 1413	Description: The Agency is developing BAT and NSPS for seven subcategories of the ore mining industry. Toxic pollutants of concern are copper, lead, zinc, and nickel. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501/33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 434 – Revision	B. Matthew Jarrett EPA (WH-552) Washington, DC 20460 FTS:8-426-4617 COMM:202-426-4617	NPRM: 03/00/81 FR: 11/00/81
Effluent Guidelines for Coal Mining SAN No. 1414	Description: The Agency is revising BPT and NSPS and proposing BAT and BCT for runoff and wastewater discharge from coal mines. Toxic pollutants of concern are manganese and iron. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501/33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 434 – Revision	Dennis Ruddy EPA (WH-552) Washington, DC 20460 FTS:8-426-2707 COMM:202-426-2707	NPRM: 01/00/81 FR: 06/00/81
Effluent Guidelines for Organic Chemicals SAN No. 1415	Description: The Agency is developing BPT, BAT, NSPS, and pretreatment standards for the organic chemicals industry. Major pollutants include aromatic chlorinated hydrocarbons, phenolic compounds, and metals. Classification: Major Statutory Authority: CWA 301, 304, 306, 307, 501/33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 44 – Revision Analysis: UCIA	Maria Irizarry EPA (WH-552) Washington, DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 06/00/81 FR: 04/00/82
Effluent Guidelines for Inorganic Chemicals SAN No. 1416	Description: The Agency is developing BPT for seven industrial subcategories, BCT for two subcategories, and BAT for eleven subcategories. In addition, the Agency is developing NSPS and pretreatment standards. Major toxic pollutants include cyanide, lead, mercury, chromium, zinc, nickel, and cadmium. Classification: Major Statutory Authority: CWA 301, 304, 306, 307, 501/33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 415 – Revision Analysis: Reg. Analysis	Elwood Martin EPA (WH-552) Washington DC 20460 FTS:8-426-2582 COMM:202-426-2582	NPRM: 45FR49450 (07/24/80) FR: 03/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	WATER QUALITY—Continued		
Effluent Guidelines for Textile Mills SAN No. 1417	Description: The Agency is developing BAT, BCT, NSPS and pretreatment standards for nine subcategories of the industry. Major toxic pollutants include total phenols, chromium, copper, and zinc. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 410 – Revision	James Berlow EPA (WH-552) Washington DC 20460 FTS:8-426-2554 COMM:202-426-2554	
Effluent Guidelines for Plastics and Synthetics SAN No. 1418	Description: This industry consists of 396 dischargers divided into 24 subcategories. The Agency is developing BAT, BPT, and other standards. Major toxic pollutants include phenol, benzene, acrylonitrile, acrolein, ethylbenzene, toluene, and vinyl chloride. Classification: Major Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 416 – Revision	H.E. Wise EPA (WH-552) Washington DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 10/00/81 FR: 04/00/82
• *Effluent Guidelines for Pulp, Paper, and Paperboard* SAN No. 1419	Description: The Agency is proposing BAT, BCT, NSPS and pretreatment standards for this industry. Pulp, paper and paperboard plants discharge approximately 4.2 billion gallons per day of wastewater. Pollutants of concern are BOD, chloroform, zinc, resin acids, and chlorinated phenols. Classification: Major Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 430, 431 – Revision Analysis: Reg. Analysis	Robert Dellinger EPA (WH-552) Washington, DC 20460 FTS:8-426-2554 COMM:202-426-2554	NPRM: 01/00/81 FR: 10/00/81
Effluent Guidelines for Rubber Processing SAN No. 1420	Description: EPA has proposed to withdraw BAT and substitute limits equivalent to BPT for mine subcategories of the rubber manufacturing industry because BPT treatment is effective in removing toxic pollutants. Additional studies are underway for two subcategories. EPA is re-examining the lead limit in those subcategories where it is now regulated. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 428 – Revision	J.S. Vitalis EPA (WH-552) Washington DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 44FR75016 (12/18/79) NPRM: 06/00/81 FR: 12/00/81
Effluent Guidelines for Auto and Other Laundries SAN No. 1422	Description: EPA is developing BAT and other standards for industrial and linen laundries Toxic pollutants of concern are zinc, lead, copper and chromium. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 444 – New	David Pepson EPA (WH-552) Washington, DC 20460 FTS:8-426-2582 COMM:202-426-2582	NPRM: 02/00/81 FR: 09/00/81
Effluent Guidelines for Adhesives and Sealants SAN No. 1423	Description: The Agency is preparing a Guidance Document in lieu of establishing specific numerical regulations for this category. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 456 – Revised	E.H. Forsht EPA (WH-552) Washington, DC 20460 FTS:8-426-2497 COMM:202-426-2497	

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	WATER QUALITY—Continued		
Effluent Guidelines for Gum and Wood SAN No. 1425	Description: The Agency has proposed BPT limitations for one industrial subcategory, sulfate turpentine, and BCT limitations for four subcategories: sulfate turpentine, wood rosin, tall oil, and rosin derivatives. In addition, BAT and pretreatment standards have been proposed to control the discharge of zinc, copper, and nickel. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 454.7 – Revision	Arthur Shattuck EPA (WH-552) Washington, DC 20460 FTS:8-426-2554 COMM:202-426-2554	NPRM: 44FR68710 (11/29/80) FR: 06/00/81
Effluent Guidelines for Pesticides SAN No. 1426	Description: EPA is developing BAT controls for manufacturers of pesticide and other products. Technological options under consideration are activated carbon adsorption, hydrolysis, steam stripping, chemical oxidation, metals separation, and biological oxidation. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 455 – New	George Jett EPA (WH-552) Washington DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 03/00/81 FR: 10/00/81
Effluent Guidelines for Metal Finishing SAN No. 1428	Description: Metal finishing concerns 45 different industrial processes, including electroplating, machining, anodizing and painting. The Agency is developing BPT, BAT, NSPS, and pretreatment standards for the metal finishing industry, based on the characteristics of wastewater. Major toxic effluents are heavy metals and organic solvents. This regulation combines Electroplating (SAN 1426) and Mechanical Products (SAN 1430). Classification: Major Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 413 – New Analysis: UCIA	Dwight Hlustick EPA (WH-552) Washington DC 20460 FTS:8-426-2582 COMM:202-426-2582	NPRM: 45FR45322 (Pretreatment) (7/03/80) NPRM 05/00/81 FR 12/00/81
Effluent Guidelines for Electrical and Electronic Products SAN No. 1431	Description: Industries producing electrical and electronic components include 2000 direct and 8000 indirect dischargers of pollutants. The Agency is currently working on BAT, NSPS, and pretreatment standards for two subcategories of the electronics industry, semi-conductors and electronic crystals. Toxic pollutants of concern are organic chemicals, nickel, and chromium. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307 / 33 USC 1311, 1314, 1316, 1317 CFR Change: 40 CFR 469 – New	Frank Hund EPA (WH-552) Washington DC 20460 FTS:8-426-2582 COMM:202-426-2582	NPRM: 06/00/81 FR: 01/00/82
Effluent Guidelines for Metal Moulding and Casting Foundries SAN No. 1432	Description: The Agency is developing BPT, and BAT and other standards for six subcategories. Major toxic pollutants include zinc, copper, lead, and phenolic compounds. Classification: Major Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 464 – New	John Williams EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 03/00/81 FR: 09/00/81
Effluent Guidelines for Copper Forming SAN No. 1433	Description: The Agency is developing BPT, BAT, and other standards for six subcategories of the copper forming industry. Pollutants of concern include copper, lead, zinc and nickel. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 468 – New	John Williams EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 08/00/81 FR: 03/00/82

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	WATER QUALITY—Continued		
Effluent Guidelines for Battery Manufacturing SAN No. 1434	Description: The Agency is developing BAT and other standards for ten subcategories of the battery manufacturing industry. Toxic pollutants of concern are mercury, lead, cadmium, phenols, nickel, zinc, and copper. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 461 – New	Mary Belefski EPA (WH-552) Washington, DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 07/00/81 FR: 03/00/82
Effluent Guidelines for Coil Coating SAN No. 1435	Description: The Agency is proposing BPT, BAT, NSPS and pretreatment standards. Toxic pollutants of concern are chromium, cyanide, copper, lead, nickel, and zinc. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 465 – New	Rex Reges EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 01/00/81 FR: 06/00/81
Effluent Guidelines for Plastics Moulding and Forming SAN No. 1436	Description: Many producers of plastic products use water which they discharge into streams and rivers. EPA is developing BAT and other control standards for several toxic pollutants, including lead, cadmium, chromium, PCB, and phenols. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 463 – New	Robert W. Hardy EPA (WH-552) Washington, DC 20460 FTS:8-426-2586 COMM:202-426-2586	
Effluent Guidelines for Porcelain Enameling SAN No. 1437	Description: Producers of porcelain enameled products include 26 direct and 88 indirect dischargers. The Agency is preparing BAT and other control standards for the steel, cast iron, aluminum and copper subcategories. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 466 – New	Catherine M. Lowry EPA (WH-552) Washington, DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 02/00/81 FR: 10/00/81
Effluent Guidelines for Alcohol Fuels SAN No. 1659	Description: EPA is developing new source performance and pretreatment standards for plants that manufacture fuel from alcohol. Classification: Significant Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: EPA will select a CFR part for this regulation.	Wendy Smith EPA (WH-552) Washington, DC 20460 FTS:8-426-4617 COMM:202-426-4617	NPRM: 06/00/81 FR: 12/00/81
Effluent Guidelines for Aluminum Forming SAN No. 1438	Description: The aluminum forming industry consists of 49 direct and 52 indirect dischargers. Pollutants of concern are chromium, zinc, and lead. EPA is developing BPT, BAT, and other standards. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 467 – New	Janet Goodwin EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 05/00/81 FR: 11/00/81
Effluent Guidelines For Nonferrous Metals Forming SAN No. 1568	Description: The Agency is developing BAT and other standards for the nonferrous metals forming industry, which covers forming of nonferrous metals other than copper and aluminim. Pollutants of concern are toxic heavy metals. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 471 – New	Patricia Williams EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 44FR62204 (10/29/79) FR: 07/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
WATER QUALITY—Continued			
Effluent Guidelines For Fruits And Vegetables SAN No. 1569	Description: The Agency is reviewing BCT/BAT effluent limitations for the fruits and vegetables industry. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 407 – Revision	Gary Kasaoka EPA (WH-552) Washington DC 20460 FTS:8-426-2707 COMM:202-426-2707	NPRM: 12/00/81 FR: 07/00/82
Effluent Guidelines For Poultry SAN No. 1602	Description: The Agency is reviewing BCT controls for poultry operations Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 432 – Revision	Daniel Lent EPA (WH-552) Washington DC 20460 FTS:8-426-2707 COMM:202-426-2707	NPRM: 09/00/81 FR: 04/00/82
Effluent Guidelines for Dairy Processing SAN No. 1573	Description: EPA is reviewing existing BCT for seven subcategories of the dairy industry and developing new BCT for five subcategories. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 316 / 33 USC 1311, 1314, 1316, 1317, 1326 CFR Change: 40 CFR 405 – Revision	Mark L. Mjoness EPA (WH-552) Washington DC 20460 FTS:8-426-2554 COMM:202-426-2554	NPRM: 09/00/81 FR: 04/00/82
Effluent Guidelines for Meat Packing SAN No. 1574	Description: EPA is reviewing BCT controls for the meat packing industry. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 316 / 33 USC 1311, 1314, 1316, 1317, 1326 CFR Change: 40 CFR 432 – Revision	Daniel Lent EPA (WH-552) Washington DC 20460 FTS:8-426-2707 COMM:202-426-2707	NPRM: 09/00/81 FR: 04/00/82
Effluent Guidelines for Beet Sugar Processing SAN No. 1575	Description: Beet sugar is a subcategory of the sugar processing industry. EPA is reviewing existing BCT controls. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 316 / 33 USC 1311, 1314, 1316, 1317, 1326 CFR Change: 40 CFR 409 – Revision	Mark L. Mjoness EPA (WH-552) Washington DC 20460 FTS:8-426-2554 COMM:202-426-2554	NPRM: 11/00/81 FR: 06/00/82
Effluent Guidelines for Grain Mills SAN No. 1576	Description: EPA is reviewing the existing BCT controls for the corn wet milling subcategory. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 316 / 33 USC 1311, 1314, 1316, 1317, 1326 CFR Change: 40 CFR 406 – Revision	Mark L. Mjoness EPA (WH-552) Washington DC 20460 FTS:8-426-2707 COMM:202-426-2707	NPRM: 06/00/81 FR: 01/00/82
Effluent Guidelines for Cane Sugar Refining SAN No. 1577	Description: Cane sugar refining is a subcategory of the sugar processing industry. EPA is reviewing existing BCT controls. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 316 / 33 USC 1311, 1314, 1316, 1317, 1326 CFR Change: 40 CFR 409 – Revision	Mark L. Mjoness EPA (WH-552) Washington DC 20460 FTS:8-426-2554 COMM:202-426-2554	NPRM: 09/00/81 FR: 04/00/82
Effluent Guidelines for Seafood Processing SAN No. 1625	Description: The Agency is reviewing BCT for the seafood processing industry. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307 / 33 USC 1311, 1314, 1316, 1317 CFR Change: 40 CFR 408 – Revision	Daniel Lent EPA (WH-552) Washington DC 20460 FTS:8-426-2707 COMM:202-426-2707	NPRM: 07/00/81 FR: 02/00/82

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	WATER QUALITY—Continued		
Effluent Guidelines for Pharmaceuticals SAN No. 1427	Description: EPA is developing BAT and other standards for four subcategories, i.e. fermentation products, biological and natural extraction products, chemical synthesis products and formulation products. Major toxic pollutants discharged by the pharmaceutical industry include benzene, carbon tetrachloride, chloraform, ethylbenzene, methylene chloride, phenol, toluene and heavy metals, e.g. mercury and zinc. Classification: Routine Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 439 – Revision	Joe Vitalis EPA (WH-552) Washington, DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 05/09/81 FR: 12/28/81
Effluent Guidelines for Coal Gasification SAN No. 1650	Description: EPA is developing BAT and NSPS controls for low-BTU, medium-BTU, and high-BTU gasification industries. Classification: Significant Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: EPA will assign a CFR part to this regulation.	William Telliard EPA (WH-552) Washington, DC 20460 FTS:8-426-4617 COMM:202-426-4617	NPRM: 02/00/82 (low-BTU) FR: 08/00/82
Effluent Guidelines for Offshore Oil and Gas Industry SAN No. 1649	Description: In 1975 the Agency proposed BAT, NSPS, and BPT for offshore oil and gas drilling operations. EPA published a final rule for BPT in 1979 but took no action on the NSPS and BAT standards. Under a settlement agreement with NRDC, the Agency is withdrawing the 1975 NSPS proposal and must develop a new proposal for NSPS standards. Classification: Significant Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR Change: 40 CFR 435 – New	Teresa Wright EPA (WH-552) Washington, DC 20460 FTS:8-426-4617 COMM:202-426-4617	NPRM: 11/30/81 FR: 06/31/82
Modified pH Standard for Effluent Guideline Limitations SAN No. 1655	Description: This regulation would adjust effluent guideline limitations for pH values on a monthly basis for industrial discharges whose NPDES permits require continuous monitoring. It would also limit the duration of individual excursions exceeding the range set forth in the applicable effluent guidelines. Classification: Routine Statutory Authority: CWA 301, 304 / 33 USC 1311, 1314 CFR Change: 40 CFR 401 – Revision	Russell Roegner EPA (WH 586) Washington DC 20460 FTS:8-755-3624 COMM:202-755-3624	NPRM: 45FR81180 (12/09/80) FR: 02/00/81
• *Water Quality Standards Regulations* SAN No. 1441	Description: EPA is revising its regulations governing the adoption, revision and approval of state water quality standards. The regulation will describe the environmental and economic evaluations necessary to change designated uses of surface waters, e.g. aquatic protection, recreation, public water supply. It will also describe the process for determining where criteria should be developed for toxic pollutants listed under section 307(a). Classification: Major Statutory Authority: CWA 303 / 33 USC 1313 CFR Change: 40 CFR 35.1550,120 – Revision Analysis: RIA, ORA	John Cross EPA (WH-585) Washington DC 20460 FTS:8-245-3042 COMM:202-245-3042	ANPRM: 43FR29588 (07/10/78) NPRM: 04/01/81 FR: 11/28/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
WATER QUALITY—Continued			
Wasteload Allocation Requirements SAN No. 1656	Description: When technology-based discharge controls are not adequate to protect the water quality of the receiving waters, wasteload allocation among dischargers is one means of protecting water quality. This regulation will define EPA's wasteload allocation policy. Classification: Routine Statutory Authority: CWA 303(d) / 33 USC 1313(d) CFR Change: EPA will assign a CFR part number for this regulation – New Analysis: RIA	Tim Stuart EPA (WH-553) Washington, DC 20460 FTS:8-426-7766 COMM:202-426-7766	NPRM: 05/22/81 FR: 04/23/82
Amendment to Secondary Treatment Regulations SAN No. 1657	Description: The secondary treatment regulations require municipalities to achieve one of two standards of removal efficiency for conventional pollutants. They must comply with the more stringent of the following two standards: maximum amounts of TSS or 5 day BOD of 30g/liter or 85% removal of BOD or TSS. The purpose of these amendments is to consider (1) adjustments to the 85% removal requirement and (2) use of a test for carbonaceous BOD5 in addition to the standard BOD5 test. Classification: Significant Statutory Authority: CWA 304(d)(1) / 33 USC 1314(d)(1) CFR Change: 40 CFR 133 – Revision	Lam Lim EPA (WH-547) Washington, D.C. 20460 FTS:8-426-8976 COMM:202-426-8976	ANPRM: 02/00/81
Amendments to General Pretreatment Regulations SAN No. 1502	Description: These amendments, written under a settlement agreement with industry plaintiffs who sued EPA, clarify the existing General pretreatment Regulations (43FR27736 – June 26, 1978). Classification: Routine Statutory Authority: CWA 307 / 33 USC 1317 CFR Change: 40 CFR 403 – Revision	William R. Diamond EPA (EN-336) Washington DC 20460 FTS:8-755-0750 COMM:202-755-0750	NPRM: 44FR62260 (10/29/79) NPRM: 45FR3063 (01/16/80) FR: 01/00/81
Centralized Waste Treatment Facilities SAN No. 1676	Description: This regulation would control discharge from Centralized Waste Treatment Facilities (CTFs) into publicly owned treatment plants. CTFs receive and treat effluent waste streams from industrial users. The ANPRM will solicit comments from the public on the different options EPA is considering. Classification: Routine Statutory Authority: CAA 307 / 33 USC 1317 CFR Change: EPA will assign a CFR number to this regulation.	Peter Hansel EPA (PM-220) Washington, D.C. 20460 FTS:8-287-0736 COMM:202-287-0736	ANPRM: 02/00/81
CWA 311 requires that EPA address the problem of spills of oil and hazardous substances by (1) identifying the substances which are hazardous and establishing reporting requirements for spills of these substances, (2) setting liability limits for storage facilities, and (3) setting requirements for spill prevention plans.			
Reportable Quantities of Oil Discharge SAN No. 1579	Description: This revision will extend reporting requirements for oil discharges from 12 miles to 200 miles offshore and will provide for statutory exemptions. Classification: Routine Statutory Authority: CWA 311(b) / 33 USC 1321(b) CFR Change: 40 CFR 110 – Revision	Hans Crump-Wiesner EPA (WH-548) Washington, DC 20460 FTS:8-245-3045 COMM:202-245-3045	NPRM: 03/00/81 FR: 07/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
	WATER QUALITY—Continued		
Designation of Carcinogens as Hazardous Substances SAN No. 1580	Description: This regulation identifies substances which pose a threat of cancer to people who drink from water sources which contain discharges of hazardous substances. In conjunction with CFR Part 117, it makes possible prompt discovery and clean-up of discharges. Classification: Routine Statutory Authority: CWA 311(b)(2)(A) / 33 USC 1321(b)(2)(A) CFR Change: 40 CFR 116 – Addition	Joseph Lewis EPA (WH-585) Washington, DC 20460 FTS:8-245-0581 COMM:202-245-0581	ANPRM: 44FR10270 (02/16/79) NPRM: 45FR46094 (07/09/80) FR: 01/00/81
Determination of Reportable Quantities for Carcinogenic Hazardous Substances SAN No. 1582	Description: This regulation provides the reporting requirements necessary under Section 311 for substances designated in CFR Part 116 as hazardous. Classification: Routine Statutory Authority: CWA 311(b)(4) / 33 USC 1321(b)(4) CFR Change: 40 CFR 117 – Addition	Joseph Lewis EPA (WH-585) Washington DC 20460 FTS:8-245-0581 COMM:202-245-0581	ANPRM: 44FR10271 (02/16/79) NPRM: 45FR46097 (07/09/80) FR: 01/00/81
Hazardous Substances Pollution Prevention for Facilities Subject to Permitting Requirements of Section 402 SAN No. 1451	Description: This regulation's purpose is to prevent spills of hazardous substances. It sets forth requirements for the Spills Prevention Control and Countermeasure Plans for Facilities which (a) are not related to transportation, (b) which handle hazardous substances, and (c) are subject to NPDES permits. Classification: Routine Statutory Authority: CWA 311(j)(1)(C) / 33 USC 1321(j)(1)(C) CFR Change: 40 CFR 151 – New	Thomas Charlton EPA (WH-548) Washington DC 20460 FTS:8-245-3045 COMM:202-245-3045	NPRM: 43FR39276 (09/01/78) FR: 06/00/81
Oil Pollution Prevention Regulation SAN No. 1584	Description: This revision to 40 CFR 112 will extend EPA's oil pollution authority from three miles to two hundred miles offshore. Classification: Routine Statutory Authority: CWA 311(j)(1)(C) / 33 USC 1321(j)(1)(C) CFR Change: 40 CFR 112 – Revision	Thomas Charlton EPA (WH-548) Washington DC 20460 FTS:8-245-3045 COMM:202-245-3045	NPRM: 45FR33814 (05/20/80) FR: 02/00/81
Guidelines for Specification of Disposal Sites for Dredged or Fill Material (Revision of Chemical and Biological Testing and Mixing Zone Determinations) SAN No. 1585	Description: This rulemaking will revise part of the section 404(b)(1) guidelines: (1) to bring the 1975 Interim Final Guidelines up-to-date in the light of new research and management information on testing procedures, and (2) to provide a format for the testing procedure; which will be clearer for both applicants and permitting officials. Statutory Authority: CWA 404(b)(1) / 33 USC 1344(b)(1) CFR Change: 40 CFR 230 – Revision	William Davis EPA (WH-585) Washington DC 20460 FTS:8-472-3400 COMM:202-472-3400	NPRM: 45FR85360 (12/24/80) FR: 05/00/81
• *Sewage Sludge Disposal Regulations* SAN No. 1459 Docket No. 405	Description: The regulations will provide guidelines for the disposal and use of wastewater treatment plant sludge. Publicly owned treatment works generate annually 5 million dry tons of sludge. The first proposal will apply to the distribution and marketing of fertilizers and soil conditioners derived from sewage sludge. Additional proposals on landfilling, incineration, surface impoundments, thermal processing, and ocean disposal will come later. Classification: Major Statutory Authority: CWA 405 / 33 USC 1345 Analysis: Reg. Analysis, EIS	Robert Tonetti EPA (WH-564) Washington DC 20460 FTS:8-755-9120 COMM:202-755-9120	NPRM: 02/00/81 FR: 12/00/81

SIGNIFICANT EPA REGULATIONS UNDER CONSIDERATION—Continued

Title	Summary	Contact	Timetable
WATER QUALITY—Continued			
Revision of Ocean Dumping Criteria SAN No. 1604	Description: This action opens ocean dumping criteria for possible revision based on public comment, new research information and operating experience. Classification: Major Statutory Authority: MPRSA / 33 USC 1401 et seq. CFR Change: 40 CFR 220–29	T. A. Wastler EPA (WH-548) Washington DC 20460 FTS:8-472-2836 COMM:202-472-2836	ANPRM: 02/00/81 NPRM: 06/00/82 FR: 04/00/83
GENERAL			
Assessing the Environmental Effects of EPA Actions Abroad SAN No. 1565	Description: Executive Order 12114 requires each Federal agency to publish procedures for assessing the effects of its activities outside the United States. EPA has complied by integrating these procedures with the existing NEPA/EIS regulations, which already provide for assessing the effects of EPA activities. Classification: Routine Statutory Authority: E.O. 12114 CFR Change: 40 CFR 6 Subpart J – Revision	Judith Troast EPA (A-104) Washington, DC 20460 FTS:8-755-0780 COMM:202-755-0780	NPRM: 44FR68776 (11/29/79) FR: 01/00/81
Historic Preservation Regulations SAN No. 1566	Description: On January 30, 1979, the Advisory Council on Historic Preservation promulgated regulations that direct Federal agencies to establish procedures for implementing historic preservation requirements. EPA will comply by adding a new subpart to the NEPA regulations. Classification: Routine Statutory Authority: NHPA 6 CFR Change: 40 CFR 6 Subpart K – Revision	Judith Troast EPA (A-104) Washington, DC 20460 FTS:8-755-0780 COMM:202-755-0780	ANPRM: 45FR67396 (10/10/80) NPRM: 02/00/81 FR: 06/00/81
Policy on Public Participation SAN No. 1626	Description: In order to enhance the ability of EPA to manage programs and make decisions in the public interest, the agency is preparing a formal policy for public participation. A degree of standardization in procedures will make it easier for citizens to know what they expect when they deal with the agency. Classification: Policy Statement Statutory Authority: EO 12044, CAA, CWA, FIFRA, TSCA, RCRA CFR Change: This action will not be codified in CFR – New	Sharon Francis EPA (A-100) Washington DC 20460 FTS:8-245-3066 COMM:202-245-3066	NPRM: 44FR28911 (04/30/80) FR: 01/00/81

REGULATIONS DELETED FROM THE PREVIOUS AGENDA

Title and SAN(#)	Statutory Authority/CFR	Reason Deleted	Date & Cite of Last Action
Minimum Requirements for Stationary Air Operating Permits SAN No. 1520	CAA 110(a)(2)(D)/40 CFR 51	Canceled	
NSPS: Glass Manufacturing SAN No. 1007	CAA 111/40 CFR 60.290	Completed	FR: 45FR66742 (10/07/80)
NSPS: Ammonium Sulfate Production SAN No. 1587	CAA 111/40 CFR 60.420	Completed	FR: 45FR74846 (11/12/80)
NSPS: Beverae Can Surface Coating Industry SAN No. 1616	CAA 111/40 CFR 60	Same as SAN No. 1113	FR: 45FR50085 (07/28/80)
NSPS Industrial Surface Coating: Automobile Assembly Plants SAN No. 1111	CAA 111/40 CFR 60.390	Completed	FR: 45FR85410 (12/24/80)
Primary nonferrous smelter orders SAN No. 1301	CAA 119/40 CFR 57	Completed	FR: 45FR42514 (06/24/80)
Noncompliance Penalties SAN No. 1302	CAA 120/40 CFR 66, 67	Completed	
Visibility Protection Requirements SAN No. 1307	CAA 165, 169(a)/40 CFR 51	Completed	FR: 45FR80084 (12/02/80)
Requirements to Build Demonstration Cars Meeting 0.4 gram/mile Nox Standard SAN No. 1308	CAA 202(b)(7)/40 CFR 85	Completed	FR: 45FR67578 (10/10/80)
Emission Regulations for 1983 and later model year Light-duty Trucks SAN No. 1313	CAA 202(a)/40 CFR 86	Completed	FR: 45FR63734 (09/25/80)
Interim High Altitude Requirements SAN No. 1316	CAA 202(a)(f)/40 CFR 86	Completed	FR: 45FR66984 (10/08/80)
Amendments to Entry and Access Provisions of EPA Regulations Controlling Air Pollution from Mobile Sources SAN No. 1521	CAA 203, 206, 208, 301/40 CFR 80, 85, 86	Completed	FR: 45FR63774 (09/25/80)
Regulations Defining Certificate of Conformity SAN No. 1318	CAA 206(a)/40 CFR 86	Postponed Indefinitely	NPRM: 39FR44246 (12/23/74)
Selective Enforcement Auditing of Motorcycles SAN No. 1319	CAA 206(a), 208, 301/40 CFR 86	Postponed Indefinitely	ANPRM: 43FR1108 (01/06/78)
Aftermarket Parts Certification SAN No. 1325	CAA 207(a)(2), 301/40 CFR 85	Completed	FR: 45FR78448 (11/25/80)

REGULATIONS DELETED FROM THE PREVIOUS AGENDA

Title and SAN(#)	Statutory Authority/CFR	Reason Deleted	Date & Cite of Last Action
High Altitude Performance Adjustments SAN No. 1329	CAA 215/40 CFR 86	Completed	FR: 45FR66984 (10/08/80)
Regional Consistency SAN No. 1331	CAA 301/40 CFR 56	Completed	FR: 45FR85400 (12/24/80)
Technical Amendments to the National Primary Drinking Water Regulations SAN No. 1202	SDWA 1412/40 CFR 141	Completed	FR: 45FR57332 (08/27/80)
Underground Injection Control Program Regulations SAN No. 1205	SDWA 1421(a)/40 CFR 146	Completed	FR: 45FR42472 (06/24/80)
Technical Amendments to the Implementation Regulations for the Interim Primary Drinking Water Regulations and the State Public Water System Supervision Program Grants SAN No. 1549	SDWA 1413-1416, 1443, 1445/40 CFR 142, 35	Specialized regulation	
Noise Labeling Program SAN No. 1606	NCA 8/40 CFR 211	ANPRM Canceled	
Importation of Noise Emitting Products SAN No. 1178	NCA 9/40 CFR 208	Not an EPA regulation	
Administrative Hearing Procedures SAN No. 1176	NCA 11/40 CFR 210	Specialized Regulation	IFR: 43FR34132 (08/03/78)
Other Regulatory Restrictions SAN No. 1558	FIFRA 3(d)(1)(C)(ii)/40 CFR 162.11	Canceled	
Proposed Reform of Pesticide RPAR Procedures and Hearing Regulations SAN No. 1609	FIFRA 25/40 CFR 162, 164	Specialized regulation	NPRM: 45FR52628 (08/07/80)
Protective Action Guidance for Accidental Airborne Releases of Radioactivity SAN No. 1514 Docket No. A-79-11	AEA 274	Canceled	
Chemical Hazard Warning Labels SAN No. 1530	TSCA 6(a)(3)/40 CFR 780, 781	Postponed Indefinitely	
Exports of Toxic Substances: Notification of Exports Under Section 12(b) SAN No. 1624	TSCA 12(b)/40 CFR 707	Specialized regulation	NPRM: 44FR56856 (10/22/79)
Effluent Guidelines for Soap and Detergent Manufacturing SAN No. 1421	CWA 301, 304, 307/40 CFR 417	Canceled under vvvparagraph 8 of NRDC Consent Decree	
Effluent Guidelines for Explosives Manufacturing SAN No. 1424	CWA 301, 304, 307/40 CFR 457	Canceled under paragraph 8 of NRDC Consent Decree	

REGULATIONS DELETED FROM THE PREVIOUS AGENDA

Title and SAN(#)	Statutory Authority/CFR	Reason Deleted	Date & Cite of Last Action
Effluent Guidelines for Photographics SAN No. 1429	CWA 301, 306, 307/40 CFR 459	Canceled under paragraph 8 of NRDC Consent Decree	
Effluent Guidelines for Beverages SAN No. 1603	CWA 301, 306, 307/40 CFR 438	Postponed Indefinitely	
Effluent Guidelines for Mechanical Products SAN No. 1430	CWA 301, 306, 307/40 CFR 433	Combined with SAN No. 1428	
Statewide 208 Dredge or Fill Regulatory Programs SAN No. 1401	CWA 208(b)(4)/40 CFR 35.1500	Canceled	
Ambient Water Quality Criteria SAN No. 1442	CWA 304	Completed	FR: 45FR79318 (11/28/80)
Addition of Ammonia to the Toxic Pollutant List SAN No. 1578	CWA 307(a)	Withdrawn	FR: 45FR79692 (12/01/80)
Biological Toxicity Testing Requirements in the NPDES Permits Program SAN No. 1628	CWA 308, 402(a)(1)/40 CFR 125	Postponed Indefinitely	
Designation of Human Acute Toxicants as Hazardous Substances SAN No. 1581	CWA 311(b)(2)(A)/40 CFR 116	Canceled	
Determination of Reportable Quantities for Human Acute Toxicants SAN No. 1583	CWA 311(b)(4)/40 CFR 117 – Addition	Canceled	
Liability Limits for Small Onshore Hazardous Substances Storage Facilities SAN No. 1512	CWA 311(f)(2)/40 CFR 113	Canceled	
Maximum Clean-Up Liabilities for Discharges of Oil and Hazardous Substances from Land-Based Facilities SAN No. 1447	CWA 311(q)/40 CFR 113	Canceled	
Gray Water Discharges from Commercial Vessels on the Great Lakes SAN No. 1448	CWA 312(c)(2)(B) / 33 USC 1322(c)(2)(B) 40 CFR 140 – New	Canceled	
Ocean Discharge Criteria SAN No. 1454	CWA 403(c)/40 CFR 220.27	Completed	FR: 45FR65942 (10/3/80)
Guidelines for Specification of Disposal Sites for Dredged or Fill Material SAN No. 1455	CWA 404(b)(1)/40 CFR 230	Completed	FR: 45FR85336 (12/24/80)

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Appendix I—Calendar of Federal Regulations

Detailed descriptions of selected major EPA regulations appear in the Regulatory Council's *Calendar of Federal Regulations*. In order to make these descriptions more accessible to users of EPA's *Agenda of Regulations*, we are reprinting them here as an appendix. In addition to a general description of the regulation, these entries:

(1) Describe the options under consideration;

(2) Discuss the sectors of society which will be affected by the regulation;

(3) Identify related regulations; and

(4) Identify support documents available from the Agency contact.

The major criterion for including a regulation in the *Calendar of Federal Regulations* is the Agency's judgment that it will impose costs of one-hundred million dollars or more on the economy in any one year following promulgation. Some regulations which do not meet this criterion are included because of the Administrator considers them to raise especially important policy issues.

The *Calendar of Federal Regulations* from which these descriptions are taken appeared in the **Federal Register** on November 24, 1980 at 45 FR 77702.

The regulations appear in the following order:

Prevention of Significant Deterioration from Set II Pollutants (SAN No. 1306)
Review of NAAQS for Carbon Monoxide (SAN No. 1001)
Review of NAAQS for Nitrogen Dioxide (SAN No. 1004)
Review of NAAQS for Particulate Matter (SAN No. 1003)
Review of NAAQS for Sulfur Oxides (SAN No. 1002)
Performance Standards for Industrial Boilers (SAN No. 1586)
Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and Heavy Duty Engines (SAN No. 1315)
Heavy-Duty Diesel Particulate Regulations (SAN No. 1310)
Effluent Guidelines for Pulp, Paper and Paperboard Mills (SAN No. 1419)
Effluent Guidelines for Iron and Steel Plants (SAN No. 1405)
Effluent Guidelines for Steam Electric Power Plants (SAN No. 1408)
Water Quality Standards Regulations (SAN No. 1441)
Environmental Radiation Protection Standards for Management and Disposal of High-Level Radioactive Wastes (SAN No. 1163)
Policy and Procedures for Airborne Carcinogens (SAN No. 1596)
Remedial Action Standards for Inactive Uranium Processing Sites (SAN No. 1166)
Fuels and Fuel Additives (SAN No. 1328)
Chemical Hazard Warning Labels (SAN No. 1530)
Test Rules for Chemical Substances and Mixtures—Chloromethane and Chlorinated Banzenes (SAN No. 1131)
Pesticide Registration Guidelines (SAN No's. 1141–1148, 1619–1623)
Premanufacture Notification Requirements and Review Procedures (SAN No. 1134)
Rules Restricting the Commercial and Industrial Use of Asbestos Fibers (SAN No. 1627)
Control of Organic Chemicals in Drinking Water (SAN Nos. 1201 and 1567)
Hazardous Waste Regulations to Control Hazardous Solid Waste from Generation to Final Disposal (SAN No's. 1191, 1194)
Sewage Sludge Disposal Regulations (SAN No. 1459)

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ENVIRONMENTAL PROTECTION AGENCY

Office of Air, Noise, and Radiation

Regulations for the Prevention of Significant Deterioration (PSD) from Set II Pollutants (Hydrocarbons, Carbon Monoxide, Nitrogen Oxide, Ozone, and Lead) (40 CFR 51.24* and 52.21*)

Legal Authority

The Clean Air Act, as amended, § 166. 42 U.S.C. § 7476.

Reason for Including This Entry

The regulation, when developed and promulgated, is likely to impose siting restrictions on air pollution sources because of limitations on areawide emission totals. This could have a significant effect on industry.

Statement of Problem

The purpose of this program is to provide for adequate representation of the public interest where the Nation's clean air resources are threatened by increases in concentrations of Set II pollutants (hydrocarbons, carbon monoxide, nitrogen oxides, ozone, and lead). The present Prevention of Significant Deterioration (PSD) regulations administered by the Environmental Protection Agency (EPA) require the use of "best available control technology" (BACT) on all new or modified major sources of all pollutants covered by the Clean Air Act. In addition the present program also limits increases in areawide concentrations of sulfur dioxide and particulate matter through an air quality increment system, which limits the amount of emission increases based on air quality impact. The present program, however, does not similarly limit areawide emission levels or air quality impacts of Set II pollutants and, therefore, cannot protect against the degradation of air quality up to the National Ambient Air Quality Standards (NAAQS), (i.e., those levels of air quality set to prevent health and welfare effects). The Clean Air Act, as amended in 1977, requires EPA to respond to this problem (42 U.S.C. 7476).

Alternatives Under Consideration

EPA is now reviewing a range of regulatory alternatives which appear to be most reasonable at this time. These alternatives include the following:

(A) Existing Emissions Controls Only—This system would rely primarily on the requirements for best available control technology (BACT) on major new stationary sources and the Federal standards for motor vehicle emissions. Control requirements under this system would not vary as a function of ambient pollutant concentrations or of the proximity of other sources, as long as the National Ambient Air Quality Standards were not violated.

(B) Ambient Air Quality Allocation.

Ambient Air Quality Increments—This approach would call for the States to develop an area classification system establishing numerical limits for allowable degradation of ambient air quality. This system would be similar to that already in effect for particulate matter and sulfur dioxide.

(C) Emission Allocation.

(1) Emission Density Zoning (EDZ)—An EDZ system would set theoretical ambient air quality increments to serve only as a guideline for establishing limits on maximum allowable emissions per unit land area. Once EPA established these emissions density limits, the appropriate State or local air pollution control agency would base preconstruction review of new and modified sources on the emission density limits rather than on ambient air quality.

(2) Inventory Management—This system would require State and local agencies to develop and maintain detailed emission inventories, with the provision for mandatory periodic public review whenever the local emission inventory increased by a pre-established quantity or percentage. The system would require this public review before allowing any further incremental increase in emissions, and could include an environmental analysis, a community environmental education program, a public hearing, and a vote by elected officials from the potentially affected areas.

(D) Empirical Criteria.

(1) Co-location of hydrocarbon (HC) and nitrogen oxide (NO_x) Sources (Avoidance of Juxtaposed Major Sources of Hydrocarbons and Nitrogen Oxides)—We would design this approach to prevent significant deterioration in air quality from high ozone levels (ozone results when HC and NO_x combine). Such a program would focus special attention on the hydrocarbon/nitrogen dioxide ratio and would prevent the location of major sources within a certain fixed distance of each other.

(2) Transportation BACT—This alternative would require means to reduce emissions associated with motor vehicle—related sources. These means could involve specifications for road systems or performance standards for public transportation systems, such as specified levels of service for public transportation. EPA also could consider additional criteria for existing transportation processes and inspection and maintenance.

(3) Indirect Source Review for Federally Funded Projects—The Clean Air Act precludes EPA from requiring states to perform indirect source reviews of non-federally funded projects; therefore, this alternative would require indirect source review for Federally owned, funded or assisted projects. These projects could include airports, highways, sport complexes, and other projects constructed with Federal grants.

EPA is also investigating economic allocation schemes to use in conjunction with the above described regulatory alternatives. The specific programs we are considering at this time are emission fees and marketable permits.

The final regulation may include parts of several control methodologies in conjunction with empirical criteria and/or economic allocation schemes, or may present several options from which a State would choose its specific program.

Summary of Benefits

Sectors Affected: The general public.

Areas of the country which are presently attaining the NAAQS for carbon monoxide, nitrogen dioxide, ozone, and lead will have a program to prevent significant air quality deterioration from those pollutants. In addition, regulations will provide special protection to national parks, national wilderness areas, and other Class I areas.

These regulations are at such an early stage of development that we cannot yet quantify benefits and costs. The benefits will vary depending on the alternative or alternatives we select. The regulations are unlikely to impose additional direct emission control requirements on air pollution sources, but they may impose siting restrictions because of limitations on areawide emission totals. Once we complete the Regulatory Analysis, we will have a better estimate of the benefits and costs associated with this regulation.

Summary of Costs

Sectors Affected: Industries emitting Set II pollutants, including: transportation, electric services, and manufacturing (particularly the petroleum refining and the primary metal industries).

We do not anticipate that the regulation will affect small businesses disproportionately. The Regulatory Analysis will, however, specifically address this problem.

As we noted above, we will assess the costs of implementing these regulations as a part of the Regulatory Analysis. We already require the affected sources under the present PSD regulations to install the best available control technology (40 CFR 51.24 and 40 CFR 42.21). Therefore, the costs (decline in economic growth, regional costs, etc.) resulting from this regulation alone will be related only to site location.

Related Regulations and Actions

Internal: EPA has developed and currently administers regulations for the prevention of significant deterioration of air quality resulting from emissions of particulate matter and sulfur dioxide (40 CFR 51.24). The same regulations also require best available control technology on the sources potentially affected by this regulation.

External: The regulation will require each State to develop regulations to implement this program. These regulations will require EPA review and approval.

Active Government Collaboration

EPA has formed an interagency work group to assist it in the development and review of these regulations. The following are members of the workgroup: Department of Transportation, Department of Energy, Department of Interior (National Park Service, Fish and Wildlife Service, and Bureau of Land Management), Department of Commerce, Department of Housing and Urban Development, Department of Agriculture, and Council on Environmental Quality. In addition, we have solicited and received cooperation from State governments through the State and Territorial Air Pollution Program Administrators, and local agencies through the Association of Local Air Pollution Control Officers.

Available Documents

"Program to Prevent Significant Deterioration of Carbon Monoxide, Ozone, Hydrocarbons, Nitrogen Dioxide and Lead," (EPA report number EPA-450/2-80-071, March 1980) available from NTIS Accession No. PB80-221260.

"Community Environmental Education: Three Models of Organization for PSD Set II," (report for public review, June 1980), available from Nancy Mayer, Control Programs Development Division, MD-15, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

EPA has established a docket (EPA, Central Docket Section A-79-34) for review of the PSD Set II regulations.

Agency Contact

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New Source Review Office (MD-15)
Environmental Protection Agency
Research Triangle Park, NC 27711
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EPA-OANR

Review, and Possible Revision, of the National Ambient Air Quality Standard for Carbon Monoxide (40 CFR Part 50*)

Legal Authority

Clean Air Act, as amended, § 109(d)(1), 42 U.S.C. § 7409 *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes that this review is important in order to ensure the protection of public health and welfare and because any changes to the existing standards may result in an annual effect of $100 million or more on the economy.

Statement of Problem

Section 109(d)(1) of the Clean Air act as amended directs EPA to review existing national ambient air quality standards (NAAQS) every 5 years. Ambient air quality standards define allowable pollutant concentrations in the ambient air that are required to protect public health and welfare. EPA set the original carbon monoxide (CO) standards (April 30, 1971, 36 FR 8186) at 9 parts per million (ppm) averaged over an 8-hour period and 35 ppm for a 1-hour period. On August 18, 1980 (45 FR 55066), the Agency proposed to retain the 9 ppm 8-hour standard and lower the 1-hour standard to 25 ppm. At that time, EPA also proposed to modify the form of the two standards to a daily maximum interpretation for exceedances of the standard.

The incidence of adverse health effects in the general population resulting from human exposure to carbon monoxide has not been completely quantified. However, there are several population groups that are particularly sensitive to carbon monoxide exposure, such as people with coronary heart disease (e.g., angina pectoris), peripheral vascular disease, cerebrovascular disease, or chronic obstructive pulmonary disease; pregnant women and their fetuses; and people with anemia. These sensitive population segments range from 5 to 12 percent of the U.S. population. Thus, between 11 million and 27 million persons in the United States with cardiovascular, pulmonary, and central nervous system diseases can have these conditions aggravated by exposure to carbon monoxide.

Alternatives Under Consideration

The Agency considered the following alternative standards prior to the August 18, 1980 Proposal:

1-hr averaging time	8-hr averaging time
15 ppm	7 ppm
25 ppm	9 ppm
35 ppm	12 ppm

EPA originally selected the 8-hour averaging time because most people achieve equilibrium or near-equilibrium levels of carboxyhemoglobin (COHb) in the blood after an 8-hour exposure to carbon monoxide. In addition, most people are exposed to carbon monoxide in roughly 8-hour blocks of time. We uncovered no evidence during the review process resulting in the August 18, 1980 NPRM that indicated that the 8-hour averaging time should be changed.

As a result of the review and revision of the health criteria, EPA proposes to retain the existing primary 8-hour standard at 9 ppm and to lower the primary 1-hour standard to 25 ppm. The change in the 1-hour standard is being proposed because of the more rapid accumulation of blood carboxyhemoglobin in moderately exercising sensitive persons compared to resting individuals. The impact of exercise, which is greater for short-duration exposures, was not considered in the original standard.

We are investigating no new Federal regulatory techniques in the CO NAAQS review process. State governments use their own discretion in taking regulatory actions to meet EPA's national ambient air quality standards. The States are free to use performance standards, economic incentives, or any other means to attain ambient air quality standards within their jurisdiction. The only EPA requirement for State governments is that they demonstrate attainment and maintenance of the NAAQS by statutory compliance dates.

Summary of Benefits

Sectors Affected: Persons with cardiovascular or pulmonary disease; pregnant women and fetuses; and anemics.

The newly proposed CO NAAQSs should result in a greater assurance that persons with cardiovascular heart disease will not experience deleterious health effects due to high ambient concentrations of carbon monoxide. Specifically, the two standards are

intended to keep 99 percent of the sensitive population affected by cardiovascular heart or peripheral vascular disease below a COHb level of 2.1 percent.

Summary of Costs

Sectors Affected: Manufacturing of motor vehicles and motor vehicle equipment; administration of State and local transportation programs; the driving public; EPA; and State air pollution control agencies.

In its regulatory impact analysis, EPA estimated the 1987 annualized costs of various CO control strategies for the three 8-hour alternatives; the total nationwide cost in 1979 dollars is approximately $2.8 billion for the 9 ppm proposed standard. It is $2.9 billion for the 7 ppm alternative and $2.6 billion for the 12 ppm alternative. Costs for alternative 1-hour standards were not developed because control strategies needed to attain any of the three alternative 8-hour standards investigated automatically attain all of the 1-hour standards that EPA analyzed.

Related Regulations and Actions

Internal: The newly proposed CO NAAQSs will not affect any other Agency program since there is no change in the controlling 8-hour standard. Emission standards for moving sources will not be affected since they are established under Title II of the Clean Air Act (42 U.S.C. § 7501 *et seq.*).

External: The newly proposed CO NAAQSs will not alter any on-going or planned State, local, or private industry control program since there is no change in the controlling 8-hour standard.

Active Government Collaboration

Other Federal agencies that are involved in reviewing the standard include the Departments of Transportation, Energy, and Health and Human Services. In addition, EPA has contacted the Interagency Regulatory Liaison Group (IRLG) and will involve them in the Standard review. The IRLG functions to coordinate the regulatory authorities of the Environmental Protection Agency, Food and Drug Administration, Consumer Product Safety Commission, Occupational Safety and Health Administration, and the Food Safety and Quality Service, Department of Agriculture.

Available Documents

ANPRM—"Review of the Carbon Monoxide Air Quality Standard," 43 FR 56250, December 1, 1978.

NPRM—"Carbon-Monoxide, Proposed Revisions to the NAAQS," 45 FR 55066, August 18, 1980.

"Air Quality Criteria for Carbon Monoxide" (External Review Draft, April 1979); it is available from the Environmental Criteria and Assessment Office, MD-52, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

U.S. Environmental Protection Agency Science Advisory Board Clean Air Scientific Advisory Committee, Subcommittee on Carbon Monoxide, "Transcript of Proceedings" for January 30 and 31, 1979 and June 14–16, 1979.

Public hearing record and public comments (comment period open until November 10, 1980).

The following reports are available from the U.S. EPA Library (MD-35), Research Triangle Park, NC 27711. Telephone: (919) 541-2777 (FTS: 629-2777).

"Control Techniques for Carbon Monoxide Emissions," EPA-450/3-79-006, June 1979.

"Regulatory Impact Analysis of the National Ambient Air Quality Standards for Carbon Monoxide," April 2, 1980.

"Proposed National Ambient Air Quality Standards for Carbon Monoxide: Draft Environmental Impact Statement," July 1980.

"Estimated Exposure to Ambient Carbon Monoxide Concentrations Under Alternative Air Quality Standards (Draft)," August 1980.

"Preliminary Assessment of Adverse Health Effects from Carbon Monoxide and Implications for Possible Modifications of the Standard (Draft)," June 1, 1979.

"Sensitivity Analysis of Coburn Model Predictions of COHb levels Associated with Alternative CO Standards (Draft)," July 1, 1980.

"Significant Harm Levels for Carbon Monoxide (Draft)," July 1980.

EPA has established a docket (EPA, Central Docket Section OAQPS-79-7) for review of this standard. The docket is available for investigation between 9:00 a.m. and 4:00 p.m. on weekdays in the Section Office: Room 2903B, 401 M Street, S.W., Washington, DC.

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EPA-OANR

Review, and Possible Revision, of the National Ambient Air Quality Standard for Nitrogen Dioxide (40 CFR Part 50*)

Legal Authority

Clean Air Act, as amended, §§ 109(c) and 109(d), 42 U.S.C. § 7409 *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes that this review is important to ensure protection of public health and welfare and because any changes to the existing standards may result in an annual effect of $100 million or more on the economy.

Statement of Problem

Section 109(c) of the Clean Air Act, as amended, directs EPA to promulgate a short-term nitrogen dioxide (NO_2) standard unless there is no significant scientific evidence that such a standard is needed to protect public health. Section 109(d)(1) of the Act requires EPA to review the scientific basis of existing National Ambient Air Quality Standards (NAAQS) every 5 years. (Ambient air quality standards define allowable pollutant concentrations in the ambient air that are required to protect public health and safety. The States are responsible for developing and implementing the necessary regulatory programs to ensure the attainment and maintenance of the NAAQS.) This review includes the existing NO_2 annual average standard promulgated by EPA on April 30, 1971 (36 FR 8186). The standard is 100 micrograms per cubic meter ($\mu g/m^3$), annual arithmetic mean (40 CFR 50.11). The Agency has combined possible proposal of a short-term NO_2 standard with review of the annual average NAAQS into one rulemaking process (see 45 FR 6959, January 31, 1980). After review of scientific bases for the standards (the air quality criteria), EPA will decide whether to propose a short-term NO_2 standard and change or reaffirm the existing annual NO_2 NAAQS.

Public exposure to NO_2 can result in impairment of pulmonary (lung) function and can increase susceptibility to respiratory infection. NO_2 or other nitrogen oxide compounds in the ambient air can adversely affect crops, visibility, and materials, and can cause acid rainfall. Acid rainfall adversely affects crops, materials, and aquatic ecosystems.

Alternatives Under Consideration

Based on revised air quality criteria, EPA may decide to keep the existing annual standard without change, or make some modification to the

allowable air concentration of nitrogen dioxide, the period over which the concentration is measured or the number of times States will be allowed to exceed the standards. The Agency may also decide to propose a short-term NO_2 standard.

We are investigating no new regulatory techniques in the NO_2 NAAQS review/standard-setting process. All governmental regulatory actions taken as a result of setting an NAAQS are at the discretion of State governments. They are free to use performance standards, economic incentives, or any other means to attain ambient air quality standards within their jurisdictions. The only EPA requirement for State governments is that they demonstrate attainment and maintenance of the NAAQS by statutory attainment dates.

Summary of Benefits

Sectors Affected: The general public, particularly those persons suffering from respiratory disease; agriculture; and the aquatic ecosystem.

Revision of air quality criteria and review of the existing ambient air standard will result in greater assurance that the standard which EPA reaffirms or newly promulgates will protect public health and welfare, crops, materials, and aquatic ecosystems.

Summary of Costs

Sectors Affected: Industries emitting nitrogen oxides, such as manufacturing, electric services, and natural gas pipelines; manufacturing of motor vehicles and motor vehicle equipment; regulation and administration of transportation programs; EPA; and State air pollution control agencies.

We will assess the costs and economic effects of controlling oxides of nitrogen for alternative short-term and annual standards at the time we propose a revised standard. In addition, EPA will also assess the impact on State air pollution control agencies of developing and modifying control programs to attain and maintain a possible short-term and annual NO_2 standard. The Agency will publish these assessments in a regulatory impact analysis that will be issued simultaneously with the NPRM.

The costs may exceed $100 million annual impact on the economy.

If the Agency's NO_2 activities result in a new regulatory action, the regulation could affect the level of control for sources of nitrogen oxides emissions, such as power plants, industrial boilers, and natural gas pipeline stations. We currently are controlling mobile source emissions under existing emissions limits for motor vehicles; however, a stringent short-term NO_2 standard could result in the need for community-wide inspection and maintenance programs for automobile and truck emissions.

Related Regulations and Actions

Internal: Changes to the current ambient standard may affect EPA's regulations for nitrogen oxides emissions from motor vehicles and EPA regulations for new source review.

External: Modifications in the existing standard may require States to reassess their current implementation control programs and make revisions in control measures and strategies if necessary. A new short-term standard would require States to assess ambient air quality data, and if concentrations exceed the standard, develop a State implementation plan to control NO_2 emissions.

Active Government Collaboration

Other Federal agencies that are involved in reviewing the nitrogen dioxide standards are the Departments of Energy, Transportation, Interior, Commerce, and Health and Human Services, and the Tennessee Valley Authority. In addition, we have informed the Interagency Regulatory Liaison Group (IRLG) of this review. The IRLG functions to coordinate the regulatory authorities of the Environmental Protection Agency, Food and Drug Administration, Consumer Product Safety Commission, Occupational Safety and Health Administration, and the Food Safety and Quality Service, Department of Agriculture.

Available Documents

"Air Quality Criteria for Nitrogen Dioxide" (external review draft, annotated version, June 1980), available from the Environmental Criteria and Assessment Office (ECAO), U.S. Environmental Protection Agency, MD-52, Research Triangle Park, NC 27711.

U.S. Environmental Protection Agency, Science Advisory Board, Clean Air Scientific Advisory Committee, Committee Meeting on Air Quality Criteria for Oxides of Nitrogen, "Transcript of Proceedings" conducted in Washington, DC on January 29 and 30, 1979; available from ECAO.

"Control Techniques for Nitrogen Dioxide Emissions" (draft, January 1978), available from Emission Standards and Engineering Division, U.S. Environmental Protection Agency, MD-13, Research Triangle Park, NC 27711.

"National Ambient Air Quality Standards: Establishment of Standard Review Docket for Nitrogen Dioxide," 45 FR 6958, January 31, 1980.

EPA has established a docket (EPA, Central Docket Section OAQPS-78-9) for review of the NO_2 standard. Reports in the docket are available for inspection between 8 a.m. and 4 p.m. on weekdays at the Docket Section Office, Room 2903B, 401 M Street, S.W., Washington, DC.

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EPA-OANR

Review, and Possible Revision, of the National Ambient Air Quality Standards for Particulate Matter (40 CFR Part 50*)

Legal Authority

The Clean Air Act, as amended, § 109(d)(1), 42 U.S.C. § 7409 *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes that this review is important to ensure the protection of public health and welfare, and because any changes to the existing standards may result in an annual effect of $100 million or more on the economy.

Statement of Problem

Section 109(d) of the Clean Air Act Amendments of 1977 directs EPA to review the existing National Ambient Air Quality Standards NAAQS) every 5 years. Ambient air quality standards define the level of pollutant concentrations in the ambient air that are allowed while still protecting public health and safety. The current primary standard for particulate matter (to protect public health) is 75 micrograms per cubic meter ($\mu g/m^3$), annual geometric mean, and 260 $\mu g/m^3$, maximum 24-hour concentrations, not to be exceeded more than once per year. The current secondary standard for particulate matter (to protect public welfare, e.g., effects on soils, vegetation, man-made materials, visibility, economic values, etc.) is 150 $\mu g/m^3$, maximum 24-hour concentration, not to be exceeded more than once per year. The States are responsible for developing and implementing the necessary regulatory programs to ensure

the attainment and maintenance of the NAAQSs.

EPA will review the scientific basis of the primary and secondary standards (the air quality criteria), as well as the standards themselves. Where appropriate, EPA will revise the air quality criteria and promulgate new standards.

Exposure to airborne particulate matter (PM) aggravates asthma and other respiratory disorders, as well as cardiovascular diseases, and can impair pulmonary function; this exposure can also increase coughing and chest discomfort. PM may also increase the adverse health effects of gaseous air pollutants, such as sulfur dioxide. Depending on their chemical composition, specific types of PM may have more serious toxic or carcinogenic effects than others. Elevated PM levels result in increased soiling of exposed materials and impair visibility.

Alternatives Under Consideration

On the basis of the revised air quality criteria, EPA may decide to keep the existing standards without change or, alternatively, may decide to change the allowable air concentration of particulate matter, the period over which the concentration is measured, or the number of allowable exceedances of the standards. EPA is also considering standards based on the size of the particulate as well as its concentration. This consideration is based on evidence that smaller particles penetrate deeper into the lung and evidence that when elevated concentrations of particulate matter occur in combination with elevated levels of sulfur oxides, adverse health effects may be more pronounced.

EPA is not investigating new Federal regulatory techniques in the NAAQS review and revision process. All governmental regulatory actions taken as a result of setting an NAAQS are at the discretion of State governments, which are free to use performance standards, economic incentives, or any other means to attain ambient air quality standards within their jurisdiction. The only EPA requirement for State governments is that they attain and maintain the NAAQSs by statutory compliance dates.

Summary of Benefits

Sectors Affected: The general public, including children and those persons suffering from respiratory diseases and cardiovascular diseases.

The revision of the air quality criteria and the review of the existing ambient standards will result in greater assurance that the standards, whether reaffirmed or newly promulgated, will adequately protect health and welfare of the general public, including those groups within the general public most sensitive to adverse health effects of PM.

Summary of Costs

Sectors Affected: Industries emitting particulate matter, including (1) electric, gas, and sanitary services, (2) the non-ferrous metal industry, and (3) those industries that use or supply large quantities of fossil fuels; and State air pollution control agencies.

EPA will complete a study of costs and economic impacts of controlling particulate matter under alternative standards when it issues the NPRM. In addition, EPA will also assess the impact on State air pollution control agencies of modifying their control programs to accommodate revisions to the existing standards.

Related Regulations and Actions

Internal: Changes to the current ambient standards for particulate matter may affect EPA's regulations for new source review.

External: Modifications in the existing standards would require States to reassess their current implementation control programs and make revisions in control measures and strategies if necessary.

Active Government Collaboration

Other Federal agencies that are actively involved in reviewing the standards for particulate matter are the Departments of Energy, Transportation, Interior, Commerce, and Health and Human Services; and the Tennessee Valley Authority. In addition, EPA has informed the Interagency Regulatory Liaison Group (IRLG) of this review. The IRLG coordinates the regulatory activities of the Environmental Protection Agency, Food and Drug Administration, Consumer Product Safety Commission, Occupational Safety and Health Administration, and the Food Safety and Quality Service, Department of Agriculture.

Available Documents

ANPRM—"National Ambient Air Quality Standards: Review of Criteria and Standards for Particulate Matter and Sulfur Oxides," 44 FR 192, October 2, 1979.

"Air Quality Criteria for Particulate Matter," AP–49, January 1969, available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

"Health Effects Considerations for Establishing a Standard for Inhalable Particles," July 1978, available from the Health Effects Research Laboratory, Environmental Protection Agency, Research Triangle Park, NC 27701.

"Airborne Particles," National Academy of Sciences, 1977, available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

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EPA–OANR

Review, and Possible Revision, of the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide (40 CFR Part 50*)

Legal Authority

The Clean Air Act, as amended, § 109(d)(1), 42 U.S.C. § 7409 *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes that this review is important in order to ensure the protection of public health and welfare, and because any changes to the existing standards may result in an annual effect of $100 million or more on the economy.

Statement of Problem

Section 109(d) of the Clean Air Act Amendments of 1977 directs the EPA to review the existing National Ambient Air Quality Standards (NAAQS) every 5 years. Ambient air quality standards define allowable pollutant concentrations in the ambient air that are allowed while still protecting public health and welfare. The present primary standard for sulfur oxides measured as sulfur dioxide (set to protect public health) is 80 micrograms per cubic meter ($\mu g/m^3$), annual arithmetic mean, and a maximum 24-hour concentration of 365 $\mu g/m^3$, not to be exceeded more than once per year. The current secondary standard for sulfur oxides measured as sulfur dioxide (to protect public welfare e.g., effects on soils, vegetation, man-made materials, visibility, economic values, etc.) is 1300 $\mu g/m^3$, with the maximum 3-hour concentration not to be exceeded more than once per year. The

States are responsible for developing and implementing the necessary regulatory programs to ensure the attainment and maintenance of the NAAQSs.

EPA will review the scientific basis of the standards (the air quality criteria), as well as the standards themselves. Where appropriate, EPA will revise the air quality criteria and promulgate new standards.

Sulfur oxides in the air, working alone or in combination with other pollutants, aggravate respiratory diseases such as asthma, chronic bronchitis and emphysema, and also irritate the eyes and respiratory tract. Sulfur oxides also cause impaired visibility and help form acid rain, which adversely affects crops, materials, and aquatic ecosystems.

Alternatives Under Consideration

On the basis of the revised air quality criteria, EPA may decide to keep the existing standards without change or, alternatively, may alter the air concentration of sulfur dioxide or the period over which the concentration is measured.

EPA is investigating no new Federal regulatory techniques in the NAAQS review and revision process. All governmental regulatory actions taken as a result of setting an NAAQS are at the discretion of State governments. They are free to use performance standards, economic incentives, or any other means to attain ambient air quality standards within their jurisdiction. The only EPA requirement for State governments is that they attain and maintain the NAAQSs by statutory compliance dates.

Summary of Benefits

Sectors Affected: The general public, including children and those persons suffering from respiratory diseases; and agriculture.

The revision of the air quality criteria and the review of the existing ambient standards will result in greater assurance that the standards, whether reaffirmed or newly promulgated, will adquately protect the health and welfare of the general public, including those most sensitive to adverse health effects of sulfur oxides.

Summary of Costs

Sectors Affected: Industries emitting sulfur dioxides, including (1) electric, gas, and sanitary services industries, (2) the non-ferrous metal industry, (3) the petroleum refining industry, and (4) those industries that supply or use large quantities of fossil fuel; and State air pollution control agencies.

A study of costs and economic impacts of controlling sulfur oxides under alternative standards will be completed by EPA when the NPRM is issued. In addition, EPA will also assess the impact on State air pollution control agencies of modifying their control programs in order to accommodate any revisions to existing standards.

Related Regulations and Actions

Internal: Changes to the current ambient standards may affect EPA's regulations for new source review.

External: Modifications in the existing standards would require States to reassess their current implementation control programs, and make revisions in control measures and strategies if necessary.

Active Government Collaboration

Other Federal agencies that are actively involved in reviewing the sulfur oxide standards are the Departments of Energy, Transportation, Interior, Commerce, and Health and Human Services; and the Tennessee Valley Authority. In addition, EPA has informed the Interagency Regulatory Liaison Group (IRLG) of this review. The IRLG coordinates certain regulatory activities of the Environmental Protection Agency, Food and Drug Administration, Consumer Product Safety Commission, Occupational Safety and Health Administration, and the Food Safety and Quality Service, Department of Agriculture.

Available Documents

ANPRM—"National Ambient Air Quality Standards; Review of Criteria and Standards for Particulate Matter and Sulfur Oxides," 44 FR 56730, October 2, 1979.

"Air Quality Criteria for Sulfur Oxides," AP-50, January 1969—available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

"Sulfur Oxides," National Academy of Sciences, 1978—available from the National Academy of Sciences, Printing and Publication Office, 2101 Constitution Avenue, Washington, DC 20418.

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EPA-OANR

Standards of Performance to Control Atmospheric Emissions from Industrial Boilers (40 CFR Part 60*)

Legal Authority

The Clean Air Act, as amended, § 111, 42 U.S.C. § 7411.

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes this rule would be important because it would affect many industries, address a major air polluter, namely industrial boilers, and minimize emissions in the face of increased industrial use of coal. The impact of this regulation on industry would approach $100 million per year for additional capital and annualized costs by 1990.

Statement of Problem

Combustion of coal, oil, and gas in industrial boilers results in the emission of significant quantities of particulate matter, sulfur dioxide, and nitrogen oxides to the atmosphere. Because of the large number of boilers and the associated emission rates, industrial boilers contribute significantly to air pollution in the United States. In 1975, emissions from industrial boilers were estimated to include 2.77 million tons of particulate matter, 3.25 million tons of sulfur dioxide, and 2.01 million tons of nitrogen oxides or approximately 17, 11, and 8 percent of total national emissions of these pollutants. The projected growth rate of the use of industrial boilers, coupled with the emphasis on shifting fuel from gas and oil to coal, will increase the potential for emissions. These air pollutants affect the health and welfare of most of our urban-dwelling citizens by contributing to respiratory disease in people and animals, reducing visibility in the atmosphere, damaging vegetation, and soiling and deteriorating real estate. Failure to provide more effective control of emissions from industrial boilers will increase exposure to the undesirable effects of these pollutants and will expand the portions of the country that exceed EPA's ambient standards for these pollutants. This rule will apply to new and modified industrial boilers. Only the largest industrial boilers are presently covered by § 111 standards; these apply only to new and modified units. Existing industrial boilers are required to meet State and local regulations which usually limit sulfur

dioxide and particulate emissions. Section 111 regulations are expected to incorporate limits for nitrogen oxides and limits for sulfur dioxide and particulate that are more stringent than State and local regulations.

Alternatives Under Consideration

The 1977 Clean Air Act requires that EPA adopt standards of performance for stationary sources of air pollution that are fired by fossil fuels. EPA is gathering information on eight technologies for reducing boiler emissions of three pollutants: (1) oil cleaning and use of existing clean oil, (2) coal cleaning and existing clean coal, (3) synthetic fuels, (4) fluidized bed combustion (a relatively new technology applicable only to large coal-fired boilers), (5) particulate control, (6) flue gas desulfurization, (7) nitrogen oxides combustion modification, and (8) nitrogen oxides flue gas treatment.

We are examining several control alternatives which include different levels of control for three pollutants being studied. Computer modeling is being used to determine the cost impacts, emission impacts, effects upon fuel consumption, overall energy impacts, and other environmental effects on a regional and national basis.

Summary of Benefits

Sectors Affected: Manufacturing industries; and the general public.

This rule will apply to new and modified industrial boilers used in a large number of manufacturing industries, particularly energy-intensive industries, such as glass (SIC 321, 322, 323), pulp and paper (SIC 261, 262, 263), and chemical manufacturing (SIC 281), and will affect people in urban and rural areas who are subject to pollution emissions from these industries.

Installing equipment that represents the best available control technology at new and modified industrial boiler facilities will help lessen air pollution in already affected areas and preserve clean air in as yet unpolluted areas of the country. Since only a small fraction of the industrial boiler population is replaced or modified annually, the short term impact on air quality will be only nominal. However, annual reductions in emissions will be cumulative resulting in significant betterment of air quality over the long term. Equipping new boilers with best available control technology will reduce the need for using the "cleanest" fuels, which can be diverted to existing plants in which new add-on controls are less cost effective.

A regulation that requires more stringent controls on new and modified industrial boilers will allow industrial expansion and economic growth without an accompanying assault on ambient air quality.

Summary of Costs

Sectors Affected: Manufacturing industries; and users of products produced by these industries.

Energy intensive industries such as glass (SIC 321, 322, 323), pulp and paper (SIC 261, 262, 263), and chemical manufacturing (SIC 281) are the specific industries that this rule would affect most.

Cost estimates for applying the control technology required by a regulation governing emissions from industrial boilers would be determined by the number, sizes, and types of sources we regulate and the degree of control we require. EPA estimates that by 1990, annual added capital costs of control will approach $200 million and annualized costs will approach $100 million (1978 dollars). These estimates are necessarily very tentative at this time. Consumers may pay higher prices for products manufactured by energy-intensive industries.

Related Regulations and Actions

Internal: We have issued water pollution regulations in the form of "Best Practical Technology Currently Available" and "Best Available Technology Economically Achievable." Industrial boilers are also subject to requirements of the Resource Conservation and Recovery Act, Part 261, Subpart C.

External: Industrial boilers are subject to the Power Plant and Industrial Fuel Use Act and associated regulations established by the Department of Energy.

Active Government Collaboration

Because emissions from industrial boilers come from the combustion of fossil fuels, EPA is working closely with the Department of Energy to share information and stimulate advances in technology.

EPA works closely with State and local governments in developing and implementing these rules.

Available Documents

ANPRM—40 CFR 60 (44 FR 37632, June 28, 1979).

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EPA-OANR-Office of Mobile Source Air Pollution Control

Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and Heavy-Duty Engines (40 CFR Part 86*)

Legal Authority

The Clean Air Act, as amended, § 202, 42 U.S.C. § 7521.

Reason for Including this Entry

The Environmental Protection Agency (EPA) thinks this rule is important because we expect it will have an annual economic impact of more than $100 million.

Statement of Problem

The Clean Air Act Amendments of 1977 require EPA to establish regulations which require a reduction (from the uncontrolled state) of heavy-duty engine or vehicle emissions of 90 percent for hydrocarbon (HC) and carbon monoxide (CO) in 1983 and 75 percent for oxides of nitrogen (NO_x) in 1985. These amendments also provide EPA with options to either temporarily revise or change the standards under certain conditions. As defined in the Act, heavy-duty vehicles include those trucks over 6,000 pounds gross vehicle weight (GVW); excluded are off-road vehicles, such as farm tractors and construction equipment. This definition overlaps two truck categories as used by EPA. These are light-duty trucks (LDTs), which EPA defines as trucks up to 8,500 pounds GVW and heavy-duty vehicles (HDVs) which include the 8,500 pounds GVW over trucks. We published regulations implementing the mandated reductions in HC and CO emissions for HDVs on January 21, 1980 (45 FR 4136) and for LDTs on September 25, 1980 (45 FR 63734). This entry concerns the regulations implementing the mandated reduction in NO_x.

During high temperature combustion in internal combustion engines, atmospheric nitrogen reacts to form nitric oxide (NO) and a comparatively small amount of nitrogen dioxide (NO_2). In the atmosphere, the NO is converted to NO_2 by direct reaction with oxygen and by photochemical processes. NO_2 in the atmosphere causes visibility restrictions and brownish coloration. Elevated NO_2 levels are also associated with both long-term and short-term health effects on the respiratory system.

Based upon the present annual standard of 0.05 parts per million, EPA has identified several (8 or less) Air Quality Control Regions which are currently exceeding acceptable levels.

EPA's analysis of future oxides of nitrogen (NO_x) emissions indicates that current light-duty and heavy-duty vehicle NO_x control strategies will produce some overall NO_x reductions through the mid-1980s, after which annual growth of vehicle sales, industry, and other sources contributing to pollution will begin to dominate. Thus, to even maintain the status quo, further NO_x controls will be needed. Heavy-duty vehicles and light-duty trucks, representing approximately 40 percent of mobile source NO_x emissions, constitute one area where further NO_x control is available on a cost-effective basis. Mobile sources themselves constitute about 30 percent of total NO_x emissions.

Alternatives Under Consideration

In the development of the NO_x standard, EPA will consider the following alternatives:

(A) Implement an NO_x standard that reflects the Clean Air Act's mandated 75 percent reduction.

(B) Implement an oxides of nitrogen standard that is either less stringent or more stringent than the 75 percent reduction required by the Clean Air Act.

EPA is currently evaluating the advantages and disadvantages of both alternatives. The Clean Air Act (as amended August 1977) directs EPA to set an NO_x standard that reflects a 75 percent reduction (from uncontrolled levels), applicable for the 1985 model year. However, Congress incorporated provisions in the Act allowing EPA either to set more stringent standards or less stringent standards. EPA can make such revisions to the standard if it finds that the emission standards cannot be achieved by available technology at reasonable cost. Of course, as standards are made more stringent, more benefits will accrue. Likewise, as standards become more stringent, costs of compliance will generally increase. The task confronting EPA is one of determining technological capabilities, and balancing costs and benefits.

At the present time, the Agency considers alternative (A) as the most likely option to propose. However, we will continue to address issues such as technological capability and cost as we develop the final rule. It is possible that after analyzing manufacturers' comments, EPA will reconsider alternative (B).

EPA had considered the additional alternative of emission averaging, but has decided to pursue averaging as a separate rulemaking. Under an averaging approach, a manufacturer could achieve compliance to an emission standard by averaging its aggregate fleet emissions. The manufacturer could design some engines to be below the standard and others above it. Conceptually, this approach could increase a manufacturer's flexibility from both a technological and an economic standpoint. Averaging will require a major effort to incorporate the concept into the existing regulations. Since the Clean Air Act requires EPA to promulgate the NO_x rulemaking swiftly, and since we believe the averaging concept will need lengthy analysis and discussion between EPA and the industry and public, we will pursue averaging and NO_x as separate rulemakings. We expect to publish an ANPRM for the averaging concept during the fall of 1980 and will attempt to complete the averaging rulemaking as close as possible to the time of the NO_x final rule.

Summary of Benefits

Sectors Affected: The general public, especially urban populations and persons particularly susceptible to respiratory disease.

Although a thorough and detailed benefit analysis has not been performed yet, we can roughly estimate the environmental impact. A proposed NO_x standard representing a 75 percent reduction from uncontrolled levels would reduce lifetime emissions of an average light-duty truck by 500 pounds, and of an average heavy-duty vehicle by approximately 1 ton and 7 tons for gas and diesel, respectively (compared to vehicles sold under present regulations). These reductions will yield improvements in excess of 10 percent in average NO_x air quality by 1995.

Summary of Costs

Sectors Affected: Manufacturers of heavy-duty engines and vehicles and light-duty trucks; and purchasers and users of heavy-duty engines and vehicles and light-duty trucks.

This regulation will require the addition of engine emission control hardware and/or engine modifications in order to comply with the proposed NO_x standard. Consequently, to cover the cost of any new hardware or engine modifications, manufacturers will have to increase the price of their products. Although precise cost estimates are not available at this time, we project that the average initial price increase of a light-duty truck will be roughly $150, while the average initial price increases of heavy-duty vehicles will be roughly $280 for gasoline engines and $360 for diesel engines (in 1980 dollars).

Related Regulations and Actions

Internal: Current emission standards for light-duty trucks and heavy-duty engines can be found in "Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines: Certification and Test Procedures," 40 CFR Part 86. Regulations implementing the Department of Transportation light-duty truck fuel economy standards are found in "Fuel Economy of Motor Vehicles," 40 CFR Part 600.

EPA has recently finalized standards and measurement procedures for the control of particulate emissions for diesel-fueled light-duty trucks ("Standard for Emission of Particulate Regulation for Diesel-Fueled Light-Duty Vehicles and Light-Duty Trucks," 45 FR 14496, March 5, 1980). Other related regulations recently finalized are HC and CO emission regulations for 1984 and later model year heavy-duty engines and for 1984 and later light-duty trucks ("Gaseous Emission Regulations for 1984 and Later Model Year Heavy-Duty Engines," 45 FR 4136, January 21, 1980, and "Gaseous Emission Regulations for 1984 and Later Model Year Light-Duty Trucks," 45 FR 63734, September 25, 1980).

In addition to the existing regulations above, EPA is in the process of developing particulate regulations for heavy-duty diesel engines.

External: Light-duty vehicle and light-duty truck fuel economy standards are found in the Department of Transportation "Passenger Automobile Average Fuel Economy Standards," 41 CFR Part 351.

Active Government Collaboration

Department of Transportation, Council on Wage and Price Stability, and Department of Commerce.

Available Documents

None at this time.

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EPA-OANR-OMSAPC

Heavy-Duty Diesel Particulate Regulations (40 CFR Part 86 *)

Legal Authority

The Clean Air Act, as amended, §§ 202, 206, 207, and 301, 42 U.S.C. §§ 7521, 7525, 7541, and 7601.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks that this rule is important because it may have an annual effect of $100 million or more on the economy.

Statement of Problem

Despite significant gains made in the control of particulate emissions, there are still many regions of the United States that are not able to meet the National Ambient Air Quality Standard (NAAQS) for total suspended particulate matter (TSP). To help improve this situation, Congress required EPA (through the Clean Air Act Amendments of 1977) to prescribe standards for the emission of particulate matter from 1981 model year heavy-duty diesel vehicles. EPA must base this standard on the lowest emission rates that we find technologically feasible at the time the standard will take effect, while also taking cost, noise, energy, and safety into consideration.

Diesel engines already power one-third of the heavy-duty vehicles sold in this country. By 1995, EPA expects this figure to increase to over two-thirds, primarily because of the fuel economy advantage of diesel engines over gasoline engines. These diesels emit 40 to 100 times the particulate matter emitted by catalyst-equipped vehicles operated on unleaded gasoline. (EPA expects that most gasoline-fueled heavy-duty vehicles will require catalysts and unleaded gasoline beginning in 1984 due to stringent standards for the emissions of hydrocarbons and carbon monoxide (see 45 FR 4136, January 21, 1980)). Heavy-duty diesel vehicles, if left uncontrolled, would emit 218,000–266,500 metric tons per year of particulate matter to the atmosphere by 1995. Urban areas would be the most seriously affected by these emissions. Ambient particulate levels from heavy-duty diesels alone would reach 2 to 7 micrograms per cubic meter (annual geometric mean) in cities such as Chicago, Los Angeles, New York, and Dallas. Somewhat smaller levels of 2 to 5 micrograms per cubic meter (annual geometric mean) would occur in smaller cities such as St. Louis, Denver, and Phoenix. These levels would occur over large-scale areas within these cities. Additional diesel particulate levels of 5 to 6 micrograms per cubic meter (annual geometric mean) would be expected in localized areas within 90 meters of very busy roadways. If controls are not applied, these ambient impacts would hinder the efforts of many urban air quality control regions to meet the primary NAAQS for TSP of 75 micrograms per cubic meter. EPA set this NAAQS at a level to protect the public health; many areas of the country are currently exceeding the standard.

Diesel particulate is a particular health concern because of its chemical nature. Diesel particulate contains polycyclic organic matter, which is believed to be carcinogenic, and carbon, which can synergistically increase the effects of other pollutants. The extractable organic fraction of diesel particulate has been shown to be mutagenic (causing genetic damage) in short-term bioassays. EPA is currently performing a health assessment to determine the carcinogenic risk (if any) to human health.

Diesel particulate is also extremely small in size, allowing it to penetrate deeply into the lungs. Over 95 percent of diesel particulate is fine (aerodynamic diameter of less than 2.5 micrometers). Fine particles, such as these, have the greatest potential health impact as they have the longest contact with the most sensitive areas of the respiratory tract. Particulate emitted from diesels also has a greater relative exposure impact than that from many stationary sources because it is emitted at ground level in areas where people live and work.

Alternatives Under Consideration

EPA will consider the following alternatives when proposing a standard for particulate emissions from heavy-duty diesel vehicle engines:

(A) Do not regulate particulate emissions from heavy-duty diesel vehicles, but apply additional controls to particulate emissions from stationary sources. Control of particulate emissions from stationary sources may be less costly than controlling particulate emissions from heavy-duty diesel vehicles. But these stationary source controls may not be able to provide the necessary improvements in air quality which are available from the control of heavy-duty diesel vehicles.

(B) Do not regulate particulate emissions from heavy-duty diesel vehicles, but apply more stringent controls to particulate emissions from other classes of motor vehicles. Controls placed on these other vehicle classes, however, do not at this time appear to be as cost effective as heavy-duty diesel controls. Also, controls placed on these other vehicle classes may not be able to provide the same improvement in air quality as the regulation of emissions from heavy-duty diesels.

(C) Prescribe a heavy-duty diesel particulate standard and examine alternative levels of control along with alternative dates of implementation. It is likely that the different alternatives examined will have different costs and effectiveness and one may prove to be significantly better than the others, while still complying with Congressional mandates.

We currently regard alternative (C) as the most desirable alternative. Additional particulate controls available for stationary sources and other mobile sources do not appear able to reduce particulate emissions enough to remove the need for regulation of particulate emissions from heavy-duty diesel engines.

Summary of Benefits

Sectors Affected: The general public, particularly those living in urban areas or near busy roadways, and those who are especially susceptible to respiratory disease; and States containing areas currently in violation of the National Ambient Air Quality Standard (NAAQS) for total suspended particulate matter (TSP).

EPA estimates that this regulation will reduce particulate emissions from heavy-duty diesel vehicles by 50 to 75 percent. This reduction would begin to appear with those new vehicles produced in the 1985 model year. By 1995, emissions of particulate matter from these vehicles would be reduced from 218,000–266,500 metric tons per year (depending on the number of diesels on the road) to 78,000–95,000 metric tons per year. Urban levels of heavy-duty diesel particulate in the atmosphere would be reduced from 2–7 micrograms per cubic meter to 1–3 micrograms per cubic meter. Roadside levels would be reduced similarly. These reductions will help many areas of the country meet the primary NAAQS for TSP (75 micrograms per cubic meter) which EPA set at a level to protect the public health. Because diesel particulate is highly respirable, these reductions should provide an added benefit in the area of public health.

Also, because diesel particulate is very small (average diameter of 0.07 to 0.2 micrometer) and is primarily made up of carbon, it is very effective in reducing visibility. Thus, any reduction in diesel-particulate concentration should improve visibility, particularly in urban areas.

Summary of Costs

Sectors Affected: Manufacturers of

heavy-duty diesel engines and vehicles; and purchasers and users of heavy-duty diesel vehicles.

This regulation probably will require the addition of emission control devices to heavy-duty diesel engines, though the actual devices used and their cost could vary from manufacturer to manufacturer and engine to engine. Manufacturers of these engines and of the vehicles equipped with these engines will have to raise prices to recover their increased investment. While this increase could be substantial, roughly a one-time purchase price increase of $500–$650 (1980 dollars), EPA does not expect this to adversely affect sales. This increase only represents a 1 to 3 percent increase in the price of a heavy-duty diesel vehicle.

EPA does not expect this regulation to increase the operating costs of heavy-duty diesel vehicles; in fact, a decrease may actually be possible. Because operating costs comprise 90 to 95 percent of the total cost of owning and operating heavy-duty diesel vehicles, this regulation should have a negligible impact (less than 0.5 percent) on the cost of hauling freight in these vehicles. Thus, neither those whose business is hauling freight nor those who have their freight hauled should be adversely affected. Small, independent haulers should experience no disproportionate effect.

The regulation could have an annual effect on the economy of $100 million or more.

Related Regulations and Actions

Internal: "Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines: Certification and Test Procedures," 40 CFR Part 86.

EPA is also in the process of revising the standard for the emissions of nitrogen oxides from both gasoline-fueled and diesel heavy-duty engines.

External: None.

Active Government Collaboration

None.

Available Documents

ANPRM—42 FR 61287, December 2, 1977, EPA docket A–80–18.

All documents available for review at the EPA, Central Docket Section A–130, West Tower Lobby, Gallery 1, Attn: Docket No. A–80–18, 401 M Street, S.W., Washington, DC 20460. The documents are available for personal inspection Monday through Friday between 8:00 a.m. and 4:00 p.m., or copies can be obtained by personal or written request. A reasonable fee may be charged for copying.

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EPA—Office of Water and Waste Management

Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants From Pulp, Paper, and Paperboard Mills Into Navigable Waterways (40 CFR Parts 430* and 431*)

Legal Authority

The Clean Water Act, §§ 301, 304, 306, 307, 308, and 501; 33 U.S.C. §§ 1311, 1314, 1316, 1317, 1318, and 1361.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks that this rule is important because it will have an annual effect of $100 million or more on the economy.

Statement of Problem

The Clean Water Act requires the Environmental Protection Agency (EPA) to develop technology-based effluent limitations guidelines and standards for discharges of pollutants into navigable waterways and the introduction of pollutants into publicly owned treatment works (POTWs), and to review such guidelines and standards at least every 5 years. EPA promulgated effluent limitations guidelines reflecting the best practicable control technology currently available (BPT) and the best available technology economically achievable (BAT) and new source performance standards (NSPS) for six subcategories of the industry on May 9 and 29, 1974 (39 FR 16578, 40 CFR Part 431; and 39 FR 1872, 40 CFR 430). EPA promulgated BPT guidelines for the 16 remaining subcategories of the industry on January 6, 1977 (42 FR 1398, 40 CFR Part 430).

The Clean Water Act of 1977 requires industry to achieve by July 1, 1984 effluent limitations requiring application of BAT for those pollutants which Congress declared "toxic" under § 307(a) of the Act. In addition to the emphasis on toxic pollutants reflected by BAT, the Act requires industry to achieve by July 1, 1984 "effluent limitations requiring the application of the best conventional pollutant control technology" (BCT) for the regulation of conventional water pollutants (biochemical oxygen demand, suspended solids, fecal coliform, oil and grease, and pH). All pollutants that are not either toxic or conventional have been termed "non-coventional" and are subject to regulation under BAT.

EPA expects to publish proposed effluent limitations guidelines for BAT, BCT, and NSPS, and pretreatment standards for existing and new sources (PSES, PSNS) for the pulp, paper, and paperboard and the builders' paper and board mills point source categories in the **Federal Register**, in November 1980.

EPA estimates that there are 706 operating pulp, paper, and paperboard mills in the United States which discharge about 4.2 billions gallons per day of wastewater. Toxic and non-conventional pollutants of concern detected in the industry's wastewaters during an EPA sampling program were 2,4,5-trichlorophenol, 2,4,6-trichlorophenol, pentachlorophenol, chloroform, ammonia, and zinc. Chloroform, pentachlorophenol, trichlorophenolic ammonia, and zinc can be toxic to aquatic organisms. Chloroform and trichlorophenol are known carcinogens. Conventional pollutants routinely monitored in discharges from pulp, paper, and paperboard mills include biochemical oxygen demand, suspended solids, and pH. Excessive discharge of conventional pollutants may cause a depletion of the dissolved oxygen in streams, which can result in fish kills.

Alternatives Under Consideration

The Agency is considering various wastewater treatment technologies for controlling toxic, non-conventional, and conventional pollutant discharges from the pulp, paper, and paperboard industry to the Nation's waterways. We will regulate toxic and non-conventional pollutants under the best available technology economically achievable (BAT), new source performance standards (PSNS), pretreatment standards for existing sources (PSES), and pretreatment standards for new sources (PSNS). We will regulate conventional pollutants under the best conventional pollutant control technology (BCT) and new source performance standards (NSPS).

In evaluating the options for development of regulations, the Agency considers several important factors,

including the quantity and type of pollutants each wastewater source discharges, treatment technologies that are available for the control of these wastewaters, the air pollution and solid wastes that the wastewater treatment systems may produce, and the cost of these systems.

The Agency, through its sampling and data gathering efforts, has determined that existing biological treatment systems are very effective in removing most toxic pollutants found in pulp, paper, and paperboard industry wastewaters. Several toxic pollutants were detected with sufficient frequency and/or at sufficient levels to concern us and we are considering them as candidates for control under BAT and pretreatment regulations. The pollutants of concern and the options being considered to ensure their control under BAT are described below.

Pentachlorophenol, 2,4,5-trichlorophenol, and 2,4,6-trichlorophenol (toxic pollutants) are present in treated effluents in many subcategories of the industry. These compounds are present in certain of the slimicide and fungicide formulations used in the pulp, paper, and paperboard industry. The best and least expensive method for control of these pollutants is the substitution of these slimicides and fungicides with formulations that do not contain pentachlorophenol, 2,4,5-trichlorophenol, or 2,4,6-trichlorophenol.

Chloroform (a toxic pollutant) is present in very high concentrations (up to 10 milligrams per liter) in raw wastewaters from mills producing bleached pulps. Biological treatment systems are capable of removal of chloroform to low levels (less than 0.1 milligrams per liter). The Agency is considering establishing BAT effluent limitations guidelines and NSPS based on those levels of chloroform attained through the application of biological treatment.

Zinc (a toxic pollutant) is present in wastewaters from facilities using zinc hydrosulfite as a bleaching chemical. The Agency is considering establishing BAT effluent limitations guidelines, NSPS, and pretreatment standards based on the substitution of zinc hydrosulfite with sodium hydrosulfite.

Ammonia (a non-conventional pollutant) is discharged from facilities using ammonia-based pulping processes. The Agency is considering establishing BAT effluent limitations and NSPS based on either a substitution to a different chemical base or on the application of additional end-of-pipe treatment.

Conventional pollutants currently regulated include: biochemical oxygen demand (BOD), total suspended solids (TSS), and pH. The Agency is considering three alternatives under BCT to reduce the discharge of BOD and TSS from pulp, paper, and paperboard mills:

Alternative (A) includes the addition of in-plant production process controls to reduce raw wastewater flow and BOD to the existing BPT treatment system.

Alternative (B) includes the reduction of BOD and TSS to levels typical of best performing mills. This option may require expansion or upgrading of existing end-of-pipe treatment systems at many mills in the pulp, paper, and paperboard industry.

Alternative (C) includes the application of chemically assisted clarification in addition to the technology considered as the basis of Alternative (A).

The Agency is still developing information on the costs and capabilities of the three technology options.

Summary of Benefits

Sectors Affected: The general public.

The major benefit of the proposed rule will be the reduction or elimination of toxic, non-conventional, and conventional pollutant discharges from pulp, paper, and paperboard mills. The discharge of 2,4,5-trichlorophenol, 2,4,6-trichlorophenol, pentachlorophenol, and zinc would be virtually eliminated and the discharge of chloroform and ammonia would be greatly reduced.

The discharges of BOD and TSS from pulp, paper, and paperboard mills will be substantially reduced by the following amounts dependent upon the option selected as the basis of BCT regulations:

BOD: Alternative (A)—18 percent, Alternative (B)—40 percent, Alternative (C)—50 percent.

TSS: Alternative (A)—18 percent, Alternative (B)—45 percent, Alternative (C)—80 percent.

The current discharge of one million pounds per day of BOD from pulp, paper, and paperboard mills accounts for about 45 percent of the total industrial contribution of BOD. Therefore, these additional reductions represent a significant portion of current conventional pollutant discharge to the Nation's waterways.

Summary of Costs

Sectors Affected: Pulp, paper, and paperboard mills; and users of pulp, paper, and paperboard products.

The Agency is currently refining cost data for the various technology options. We expect that, with the exception of ammonia removal options, the BAT, PSES, and PSNS technology options will have an insignificant impact on the pulp, paper, and paperboard industry. It is likely that large capital expenditures will be necessary at the nine pulp mills using ammonia-based cooking liquors, should we establish limitations for the control of ammonia.

The Agency has made preliminary estimates of the capital costs (1978 dollars) for all U.S. pulp, paper, and paperboard mills to attain levels of BOD and TSS associated with the BCT technology alternatives. They are: Alternative (A)—$.83 billion, Alternative (B)—$1.2 to 1.9 billion, and Alternative (C)—$2.2 billion.

These costs may result in price increases ranging from zero to 11.5 percent.

These regulations should not require additional resources of EPA or State permit authorities.

Related Regulations and Actions

Internal: Requirements for the management of solid wastes under the Resource Conservation and Recovery Act may affect the cost of installation and operation of various wastewater treatment technologies.

External: None.

Active Government Collaboration

The Department of Commerce has provided assistance by reviewing materials.

Available Documents

Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Unbleached Kraft and Semichemical Pulp Segment of the Pulp, Paper, and Paperboard Mills Point Source Category, EPA, May 1974, National Technical Information Service (NTIS) Number PB-238833.

Development Document for Effluent Limitations Guidelines (BPCTCA) for the Bleached Kraft, Groundwood, Sulfite, Soda, Deink, and Non-integrated Paper Mills Segment of the Pulp, Paper, and Paperboard Point Source Category, EPA December 1976 (available for review at EPA Headquarters Library, 401 M St., S.W., Washington, DC 20460).

Preliminary Data Base for Review of BATEA Effluent Limitations Guidelines, NSPS, and Pretreatment Standards for the Pulp, Paper, and Paperboard Point Source Category, prepared for the U.S. Environmental Protection Agency by the

Edward C. Jordan Co., Inc., Portland, Maine, June 1979 (Available for review at EPA Headquarters and Regional Libraries only).

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EPA—OWWM

Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Iron and Steel Manufacturing Plants to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works (40 CFR Part 420*)

Legal Authority

The Clean Water Act as amended, §§ 301, 304, 306, 307, and 501; 33 U.S.C. §§ 1311, 1314, 1316, 1317, and 1351.

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes this regulation is important because it will provide control of discharges into the water from the largest metal manufacturing industry in the United States. We expect it will have annual effect on the economy of more than $100 million.

Statement of Problem

The Clean Water Act requires the Environmental Protection Agency (EPA) to promulgate regulations to control the discharge of pollutants into navigable waters and the introduction of pollutants into publicly owned treatment works (POTWs). These regulations must include effluent limitations representing the best practicable technology (BPT), the best conventional technology (BCT), the best available technology (BAT), new source performance standards (NSPS), and pretreatment standards for facilities introducing wastewaters into POTWs.

The Clean Water Act of 1977 requires industry to achieve, by July 1, 1984, effluent limitations requiring application of BAT for those pollutants which Congress declared "toxic" under 307(a) of the Act. In addition to the emphasis on toxic pollutants reflected by BAT, the Act requires industry to achieve, by July 1, 1984, "effluent limitations requiring the application of the best conventional pollutant control technology" (BCT) for the regulation of conventional water pollutants (biochemical oxygen demand, suspended solids, fecal coliform, oil and grease, and pH). All pollutants that are not either toxic or conventional have been termed "non-conventional" and are subject to regulation under BAT.

Initially, we promulgated regulations for the iron and steel manufacturing industry on June 28, 1974 (Phase I or steelmaking operations), and on March 29, 1976 (Phase II or forming, finishing, and specialty steel segments). The U.S. Court of Appeals for the Third Circuit remanded the regulations for several reasons, including the Agency's failure to consider adequately (1) the impact of plant age on the cost or feasibility of retrofitting, (2) site-specific costs, (3) consumptive water use, (4) the economic condition of the industry, and (5) the achievability of certain limitations. *(AISI et al. v. EPA)* 526 F.2d 1027 (3d Cir. 1975) and *AISI et al. v. EPA* 568 F.2d 284 (3d Cir. 1977).

We are developing a new BPT regulation to replace the regulations remanded by the court. This regulation will reflect new information from industry surveys and sampling and will remedy the deficiencies found by the court. In addition, we are developing BCT and BAT regulations to control conventional and toxic pollutants, as required by the 1977 amendments to the Clean Water Act. We expect to publish an NPRM in the **Federal Register** in December 1980 which will include effluent limitations and standards for the manufacturing operations covered by the 1974 and 1976 regulations.

The iron and steel manufacturing category (Standard Industrial Classification Codes 3312, 3315, 3316, 3317, and parts of 3313 and 3479) is comprised of approximately 650 manufacturing facilities nationwide. The amount of process water used by these facilities is estimated to be 6,272 million gallons per day. Because of these large flows, the quantity of pollutants discharged is very large, even though the concentration of pollutants in a waste stream sometimes may be relatively small. The October 1979 Draft Development Document presented the concentration and load data available at that time.

During its sampling program, EPA detected, in iron and steel manufacturing wastewaters, significant levels of copper, chromium, cyanide, iron, nickel, lead, zinc, oil and grease, ammonia, sulfide, fluoride, and suspended solids. Additionally, the Agency found a wide variety of organic materials including benzene, phenols, and aromatic compounds in wastewaters from coke manufacturing, from blast furnaces which use the coke, and in cold rolling operations. The heavy metals may produce cumulative toxic effects and many of the organic compounds are known or suspected carcinogens. Ammonia, a "non-conventional" pollutant, is proposed for control because of its high aquatic environment impact at the high concentrations present in wastes from some operations in this industry.

Alternatives Under Consideration

The Agency is evaluating the capabilities and costs of various wastewater treatment technologies for controlling pollutant discharges from iron and steel manufacturing facilities. A primary focus of this effort is to promulgate regulations to control the discharge, and to prevent "pass through" etc., of toxic pollutants.

The technologies for the control of wastewater pollutants include both end-of-pipe treatment and methods to reduce water usage. End-of-pipe treatment, best applied after recycle to reduce wastewater volumes, includes, where appropriate, cyanide oxidation, hexavalent chromium reduction, metals precipitation, oil removal, suspended solids (including precipitated metals) removal, and chemical and biological destruction of ammonia and toxic organic materials. The applicability of these technologies is dependent on the type of waste generated by the subcategory or segment; i.e., not all of the listed technologies are applicable to all sources. However, within each subcategory or segment, the appropriate technologies in the alternatives outlined below are generally applicable to all iron and steel manufacturing facilities within that segment.

Alternative (A) includes in-process controls to reduce water flows, metals precipitation (if not already required by BPT), and filtration. This option also includes extended biological treatment of coke plant wastes. This alternative achieves approximately a 90 percent reduction in the BPT effluent loads.

Alternative (B) includes sulfide precipitation of metals prior to filtration. Coke plants would add powdered activated carbon (PAC) to the extended biological treatment system. This alternative further reduces toxic metal discharges at modest additional cost. The PAC treatment assures reduced discharges of toxic organic compounds, but would require significant additional costs.

Alternative (C) includes advanced treatments such as evaporation to achieve zero discharge, and chemical oxidation of sinter plant and blast furnace wastewaters to reduce discharges of ammonia and organic pollutants. Evaporative treatments generally provide the maximum protection of the environment but at considerable cost in most cases. Chemical oxidation of sinter and blast furnace process waster provides control of the large loads of toxic organic and "non-conventional" pollutants that would otherwise be discharged.

In evaluating options for this regulation now under development, we considered all of the important factors, including the quantity and type of pollutants generated by each wastewater source; the treatment technologies available for application to that wastewater source; air, solid waste, energy, and other non-water quality environmental aspects of the proposed regulation; and the cost and economic impact of applying each of the several options.

We are still gathering additional information on costs and on the availability and effectiveness of technologies. We have not at this time selected the alternatives we will propose, although we think that alternatives which reduce the discharge of water to the maximum extent are the most environmentally acceptable.

Summary of Benefits

Sectors Affected: The general public.

The major benefit of the regulation we will propose will be the reduction of toxic pollutant discharges from iron and steel manufacturing facilities. The quantity of pollutants removed from discharges to the environment under this regulation will vary depending on the various options selected. The Agency estimates that through compliance with the BPT regulation the industry will remove approximately 3.4 million pounds per year of toxic organics, 5.8 million pounds per year of toxic metals, and 176 million pounds per year of suspended solids, oil and grease, ammonia, and other pollutants. Alternatives (A), (B), or (C) will reduce BPT process wastewater volumes from about 2,600 million gallons per day (mgd) to about 300 mgd. Alternative (A) will reduce PBT pollutant discharge loads by about 85 percent to 90 percent. Alternatives (B) and (C) will provide additional, but less dramatic, removals of pollutants. BCT limitations will be achieved by the BPT or BAT systems; i.e. no additional costs will be incurred specifically to achieve BCT limitations.

Summary of Costs

Sectors Affected: Manufacturing of iron and steel products; and users of these products.

We are continuing to refine the cost data for BPT remaining to be installed and for the various BAT options. We are also evaluating the cost effectiveness of the different BAT levels of treatment for the various operations. As an approximation of the cost of compliance, the capital investment (in millions of 1978 dollars) for the BPT remaining to be installed and the BAT regulatory options likely to be selected are as follows:

BPT	417.8
BAT	444.1
NSPS	159.5
Total	1021.4

These costs exclude Consent Decree commitments and anticipated shutdowns through July 1, 1984.

Under the current and projected 1981 to 1990 economic environments, it is doubtful that the industry will be able to raise all of the funds necessary to finance the capital requirements of this regulation plus the capital necessary to maintain production facilities and still maintain high enough bond ratings to ensure ready access to debt capital markets. The industry will face excess capacity as it attempts to recover from the current recession and will face continued competition from foreign steel. Throughout the 1980s both these factors will probably prevent the industry from raising prices to levels that would enable them to recover the annual costs associated with this regulation. Consequently, we project that this regulation will probably contribute somewhat to (1) a gradual decline in productive capacity, (2) a gradual loss in the industry's share of the domestic steel market, and (3) a gradual decline in steel industry employment. However, we also project that major changes in U.S. industrial policy towards industry in general, and the steel industry in particular, could enable the industry to finance all its projected productive capital requirements as well as this regulation without serious adverse economic effects. Such policy changes might include major tax reform, a return to "fair value" steel import prices, and full latitude for the industry to increase prices in accordance with market conditions.

Although our projected baseline economic impact is pessimistic, this regulation is only a proposal at this time. Further analysis of the economic impact will be completed before the regulation is promulgated.

Related Regulations and Actions

Internal: The Agency is reviewing the interaction between this regulation and air pollution and solid waste disposal requirements. As an example, we are evaluating the possible disposal of blowdown from blast furnace wastewater recycle systems by evaporation in slag pits. We are coordinating this with the Office of Research and Development and with air programs.

In addition, in evaluating wastewater treatment alternatives, the Agency is considering, to the extent possible, the requirements and costs for the management of solid wastes under the Resource Conservation and Recovery Act.

External: This regulation will set minimum requirements on a national level which supersede less stringent State or local regulations. However, all levels of government may require more stringent limitations in specific instances if water quality criteria or other requirements so justify.

Active Government Collaboration

None.

Available Documents

The applicable documents currently available are:

Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Steelmaking Segment of the Iron and Steel Manufacturing Point Source Category, June 1974; EPA-440/1-74-024-a.

Development Document for Proposed Effluent Limitations Guidelines and Standards for the Iron and Steel Manufacturing Point Source Category, Volumes 1 through 9, October 1979; EPA 440/1-79/024-a.

Copies of the June 1974 report are available from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161. The accession number is PB 238-837 and the cost is $24.80 per copy. The October 1979 report may be obtained through the EPA contact designated below.

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EPA—OWWM

Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants From Steam Electric Power Plants (40 CFR Part 423*)

Legal Authority

The Clean Water Act, §§ 301, 304, 305, 306, 307, 311, 402, and 504, 33 U.S.C. §§ 1311, 1314, 1316, 1317, 1318, 1321, 1364, 1346.

Reason for Including This Entry

The Environmental Protection Agency is including this entry because of the high public interest in these regulations and because they may have an annual effect on the economy of $100 million or more.

Statement of Problem

The Environmental Protection Agency (EPA), in its efforts to control water pollution under the Clean Water Act, is required to develop technology-based effluent limitations guidelines and standards to control pollutant discharges from the steam electric power generating industry, and review these regulations once every 5 years. We initially promulgated effluent limitations guidelines for this industry on October 8, 1974 that reflected the best practicable control technology currently available (BPT), the best available technology economically achievable (BAT), new source performance standards (NSPS), and pretreatment standards for new sources (PSNS). The U.S. Court of Appeals for the Fourth Circuit remanded parts of the guidelines (*Appalachian Power* v. *Train*, 545 F. 2d 1351 (4th Cir. 1976)). The court found the record insufficient with respect to various technical aspects and non-water quality considerations (especially cost data and ultimate disposal of wastes).

We have reviewed the 1974 regulations to reflect updated information and remedy the deficiencies pointed out by the Fourth Circuit Court of Appeals. In addition to the pollutants examined in the previous regulations, we expanded the review to include toxic substances cited in the June 8, 1976 Consent Decree, *Natural Resources Defense Council et al.* v. *Train*, 8 ERC 2120 (D.D.C. 1976). The NPRM was published in the **Federal Register** on October 14, 1980. We did not include guidelines for thermal discharges in these regulations. The Agency is still considering various thermal options in light of *Appalachian*.

The steam electric generating industry is composed of approximately 850 generating plants nationwide. These plants have extremely large discharge flows, therefore the quantity of pollutants they discharge may be substantial even though the concentration is relatively low. The average discharge flow from a steam electric power plant is 210 million gallons per day. Discharges from the Steam Electric power industry constitute about 15 percent of the total flow in the United States rivers and streams. Pollutants detected in the wastewaters of steam electric plants during an EPA sampling program were total residual chlorine, copper, zinc, nickel, chromium, arsenic, and trihalomethanes.

Alternatives Under Consideration

The Agency considered several wastewater treatment technologies for controlling pollutant discharges from steam electric plants to the Nation's waterways. The primary focus of this effort was to assess the potential control of discharges of toxic substances. In this review of effluent regulations, we focused our efforts on cooling water and ash transport water as the major wastestreams because of their large flows. Over 95 percent of the volume of water used in an average power plant is used as cooling water.

Cooling Water—All steam electric power plants circulate large volumes of water through their condensers in order to condense steam in the turbines. The thermal efficiency of the steam cycle can be greatly reduced if biological growth occurs in the condensers. Plants using chlorine to control biological growth have the potential to discharge total residual chlorine (TRC) and chlorinated compounds into the navigible waters. TRC is a pollutant that has been studied extensively and is known to adversely affect aquatic life.

For regulatory purposes, the Agency separated those power plants with a recirculating cooling tower and those discharging the cooling water without recirculation. The waste streams produced as a result of these operations are cooling tower blowdown and once-through cooling water discharges.

In addition to TRC discharges, plants with cooling towers have the potential to discharge toxic pollutants through chemicals added for cooling tower maintenance.

The technologies that the Agency evaluated for control of pollutants from cooling water included 1) chlorine minimization, 2) dechlorination, 3) alternative chemicals, and 4) mechanical antifouling devices.

Chlorine minimization is a program designed to insure the most efficient use of chlorine and reduce the amount of TRC discharged. Plant personnel conduct a series of tests to determine the minimum amount of chlorine necessary to control biological growth in the condensors. Many plants undergoing such a program find that chlorine doses can be reduced significantly. Chlorine minimization programs are difficult to conduct at plants with cooling towers since chlorine may also be used for cooling tower maintenance.

Dechlorination is chemical treatment that removes a significant amount of TRC from the cooling water discharge. Although dechlorination reduces the amount of TRC, it does not eliminate it.

Alternatives to chlorine were explored for use in both cooling tower blowdown and once-through cooling water discharges. While adequate substitutes for chlorine were found, they were not viable in all cases, and could not be applied on a national basis. Alternative chemicals were also evaluated for use in cooling towers because other chemicals (besides chlorine) are commonly added to prevent scaling and corrosion in the cooling tower. Many of these chemicals contain priority pollutants. For example, high levels of chromium and zinc are present in cooling tower blowdown only if they were added for cooling tower maintenance. Alternatives to these chemicals were found to be available.

Some plants use mechanical antifouling devices to control biological growth in the condensers. Two types of methods are used. One uses sponge rubber balls that are forced through the tubes under water pressure and then recycled. The second method uses brushes that are installed on the inside of each tube. Although this method eliminates chlorine use, it is expensive to install on existing sources. Furthermore, mechanical antifouling devices are not always adequate substitutes for chlorine.

For plants with once-through cooling water, the Agency has chosen to combine a chlorine minimization program with a maximum limit for TRC of .14 milligrams per liter (mg/1) and dechlorination, if that limit can not be met through minimization only. In this way the Agency assures proper use of chlorine, as well as limiting the addition of dechlorination chemicals.

For plants with cooling towers, the Agency did not require chlorine minimization technique, because it would be unduly complex for this waste stream since chlorine may also be used for cooling tower maintenance. The proposed regulations instead limit the discharge of TRC to .14 mg/l based on

dechlorination technology. For control of toxic pollutants discharged from cooling towers, the Agency has chosen alternative chemicals as the best technology to eliminate toxic pollutant discharges. These alternative chemicals effectively and economically protect cooling towers from scaling, corrosion, and biological growth.

Ash Transport Water—For ash transport water (defined below), the Agency was concerned about the presence of inorganic toxic substances. However, the data on fly ash ponds did not demonstrate a consistent pattern of pollutant concentration, and were considered to be statistically inconclusive. Pollutant concentrations in bottom ash transport water were typically lower than those in fly ash transport water.

These pollutants can enter the water because coal or oil that is burned in a steam electric plant's boiler produces varying amounts of ash that require periodic collection and disposal. The relatively fine and light-weight ash is carried from the boiler with the flue gases and collected with air pollution control equipment. This type of ash is called "fly ash." The relatively bulky and heavy ash that settles at the bottom of the boiler's furnace is called "bottom ash." These two types of ash can be transported wet or dry to their ultimate or temporary disposal sites. (Only those plants that transport their ash using water would be affected by effluent regulations.)

The Agency did not propose any further controls for existing sources of fly ash transport water beyond the current regulation. EPA seriously considered proposing no discharge of fly ash transport water but EPA concluded that the extremely high costs to the industry ($3.2 billion in capital costs for 1980–1985) could not be justified in view of the inconclusive nature of the available data regarding the degree of pollutant reduction. The technology base for achieving this option was the use of transport methods that do not require the use of water (dry transport). EPA did not feel that it would be responsible to impose such costly additional requirements in the face of such uncertainty. The Agency is considering further sampling to clarify wastewater characteristics of ash pond discharges. However, the Agency is proposing to prohibit the discharge of fly ash water for all new plants. This is because the technology is clearly demonstrated and available, since about half of the industry already uses dry methods of transport. Moreover, the costs for installing a dry fly ash handling system are not appreciably different than costs to install a wet ash sluicing system in a new plant. We do not anticipate any new sources to discharge their fly ash water to a publicly owned sewage treatment plant.

Bottom Ash—The need to control pollutant discharges from bottom ash transport water was not demonstrated based on the sampling data, since at most plants sampled, the concentrations of pollutants detected in the bottom ash pond were less than the concentrations detected in the plant's inlet water. In addition, the concentrations of these pollutants were not only lower than those detected in fly ash ponds, but also exhibited a greater variability. Thus, we have proposed to withdraw the current BAT requirement for partial recycle of bottom ash sluice water, since the sampling data suggests that adequate controls are already imposed by the effective BPT technology of settling ponds.

Summary of Benefits

Sectors Affected: The general public; manufacturing of antipollution equipment; and the aquatic environment.

The major benefit of the proposed rule is the improvement of the aquatic environment through the reduction and/or elimination of discharges from steam electric generating facilities. The review found that the chlorine controls were not sufficiently stringent. In addition, toxic pollutant additives were virtually banned from use in cooling towers. Preliminary estimates indicate that the proposed regulations will result in the following reduction or elimination of pollutants by waste stream types:

1. Once Through Cooling Water: 17.4 million pounds per year of total residual chlorine.

2. Cooling Tower Blowdown: a. 30,000 pounds per year of total residual chlorine.

b. 157,000 pounds per year of toxic pollutants (chromium, zinc, chlorinated phenolics, etc.).

Manufacturers of anti-pollution equipment would find increased demand for their products.

Summary of Costs

Sectors Affected: Establishments engaged in the generation, transmission and/or distribution of electric energy for sale (electric services); and users of the electric energy.

On a national basis an estimate of the total capital expenditures required to bring existing plants into compliance with the proposed regulations for the period 1980–1985 equals $120 million (1980 dollars). This represents about 0.05 percent of the total anticipated capital expenditures for the industry during the same period. With the addition of operation and maintenance costs, this means that the average electric bill for consumers would increase by approximately 0.04 percent. The estimated capital expenditures for plants coming on line between 1985 to 1995 are $80 million. None of these requirements is expected to cause plant closings; furthermore, the economic impact is minimal.

Related Regulations and Actions

Internal: The scrubber systems used to comply with air pollution regulations may discharge contaminated water. The proposed requirements of the New Source Performance Standards under § 111 of the Clean Air Act will increase the number of facilities with scrubber systems in the future.

Section 316(b) of the Clean Water Act authorizes the Agency to require the best available technology in the location, design, construction, and capacity of intake structures for cooling water, to minimize adverse environmental impact.

Requirements for the management of solid wastes under the Resource Conservation and Recovery Act may affect the economic and environmental factors associated with various wastewater treatment technologies.

External: The recent emphasis on converting oil-fired power plants to other fuel types and the problems associated with nuclear waste disposal will affect the distribution of generating capacity by fuel types in the industry and, therefore, the amount of pollutants that would be discharged and controlled.

Active Government Collaboration

The Nuclear Regulatory Commission, the Department of Interior, and the Department of Energy have provided assistance by supplying the Agency with information and/or reviewing materials.

Available Documents

Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Steam Electric Power Generating Point Source Category (EPA 440/1–80/029–b, September 1980).

NPRM—45 FR 68327, October 14, 1980.

Regulatory Analysis—October 1980.

Economic Analysis of Proposed

Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Steam Electric Power Generating Point Source Category (EPA, August 1980).

Copies of the above reports can be obtained from NTIS or the EPA contact designated below.

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EPA—OWWM

Water Quality Standards Regulations (40 CFR Part 35.1550*)

Legal Authority

The Clean Water Act, 33 U.S.C. § 1314(a).

Reason for Including This Entry

This regulation proposes significant new policies and procedures in the development and implementation of water quality standards.

Statement of Problem

The existing Water Quality Standards Regulation (40 CFR Part 35.1550) does not provide the guidance needed by States to develop and implement an effective State program which will meet the water quality goals set forth in the Clean Water Act. Guidance is lacking in the areas of defining what stream uses are attainable and how standards may be adapted to specific local environmental conditions. This proposed regulation seeks to establish a clearer, more flexible process for States and EPA to use in formulating water quality standards; conducting water quality analyses; establishing wasteload allocations to distribute the total daily load of pollutants that a stream segment can assimilate and maintain to achieve standards; and implementing a control program regulating point source discharges through issuance of permits (either by the States or EPA) based on State water quality standards. In some cases, application of previous policies and regulatory provisions have resulted in setting unreasonably high standards, forcing the imposition of costly treatment controls with little environmental improvement.

The water quality standards program will continue to consist of three components: (1) designation of uses for segments of surface water bodies, such as swimming, aquatic protection, and public water supply (2) development of criteria, primarily by EPA, designed to achieve and maintain designated uses; and (3) application of uses and criteria by the States to specific streams. The 1972 amendments to the Clean Water Act (CWA) established the 1983 goal of achieving, wherever attainable, aquatic protection and recreation for the Nation's waters, including both fresh and marine waters. Congress recognized that progress toward meeting or reassessing the attainability of this goal would be incremental in that different levels of treatment are required at different times, and treatment beyond technology-based requirements may, in some cases, be necessary to meet water quality standards. Progress depends on such variables as the effectiveness of municipal and industrial treatment technologies in meeting water quality standards and the economic impact on municipalities and industries of attaining standards. The development and implementation of standards requires periodic review and adjustment of control measures or standards by the States and EPA, as appropriate.

This proposed regulation revises and consolidates the existing regulations governing water quality standards: 40 CFR 35.1550 and 40 CFR 120. No change is envisioned in the Act's direction that States adopt water quality standards, subject to EPA review and approval. EPA is revising these regulations to:

(1) provide more detail on policies and procedures for determining the attainability of uses applied to water bodies or segments thereof;

(2) establish a stronger water quality standards program for control of toxic pollutants; and

(3) improve the public's understanding of the process by providing more specific guidance on the development of State water quality standards and implementation.

Alternatives Under Consideration

EPA gave public notice of its intent to revise this regulation in an ANPRM (43 FR 29588, July 10, 1978). In that notice, EPA identified and requested public comment on a number of possible policy alternatives dealing with the establishment and revision of beneficial stream uses, the adoption of water quality criteria published by EPA, the application of the criteria for toxic pollutants developed by EPA, economic impact considerations, and a number of other program issues.

Since the public responded to the ANPRM, the Agency has prepared drafts of a water quality standards program strategy and a series of option papers based on the public's reaction to the policy alternatives proposed in the ANPRM. These papers dealt with the subjects of use attainability, options for State adoption of criteria for toxic pollutants, program definitions, economic guidance on stream downgradings, and other subjects. These papers have been reviewed by various parties outside the Agency, such as the States, and various industrial and environmental groups.

The proposed regulation is a result of the analyses, discussions, and public comments on the ANPRM and subsequent documents. The regulation itself is subject to further public comment.

Summary of Benefits

Sectors Affected: The States; and through their regulatory controls based on water quality standards, the general public; publicly owned treatment works; all types of industries discharging into surface waters; and EPA.

Use designation for many stream segments need reappraisal for a number of reasons. States initially established many water quality standards without sufficient site-specific analysis of waterway conditions affecting the attainability of the designated use, and the criteria necessary to support these uses. In addition, States and EPA lacked sufficient information regarding the effectiveness of technology-based controls in implementing these water quality standards. The review of advanced waste treatment projects mandated by the Congressional Appropriations Committee in FY 1980 also uncovered a number of instances where use classifications needed review.

The proposed regulation provides much more detailed guidance on how States may reassess their stream use classifications in order to meet the "where attainable" water quality goal of the Act. It will provide public officials with more adequate information on the environmental, economic, and technological impacts of their actions which they can consider in making their decisions. The overall benefit will be the establishment of environmentally and economically attainable standards and the prevention of setting arbitrarily high standards, forcing unnecessary, costly treatment controls.

Summary of Costs

Sectors Affected: State government.

The net result of the increased flexibility for establishing site-specific, attainable water quality standards will be to reduce the costs to municipalities and industries of meeting water quality-based regulatory controls by assuring that more prudent decisions are made. There may be an increase in State costs to generate and analyze the data necessary to establish attainable uses, but much existing information is available and the analyses will be done either by EPA or the States on a priority basis only where advanced waste treatment decisions are pending, thus lessening the impact on the States. EPA is now attempting to estimate the costs to States. Our belief, however, is that these increased administrative costs will more than be offset from savings in reducing or eliminating treatment levels not required to meet water quality standards.

Regulated Regulations and Actions

Internal: All regulations designed to achieve water quality standards would be indirectly related, including: National Pollutant Discharge Elimination System, construction grants requirements, and water quality management regulations.

External: All State regulations dealing with water quality regulations.

Active Government Collaboration

The Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) is assisting EPA on this regulation. The U.S. Department of the Interior is also providing assistance.

Available Documents

ANPRM—43 FR 29588, July 10, 1978, "Water Quality Standards."

Water Quality Standards Strategy, EPA, September 1980.

Water Quality Use Designation Changes and Justification for Advanced Waste Treatment Installations, EPA, February 7, 1980.

Draft Economic Guidance for Water Quality Standard Downgrading, EPA, April 22, 1980.

Environmental, Technological, and Economic Evaluation of Water Quality Standards Attainability, EPA, April 23, 1980.

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ENVIRONMENTAL PROTECTION AGENCY

Office of Air, Noise, and Radiation

Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes (40 CFR Part 191)

Legal Authority

Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2201(b).

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks this rule is important because it is a critical step towards developing disposal methods for high-level and other long-lived radioactive wastes which could pose serious health problems to current and future generations of people. In addition, we estimate that the annual cost for implementing these standards could exceed $100 million (1978 dollars).

Statement of Problem

It is important to ensure proper management and disposal of high-level radioactive wastes because they represent a significant health risk to the population of the United States. Large quantities of these wastes already exist, and national defense programs, commercial nuclear power plants, and research reactors are producing more. At present, the Department of Energy (DOE) stores 70 million gallons of high-level defense wastes in various liquid and solid forms on three Federal reservations in the States of Idaho, South Carolina, and Washington. Owners of commercial nuclear power plants are temporarily storing about 6,000 tons of spent fuel (i.e., fuel removed from a reactor after having generated electrical power) in holding ponds at the various plant sites. Over the next few years, reactors currently licensed to operate are expected to produce an additional 600 tons a year of spent fuel. EPA estimates that these proposed standards will limit cancer deaths resulting from disposal of these wastes to less than 10 per 100 years over the first 10,000 years after disposal. Waste disposal is a future activity and no present basis for risk comparison exists.

Our program to develop these standards began in 1976 as part of an interagency effort to speed up development and demonstration of a high-level waste repository. President Ford announced this program as part of his Nuclear Waste Management Plan on October 27, 1976. President Carter established an Interagency Review Group (IRG) on Waste Management in March 1978 to review existing programs and recommend new policies where necessary. After holding several public hearings on its draft report, the IRG prepared a final report to the President in March 1979. This report recommended that EPA accelerate its programs to set standards for nuclear waste management and disposal activities. President Carter approved this recommendation as part of his Program on Radioactive Waste Management, which he announced on February 12, 1980.

If EPA took no action, this would further delay the Federal waste management program and could have significant environmental consequences. Delay in developing disposal methods results in longer storage of existing wastes in surface facilities requiring human control. Such storage is not necessarily a danger under normal conditions. The wastes, however, are more vulnerable to accidental release in surface storage than they would be in disposal facilities. The chances for environmental damage are greater the longer the wastes are stored in existing sites. Furthermore, the lack of a solution to this problem has caused serious uncertainty about the future use of nuclear energy in the United States. This uncertainty makes both national and local energy policy more difficult and has many indirect adverse economic and environmental effects.

Alternatives Under Consideration

The disposal system for high-level radioactive waste has yet to be designed and demonstrated by DOE. As a result, we are evaluating two basic types of environmental protection standards, and a third option which combines certain aspects of both.

Alternative(A)—We could develop a standard establishing general principles to govern disposal methods without setting quantitative standards. These principles would specify broad design requirements for disposal systems such as: (1) designing multiple manmade barriers and using natural barriers to prevent release of the wastes, (2) disposing of the wastes so that future generations could recover and relocate them, if necessary, and (3) designing disposal systems to reduce potential releases to the lowest levels reasonably achievable. Such requirements would

reduce some of the uncertainties of the disposal systems to be developed which must work for very long times. However, they would not place any clear limit on expected environmental effects.

Alternative (B)—We could set numerical performance requirements for disposal systems without using general principles like those discussed in Alternative (A). These environmental protection standards would then be compared by the Nuclear Regulatory Commission (NRC) against the predicted performance of a proposed disposal system to determine whether the system should be approved. Such an approach would allow complete flexibility in meeting the objectives; however, it would rely upon predictions over very long time periods and such predictions involve many uncertainties.

Alternative (C)—Combine both types of standards discussed above. This will require long-term predictions of disposal system performance to determine if environmental protection objectives are met. The general principles will require conservative design approaches which will protect the environment as much as possible even if these long-term predictions are wrong.

We believe that Alternative (C) provides the most reliable protection of the general population and the environment.

Summary of Benefits

Sectors Affected: The general public.

The primary benefit of these standards is the protection of human health. Because the Federal Government has yet to design and demonstrate the disposal system, we are unable to accurately determine the health impact resulting from these standards. We estimate that the number of premature cancer deaths that would be caused by disposal in compliance with our standards would not exceed 1,000 over the first 10,000 years after disposal of the wastes. This is an average of one death every 10 years. Because our estimates are conservative, there is a good chance that actual disposal systems would result in fewer cancer deaths than we estimate.

Many sectors of society, especially environmental groups, State governments, and Members of Congress, have stated that nuclear power should not continue to be used while the problem of high-level radioactive waste disposal remains unsolved. Nuclear power now provides approximately 13 percent of the Nation's power supply. While EPA is neither for nor against nuclear power, we believe that these standards are the first step towards involving the problem of disposing of high-level radioactive wastes, so that the Nation can decide whether or not nuclear power will continue to be part of our energy system.

Summary of Costs

Sectors Affected: Commercial nuclear power plants; consumers of electricity supplied by nuclear power; Federal defense waste management programs; and NRC.

The high-level radioactive waste disposal program will be initially financed by the Federal Government. According to the provisions of President Carter's spent fuel policy, utilities will pay a one-time full cost recovery charge to the Federal Government for the transfer of spent fuel. Military-produced wastes are to be managed and disposed of by the Federal Government.

We calculated the cost impact of these standards by estimating the cost of the additional steps the Federal Government would have to take to be in compliance. Based largely on data and analyses performed by the Department of Energy (DOE), we estimate that in the year 1990 (the year we assume the waste program will be established) these standards will result in an incremental annual cost of commercial waste management of no more than $600 million (1978 dollars). This cost impact amounts to less than a one percent increase in national average electricity rates.

We also estimated that the standards would cause an increase of less than $1.7 billion (1978 dollars) over the total cost of the reference defense waste management program (assuming on-site disposal of high-level waste in geological repositories as the reference program), which is estimated to cost about $3.7 billion (1978 dollars).

The NRC is responsible for implementing these standards.

Related Regulations and Actions

Internal: We have coordinated the part of these standards that covers normal waste management operations with our Environmental Radiation Protection Standards for Nuclear Power Operations (40 CFR Part 190) to provide consistent exposure standards for all uranium fuel cycle operations.

External: The Nuclear Regulatory Commission (NRC) is responsible for implementing these standards. To accomplish this, NRC is currently developing regulations for Disposal of High-Level Radioactive Wastes in Geologic Repositories (10 CFR Part 60); NRC describes these proposed regulations in this edition of the Calendar.

Active Government Collaboration

We established an interagency working group to help us develop these standards. The agencies represented are the Nuclear Commission, the Department of Energy, and the United States Geological Survey.

Available Documents

ANPRM—41 FR 235, December 6, 1976.

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EPA-OANR

Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer (40 CFR Part 61)

Legal Authority

The Clean Air Act, as amended, §§ 111,112, and 301(a), 42 U.S.C. §§ 7411, 7412, and 7601(a).

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks that this policy is important because it will set a precedent in establishing how EPA will regulate airborne carcinogens under the Clean Air Act, and include risk assessment and economic analysis in the regulatory process.

Statement of Problem

Cancer is the second leading cause of death in the United States. One American in four is expected to contract some form of cancer in his or her lifetime, and one in five is expected to die from the disease. The most recent statistics show a continued increase in the total incidence of cancer, resulting principally from increases in lung cancer.

Studies of human cancer rates and their worldwide geographical variations, and observations of incidence rates in migrant populations, have revealed that factors in the human environment are probably responsible for a large proportion of cancers. "Environmental factors" in the broad sense include chemcial exposures from smoking, diet,

occupation, drinking water, and air pollution; various forms of radiation, including sunlight; and some forms of severe physical irritation. Although the uncertainties are great, estimates by the World Health Organization, other prominent institutions, and individual experts suggest that these factors may cause 60 to 90 percent of all human cancers.

Although airborne carcinogens may induce cancer at a number of areas in the body, lung cancer is thought to be the principal form of cancer related to air pollution. While cigarette smoking is probably the most important cause of lung cancer in the United States, many scientists believe that various air pollutants increase the risk of cancer from smoking and other carcinogenic insults. Available estimates also indicate that occupational exposures to chemcials are responsible for a significant portion of the incidence of lung cancer in the United States.

Through preliminary examination of industries producing chemicals and radioactive materials, and of air sampling results, EPA has identified over 50 known or potential chemical carcinogens and numerous radioactive materials which may be emitted into the atmosphere. Many of these substances are synthetic organic chemicals that have been in commercial use only since the 1930s. Because cancer induced by exposures to small amounts of airborne carcinogens may not appear for 15 to 40 years after exposure, it is still too early to detect the full effects of these chemicals on human health. Thus, it is both prudent and, in view of the large number of people potentially affected, important to reduce or contain emissions of known or suspected atmospheric carcinogens in order to prevent future problems before we actually observe them.

We have, since 1971, listed three airborne carcinogens (asbestos, vinyl chloride, benzene) as hazardous pollutants under § 112, "National Emission Standards for Hazardous Air Pollutants," of the Clean Air Act. As required by § 112, we have developed and are continuing to develop emission standards for significant sources of these pollutants. In addition, we are evaluating a number of other potentially carcinogenic substances to determine whether action under § 112 is appropriate. We have found our actions on airborne carcinogens to be hampered by the lack of a policy, developed with public participation, that would guide our use of § 112 to control airborne carcinogens.

Specifically, we need publicly stated, legally binding policies and regulatory mechanisms to: (1) determine the carcinogenicity and carcinogenic risks of air pollutants for regulatory purposes, (2) establish priorities for evaluating the need for and implementing additonal regulatory action, (3) specify the degree of source control required in general under § 112 and indicate how we will determine that level of control in setting individual standards, and (4) provide more extensive public involvement in the Agency's decisionmaking on the regulation of airborne carcinogens.

Alternatives Under Consideration

We describe a number of alternatives in the proposal document (44 FR 58642, October 10, 1979). Beyond that, the principal alternative is to have no formal policy. Under this alternative, EPA would continue with a case-by-case approach for regulating airborne carcinogens under § 112 of the Clean Air Act. This strategy would allow the Agency maximum regulatory flexibility, but would not give either the general public or the regulated industry sufficient information to enable them to participate fully in the rulemaking process. In addition, the alternative of no policy would not resolve the difficulties which EPA has encountered in the listing of airborne carcinogens and in the subsequent development of emissions regulations. It also does not recognize the need for procedures to ensure that available resources are allocated to the most important or tractable problems on a priority basis.

Under the policy, we will list under § 112 those airborne substances identified as high probability human carcinogens which present a significant carcinogenic risk to public health as a result of air emissions from one or more categories of stationary sources. Where applicable, we will propose generic standards (low-cost, good housekeeping-type standards for the control of fugitive emissions) for control of fugitive emissions from industrial sources. We will submit these standards concurrently with the listing to expedite reductions in emissions which can be achieved through good housekeeping practices in the manufacturing, handling, or use of hazardous materials. We will use risk assessments to determine priorities for further regulation of significant source catagories and in the evaluation of residual risk (the risk remaining after the application of best available technology).

At a minimum, the policy requires new and existing sources which present or would present significant cancer risks to apply best available technology (BAT) to control emissions of listed airborne carcinogens. BAT for new sources represents the most advanced level of control adequately demonstrated, considering economic, energy, and environmental effects. For existing sources, the determination of BAT also considers the impacts and technological problems associated with the retrofitting of control equipment. Controls more stringent than BAT may be imposed if the risk remaining after the application of BAT is unreasonable, or, for new sources, if EPA's criteria for risk avoidance associated with plant siting cannot be met.

Our proposed policy contains no reporting requirements.

In most cases, emission standards we establish pursuant to our proposed policy will be in the form of performance standards, rather than specific design standards. Design, operating, or equipment standards will be used only when performance standards are not practical.

In addition, the new source-siting provisions of the policy allow a new source owner to use an emission offset mechanism to locate a new source of airborne carcinogens in an area where other such sources exist or where the owner has difficulty in meeting emission requirements for the new source.

Summary of Benefits

Sectors Affected: The general public, particulary people living and working in densely populated urban areas and areas with a high concentration of chemical manufacturing industries; EPA; State and local regulatory authorites.

Generic and emission standards that we develop for sources of airborne carcinogens under the proposed policy will reduce cancer risks for large segments of the U.S. population exposed to airborne carcinogens in the ambient air. The greatest benefits will be to individuals who live in the immediate vicinity of characteristic source types.

While low levels of potentially carcinogenic substances have been detected in many parts of the country, the areas of greatest concern are densely populated urban centers and areas with a high concentration of chemcial manufacturing industries. In the latter case, the proposal would benefit populations in the Gulf Coast (Louisiana and Texas), the Kanawha Valley (West Virginia), and Northern New Jersey.

The proposed policy will significantly improve EPA's regulatory effort in identifiying and controlling airborne carcinogens. Proposing generic standards for certain categories or sources concurrent with listing under § 112 will provide significant reduction in emissions pending development of final § 112 standards.

A mechanism for establishing regulatory priorities will ensure that we address the most important or tractable problems first. The policy also provides for increased public understanding of and participation in EPA's actions and allows EPA to give earlier notice of its findings and regulatory intent to State and local regulatory authorities and to industries.

Summary of Costs

Sectors Affected: Source types emitting carcinogenic substances into the atmosphere, including petroleum refining and establishments which mine or manufacture minerals, inorganic chemicals, radioactive substances and byproducts, and synthetic organic chemicals; and users of these products.

Our preliminary analyses have identified a number of source types which may emit carcinogenic substances into the atmosphere. Most of these types fall into one of the following six broad groups: (1) mining, smelting, refining, manufacture, and end-use of minerals and other inorganic chemicals; (2) combustion processes, coke ovens, incinerators, power plants, etc; (3) petroleum refining, distribution, and storage; (4) synthetic organic chemical industries and end-use applications and waste disposal; (5) mining, processing, use, and disposal of radioactive substances and radioactive by products; and (6) sources of noncarcinogenic emissions which are chemcially transformed into carcinogens in the atmosphere.

We intend the proposed rule only to guide the Agency in identifying and controlling airborne carcinogens. In its present form, we cannot assess its regulatory effects quantiatively. This policy will, however, provide a basis for impact assessments in subsequent regulatory actions that are taken in accord with its provisions.

Related Regulations and Actions

Internal: Other offices within EPA which are also in the process of developing carcinogen control programs include the Office of Pesticides and Toxic Substances, the Office of Water and Waste Management, and the office of Mobile Source Air Pollution Control. A program is also underway to develop an agencywide cancer policy.

External: Related external efforts include the development of a national cancer policy by the member agencies of the U.S. Regulatory Council; the recent report by the Risk Assessment Work Group of the Interagency Regulatory Liaison Group (IRLG) on the identification of carcinogens and the quantitative assessment of risks; a staff paper by the White House Office of Science and Technology Policy on the identification, characterization, and control of potential human carcinogens; and a report to the President by the Interagency Toxic Substances Strategy Committee.

Other regulatory agencies that are involved in this area include the Occupational Safety and Health Administration, which published a final policy for regulating occupational exposure to carcinogens on January 2, 1980 (45 FR 5002), the Food and Drug Administration, and the Consumer Product Safety Commission. Nongovernmental groups which have expressed interest in or made recommendations on the control of carcinogens include the Environmental Defense Fund, the American Industrial Health Council, and the Natural Resources Defense Council.

Active Government Collaboration

The Agency has presented testimony at the public hearings held after the Occupational Safety and Health Adminstration proposed its carcinogen policy. We have also provided information briefings for the Interagency Regulatory Liaison Group and members of the President's Council on Environmental Quality, the Council on Wage and Price Stability, Congressional staff, and interested State air pollution agencies. We have participated in the proposed policy regulating chemical carcinogens issued by the Regulatory Council on October 17, 1979 (44 FR 60038).

Available Documents

"Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer," NPRM, October 10, 1979, 44 FR 58642.

"National Emission Standards for Hazardous Air Pollutants—Generic Standards," ANPRM, October 10, 1979, 44 FR 58662.

"Summary of Responses and Proposals—Testimony and Written Submissions," EPA Public Hearings on Regulation of Carcinogenic Air Pollutants, Washington, DC, March 23, 1978.

Testimony presented at public hearings in Washington, DC, Boston, MA, and Houston, TX the week of March 10, 1980 as well as the written comments received.

Copies of written comments received during the public comment period.

These documents as well as others referenced in the proposed policy are available in public rulemaking docket number OAQPS 79-14. The docket is open for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at: Central Docket Section, Room 2903B, Waterside Mall, 401 M Street, S.W. Washington, DC 20460.

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EPA—OANR

Remedial Action Standards for Inactive Uranium Processing Sites (40 CFR Part 192*)

Legal Authority

Uranium Mill Tailings Radiation Control Act of 1978, § 206, 42 U.S.C. § 2022.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks these standards are important because the Federal and State governments cannot undertake the remedial actions Congress authorized until we have promulgated standards for them. People who live or work near tailings areas, primarily in the Rocky Mountain States and Pennsylvania, are very interested in all aspects of the remedial action program.

Statement of Problem

The soils and rocks which make up the earth's crust contain radioactive uranium and thorium isotopes (radionuclides). Almost all human activities that involve removing and processing materials from the earth's crust can result in the release of some of these radioactive materials into the atmosphere. These releases can become potentially hazardous when:

1. The activity involves handling materials that contain concentrations of these radionuclides significantly above

the average concentrations in soil;

2. These radionuclides are concentrated during processing to a level significantly above the average concentrations in soil; or

3. The radioactive material is redistributed from its place in nature into a pathway where humans can be exposed to it.

Uranium mining operations involve removing large quantities of ore containing uranium and its radioactive decay products in concentrations up to 1,000 times greater than are normally found in the natural terrestrial environment. After mining, the ores are shipped to uranium mills for separation of the uranium from the other materials in the ore. After the mill crushes and grinds the ore, the uranium is dissolved, precipitated, dried, and packaged as "yellow cake" (U_3O_8). The residues of the process, normally in the form of a wet sand (tailings), are discharged to a disposal area where the liquids are evaporated or partially recycled.

The tailings disposal area consists of a pond and a dry beach area. The size of each component depends on the amount of water that is recycled, the rate of evaporation, and the amount of raw ore being milled. In areas of high evaporation, large dry beach areas are exposed. Radioactive emissions from these areas result from wind erosion of the tailings and diffusion of radioactive radon gas out of the tailings. In addition, radioisotopes and other toxic substances may seep into ground water. The release of radon gas from piles of uranium mill tailings exposes people in the immediate vicinity of the tailings site to radioactivity and, to a lesser extent, exposes more distant populations. Windblown radioactive particulates from tailings sites and direct gamma radiation constitute secondary sources of radiation exposure. If the tailings are uncontrolled, EPA estimates that approximately 200 premature deaths per century could occur in the national population from radiation-induced lung cancer resulting from emissions from these sources. These effects would be divided approximately equally between people who live within 5 miles of the inactive tailings piles and those in the rest of the country. Health effects from potential contamination of ground water resources are not included in this estimate. The radioactive components in the tailings will remain hazardous for hundreds of thousand of years.

In addition to the hazards posed by tailings piles are those of tailings which have been removed from the piles. In source areas, tailings have been used in construction, often as fill under buildings. Radioactive gas from the tailings may then enter the buildings and raise indoor radioactivity well above normal levels.

Congress recognized that unless it acted, tailings from inactive processing sites might pose a continuing health hazard. Therefore, with the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA), Congress authorized a joint Federal and State program to perform remedial actions for inactive uranium processing sites according to standards EPA would set. Under the terms of UMTRCA, the Department of Energy (DOE) has designated 25 eligible inactive processing sites. Tailings piles at these sites contain more than 26 million tons of residual radioactive materials on more than 1,030 acres of land. In addition, DOE is working to designate additional lands and buildings which are affected by tailings from these sites. However, UMTRCA also provides that no remedial actions may be undertaken until EPA has promulgated standards.

Alternatives Under Consideration

EPA's standards for uranium mill tailings will be standards of general application. They are standards which define environmental radiation conditions which must not be exceeded, but they do not specify the means of remedying existing excesses. UMTRCA requires DOE to conduct the remedial action program. We are developing the standards based on currently available knowledge of the potential harmful effects of uranium mill tailings and the technology and costs of avoiding them. With regard to the form and content of the standards, we are considering the following alternatives:

(A) Disposal Standards—EPA is considering an entire range of options from no control to virtually complete control of releases of radioactivity and of non-radioactive toxic substances from tailings. We find that means of providing long-term control of radon releases are available. We are examining the health benefits and costs of controlling these releases to alternative levels which are (a) significantly above the radon release rates characteristic of undisturbed land areas, (b) within the normal range of release from undisturbed lands, or (c) significantly below average rates from such lands.

We currently favor alternative (b) because it avoids nearly all the harmful effects of radon releases and appears to be technically and economically feasible to achieve. Alternative (c) is neither needed nor is it clear that it is reasonably achievable.

We are also considering whether we should prohibit releases of radioactive and non-radioactive toxic substances from tailings to water, or limit releases to levels which preserve water quality for potential uses, including drinking and agriculture. Although information is very limited, we currently believe that a standard prohibiting any releases may be very difficult to implement, and is not clearly needed. We prefer standards for uranium mill tailings disposal that prohibit degrading the existing quality of underground and surface water bodies.

The health protection the disposal system ultimately affords depends on the control levels and the time over which they are maintained. We are examining the technical and economic reasonability of requiring effective control for (a) several hundred years, (b) hundreds to thousands of years, and (c) longer than tens of thousands of years. We currently believe it reasonable to apply the disposal standards for at least 1,000 years. Applying them for very much longer periods would be impractical for general application.

(B) Cleanup Standards for Contaminated Open Land—We are considering alternative standards for cleanup of contaminated open land as follows:

(a) Standards that would reduce residual radiation levels to local natural background levels.

(b) Standards that would limit the residual radioactivity to levels that may be above local background, but are still within a common natural range of values.

(c) Standards that limit residual radiation to levels significantly above normal background.

Alternative (a) would be unreasonable because the measurements required to distinguish small elevations above background radioactivity would be unproductively expensive. We believe alternative (b) is technically and economically reasonable, and the residual risk will be very small in practice. Therefore, we feel alternative (c) is not warranted.

(C) Cleanup Standards for Buildings—Tailings have sometimes been used as construction materials for buildings. This can cause elevated indoor radioactivity and increased risk of lung cancer for occupants who breathe radioactive particles in the air. In developing remedial action standards

for this condition, we are considering earlier recommendations by the U.S. Surgeon General for a similar situation at Grand Junction, Colorado, and guidance provided by EPA to the State of Florida regarding indoor radioactivity. We are also considering alternative standards which take account of this earlier guidance, and which reflect current assessments of the health effects of the indoor radioactivity. The standards will take the form of "action levels," i.e., specifications that, if exceeded, will require remedial action.

We could set action levels in terms of the total indoor radioactivity concentrations, or as an increment above average natural background levels. We prefer to express the indoor radon decay product action level in terms of total radon decay concentration, because background levels cannot be determined separately in practice. Indoor gamma radiation levels are much more easily determined, however, so we prefer to express the gamma radiation standard as a increment above background. In all cases, the standards will apply to radiation that may reasonably be attributed to tailings, not to other causes.

Summary of Benefits

Sectors Affected: People living or working near inactive uranium mill tailings sites designated by DOE for remedial actions under UMTRCA which are located in Arizona, Colorado, Idaho, New Mexico, North Dakota, Oregon, Texas, Pennsylvania, Utah, and Wyoming; individuals who live or work in contaminated buildings; and the general public.

The disposal standards will avoid virtually all detrimental effects of uranium mill tailings for as long as the standards apply. Based on current population distributions, we estimate about 200 lung cancer deaths per century due to radon emissions from tailings piles will be avoided. The number may be larger if populations increase, or if population centers develop near piles that are now remote from people. Furthermore, surface and ground water will be protected from degradation by the tailings. Individuals who live or work in contaminated buildings will benefit from application of the cleanup standards. Finally, applying the cleanup standards for open land will result in conditions that do not require further control. This could make several thousand acres of land available for use, and avoid a potential future administrative burden.

Local economies could benefit from decreased unemployment and increased business activity associated with performing the remedial actions to comply with the standards. The remedial actions would also virtually eliminate the inequitable distribution of risk associated with the tailings, which is now greater for people who live or work near the piles or in contaminated buildings than for the general population. After disposal, the radiation risk for such people will be within the normal range of natural background values.

Summary of Costs

Sectors Affected: Federal Government; affected States; and people living near inactive uranium mill tailings sites designated by DOE for remedial action.

The Federal Government will bear 90 percent of the costs of the remedial action program and the 10 affected States will bear 10 percent. The Federal Government will bear all the costs of remedial actions on Indian lands.

The costs of meeting the disposal standards of all the tailings piles eligible under UMTRCA are difficult to estimate, primarily because methods should be chosen on a site-specific basis. We estimate the average one-time cost of meeting the standards we currently propose to be about $1 million to $6 million (1978 dollars) per site if the existing site is suitable, and $6 million to $13 million (1978 dollars) per site otherwise. Total disposal costs for all sites, spread over the 7 years Congress authorized for the remedial action program, would therefore be about $21 million to $273 million. More restrictive standards, which would limit radon releases from tailings to well below release rates from normal soils, could require much costlier methods of disposal.

A DOE contractor (Ford Bacon and Davis, Utah Inc.), using interim cleanup criteria, previously estimated that cleanup costs for open lands and buildings would be about $10 million (1978 dollars). Even allowing for increased costs under the cleanup standards we now prefer, which are very difficult to estimate, tailings disposal is still by far the largest cost component of the remedial action program.

During the performance of the remedical actions, localities will be subjected to increased traffic, dust, and other side-effects of earth-moving and construction operations. Disposal operations may require large quantities of clay and soil for covering the tailings. Contaminated open land will be subjected to scraping and digging by the cleanup operations. The environmental effects of these land disturbances will vary with the site.

Related Regulations and Actions

Internal: Radiation protection guidance for remedial actions on residences on Florida phosphate lands (44 FR 38664).

Draft proposed standard for high-level radioactive waste (in development).

Proposed standards for treatment, storage, and disposal of hazardous wastes under the Resource Conservation and Recovery Act (40 CFR Parts 260–265).

Draft Clean Air Act Standards for radioactive materials (in development).

Proposed Environmental Protection Criteria for Radioactive Wastes, and applicable Federal Radiation Protection Guidance.

Clean Water Act regulations (40 CFR Subchapter D, Part 100 *et seq.*).

National Interim Primary Drinking Water standards (41 FR 133, 40 CFR Part 142).

EPA Air Carcinogen Policy (NPRM—44 FR 58642).

Resource Conservation and Recovery Act (42 U.S.C. §§ 6905, 6912(a), 6921–27, 6930, and 6974).

External: Under UMTRCA, the responsibility for selecting and performing remedial actions that satisfy EPA's standards is given to the Department of Energy. Any States that share the cost must fully participate, and the Nuclear Regulatory Commission must concur. Any affected Indian tribe and the Department of Interior must be consulted when Indian lands are involved. In addition, the Department of Justice has responsibilities related to determining the responsibility, if any, of any private parties for remedial actions.

Active Government Collaboration

The President's Energy Coordinating Committee has formed a subcommittee to oversee Federal implementation of UMTRCA. The subcommittee is chaired by the Administrator of the Environmental Protection Agency. Other participating agencies are the Nuclear Regulatory Commission and the Departments of Energy, Justice, and Interior. These agencies, which all have responsibilities under UMTRCA, have formed a staff level working group which plans necessary interagency coordination and reviews draft

documents as appropriate.

Available Documents

From the Congress—House Document Room, H—226 Capitol, Washington, DC 20515. P.L. 95-604,Uranium Mill Tailings Radiation Control Act (UMTRCA); House Report No. 95-2480, Pt. I, Committee on Interior and Insular Affairs; House Report No. 95-1480, Pt. II, Committee on Interstate and Foreign Commerce.

From DOE—Technical Library, Bendix Field Engineering Corp., P.O. Box 1569, Grand Junction, Colorado, 81502—"Phase II, Title I, Engineering Assessment of Inactive Uranium Mill Tailings Sites" by Ford, Bacon and Davis, Utah Inc. (Microfiche copy only, nominal charge per report).

From EPA/ORP-OANR—"EPA Development of Standards for Uranium Mill Tailings and Uranium Report on Mining Wastes—Call for Information and Data," **Federal Register** notice, 44 FR 33433, June 11, 1979.

"EPA Indoor Radiation Exposure Due to Radium-226 in Florida Phosphate Lands—Radiation Protection Recommendations and Request for Comment," **Federal Register** notice, 44 FR 38664-38670, July 2, 1979.

"Interim Cleanup Standards for Inactive Uranium Processing Sites," **Federal Register** notice, 45 FR 2736b-27368, April 22, 1980.

"Proposed Cleanup Standards for Inactive Uranium Processing Sites," **Federal Register** notice, 45 FR 27370-27375, April 22, 1980.

EPA documents listed above are available at 401 M Street, S. W., Washington, DC 20460.

Additional documents, when they become available, will be placed in Docket No. A-79-25, which is located in the EPA, Central Docket Section, Room 2902, 401 M Street, S.W., Washington, DC 20460.

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EPA-OANR—Office of Mobile Source Air Pollution Control

Fuels and Fuel Additives (40 CFR Part 79*)

Legal Authority

The Clean Air Act, as amended, § 211, 42 U.S.C. § 7545.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks that this rule is important because it may have a marked effect on the way private industry develops and markets fuels and fuel additives, and because of its potentially beneficial public health effects. While this rule may not have an annual impact of $100 million or more, the potential growth in the use of synthetic fuels and fuel additives in the future, as the Nation attempts to lessen its dependence on foreign oil, makes it a rulemaking worthy of attention.

Statement of Problem

In 1977, Congress amended the Clean Air Act, adding § 211(e), which requires EPA to develop regulations to test the environmental and health effects of fuels and fuel additives. Section 211(e)(2) of the Act itself establishes deadlines by which the manufacturer must provide the requisite information to the EPA Administrator. Section 211(e)(3) authorizes the Administrator to: (1) exempt small businesses from the regulations, (2) provide for sharing of testing costs among manufacturers who desire to register identical compounds, and (3) exempt businesses from duplicative testing requirements.

The present registration regulation requires that manufacturers submit certain information on the chemical composition and the toxicity of fuels and fuel additives to the extent this information is known by the manufacturer as the result of testing conducted for reasons other than fuel registration (40 CFR 79.31(c)).

The proposed action may require the manufacturer to perform certain physical, chemical, and biological testing fuels and fuel additives before registration.

On August 29, 1978 EPA published an ANPRM in the **Federal Register** (43 FR 38607) requesting comments on the types of health effects and emissions test methods to be used, small business criteria, and cost sharing provisions. In response to this request, the Agency received over 22 submittals of comments from the interested public. These regulations will consider all comments received from the interested individuals and organizations.

Alternatives Under Consideration

Our preferred alternative is to require health effects and emissions testing by manufacturers on a tier basis. This approach would require manufacturers to report the chemical composition of all candidate fuels and fuel additives. If, based on chemical composition, EPA can make a determination that the environmental and health impacts are insignificant, further testing may not be required. However, if the initial and subsequent data present a cause for concern, further testing will be required until the concern is alleviated.

The second alternative would require full testing by manufacturers for all fuels and fuels additives with no exemptions. Approximately 2,000 fuels and fuel additives could require full environmental and health testing by their current manufacturers. This alternative would be unnecessarily costly, as many fuels and fuel additives whose environmental impact we can predict to be small or negligible will have to be tested.

The third alternative would be to require manufacturers to submit test data demonstrating the effect of their fuel or fuel additive on regulated pollutants only (oxides of nitrogen, carbon dioxide, hydrocarbons) before registration, but not to require health or environmental testing. This is the present system as required by 40 CFR Part 79, but which the Congress required be improved via these regulations.

Summary of Benefits

Sectors Affected: The general public, particularly those living in urban areas where the concentration of vehicles is greatest; and those people who live near or work in plants which produce fuels or fuel additives.

The benefit we expect from this regulation is the protection of public health. Those fuels and fuel additives and the products of their combustion, which may be harmful to public health, will be identified and eliminated from the marketplace, where appropriate.

We cannot estimate the economic benefits, in terms of reduction in respiratory and other diseases, at this time. However, because of the current cost of medical services and because of the generally accepted view that prevention is preferable to treatment of diseases, the expected economic and social benefits, although they are not quantifiable at this time, should be significant.

Summary of Costs

Sectors Affected: Petroleum refining; and users of motor vehicles or their services.

There are over 2,000 fuels and fuel additives currently registered under § 211 of the Clean Air Act. We roughly estimate that approximately 200 of these

will require some degree of testing by the manufacturers. The cost to the industry of implementing these tests could total as high as $90 million to $120 million (1979 dollars). These costs will be incurred over the first 3 years of regulation, because by law, all fuels and fuel additives must meet the testing requirements within 3 years of the date of promulgation of this regulation. Small businesses would be exempt from the most costly tests. Users of motor vehicles will share these costs to the extent they are passed on by the petroleum refiners.

Related Regulations and Actions

Internal: Fuels and Fuel Additives Registration, 40 CFR Part 79.

Proposed Guidelines for Registration of Pesticides, 40 CFR Parts 161, 162, and 163.

Toxic Substances Control Act, § 4, Carcinogen Protocols and Chronic Toxicity Protocols, 40 CFR Part 772.

Ambient Air Quality Standards, 40 CFR Part 50.

External: None.

Active Government Collaboration

Health-testing protocols will be submitted to the Interagency Regulatory Liaison Group (IRLG) for screening before the regulation is promulgated.

Available Documents

Testing for Health Effects on Fuels and Fuel Additives, Gause, et al., Environmental Monitoring Systems Laboratory, Research Triangle Park, NC 27711.

Test Plan to Study the Effect of MMT on Emissions Control Performance (unpublished draft); Protocol to Characterize Gaseous Emissions as a Function of Fuel and Additive Composition, EPA–600/2–750048, September 1975.

ANPRM—43 FR 38607, August 29, 1978, EPA Docket ORD–78–1.

All documents available for review at the EPA, Central Docket Section, Waterside Mall, Room 2903B, 401 M Street, S.W., Washington, DC 20460. The documents are available for personal inspection Monday through Friday between 8:00 a.m. and 5:00 p.m., or copies can be obtained by personal or written request. A reasonable fee may be charged for copying.

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EPA—Office of Pesticides and Toxic Substances

Chemical Hazard Warning Labels (40 CFR Parts 780 and 781)

Legal Authority

Toxic Substances Control Act, 15 U.S.C. §§ 2605 (a)(3) and (c)(1); 15 U.S.C. §§ 2607(a)(1) (A) and (B), 15 U.S.C. § 2625(c).

Reason for Including This Entry

These regulations may have a significant impact on at least some segments of the chemical industry and may cause the industry initial costs of $100 million or more.

Statement of Problem

Workers are exposed in their jobs to a large number of chemical substances and mixtures, many of which present health or safety hazards. U.S. companies produce or import approximately 55,000 substances for commercial purposes. This number only accounts for *substances;* far more of the chemical products manufactured or imported for commercial purposes are *mixtures* composed of combinations of these substances. Existing data indicate that as many as 25 percent of these substances present health and/or safety hazards. Exactly how many of the estimated 300,000 chemical products—counting both substances and mixtures—are hazardous is not known.

Manufacturing industries employ approximately 20.5 million people; the chemical industry alone employs approximately 1.1 million, including professionals (such as chemists and chemical engineers) and a variety of production, maintenance and repair, and janitorial workers.

During production there are many opportunities for workers to be exposed to hazardous chemicals. Exposure may occur as workers maintain and repair industrial systems; as they handle raw materials, intermediates, and finished products; or as a result of breakdowns, leaks, and spills. Workers also may be exposed continously to fumes and vapors from hazardous chemicals.

In 1977 the National Institute for Occupational Safety and Health published the National Occupational Hazard Survey. The results indicated that approximately 7.5 million workers were exposed to trade-name products containing at least one of approximately 400 substances that the Occupational Safety and Health Administration (OSHA) then regulated. Workers who were exposed experienced, on the average, exposures to seven hazards simultaneously (the survey recorded exposures to different substances or exposure to the same substance through different routes (e.g. inhalation and skin contact) as distinct exposures).

The Bureau of Labor Statistics (BLS) reported approximately 168,000 new cases of occupational illness in 1976, and 162,000 in 1977. But under-reporting of occupational illness is a major problem, in part because the chemical causes of many acute and chronic occupational illnesses remain unrecognized. These BLS data indicate that 91,900, or 54.7 percent, of occupational illnesses in 1976 and 93,800, or 57.9 percent, of occupational illnesses in 1977, other than malignant or benign tumors, were caused directly by exposure to chemicals.

To deal with this problem, EPA is planning to promulgate a rule that will require manufacturers and importers of chemical substances and mixtures which present acute health or safety hazards to label containers of these chemicals with warning statements and precautions for use. The Agency will simultaneously promulgate a rule that will require similar labeling for containers of carcinogenic substances and mixtures.

Some chemical manufacturers and importers already place hazard warning labels on containers of their products. EPA has reviewed a sample of labels that industry currently uses voluntarily and has found that many provide clear and comprehensive hazard information. In some cases, indeed, labels provide extensive information. However, many companies use labels that are internally inconsistent, inaccurate, or provide less information than EPA believes is necessary. These rules will make mandatory an activity that is now voluntary, and, in doing so, will ensure that all workers who are exposed to chemical hazards have access to information about these hazards and about the precautions they can take against them.

Alternatives Under Consideration

The Agency has decided to require container labeling because it provides an immediate source of hazard information at the site of exposure to chemicals in the workplace, at a relatively low cost. This approach has the same focus as current industry practice, and workers are familiar with systems of labeling on which the proposed rules are based. Alternatives

that did not involve labeling (such as requiring training programs) have been rejected because they would not provide hazard information relating to specific chemicals at the time and place of potential worker exposure.

The principal alternatives to this rule that the Agency is considering are (A) taking no regulatory action and (B) limiting the scope of the labeling rules in some way.

Alternative A, taking no regulatory action at this time, theoretically could produce the same benefits as the proposed rule, assuming that the industry continued with existing voluntary labeling programs and that these programs were successful. However, to the extent that the benefits of voluntary labeling were equal to the benefits of the proposed rule, the costs would also be equal. EPA has rejected this alternative, because it believes that current voluntary labeling is insufficient, particularly when it comes to warning for cancer hazards. There is no appropriate body to police the industry's labeling practices, and there are insufficient incentives for industry to improve labeling practices in the absence of regulatory action.

Alternatives for the rules' scope of applicability are to have them apply to (a) all hazardous chemicals distributed in commerce, (b) chemical substances but not mixtures, (c) large volume chemicals only.

Alternative (a), applying the rules to all hazardous chemicals distributed in commerce, is the Agency's choice. Alternative (b) has the advantage that it could reduce the costs that manufacturers and importers would incur in determining whether their products were hazardous. It would eliminate the difficulties of determining the hazards of mixtures, and it would apply to a much smaller set of chemicals. Current voluntary industry standards already cover far more chemical products than would be covered by rules with such a narrowed scope; this approach would represent a backward step in hazard warning labeling. To restrict the scope in this way would significantly reduce the benefits of the rules. It would also cause confusion among workers, because a hazardous substance would be labeled, while a mixture with the same hazards would not. This kind of inconsistency would lead workers to wonder whether any hazard warning label was meaningful. For these reasons, the Agency believes that to narrow the scope of the rules in this way would result in virtually meaningless rules.

Alternative (c) is to have the rules apply only to large volume chemicals. This alternative theoretically could reduce the costs of the rules. But there presently is no recognized definition of a "large volume" chemical. Because different companies often produce the same substances or mixtures under different trade names, EPA would need to require extensive confidential formulation information, recordkeeping, and reporting in order to identify "large volume" products. The cost of developing an accurate and specific list of "large volume" chemicals would be so high that this alternative would be unlikely to produce significant cost savings.

The same alternatives apply to the rule on cancer hazard warning. In addition, there is an alternative to the approach the Agency has taken to cancer hazard warning in the proposed rule. EPA intends to promulgate along with the rule a list of substances that the Administrator has designated as carcinogens. Manufacturers would have to label as carcinogens these substances and any mixtures containing them.

Alternatively, EPA could publish a set of criteria by which manufacturers and importers would determine whether their products were carcinogenic. There are, however, no criteria that would make it easy for a manufacturer or importer routinely to evaluate products for carcinogenicity. In the interests of reducing controversy and preventing duplications of effort that could result in large expenditures of resources, EPA has chosen to promulgate a list of designated carcinogens instead of a set of criteria.

The proposed rules as they are presently written provide substantial flexibility, so that companies which are essentially in compliance now need not redesign their labels. Compliance will be on a phased schedule, so that the industry may take advantage of information it develops for substances in developing information for mixtures. Since mixtures are composed of combinations of substances, the rules will require manufacturers and importers of substances to comply earlier than manufacturers and importers of mixtures. The rules will require no recordkeeping or reporting.

These rules require the disclosure of information, and in this respect employ an innovative regulatory technique. When information about the hazards of chemicals in the workplace is widely available to workers and to occupational health specialists, they may modify their behavior accordingly and thus eliminate the necessity, in some cases, for more restrictive forms of regulatory action.

Summary of Benefits

Sectors Affected: Workers and establishments in all industries which produce, use, or otherwise place workers in contact with hazardous chemicals, particularly manufacturing industries.

The primary benefit of these labeling regulations will be to provide information to industrial workers, through labels supplied by the manufacturers and importers of hazardous chemicals, about the hazards to which their work exposes them. The Agency expects that workers will use this information to protect themselves from injury and illness that may result from exposure to hazardous chemicals. The knowledge so gained should result in reduced exposure to chemical hazards and reduced occurrences of occupational injury and illness that result from such exposure. A Regulatory Analysis is in progress. Even when it is complete, however, the benefits of these rules will not be altogether quantifiable.

The indirect benefits of the labeling regulations may be great. Once workers have adequate hazard information, they can work with management to control or eliminate most hazardous exposures. Companies that use chemicals may stop using the most hazardous, thereby creating incentives for the development of safer substitutes and/or better exposure controls for specific uses.

Summary of Costs

Sectors Affected: The chemical industry, particularly small firms.

Chemical companies will incur initial costs for developing information and designing labels. Ongoing costs will include the costs of producing the necessary number of labels for a given year's production and of developing new labels when new information reveals that a product has a hazard that was previously unrecognized. The Agency's preliminary estimate is that initial costs will range from $50 million to $150 million and ongoing costs from $6 million to $16 million. To some extent, the impact will be greater on small companies than large ones, primarily because small firms' expertise in locating and evaluating hazard information is limited. To assist such firms, the Agency will provide guidance on information sources. A Regulatory Analysis is being prepared.

Related Regulations and Actions

Internal: None.

External: The Occupational Safety and Health Administration (OSHA) of

the Department of Labor will be proposing a rule requiring that labels on containers of hazardous chemicals in the workplace disclose the chemical identity of the contents.

Active Government Collaboration

EPA and the Occupational Safety and Health Administration have been coordinating the development of their respective labeling rules and plan to propose them in the **Federal Register** simultaneously.

Available Documents

None Yet.

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EPA—OPTS

Chloromethane and Chlorinated Benzene Proposed Test Rule; Amendment to Proposed Health Effects Standards (40 CFR Part 773)

Legal Authority

Toxic Substances Control Act, §§ 4 and 26, 15 U.S.C. §§ 2603 and 2625.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks this rule is important because we need data to assess the risk of injury to human health caused by exposure to the chemicals chloromethane and chlorinated benzenes. This rule is also significant because it is the first rule the Agency has proposed under § 4 of the Toxic Substances Control Act (TSCA) which will require manufacturers and processors of chemical substances to perform testing to assess the health effects of toxic substances.

Statement of Problem

Section 4 of TSCA gives the Environmental Protection Agency the authority to require that manufacturers and/or processors of chemicals test these chemicals for possible adverse effects on human health or the environment. To implement § 4, we are in the process of developing, proposing, and promulgating test standards and test rules. A test standard is a description of the scientific methodology and analysis to be used in testing for an effect. A test rule is a regulation requiring manufacturers and processors of specific chemicals to test these substances for certain effects according to appropriate test standards. The Agency established a reasonable timetable in which industry must complete the development of the test data.

Section 4(e) of TSCA established an Interagency Testing Committee (ITC) to make recommendations to the EPA Administrator, in the form of a list, regarding chemical substances that should receive priority consideration in the Agency's development of test rules. For the most part, chemicals to be included in test rules come from the semiannual recommendations made by the ITC. The Committee's eight members represent the Council on Environmental Quality, the Department of Commerce, the Environmental Protection Agency, the National Science Foundation, the National Institute of Environmental Health Sciences, the National Institute for Occupational Safety and Health, the National Cancer Institute, and the Occupational Safety and Health Administration (OSHA).

The ITC in its Initial Report (42 FR 55026, October 12, 1977), recommended that chloromethane be tested for carcinogencity, mutagenicity, teratogenicity, and other chronic effects and emphasized its concern about chloromethane's effects on the central nervous system, liver, kidney, bone marrow, and the cardiovascular system.

We have completed our analysis of data on the health effects of and levels of exposure to chloromethane. Approximately 300 to 500 million pounds of choromethane are manufactured annually in the United States.

Almost all chloromethane is used as a chemical intermediate in the manufacture of materials such as silicones and tetramethyl lead. Because of chloromethane's almost exclusive use in chemical and allied product manufacture and processing, the greatest potential for human exposure during its life cycle occurs for workers engaged in the manufacture, processing, and use of the chemical.

Our analysis of studies showing gene mutations in bacteria, chromosomal changes in plant cells, neurotoxicity, birth defects, embryo and fetal toxicity in test animals, and other data indicate that exposure to chloromethane may cause cancer and structural birth defects in humans. Hence, we believe that the level of human exposure to chloromethane during manufacturing, processing, and use may pose an unreasonable risk to human health. Because of these findings and the estimated levels of human exposure, we are proposing requirements for industry to test for the health effects of chloromethane in our first test rule.

Monochlorobenzene and dichlorobenzene were also contained in the ITC's initial report. The ITC recommended the development of rules that would require industry to test these chlorinated benzenes for potential to cause cancer, gene mutation and chromosomal aberration, structural birth defects, other chronic effects, and environmental effects and also recommended requiring an epidemiological study. The ITC's third report (43 FR 50830, October 30, 1978) added the higher chlorinated benzenes, (tri-, tetra-, and penta-) to the priority list and recommended testing requirements for the same effects.

Our investigation of the chlorinated benzenes indicates that the annual domestic production volume ranged from over one million pounds of pentachlorobenzene to 325 million pounds of monochlorobenzene. Exposure to the liquid chlorobenzenes is due to their use as a functional fluid in transformers, process solvents, solvents in formulated products, and synthetic intermediates, while exposure to the solid forms results from their use as synthetic intermediates and pesticides. Workers are exposed to chlorinated benzenes during manufacture, processing, and use; consumers are exposed to certain chlorobenzenes in the use of formulated products such as toilet bowl cleaners, drain cleaners, space deodorants, and moth conrol agents; and the general population may be exposed from environmental concentrations resulting from manufacture, processing, use, and disposal of the substances.

Our analysis shows that exposure to the chlorinated benzenes may present an unreasonable risk of cancer, structural birth defects, and reproductive and subchronic/chronic effects (effects from longer term exposure periods of 90 days to 2 years). These conclusions are based on (1) their chemical structural similarity to known carcinogens and teratogens; (2) the tumor-promoting activities of chlorinated benzene metabolities (chemicals to which chlorinated benzenes may be converted by processes in the human body); (3) studies showing, among other things, mutagenic effects, birth defects, embryo- and feto-toxic (toxic to the fetus) responses, and reproductive effects in amimals; and (4) reports of adverse effects on human livers and blood production. Because of these findings

and the potential for human exposure, we are proposing health effects testing requirements for the chlorobenzenes in the first test rule.

EPA is also assessing other ITC chemicals as candidates for future § 4 test rules. Nitrobenzene, 1,1,1-trichloroethane, and dichloromethane are actively being assessed at the present time. EPA anticipates proposing two test rules in 1981.

Alternatives Under Consideration

The alternatives available to us are quite limited. Under TSCA, if EPA finds that (1) a chemical may present an unreasonable risk of injury to human health or the environment or a chemical may enter the environment in substantial quantities or result in significant human exposure, and (2) there are insufficient data or experience to characterize its effects on health or the environment, and (3) testing is necessary to develop such data, we must require industry to conduct testing and there is no alternative to issuing a test rule. However, we will encourage industry to begin testing of a chemical before a test rule is proposed. If such testing is satisfactory, it could obviate the need for a test rule.

Another alternative is to conduct testing in governmental facilities or under contract to the Government. We will take this approach where it would be inappropriate or infeasible to require testing by the chemical industry, but heavy reliance on this approach would be in direct conflict with TSCA, which states that the development of data on health and environmental effects "should be the responsibility of those who manufacture and those who process chemical substances and mixtures."

EPA considered a proposal to require alternative health effects tests to those chemicals selected, but rejected these alternatives for a number of reasons. Some alternative types of testing which were not selected were excluded because under the § 4(a)(1)(A)(i) finding, EPA must be able to show that the chemical may have the propensity to cause an effect before testing that effect can be required. Other testing was rejected because the choice of tests must reflect the § 4(a)(1)(A)(ii) finding that existing data are insufficient to determine the effects of the chemical. For example, in the instance of two of the chlorinated benzenes, because oncogenicity (cancer) testing is already under way through the National Cancer Institute, EPA is not proposing additional oncogenicity testing for these two chemicals at this time. A third reason for not selecting an alternative type of testing is that elements of the test methodology were not available, or their development would have caused a delay in the proposal of the rule.

EPA selected the chlorinated benzenes and chloromethane for this test rule rather than alternative chemicals on the ITC Priority List. The selection of chemicals for this test rule was based on the following strategy. Because the ITC has designated all chemicals on the Priority List as having equal priority, EPA has, in general, attempted to evaluate the ITC chemicals in the order that they were presented to the Agency. This order is also influenced by the availability of information and difficulty of assessment. In addition, as is the case with the two chlorinated benzenes groups, the Agency may evaluate together several recommendations proposed by the ITC at different times.

EPA also considered an alternative approach to the reporting deadlines. This approach would have established dates only for the beginning of the testing period rather than dates for reporting during and at the end of the testing period. This alternative was rejected because § 4(b)(1)(C) of TSCA requires EPA to specify the time period within which persons subject to a test rule must submit test data. In addition, EPA believes that it is not necessary to consider size or production capacity of the manufacturers or processors subject to the rule when establishing reporting deadlines because this is not specifically required in the Act, because it is difficult to predict exactly who will bear the testing responsibility, and because EPA expects manufacturers and processors to coordinate their testing efforts.

Summary of Benefits

Sectors Affected: Workers in establishments manufacturing chloromethane, chlorinated benzenes, and products produced with these chemicals, and workers otherwise exposed to these chemicals; consumers of formulated products containing chlorinated benzenes, such as toilet bowl cleaners, drain cleaners, space deodorants, and moth control agents; the general public; EPA; OSHA; and State and local governments.

The data generated from the testing required by this rule would permit EPA to assess the risk to human health of manufacturing, processing, and use of chloromethane and the manufacturing, processing, use, and disposal of the chlorinated benzenes. If the Agency finds this risk to be unreasonable, it may take action to reduce human exposure under one of its authorities or recommend regulation by another agency, such as OSHA.

The testing required by this rule could potentially benefit individuals who may be exposed to these chemicals. This would include potentially 50,000 workers who may be exposed to chloromethane and potentially 3 to 4 million workers who may be exposed to the chlorinated benzenes. In addition, consumers exposed to products containing the chlorinated benzenes and the general population exposed to any of these chemicals via dissemination throughout the environment may also derive benefits from the test rule on these chemicals. The benefits from future regulations which are based on data obtained through the test rule would include reduced illnesses among workers, consumers, or the general population; this would potentially result in reductions of absenteeism at work, higher productivity levels, and savings of health costs.

The data generated by this test rule will also result in benefits to Federal agencies such as EPA and OSHA and State and local governments. These data will serve to alert government agencies to potential risk from these chemicals and will also obviate the need for these agencies to expend resources to search for data on these chemicals when assessing their risks.

Summary of Costs

Sectors Affected: Manufacturing of chlorinated benzenes, including some manufacturers and processors of industrial solvents, dyes, organic intermediates, pesticides, and solvent-carrying chemicals; and manufacturing of chloromethane, including manufacturers and processors of some silicone products, chlorinated hydrocarbons, butyl rubber products, herbicides, and lubricating greases and oils; and consumers of products produced with these chemicals.

EPA esimates the annualized costs of complying with these rules to be $144,000 to $267,000 (1979 dollars) for manufacturers and processors of chloromethane and $371,000 to $1,016,000 for manufacturers and processors of the chlorinated benzenes. These costs might conceivably be passed on to processors of these chemicals who have not contributed money towards the cost of testing through reimbursement procedures (i.e., manufacturers using these chemicals in their manufacturing processes), or to consumers of products produced with

these chemicals.

Related Regulations and Actions

Internal: We proposed health effects test standards for various effects on May 9, 1979 (44 FR 27334) and July 26, 1979 (44 FR 44054) and standards for Good Laboratory Practices for Health Effects on May 9, 1979 (44 FR 27362).

EPA will publish final health effects standards in early 1981. EPA also plans to propose standards for various ecological toxicology tests in early 1981 and standards for environmental fate (tests which determine the transport and persistence of a chemical in the environment) in late 1980.

We also published a proposed rule under TSCA § 8(d) that would require persons to submit all unpublished health and safety studies concerning all chemicals recommended for testing by the Interagency Testing Committee (44 FR 77470, December 31, 1979).

Simultaneously with our publication of this first rule, we (1) published a Proposed Statement of Exemption Policy and Procedure relating to the granting of exemptions from § 4 testing, and (2) announced our tentative decision not to require health effects testing for acrylamide, a compound suspected of entering surface water and ground water through its use as a chemical grout, a wastewater treatment chemical, and other industrial applications. The conclusion is based on animal studies that demonstrate the consistent induction of nervous system disorders at very low exposure levels, and we believe that any further information gained through testing would not affect regulatory actions designed to reduce human exposure to acrylamide. Acrylamide was included in the ITC's second list of chemicals (43 FR 16684, April 19, 1978) to be considered by EPA for test rule development.

External: Under the aegis of the Interagency Regulatory Liaison Group, the EPA, the Food and Drug Administration, the Occupational Safety and Health Administration, and the Consumer Product Safety Commission are jointly developing guidelines describing test methods that will meet all four agencies' needs.

Active Government Collaboration

Other Federal agencies that have been or will be consulted include the Food and Drug Administration, Consumer Product Safety Commission, Occupational Safety and Health Administration, National Cancer Institute, and National Institute of Environmental Health Sciences.

Available Documents

Chloromethane and Chlorinated Benzenes Proposed Test Rule, Proposed Health Effects Standards Amended, 45 FR 48524, July 18, 1980.

Acrylamide: Response to the Interagency Testing Committee, 45 FR 48510, July 18, 1980.

Exemptions from Test Rules: Proposed Statement of Policy and Procedures, 45 FR 48512, July 18, 1980.

Proposed Health Effects Test Standards for Toxic Substances Control Act Test Rules: Proposed Good Laboratory Practice Standards for Health Effects, 44 FR 44054, July 26, 1979.

Proposed Health Effects Test Standards for Toxic Substances Control Act Test Rules, 44 FR 27334, May 9, 1979.

The Interagency Testing Committee established under TSCA has issued six reports making recommendations on chemicals to be covered by TSCA testing rules:

First Report 42 FR 55026, October 12, 1977.
Second Report 43 FR 16884, April 19, 1978. OTS Docket 040004.
Third Report 43 FR 50630, October 30, 1978. OTS Docket 04005.
Fourth Report 44 FR 31886, June 1, 1979. OTS Docket 41001.
Fifth Report 44 FR 70664, December 7, 1979. OTS Docket 41001.
Sixth Report 45 FR 35897, May 28, 1980. OPTS Docket 41002A.

Public Comments received during the comment period, which ended October 31, 1980, are available for inspection in the OPTS Reading Room (Room 407 East Tower, 401 M Street, S.W., Washington, DC 20460) between the hours of 8:00 a.m. and 4:00 p.m. on working days (Docket number 80T-127).

Transcripts of public meetings held on October 15, October 21, October 24, October 30, and October 31, 1980, are also available for inspection in the OPTS Reading Room.

The following Proposed Support Documents are also available in the OPTS Reading Room: 1) Chloromethane Support Document, 2) Chlorinated Benzenes Support Document, 3) Exposure Support Document, and 4) Economic Analysis Support Document.

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EPA—OPTS

Pesticide Registration Guidelines (40 CFR Part 163, Subparts A-P)

Legal Authority

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. §§ 136a(c)(2)(A), 136f, and 136w.

Reason for Including This Entry

The Environmental Protection Agency (EPA) estimates that the cost to chemical companies and other registrants whose products are registered with EPA or who apply for registration of their products to meet the Guidelines' requirements will be approximately $1.4 billion over the next 10 years.

Statement of Problem

With certain limited exceptions, EPA must, in accordance with FIFRA, register all pesticides before legal sale and distribution by manufacturers and formulators can occur in the United States. The purpose for requiring registration of a pesticide is to permit EPA to determine if: (A) the composition of the pesticide is such as to warrant the proposed claims for it; (B) the labeling and other material required to be submitted comply with the requirements of the Act; (C) the pesticide will perform its intended function without unreasonable adverse effects on the environment; and (D) when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment.

Before the development of the Guidelines, registration actions and review were undertaken on a case-by-basis. Such a procedure obviously led to much confusion, many inefficiencies, and a great deal of inconsistency. With some 35,000 currently-registered pesticide products (several thousand registered each year), the need for an improved procedure was obvious to Congress when it required the Agency to develop Guidelines, at FIFRA § 3(c)(2)(A). Without these Guidelines, the following problems would inevitably result: registration applications would often be incomplete or inadequate; applications would spend unnecessary time and money because requirements were not delineated or clarified; and EPA would not be able to perform registration reviews efficiently. These are the problems that existed before the proposed Guidelines were first published.

The Guidelines specify the kinds of information required to support a

registration application. Such information encompasses data required for health and safety evaluation for humans, domestic animals, wildlife, aquatic organisms, and nontarget plants and insects. It also includes chemistry data concerning characteristics of pesticidal ingredients and the pesticide product, and dealing with residues and environmental fate of pesticides. In addition, information on registration procedures, labeling, product efficacy, exposure analysis, and product disposal are required. The Guidelines also specify the kinds of information of each type mentioned above that would be required for pesticides to be tested under an experimental use permit, and for pesticides categorized as biorational pesticides (pheromones, bacteria, viruses, etc.).

Prospective registrants (primarily pesticide manufacturers and formulators) are responsible for both testing and submittal of test results to the Agency to support their registration applications. In addition, FIFRA requires that currently registered pesticides be re-registered expeditiously. In many cases, the registrants of these pesticides will now have to submit health and safety data that meet FIFRA requirements, either because they had not previously submitted the data or because they had submitted inadequate data.

Alternatives Under Consideration

Section 3(c)(2)(A) of FIFRA requires that "The Administrator shall publish guidelines specifying the kinds of information required to support the registration of a pesticide and shall revise such guidelines from time to time." Therefore, we are not considering alternatives to publication of the Guidelines. The Agency is analyzing public comments on the portions already proposed (see "Available Documents") and is considering these comments to improve the nature and clarity of the proposed data and testing requirements.

Summary of Benefits

Sectors Affected: Pesticide and agricultural chemical manufacturing and formulating; chemical/biological testing laboratories; EPA; users of and those exposed to pesticides, especially farmers and farm laborers; and the general public.

The Guidelines will give prospective registrants the benefit of knowing precisely what kinds of data the Agency requires (though there are some provisions for waiving some requirements under some circumstances). Manufacturers and formulators therefore will be able to plan their research and development programs with greater certainty and thereby save money and time. (For example, if a product of moderately-wide potential use can be marketed 2 years sooner—which is likely, if the applicant can use the Guidelines properly—$4 million profit for those 2 years can be had.) The chemical/biological testing industry (comprising 90 to 100 businesses at present, but still expanding) will also benefit from increased business due to some additional requirements now in the Guidelines and due to the standardized requirements that improve planning and efficiency. The Guidelines will benefit the Agency by improving the quality of data available for making decisions, and by allowing for more efficient processing of applications. Farmers and the public will benefit generally from having safer pesticides available.

Summary of Costs

Sectors affected: Pesticide and agricultural chemical manufacturing and formulating; and users of pesticides, particularly farmers.

To meet the Guidelines' requirements over the next 10 years, EPA estimates that the cost (in 1980 dollars) to registrants will be approximately $470 million for the data call-in program, $382 million for the remaining data needed to meet for registration standards, $840 million for the data needed to support new registrations, and about $210 million for the data to be required by those subparts of the Guidelines yet to be proposed. Approximately half of the costs would be applied to re-registration, and the rest to new registration; however, the costs for re-registration would be principally in the "data call-in" and "remaining data" categories.

The annual cost would be higher (starting at $200 million) during the first 5 years and then decline (to about $100 million) during the latter 5 years. Current (1980) pesticide industry research and development expenditures are $365 million; of this total, approximately $100 million are used to meet registration requirements. The additional costs imposed by these Guidelines would thus add 30 to 55 percent to the total research and development expenditures. In relation to sales, these costs amount to 4 to 6 percent of the income at the basic producers level ($3 billion), or 2 to 3 percent of the income at the retail level ($5.8 billion).

The projected cost due to the Guidelines represents expenditures for conducting laboratory and field testing, and developing the reports of such tests. While registrants will initially bear the costs, we expect that the cost will be passed on to the pesticide users. The per-farm costs was estimated in 1980 to be $63 to $70 per year, including $21 due to costs of new requirements in the Guidelines.

We do not expect these Guidelines to have any significant effect on employment in the pesticide industry, or to have any other nationally significant economic effects. We do expect producers of some pesticides of small economic significance to withdraw their products from the market rather than go to the expense of developing the required data. In this situation, we expect consumers to choose other available pesticides.

Related Regulations and Actions

Internal: EPA is also developing testing standards for chemical substances and mixtures under the Toxic Substances Control Act (TSCA). As far as possible, EPA will make the pesticide testing methods prescribed by the Guidelines consistent with the TSCA test standards. The Good Laboratory Practice standards we are developing under TSCA and FIFRA, which prescribe uniform standards of performance for toxicological testing, will also be consistent.

External: Under the aegis of the Interagency Regulatory Liaison Group, five Federal agencies (EPA, the Food and Drug Administration, the Occupational Safety and Health Administration, the Consumer Product Safety Commission, and the Department of Agriculture) are jointly developing guidelines describing test methods and standards that will meet all five agencies' needs.

For guidelines on toxicology testing, the Agency is also working with the Organization for Economic Cooperation and Development (OECD). This group is developing international testing standards, and has the cooperative imput of 24 other countries besides the United States. In published form, our toxicology guidelines (Subpart F) will be consistent with the international standards.

Active Government Collaboration

FIFRA §§ 25(a) and (d) requires the Administrator of EPA to provide copies of draft proposed and final regulations to the Department of Agriculture, the Committee on Agriculture in the House

of Representatives, the Committee on Agriculture and Forestry in the Senate, and the FIFRA Scientific Advisory Panel. Reviews by these groups provide technical, legal, and scientific oversight to the guidelines at stages near publication in the **Federal Register.**

Agencies and other Government groups that we have consulted or that have provided assistance in Guidelines development include members of the Interagency Regulatory Liaison Group, the National Cancer Institute, the Department of the Interior, and the Department of Agriculture. The latter department is required by FIFRA to comment on proposed and final regulatory documents.

Available Documents

An economic impact analysis based on those portions of the Guidelines already published in 1978 was prepared for public comment on September 6, 1978 (43 FR 39644). Its title is "Economic Impact Analysis of Guidelines for Registering Pesticides in the U.S." This analysis covered the cost of Subparts B, D, E, and F that would be responsible for 90 percent of the total costs of the Guidelines. With the publication of each subsequent subpart, we intend to make available brief analyses set in the context of the incremental and total costs of the Guidelines. Following or concurrent with the publication of most subparts as final rules we will publish an overall Regulatory Analysis for the entire Guidelines.

We have published the following portions of the Guidelines as NPRMs:

Subpart B—Introduction, 43 FR 29606, July 10, 1978. (This subpart will become Subpart A when published final.)

Subpart D—Chemistry Requirements, 43 FR 29696, July 10, 1978. (This subpart will be divided into five subparts when published final: D—Chemistry Requirements: Product Chemistry; K—Exposure Data Requirements: Reentry; N—Chemistry Requirements: Environmental Fate; O—Residue Chemistry; and P—Data to Support Disposal Instructions.)

Subpart E—Hazard Evaluation: Wildlife and Aquatic Organisms, 43 FR 29696, July 10, 1978.

Subpart F—Hazard Evaluation: Humans and Domestic Animals, 43 FR 37336, August 22, 1978.

Subpart F—Hazard Evaluation: Humans and Domestic Animals (two additional general sections on good laboratory practices for toxicology testing) 45 FR 26373, April 18, 1980. (This proposal will be separated from Subpart F when developed into a final rule.)

Subpart I—Experimental Use Permits (publish November 1980).

Subpart J—Hazard Evaluation: Nontarget Plants and Microorganisms (publish November 1980).

Subpart L—Hazard Evaluation: Nontarget Insects (publish November 1980).

Subpart M—Data Requirements for Biorational Pesticides (we will publish in December 1980).

We have published or will publish the following portions of the Guidelines as final rules:

Subpart C—Registration Procedures (interim final), 40 FR 41788, September 9, 1975.

Subpart D—Chemistry Requirements: Product Chemistry (November 1980).

Subpart E—Hazard Evaluation: Wildlife and Aquatic Organisms (November 1980).

Subpart N—Chemistry Requirements: Environmental Fate (we will publish in December 1980).

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EPA-OPTS

Premanufacture Notification Requirements and Review Procedures (40 CFR Part 720) (44 FR 2242, January 10, 1979, 44 FR 59764, October 16, 1979)

Legal Authority

Toxic Substances Control Act (TSCA), § 5, 15 U.S.C. § 2604.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks that this rule is important because the regulations may have a substantial impact on the chemical industry.

Statement of Problem

To prevent public health risks and environmental contamination before potentially toxic substances are widely used and dispersed, Congress included a section on premanufacture notification in the Toxic Substances Control Act (TSCA). This section requires a manufacturer to notify EPA of his intent to manufacture or import a new chemical substance, and to submit information concerning that substance which the Agency can use to assess the risks associated with its manufacture, processing, distribution in commerce, use, or disposal. On the basis of this assessment and evaluation of economic considerations and other relevant factors, EPA will make decisions concerning the reasonableness of any risk, and will take appropriate action to obtain more information or data; regulate production or use; or require reporting by manufacturers, processors, or distributors of chemicals once the substance is in commerce. If EPA does not regulate the substance during the premanufacture notification period, the manufacturer may begin production (subject to regulation under any other laws).

To implement the notification process, EPA proposed a set of premanufacture notification rules and forms for public comment on January 10, 1979. In October, EPA reproposed the forms and certain portions of the rule. The rules, when final, will clarify the statutory obligations of manufacturers and importers of new chemical substances to provide information on the substances, and will also clarify the Agency's procedures for reviewing the information. The forms will provide a detailed specification of the information they must submit and the formats in which they should supply the information. The manufacturers are responsible for assembling the information. EPA must decide, generally within 90 days of receiving the information, whether the substance in question presents an unreasonable risk to human health or the environment, and if so, what action to take.

Alternatives Under Consideration

There are several significant issues to be resolved in this rulemaking. Among them are the scope and the level of detail of information it should require; the identification of chemical substances for which industry must submit premanufacture notification to EPA; policies regarding the confidentiality of information submitted; the extent to which the submitter must contact prospective customers to obtain relevant data; supplemental reporting; and whether and how EPA determines that submissions meet its requirements. EPA is considering other approaches to resolving these and related issues based on the comments received from individual and public interest groups which suggested alternatives to the initial proposal (see "Available Documents," NPRM for Proposed Rules and Other Issues—44 FR 59764, October 16, 1979.)

Summary of Benefits

Sectors Affected: Establishments and employees in the chemical industry; importing of chemical products; the general public; and the environment.

The premanufacture review process will benefit public health and the environment by preventing the production, use, or disposal of new chemicals which present unreasonable risks. By preventing potential hazards at an early stage, EPA can minimize economic dislocation, especially that which would result if a chemical is in full production and use is withdrawn. Adverse employment effects and the obsolescence of plant equipment will be substantially reduced by early regulation. Preventing toxic chemicals from entering the environment also will decrease lost work days and hospitalization costs that result from worker exposure to toxic chemicals.

Summary of Costs

Sectors Affected: The chemical industry; and importing of chemical products.

EPA is conducting an in-depth study of the premanufacture notification requirements to determine with a greater degree of confidence the nature of the costs and economic effects of this rulemaking. These effects will include the effect on research and development programs; industry sales, growth, and profitability; and the structure of the chemical industry. EPA will use the results of this study in making final decisions on how to implement the premanufacture notification program. Preliminary results of this analysis estimated that the notice form proposed on January 10, 1979 would cost between $2,500 and $22,500 to complete for each submitter, in current dollars. Estimates for the October 16 reproposed shortened form indicated that completion of the revised form would cost between $1,155 and $8,925 in current dollars. It has also been estimated that approximately 400 notices would be submitted per year. Therefore, the total cost of providing the notice forms in a typical year would be between $462,000 and $3,570,000. October 16 cost estimates also included costs of between $0 and $6,400 for asserting and substantiating claims of confidential business information in connection with the notice submission.

The fiscal year 1981 EPA operating plan for implementing the premanufacture notification program is $5,720,000.

Related Regulations and Actions

None.

Active Government Collaboration

Other Federal agencies that have been involved in this rulemaking include the Consumer Product Safety Commission, the Occupational Safety and Health Administration, the Food and Drug Administration, the Department of Transportation, and the Bureau of the Census.

Available Documents

Public Comments.

NPRM for Premanufacture Notification Requirements and Review Procedures—44 FR 2242, January 10, 1979 (Docket number OTS 050002).

Discussion of Premanufacture Testing Policy and Technical Issues—44 FR 16240, March 16, 1979 (Docket number OTS 050002).

Interim Policy Statement—44 FR 28558, May 15, 1979 (Docket number OTS 050002).

NPRM for Proposed Processor Requirements, Premanufacture Review Program—45 FR 54642, August 15, 1980 (Docket number OTS 050002).

These documents are available from the Agency Contact listed below.

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EPA-OPTS

Title

Rules Restricting the Commercial and Industrial Use of Asbestos Fibers (40 CFR Part 763)

Legal Authority

Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601 and 2605.

Reason for Including This Entry

The Environmental Protection Agency (EPA) has included this action because of its potential economic impact on the asbestos industry. The economic cost of the rule will probably exceed $100 million. We may prohibit a large portion of the domestic production and importation of asbestos-containing products into the United States.

Statement of Problem

Epidemiological studies have established that exposure to asbestos fibers can contribute to increased risk of lung damage (asbestosis) and human cancer of several kinds.

EPA is concerned that in spite of past governmental regulation of asbestos, millions of Americans may be exposed to levels of asbestos that significantly increase the risk of contracting asbestos-related diseases. (Past regulations are cited below under Related Regulations and Actions.) Currently, more than two million workers are exposed to asbestos fibers (at levels higher than background) in their places of employment. In addition, the 159 million Americans who live in urban areas may be exposed to asbestos fiber levels that significantly increase the risk of contracting asbestos-related diseases. EPA is concerned that asbestos fiber emissions from the mining, milling, processing, or distribution of asbestos or from the use, misuse, or disposal of asbestos-containing products might cause significant pollution of urban air.

It is difficult to estimate the number of people who will contract asbestos-related diseases at current exposure levels. Data on mortality rates are available for workers who are exposed to asbestos fiber levels considerably higher than general population exposures. EPA will extrapolate to predict risks for the general population.

EPA is conducting this regulatory program because the Agency is not convinced that existing regulations have adequately protected the public. These regulations have focused on limited aspects of the asbestos exposure problem, such as worker exposures, air emissions from manufacturing facilities, and some consumer products. Regulation under the Toxic Substances Control Act (TSCA) would eliminate unreasonable human health risks from all asbestos-related activities. The comprehensive mandate of TSCA enables EPA to reduce health risk from sources that are difficult to control through medium-specific or source-specific regulation authorized under other Federal authorities. Under TSCA, EPA is currently investigating the cumulative effects of exposure to asbestos throughout its life cycle in commercial and industrial products from mining and milling through processing, product manufacturing, use, and disposal. Our preliminary studies indicate substantial continuing exposure of millions of people to the ever growing inventory of asbestos sources. As a result of this study, the Agency expects

to promulgate rules to prevent and reduce any unreasonable risks that are identified.

Alternatives Under Consideration

EPA is considering the following alternative actions: (A) prohibiting the manufacture, processing, distribution in commerce, and importation of asbestos for all nonessential asbestos uses; (B) restricting the quantity of fibers that could be mined and imported, or processed annually in the United States, thus allowing the marketplace to determine which products and uses to eliminate; (C) developing other marketplace regulatory strategies; (D) requiring labeling of asbestos containing products; (E) regulating under laws other than TSCA; and (F) taking no regulatory action.

EPA's choice of a regulatory program will depend on the seriousness of the risks and the identification of the major sources of exposure. EPA suspects that much of the asbestos to which the public is exposed comes from emissions caused by mining, milling, and processing asbestos fibers; emissions resulting from the use of asbestos-containing products may not be as significant. In that case, EPA would want to reduce risks from mining, milling, and processing as much as possible (alternative A). A disadvantage of alternative A would be that both the affected industry and EPA would be involved in extensive exemption proceedings.

Alternative B is a possible substitute for alternative A. The allocation of quotas could be a very difficult process and could result in some inequities within the industry. Further, at this time it is not clear that the economic impact of such an approach would be any less than alternative A. The major advantage of alternative B over alternative A is that the marketplace would decide which uses of asbestos should continue.

Alternative C involves developing other marketplace strategies. A disadvantage of both alternatives B and C is that since they have never been attempted before, the implementation problems are unknown. Also, there would be no guarantee of eliminating products that present a particularly high health risk. For example, if a product with fibers that are easily released commands a relatively high price, it might remain in the marketplace much longer than if it were regulated specifically. However, if necessary, a market strategy could be modified to eliminate this problem.

EPA is considering imposing a labeling requirement (alternative D) either in addition to or in lieu of other requirements. A labeling rule would have considerably less economic impact than alternatives A, B, or C, and it would also provide less direct protection to public health. Alternative D, if implemented alone, would increase awareness of the hazards of asbestos and would increase recognition of products that can cause these health risks. However, it would not force any reduction in exposure to asbestos fibers.

EPA is considering either regulating under other Federal laws administered by EPA or not regulating in deference to other Federal agencies (alternative E). Several comments on the ANPRM (44 FR 60056, October 17, 1979) indicated that industry does not consider TSCA to be appropriate authority for regulating asbestos and that further Federal regulation, if needed, should be implemented under other laws, particularly the Occupational Safety and Health Act (OSH Act). Although the Occupational Safety and Health Administration (OSHA) has announced its intention to lower its workplace standard to 0.1 fiber per cubic centimeter, OSHA lacks the legislative mandate to address the problem of asbestos exposure outside of the workplace. EPA action to restrict production and importation of products containing asbestos may be necessary to complement the OSHA workplace standard for airborne asbestos.

Any action by the Consumer Product Safety Commission (CPSC) would not affect production of industrial asbestos-containing products, and these production processes may cause significant fiber emissions.

A combination of EPA actions under the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, and other laws might significantly reduce asbestos-related risks. However, the EPA Administrator might find that it is in the public's interest to regulate under TSCA because the limited mandate of these other laws results in continued risk from asbestos.

Alternative F, taking no regulatory action, would benefit the asbestos industry since it would incur no costs. However, there would also be no reduction in the exposure to asbestos in the United States.

Summary of Benefits

Sectors Affected: Establishments and workers in the asbestos industry (including asbestos mining and asbestos product manufacturing); the general public; and establishments that manufacture asbestos substitutes.

At this early stage of development of EPA's rule, it is difficult to estimate benefits in quantitative terms. Regulation will decrease the incidence of asbestosis and lung cancer in the United States, thereby decreasing the number of worker-days lost due to worker sickness, increasing space available in hospitals, and decreasing costs due to illness and premature death.

EPA regulation of asbestos should increase demand for substitutes such as fiberglass, ceramic fibers, polyvinylchloride, and ductile iron pipe. Therefore, manufacturers and distributors of substitutes should benefit from regulation.

Summary of Costs

Sectors Affected: Establishments and workers in the asbestos industry (including asbestos mining and asbestos product manufacturers); and their suppliers; importers of asbestos and asbestos products; and users of asbestos products.

Because EPA has not completed its analysis of economic effects, cost estimates are not available. Asbestos mines and asbestos processors will be forced to reduce production, and many processors will be forced out of the asbestos business. EPA plans to regulate in a manner that will allow asbestos processors time to convert to substitutes. Small businesses may seek aid from the Small Business Administration to obtain capital to convert. It is too early to predict the effect of regulation on employment. EPA hopes that jobs lost from the asbestos industry will be offset by jobs gained in the substitutes industries. Substitute products generally cost more than asbestos-containing products, and these costs will be passed on to consumers.

Related Regulations and Actions

Internal: EPA has established National Emission Standards for Hazardous Air Pollutants for several asbestos sources under the Clean Air Act, 42 U.S.C. § 7401 *et seq.* EPA is developing effluent guidelines regulating wastewater discharges of asbestos under the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.*, as amended in 1972 and 1977. It is also considering additional regulation of asbestos in drinking water under the Safe Drinking Water Act, 42 U.S.C. § 3006 *et seq.*

The Agency is developing a rule to require surveys to determine whether

asbestos hazards are present in public schools because of deteriorating insulation. EPA is also considering requiring appropriate corrective measures where it finds hazards (see 44 FR 54676, September 20, 1979). Other existing asbestos sources that the Agency may control in the future include public buildings where asbestos was used as an insulation or decorative material and merchant ships where asbestos is widely used as insulation.

EPA regulations directed specifically to asbestos are found in 40 CFR Part 61 (air) and Parts 129 and 427 (water).

External: EPA and CPSC both published ANPRMs on October 17, 1979 in the **Federal Register** (44 FR 60053). These ANPRMs were prefaced by a Joint Statement of Cooperation signed by the EPA Administrator and the CPSC Chairman. The statement indicated how the two agencies will cooperate and direct their regulatory efforts to minimize reporting requirements and other burdens on industry, and to improve overall public health. EPA is planning to promulgate a rule under § 8(a) of TSCA to require manufacturers and processors of asbestos fibers to submit economic and exposure information. EPA has proposed a rule under § 8(d) of TSCA requiring industry to submit unpublished health and safety studies relating to asbestos. CPSC is planning to issue a general order requiring manufacturers and private labelers of some categories of consumer products to submit information on the use of asbestos in those products. CPSC will not require the submission of information already submitted to EPA.

OSHA plans to lower its workplace standard for asbestos exposure (8-hour time-weighted average) from 2 f/cc (fibers per cubic centimeter) to 0.1 f/cc. This action is in response to a recommendation in April 1980 by the joint National Institute for Occupational Safety and Health (NIOSH)–OSHA Asbestos Work Group that "a new occupational standard be promulgated which is designed to eliminate nonessential asbestos exposures, and which requires the substitution of less hazardous and suitable alternatives where they exist."

Asbestos regulations promulgated in the past by other agencies are as follows:

CPSC—16 CFR Parts 1145, 1304, and 1305; OSHA—29 CFR Part 1910; FDA—21 CFR Parts 121, 128, 133, and 191; DOT—49 CFR Parts 170–189; MSHA—30 CFR Parts 55, 57, and 71.

Active Government Collaboration

To maximize the effectiveness of this proposed rule, EPA is coordinating either directly or through the Interagency Regulatory Liaison Group (IRLG) with the Occupational Safety and Health Administration (OSHA), the Consumer Product Safety Commission (CPSC), the Food and Drug Administration (FDA), the Mine Safety and Health Administration (MSHA), and the Department of Transportation (DOT).

In July, 1980, EPA and the Consumer Product Safety Commission (CPSC) cooperated in sponsoring and organizing a 3-day workshop on substitutes for various uses of asbestos in commercial and industrial products. About 500 persons attended the workshop, which was designed to increase industry's awareness of substitutes for asbestos and to expand EPA's and CPSC's data base. EPA was the lead agency in coordinating the workshop.

Available Documents

ANPRM for Asbestos-Containing Materials in School Buildings, 44 FR 54676, September 20, 1979.

ANPRM for Commercial and Industial Use of Asbestos Fibers, 44 FR 60056, October 17, 1979.

Comment period extended, 44 FR 73127, December 17, 1979.

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EPA—Office of Water and Waste Management

Control of Organic Chemicals in Drinking Water (40 CFR Part 141*)

Legal Authority

The Safe Drinking Water Act, as amended, § 1412, 42 U.S.C. § 300(f) *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) includes this regulation because it is likely to impose compliance costs of over $100 million.

Statement of Problem

Recent technological developments in sophisticated analytical measurement techniques have resulted in the identification of numerous organic contaminants in drinking water that may pose a health risk to consumers. For example, chloroform, a suspected human carcinogen, is only one of many synthetic organic chemicals known to be present in drinking water. Chloroform is representative of a class of chemicals known as trihalomethanes (THMs), whose presence in drinking water was controlled by rules finalized at 44 FR 68624 on November 29, 1979. Future measures to control organic chemicals in drinking water are proceeding through two related approaches:

I. Treatment Technique Requirement for the Control of Synthetic Organic Chemicals—reproposal under consideration.

II. Control of volatile organics in drinking water; ANPRM late December 1980.

I. *Treatment Technique Requirement: Synthetic Organic Chemicals.*

Synthetic organic chemicals are chemicals which enter sources of drinking water as a result of industrial discharges, spills, sewage discharge, and non-point sources, such as urban and rural rainwater run-off. Some of these organic chemicals are either known or suspected carcinogens. The list of synthetic organic chemical contaminants that have been found at least once in drinking water has grown to over 1,000. Because of the technical infeasibility of controlling every synthetic organic contaminant individually by setting a maximum contaminant level (MCL), EPA is evaluating if control of a broad spectrum of organic chemicals by a treatment technique (filtering water through granular activated carbon) or equivalent technology would be appropriate in certain locations where substantial risk of contamination exists. The intent of applying a treatment technique at certain water supplies would be to improve the quality of drinking water at the tap and reduce the health risk to the public from long term exposures to synthetic organic chemicals in drinking water. EPA proposed regulations on February 9, 1978 (43 FR 5756), which would have required granular activated carbon (GAC) treatment to be installed at public water systems vulnerable to contamination by synthetic organic chemicals. Since the proposal, further information has become available regarding the performance of GAC; EPA is also conducting additional studies and will evaluate all of the available data to assess the appropriate regulatory action. If it is determined that the regulations should be reproposed, the reproposal would become one

portion of the National Revised Primary Drinking Water Regulations which will apply to all public water systems in the United States.

Alternatives Under Consideration

The alternatives being considered include requirements for community water systems to install granular activated carbon treatment (GAC), or its equivalent, if they use sources of drinking water which are vulnerable to contamination by synthetic organic chemicals. The reproposed regulations will consider, among other possibilities, changes in the application of the GAC technology, as the required treatment might be achieved by replacing sand with GAC in existing filter beds. The frequency of reactivation (i.e., the process whereby adsorbed chemicals are removed from the GAC, restoring its capacity for adsorption) could be specified in the regulation. Reactivation frequencies under consideration range from 6 months to 1 year. On-going work being performed by EPA's Office of Research and Development is expected to broaden significantly our knowledge in this area; further, a survey is being conducted by EPA's Office of Drinking Water of water treatment systems in the U.S. that currently use GAC. This survey should provide information regarding the effectiveness of GAC for control of organic chemicals.

The criteria set forth in the original proposal for determining which public water systems are vulnerable to contamination by synthetic organic chemicals are currently being reevaluated; the reproposed regulations may specify rivers or stream segments that we consider to be subject to contamination by synthetic organic chemicals. These water sources would be chosen after an evaluation of the number and type of industrial/municipal discharges upstream of drinking water intakes, an estimate of the transportation of industrial and agricultural chemicals on the waterway and a review of the potential for contamination from non-point sources.

Summary of Benefits

Sectors Affected: The general public; municipally and privately owned public water systems; all segments of the water supply industry, including consulting sanitary engineers, analytical chemists, plant operators, and equipment manufacturers and suppliers.

A reproposed treatment technique for control of synthetic organic chemicals would provide protection to a larger population at a lower per capita cost (upwards of 80 percent of the American population at a per capita cost of $2.60 to $7.10) than would the original proposal (52 percent of the population and $7.10 to $26.10, respectively). The reproposed technique would provide broad spectrum protection from synthetic organic contaminants and could be implemented 2 to 3 years earlier than the original proposal.

Summary of Costs

Sectors Affected: State and local government; municipal and privately owned public water systems; and consumers in communities installing GAC facilities.

The estimated total national capital cost to implement a reproposal is $333 million over 3 years (in 1980 dollars). It is estimated that such expenditures would increase local water rates by an average of approximately $5 per year per family of three in those communities whose water supply system would install GAC facilities.

Related Regulations and Actions

Internal: All EPA regulations that affect control of chemical contamination of water would be indirectly related, including: Effluent Guidelines, National Pollution Discharge Elimination System, and Water Quality Criteria.

External: State programs would deal with decisions on variances and exemptions from the regulations, and would provide technical assistance to public water systems making changes in their treatment processes.

Active Government Collaboration

Supporting documentation for the health basis of the proposed regulation requires information-sharing with the National Cancer Institute, National Institute of Environmental Health Sciences, Consumer Product Safety Commission, Occupational Safety and Health Administration, and the Food and Drug Administration. Also, we have gained data supporting development of criteria to determine if public water systems are vulnerable to contamination by synthetic organic chemicals through cooperation with the Coast Guard, Department of Transportation, and the Department of Commerce.

Available Documents

ANPRM—41 FR 28991, July 14, 1976.
NPRM—43 FR 5766, February 9, 1978
"Drinking Water and Health," National Academy of Sciences, 1977.
"National Organics Reconnaissance Survey," EPA, Municipal Environmental Research Laboratory, 1975.
"National Organics Monitoring Survey," EDA, Office of Drinking Water.
"Statement of Basis and Purpose for an Amendment to the National Interim Primary Drinking Water Regulations on a Treatment Technique for Synthetic Organic Chemicals," EPA, Office of Drinking Water, 1977.
"Economic Analysis of Proposed Regulations on Organic Contaminants in Drinking Water," EPA, Office of Drinking Water, 1977.
"Draft Interim Treatment Guide for the Control of Synthetic Organic Contaminants in Drinking Water Using Granular Activated Carbon," EPA, Municipal Environmental Research Laboratory, 1978.
"Revised Economic Impact Analysis of Proposed Regulations on Organic Contaminants in Drinking Water," EPA, Office of Drinking Water, 1978.
"Operational Aspects of Granular Activated Carbon Adsorption Treatment," EPA, Municipal Environmental Research Laboratory, 1978.
National Academy of Sciences Study on Granular Activated Carbon, 1979.

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II. *Control of Volatile Organics in Drinking Water.*

Recent information indicates that a number of volatile organic chemicals exist in both raw and finished drinking waters, particularly in ground water supplies which have been contaminated by improper waste disposal practices. Accordingly, an ANPRM will be published that will set forth current considerations in the development of maximum contaminant levels (MCLs) for certain volatile organic chemicals in the Revised Primary Drinking Water. At this time, contamination of drinking water by volatile organics has been found to be most serious in ground waters in urbanized and industrial areas. The levels of occurrence, coupled with the suspected carcinogenicity and toxicity of several identified compounds, appear to support the setting of MCLs for the following compounds:

- Trichloroethylene
- Carbon tetrachloride
- Tetrachloroethylene
- 1,2-Dichloroethane
- 1,1,1-Trichloroethane
- cis-1,2-Dichloroethylene
- trans 1,2-Dichloroethylene

- 1,1-Dichloroethylene
- Methylene chloride
- Vinyl chloride
- Benzene

If EPA takes no action with regard to the above chemicals, a possible health risk to the public will continue to exist and the overall quality of drinking water will be suspect in those groundwater areas. Most of these chemicals are suspected carcinogens, while certain of them are known mutagens and/or teratogens.

Alternatives Under Consideration

Specific options are being developed and alternatives will be separately evaluated for each contaminant. MCLs will be proposed only after careful evaluation of the best available evidence in the areas of epidemiology, toxicology, analytical methods, quality assurance, monitoring requirements, feasibility and efficiency of competing treatment methods, and economic impacts.

Summary of Benefits

Sectors Affected: The sectors affected include the American public in general; municipally and privately owned public water supply systems; and all segments of the water supply industry, including consulting sanitary engineers, analytical chemists, plant operators, and equipment manufacturers and wholesalers.

These MCLs will have their greatest impact on small water supply systems which currently employ little or no treatment. The public served by such systems will, in particular, realize the benefits of this proposal.

It is impossible at this time to assign direct monetary values to the benefits to be realized under this proposal. Such benefits include a lessening of public exposure to toxic substances in drinking water and a consequental safeguarding of public health.

Summary of Costs

Sectors Affected: General public; State and local governments; and public water systems (both privately and publicly owned).

The public in general will be the principal group affected by this proposal, since the users will undoubtedly bear the costs of any necessary modifications to their water supply system. This will be true particularly for users of small water supply systems that currently employ little or no treatment.

No estimates of the economic impact are available at this time.

Related Regulations and Actions

Internal: All EPA regulations that affect control of chemical contaminants of water are indirectly related, including: Effluent Guidelines, National Pollution Discharge Elimination System, Water Quality Criteria, Hazardous Waste Disposal Controls, and Underground Injection Control.

External: State programs would be expected to deal with decisions on variances and exemptions from the regulations and to provide technical assistance to public water systems making changes in their treatment processes.

Active Government Collaboration

Supporting documentation for the health basis of any regulation requires information-sharing with the National Cancer Institute, National Institute of Environmental Health Sciences, Consumer Product Safety Commission, and the Food and Drug Administration. In addition, the National Academy of Sciences and the National Drinking Water Advisory Council will be consulted during the development of MCLs.

Available Documents

"National Organics Reconnaissance Survey," EPA, Municipal Environmental Research Laboratory, 1975.

"National Organics Monitoring Survey," EPA, Office of Drinking Water.

"Interim Treatment Guide for Controlling Organic Contaminants in Drinking Water Using Granular Activated Carbon," EPA, Municipal Environmental Research Laboratory, January 1978.

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EPA—OWWM

Hazardous Waste Regulations: Phase I and II Regulations to Control Hazardous Solid Waste from Generation to Final Disposal (40 CFR Parts 260, 261, 262, 264, 265, and 266)

Legal Authority

Resource Conservation and Recovery Act of 1976 (RCRA), as amended, §§ 3001, 3002, and 3004, 42 U.S.C. §§ 6921, 6922, and 6924.

Reason for Including This Entry

These regulations are important because they initiate, for the first time on a national level, management of hazardous solid waste from generation to final disposal. The Environmental Protection Agency (EPA) includes them in the Calendar to inform the regulated community and the general public of EPA's continuing actions to implement a national hazardous solid waste program.

Statement of Problem

EPA estimates that more than 54 million metric tons of hazardous waste is generated annually in the United States. Hazardous waste includes toxic chemicals, pesticides, acids, caustics, flammables, and explosives. Of this hazardous waste, EPA estimates that 90 percent has been managed by practices that will not meet the new Federal standards. A variety of health and environmental damages result from improper management practices. The most frequent are damages resulting from direct contact with toxic waste; fire and explosions; groundwater contamination by leachate; surface water contamination through runoff or overflow; air pollution by open burning, evaporation, and wind erosion; and poisoning through the food chain. The amount of hazardous waste will increase by 30 percent in the next decade, primarily because other environmental laws have curtailed emissions into the air, waterways, and oceans.

EPA has information on more than 400 cases of damage to human health or the environment due to improper hazardous waste management. One such case, Love Canal in Niagara Falls, New York, occurred because the hazardous waste facility was not properly monitored after it was closed. This resulted in the evacuation of 239 local families at relocation costs of approximately $10 million, projected clean-up costs of over $30 million, and health problems, including possible increases in birth defects, miscarriages, and liver and respiratory disorders. With as many as 30,000 hazardous waste disposal sites posing potential public health and environmental threats, hundreds of millions of dollars in damages and remedial costs could result if the problem is left unattended.

Alternatives Under Consideration

We studied a number of alternatives during the development of the final regulations. Several significant changes to the regulations required reproposal, partial promulgation, or promulgation of interim final rules for parts of §§ 3001

and 3004 of the Resource Conservation and Recovery Act of 1976 (RCRA). Consequently, rules that were not ready for promulgation by May 19, 1980 will be issued in late 1980 and early 1981 as Phase II regulations. In the preamble to the rules issued May 19, 1980 as Phase I, EPA discusses in detail the alternatives considered and the reasons for their selection or rejection.

To achieve a better balance between the often competing goals of regulatory specificity and broad standards, EPA has promulgated specific standards where appropriate and used broader ones or exceptions or variances where more flexibility is required. EPA has issued a notice of intent to issue regulatory amendments and interpretive guidance where situations of inappropriate results from application of the standards occur.

EPA promulgated the initial phase of RCRA § 3001 regulations on May 19, 1980. It identified four characteristics of hazardous waste (ignitable, corrosive, reactive, or toxic) to be used by persons handling solid waste to determine if that waste is hazardous. In addition, it listed 85 process wastes as hazardous wastes and approximately 400 chemicals as hazardous wastes if they are discarded. This regulation also set forth the criteria used by EPA to identify characteristics of hazardous wastes and to list hazardous wastes. Because of limited resources, we have tried to prioritize our efforts to deal with the most serious environmental problems first and to finalize those portions of the proposed regulations of December 18, 1978, which we must issue if a core hazardous waste management program is to be implemented.

We deferred until Phase II final action on a number of aspects of the proposed regulation, including integrating regulating polychlorinated biphenyls ("PCBs") under RCRA and the Toxic Substances Control Act ("TSCA"); fully regulating wastes that are used, re-used, reclaimed, or recovered; infectious wastes; radioactive wastes; and a number of proposed listed wastes. We expect to finalize regulations for the first three of these and for uranium and phosphate radioactive wastes by the end of 1980. Congressional action on the RCRA reauthorization bill deferred regulation of uranium and phosphate radioactive wastes until 6 months after a study is completed. However, EPA plans to promulgate regulations regarding the use of these wastes in building materials for habitable structures. The other waste streams we deferred from final action included those wastes which EPA intends to list as hazardous but for which revised background documents could not be completed by May 19, wastes for which more information was needed to determine that they were hazardous, wastes which available data suggested are not hazardous, and wastes which are no longer produced. On July 16, EPA listed 18 wastes from this first category and proposed that seven more be listed. We plan to finalize these last seven wastes by late 1980. As significant health effects information on other wastes becomes available, these too will come under control.

RCRA § 3002, which outlines the standards for generators of hazardous waste, was promulgated February 26, 1980 and clarified May 19, 1980. Generators must prepare manifests for all shipments of hazardous waste that are sent to off-set treatment, storage, or disposal facilities, where personnel also fill out the manifest form. This form traces the hazardous waste from generation to ultimate disposal. Generators are also required to keep records, report those shipments which do not reach the facility designated on the manifest, and submit an annual summary of their activities to EPA. The May 19, 1980 changes included requiring a generator to designate a facility, or accept the waste if it cannot be delivered to the designated or alternate facility; expanding the requirements for accumulation of hazardous wastes in tanks; and requiring that generators develop contingency plans.

The regulations adopted a system which tiers special requirements for hazardous waste produced by small generators: low quantity (1 to 100 kilograms per month) exclusion limits for certain extremely hazardous wastes; and an initial general exclusion limit for generators of less than 1,000 kilograms per month of other hazardous wastes in combination with disposal conditions. The second exclusion assumed that small amounts of hazardous waste will be disposed of in land disposal facilities approved under RCRA Subtitle D and, therefore, will not pose a hazard to human health or the environment. This approach should allow EPA and the States to focus limited enforcement and implementation resources on those generators producing over 95 percent of all hazardous waste.

On May 19, 1980, EPA issued a revision of part of its proposed rule of December 18, 1978 under RCRA § 3004, outlining the requirements for financial responsibility which owners and operators of hazardous waste management facilities must meet. Under this revised proposal, as in the original, EPA would require these owners or operators to provide assurance that funds will be available when needed for properly closing the facility and, in the case of a disposal facility, for maintaining and monitoring it after closure. We proposed the revised provisions for financial assurance for inclusion both in the general standards to be used in permitting (Part 264) and in the standards for facilities in interim status (Part 265). The revised proposal includes a new requirement for liability insurance for facilities in interim status. EPA reproposed this rule because of the many new and revised provisions which have not been subject to public review. The changes have resulted from further analyses by the Agency in response to public comment on the original proposal. We are now examining the comments on the revised proposal and considering them in writing our final regulations, which we expect to promulgate in November 1980, as part of the Phase II regulations.

The revised proposal allows a number of options in providing financial assurances, while the original proposal had only one option, trust funds. We believe that expanding these options will enable facilities to choose the method most feasible for their situation. The options include a surety bond, a letter of credit, a financial test and guarantee, and a revenue test. A trust fund is established by the owner or operator of a hazardous waste facility and held by a financial institution as a trustee, with fiduciary responsibility to carry out the terms of the trust, to be specified in the regulation. A surety bond is a contract by which a surety company engages to be answerable for the default or debt by the owner or operator of a hazardous waste facility on responsibilities relating to closure or post-closure care of that facility and agrees to satisfy these responsibilities, if the owner or operator does not satisfy them, in accordance with the terms to be specified in the regulation. A letter of credit is an irrevocable engagement by an issuing financial institution, at the request of an owner or operator of a hazardous waste facility. The institution will honor demands for payment made by EPA, for the period of the letter of credit and under the terms to be specified in the regulation. The financial test and guarantee refers to those requirements to be specified in the regulation which private sector

organizations must meet to be considered financially responsible. This could include requirements such as enough capital to cover closure and post-closure care of such facilities. The revenue test refers to those requirements to be specified in the regulation which municipalities must meet to be considered financially responsible. This could include requirements such as enough revenues from taxes and other sources to cover closure and post-closure of hazardous waste facilities for which the municipalities are responsible.

The proposed RCRA § 3004 standards of December 18, 1978 were intended to ensure the proper design, construction, and operation of hazardous waste management facilities. Lacking information on long-term experience in advanced waste management technologies, EPA deferred promulgation of nationally applicable technical standards. Accordingly, these standards are being promulgated and implemented in phases.

The Phase I standards are minimum requirements, primarily administrative, appropriate for all wastes during the Interim Status Period. Other general technical requirements, e.g., waste analysis, training, and contingency plans, provide flexibility for inclusion of facility-specific factors.

To issue permits protecting human health and the environment, in the absence of the detailed national technical standards, EPA must evaluate the technical capabilities of specific facilities to manage hazardous wastes. Phase II of the RCRA § 3004 regulations will be a set of technical regulations allowing permits to be issued based on the Agency's best engineering judgment of the technical requirements to be met by individual facilities. These regulations will allow permits to be processed by evaluating such facilities for both site-specific factors and characteristics of the waste the facility will manage. At a minimum, these regulations will contain a set of factors (e.g., distance to groundwater and waste mobility) which must be considered. Where available, the regulations will also contain models, formulas, and performance standards to provide a standardized method of analysis. To determine whether a facility will adequately safeguard human health and the environment, EPA will apply best engineering judgment to data which the permit applicant submits concerning these factors. This approach is appropriate because the possible combinations of types of wastes and management scenarios are almost infinite. We expect to issue these technical regulations in November 1980.

Phase III of the regulatory program will involve the promulgation of more definitive counterparts of the Phase II standards, superceding them and making permitting a more straightforward process. The Phase III standards will include both standards for specific types of facilities such as tanks, surface impoundments, piles, landfills, and incinerators, as well as standards for specific industries and wastes requiring special management standards. All standards for Phases I, II, and III allow variances to selected individual standards if an equivalent degree of protection or performance can be demonstrated.

Summary of Benefits

Sectors Affected: The general public; all industries handling hazardous waste, especially manufacturing; EPA; and financial institutions.

By issuing these regulations, EPA is creating a framework for the control of hazardous wastes which would otherwise contaminate groundwater, surface waters, and soils; poison humans and animals; and cause air pollution, fires, and explosions. These regulations are part of a series of seven required by Subtitle C of RCRA to initiate hazardous waste management nationally. The regulatory program will reduce the incidence of damage to human health and the environment and save hundreds of millions of dollars in the costs associated with clean-up, emergency response, and health and environmental damages.

The expected improvements are not quantifiable, however, since records of past practices and problems are extremely limited. Also, it is difficult or impossible to quantify benefits derived from reduced adverse impacts on health or the environment. In addition, EPA expects an improvement in economic efficiency and equity, and substantial direct savings from avoiding clean-up costs in the future. Pre-RCRA practices for managing hazardous waste created economic inequities as the cost of disposal often fell randomly on individuals due to improper management or on the public at large, since tax revenues were used to clean up inadequate facilities. Pre-RCRA industry management practices also created economic inefficiency as the prices of goods did not include the cost of properly managing the waste produced. Under RCRA, Subtitle C, the economy will be more efficient and equitable because those receiving the benefits will also pay the costs, and prices will serve as a more efficient allocator of resources.

Comprehensive regulatory controls over the generation, movement, storage, and treatment of hazardous wastes may also help reduce opposition to the siting of hazardous waste management facilities. Overcoming the barrier of local opposition will allow siting of management facilities at environmentally secure sites and further reduce the possibility of damages to health and the environment.

Benefits to financial institutions, EPA, and the facilities handling hazardous waste from increased options in providing financial assurances (RCRA § 3004), include the following:

This approach gives the facilities increased flexibility in meeting the financial requirements, by allowing them to select the one option most suited to their situation. As the trust fund will be completely funded by the owner or operator of the hazardous waste facility, he can obtain a rate of return from investing this amount, which would not be possible otherwise. Those large companies whose financial condition is such that they do not have to fully collateralize their surety bonds or letters of credit will merely have to pay an annual fee (representing about 1 to 5 percent of the fully collateralized amount) and can invest the rest.

To help all these facilities, their financial institutions, and EPA itself, we have designed standard forms for each of these options. This will reduce the reporting and recordkeeping burden on the facilities, enable their financial institutions to process their requests for financial assurance more expeditiously, and reduce the staff time EPA needs to monitor the process and gather the information it needs.

Summary of Costs

Sectors Affected: All industries generating hazardous waste, especially manufacturing; consumers of goods manufactured by these industries; public and private waste management; and Federal, State, and local governments.

Although these regulations affect most industries throughout the country, the Agency focused its Economic Impact Analysis (EIA) on major hazardous waste generating segments within the following industries: textile mill products, industrial inorganic chemicals, plastic materials, drugs, paints,

industrial organic chemicals, explosives, agricultural chemicals (including pesticides), petroleum refining, lubricating oil and greases, rubber products, leather tanning and finishing, primary metal industries, plating and polishing of metals, special industrial machinery, electronic components, and batteries. Eight sectors are likely to experience some plant closures and job losses. These sectors include electroplating; wool fabric dyeing and finishing; mercury cell chlorine; leather finishing; mercury smelting and refining; and secondary copper, secondary lead, and secondary aluminum smelting. Overall, we do not find substantial price increases resulting from the regulation of products from these industries, except for projected price increases for electroplating job shops (6.6 percent) and cattlehide non-chrome tanneries (1 to 3 percent).

The estimated annual compliance cost attributed to the Interim Status Standards part of the Phase I RCRA hazardous waste regulations is $510 million. Of this, $303 million (1979 dollars) is associated with closure/post-closure liability requirements, $57 million is attributable to treatment and disposal, and $15 million is associated with recordkeeping and reporting. Monitoring and testing, administration, training, and contingency planning account for the remaining $135 million. The total annual cost represents less than 0.2 percent of the annual value of sales for those affected industries examined.

The regulations will also affect the public and private hazardous waste management industry. In all, some 380,000 generators, transporters, treaters, storers, and disposers of hazardous wastes will be brought into the regulatory program. The affected industrial segments will probably pass on the increased costs to the public, resulting in a nominal increase in prices of selected consumer items.

Industries which presently dispose of hazardous waste at their own facilities may begin to ship their waste to off-site facilities rather than incur the costs of upgrading their disposal facilities to comply with the regulations. This is likely to cause a short-run shortage of disposal capacity, increasing the demand for new sites. This capacity shortage and the rigorous standards for facilities may result in a nominal increase in the cost of disposal.

We estimate the governmental costs associated with implementation and maintenance of the hazardous waste management program at $20 million to $35 million per year (1979 dollars) 1979 dollars. We currently estimate that 39 States and territories will assume the program while EPA operates a Federal program in the remaining 17, by January 1982.

Because Texas, Ohio, Pennsylvania, Louisiana, Michigan, Indiana, Illinois, Tennessee, West Virginia, and California generate 65 percent of all hazardous waste produced nationally, these States will probably be affected to a greater degree than others.

Related Regulations and Actions

Internal: Proposed and final rules linked with RCRA §§ 3001, 3002, and 3004 in creating the RCRA Subtitle C regulatory framework are:

(1) Authorization of State Hazardous Waste Programs; Advance Notice of Final Regulation, 45 FR 6752, January 29, 1980.

(2) Notification of Hazardous Waste Activity; Public Notice, 45 FR 12746, February 26, 1980.

(3) Standards for Transporters of Hazardous Waste; Final Rule, 45 FR 33150, May 19, 1980.

(4) Final Consolidated Permit Regulations, 45 FR 33290; and Consolidated Permit Application Form, 45 FR 33516, May 19, 1980 (final rule and application forms, respectively).

On August 19, 1980, EPA announced a notice of its intent to issue amendments to, interpretations of, and answers to questions on its February 26, and May 19, 1980, hazardous waste regulations in 45 FR 55386.

EPA issued rules regarding the disposal of polychlorinated biphenyls (PCBs) under the Toxic Substances Control Act, § 6(e), 15 U.S.C. § 2605. Regulations issued under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 135 *et seq.*) address the disposal of pesticides and pesticide containers. Rules under the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. § 1401 *et seq.*) control incineration or dumping of hazardous waste at sea.

External: The Department of Transportation (DOT) has developed hazardous materials transportation regulations (49 CFR Parts 171–173 and 178–179) controlling containerization and labeling of waste by generators using transporters engaged in interstate or foreign commerce. EPA published the final rule, Standards Applicable to Transporters of Hazardous Waste, in 45 FR 12737, February 26, 1980. This incorporated DOT's rules on labeling, marking, packaging, placarding, and discharge reporting.

DOT, in its final rule of May 22, 1980, 45 FR 34560, incorporated EPA's manifest requirements and expanded its list of hazardous materials to include hazardous wastes which require a manifest. Through implementation of certain record-handling requirements, this regulation ensures that these wastes are delivered to predetermined, designated facilities. DOT's regulation applies to inter- and intrastate transportation of hazardous wastes.

Active Government Collaboration

The Department of Defense, Occupational Safety and Health Administration, Department of Energy, Food and Drug Administration, Soil Conservation Service, Water Resources Council, the Center for Disease Control of the Department of Health and Human Services, Department of Transportation, and the Interstate Commerce Commission cooperated with EPA during development of the regulations.

Available Documents

Phase II Final Rules—Those wastes proposed as hazardous on July 16, 1980, the RCRA § 3001 Interim Final Rules issued May 19, 1980, and RCRA § 3004 Technical Standards and financial requirements for owners and operators of hazardous waste management facilities, were finalized November 19, 1980.

Phase I Final Rules—Regulations affecting hazardous waste generators become effective November 19, 1980. Regulations for identification and listing of hazardous waste promulgated on May 19, 1980 became effective November 19, 1980. Regulations promulgated May 19, 1980 affecting owners or operators of hazardous waste treatment, storage, or disposal facilities became effective November 19, 1980.

Advance Notice of Final Rule, 45 FR 6752, January 29, 1980.
Public Notice, 45 FR 12746, February 26, 1980.
Final Rule, 45 FR 12722, February 26, 1980.
Final Rule, Interim Final Rule, 45 FR 33084, May 19, 1980.
Proposed Rule, 45 FR 33136, May 19, 1980.
Final Rule, 45 FR 33140, May 19, 1980.
Final Rule, Interim Final Rule, 45 FR 33154, May 19, 1980.
Revision of Proposed Rule, 45 FR 33260, May 19, 1980.
Interim Final Rule, 45 FR 47832, July 16, 1980.
Proposed Rule, 45 FR 47835, July 16, 1980.

The EPA Office of Solid Waste Docket

(Room 2711, EPA, 401 M Street, S.W., Washington, DC 20460) maintains the following documents for public review:

- Background documents for interim status standards
- Final background documents
- Resource Requirements Summary
- Regulatory Analysis
- Public comments
- Summaries of ex parte contacts
- Public hearing transcripts
- Studies and reports on hazardous waste and hazardous waste management
- References for background documents

Copies of the following documents are also available from Edward Cox, Solid Waste Information Office, 26 West St. Clair, Cincinnati, OH 45260:

- Draft Environmental Impact Analysis
- Draft Integrated Impact Assessment of Hazardous Waste Management Regulations
- Studies and reports on hazardous wastes and hazardous waste management

Agency Contact

Criteria for Identifying and Listing Hazardous Waste (RCRA § 3001):
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Standards Applicable to Generators of Hazardous Waste (RCRA § 3002):
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Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (RCRA § 3004):
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EPA—OWWM

Sewage Sludge Disposal Regulations (40 CFR Part 258)

Legal Authority

Clean Water Act, § 405(d), 33 U.S.C. § 1345.

Reason for Including This Entry

These regulations are important because they will provide requirements for the disposal and use of wastewater treatment plant sludge. Initial regulations will include requirements for the landspreading of sludge as well as for the distribution and marketing of fertilizers and soil conditioners derived from sludge. Ultimately, the impact on the regulated community of all the sewage sludge disposal regulations is expected to exceed $100 million total cost.

Statement of Problem

The Environmental Protection Agency (EPA) estimates that approximately 5 million dry tons of municipal sewage sludge from publicly owned treatment works (POTWs) alone are generated annually in the United States. Sewage sludge is a broad term for the solids removed from wastewater as it goes through a municipal treatment plant and is cleaned up for discharge. Sludge can be disposed of—or used—in a liquid form or it can be concentrated by dewatering processes. These can be mechanical, heat drying, or outdoor drying beds or lagoons. The end product can be a liquid, a thick slurry, a wet cake, a dry cake, a compost product, or a dried powder. The end product needs to be regulated to prevent its uncontrolled or indiscriminate use, which could lead to potential environmental and public health problems. Documented cases of damage incidents indicate that some of the sludge-based fertilizer and soil conditioner products have been found to contain potentially harmful levels of heavy metals, toxic organics, and pathogens.

Sludge volume is expected to double in the next 10 years, due to an increase in the volume of sewage to be treated and the implementation of advanced wastewater treatment systems, which will treat such wastewater more completely. Currently, the major disposal methods of sewage sludge are landspreading (31 percent), landfilling (24 percent), incineration (21 percent), and ocean disposal (18 percent). Composted sludge is produced by adding wood chips or other organic refuse to dewatered sludge to produce a humus-like material with soil-conditioning and nutrient value. When composted properly, this material is essentially ordorless and pathogen-free. Over the years, EPA has issued several regulations protecting single environmental media, such as air, water, or land, from degradation. In the area of sludge disposal, this sequential, rather than comprehensive approach, has often resulted in shifting the problem from one environmental medium to another (e.g., from the ocean to land). A comprehensive approach will enable risk assessment to be conducted across all environmental media, rather than transferring risk from one medium to another.

Alternatives Under Consideration

As mentioned above, EPA believes that promulgation of a comprehensive regulation will be preferable to assorted or no regulations. Therefore, EPA is considering a new approach by incorporating all regulations affecting sewage sludge disposal into a comprehensive sludge management regulation. The most important beneficial result of this approach would be to encourage a complete environmental and economic assessment of sludge management alternatives at the local level. Other benefits will include an easier understanding of sludge disposal requirements by the public and better coordination of sludge management programs at the State and local levels.

Since complete issuance of a comprehensive sewage sludge regulation would take several years, EPA intends to develop these regulations in a phased program. This allows the Agency to both address the various methods of sewage sludge disposal according to perceived priorities and to expand the scientific data base.

All land disposal of non-hazardous sludges, which includes landfilling, disposal in surface impoundments, and landspreading (both on food-chain crop land and non-food-chain land; food-chain crop land is used for growing crops for direct human consumption or for feeding animals whose products will be used for direct human consumption; non-food-chain land is that land used for other purposes and which does not contribute to the human food chain) is currently regulated by the requirements of the "Criteria for Classification of Solid Waste Disposal Facilities and Practices," 44 FR 53438, issued on September 13, 1979 (the Criteria). These regulations were issued by EPA under authority of the Resource Conservation and Recovery Act (RCRA) Subtitle D and the Clean Water Act (CWA) § 405. The next regulatory proposal will

include an amendment to the Criteria by specifying certain recordkeeping requirements for the land application of sewage sludge.

EPA expects to propose regulations for the distribution and marketing of sludge products under its sewage sludge disposal regulations in December 1980 and to finalize them in December 1981. Distribution and marketing of sludge-derived fertilizers and soil conditioners is the next candidate for regulation because EPA perceives an immediate need in this area for several reasons. First, the land application of sludge products is currently unregulated except in a few States. Second, use of this method is expected to increase as ocean disposal is being phased out as an alternative, thus increasing the health hazards as the amount of heavy metals, toxic organics, and pathogens in the soil is increased.

We will reserve several other parts of the comprehensive sewage sludge regulations for future completion and will incorporate and update some of the regulations described below under "Related Regulations and Actions." These may include landfilling, incineration, surface impoundments, thermal processing, and ocean disposal. EPA does not yet have a timetable for completion of these parts of the regulations.

Summary of Benefits

Sectors Affected: Public and privately owned sewerage systems; EPA; State and local governments; manufacturing and distributing of fertilizers and soil conditioners derived from sludge; and the general public.

Although the costs of these regulations are not known at present, EPA feels that the benefits to be gained are important enough to justify writing these regulations. The Agency will discuss the benefits and costs more fully in its Regulatory Analysis, which will be completed at the time of the proposal for the distribution and marketing regulations. Benefits include aiding the State and local governments to select the most effective sludge management approach for their individual situations, promoting better coordination of sludge management programs among jurisdictions within a regional area (such as would be needed for the Potomac River, which travels through Maryland, Virginia, and the District of Columbia), and providing the public and the sludge disposal organizations (both private and public) with advice on the safe and proper methods for disposing of sewage sludge. Documented cases of damage incidents indicate the potential environmental and public health problems relating to the uncontrolled or indiscriminate use of sludge-based fertilizer and soil conditioner products. Although some of these products have been found to contain potentially harmful levels of heavy metals, toxic organics, and pathogens, they are often distributed and marketed without the public knowing about their chemical or biological constituents or the proper manner of application to the soil. Over time, repeated application of such products can result in accumulation of contaminants in the soil, which will affect future use of the site.

We are preparing an Environmental Impact Statement/Economic Impact Analysis at the present time; it will be completed at the time of the proposal for the distribution and marketing regulations.

Summary of Costs

Sectors Affected: EPA; State and local governments; and public and privately owned sewerage systems.

As mentioned in "Summary of Benefits," the Agency will address the costs fully in its upcoming Regulatory Analysis.

Related Regulations and Actions

Internal: Of the incineration methods of sewage sludge disposal, both new stationary sources or air emissions and hazardous pollutants are regulated by the Clean Air Act (CAA). Polychlorinated biphenyls (PCBs) are regulated by the Toxic Substances Control Act (TSCA), and hazardous wastes by RCRA Subtitle C. Ocean dumping is regulated by the Marine Protection, Research and Sanctuaries Act (MPRSA).

External: None.

Active Government Collaboration

In developing the pre-proposal and the proposal drafts of the distributing and marketing of sewage sludge, EPA is working with the Food and Drug Administration, the Consumer Product Safety Commission, and the U.S. Department of Agriculture.

Available Documents

Final Rule for air emission and hazardous pollutants is in 40 FR 46259, October 6, 1975 and 40 FR 48302, October 14, 1975.

Final Rule for ocean dumping is in 42 FR 2462, January 11, 1977.

Final, Interim Final, and Proposed Rules for the Criteria for classification of solid waste disposal facilities and practices are in 44 FR 53438, September 13, 1979.

Final Rule for polychlorinated biphenyls is in 44 FR 31514, May 31, 1979.

Final, Interim Final, and Proposed Rules for hazardous waste are in 45 FR 33066, May 19, 1980.

Pre-proposal draft of the distribution and marketing of sewage sludge, May 6, 1980. Available free from the Public Information & Participation Branch, U.S. EPA, Office of Solid Waste (WH-562), 401 M Street, S.W., Washington, DC 20460.

Public comments concerning sludge requirements contained in the Criteria and the pre-proposal draft of the distribution and marketing of sewage sludge are available for review in the Solid Waste Docket, Room 2711A, U.S. EPA, Office of Solid Waste (WH-562), 401 M Street, S.W., Washington, DC 20460.

After the regulation is proposed, background documents and the Environmental Impact Statement/Economic Impact Analysis will be available for review in the Solid Waste Docket at the above address.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
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DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

ENERGY DEPARTMENT

Economic Regulatory Administration—

82586 12-15-80 / Motor gasoline allocation revision

Deadlines for Comments On Proposed Rules for the Week of January 18 through January 24, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

1279 1-6-81 / Milk in the Southern Michigan Marketing Area; recommended decision and opportunity to file written exceptions on proposed amendments to tentative marketing agreement and to order; comments by 1-21-81

80535 12-5-80 / Wheat and wheat foods research and nutrition education; comments by 1-19-81

Animal and Plant Health Inspection Service—

76689 11-20-80 / Importation of animals; procedures for withdrawal or denial of approval of commercial bird quarantine station; comments by 1-19-81

Commodity Credit Corporation—

85041 12-24-80 / Cooperative Marketing Associations; Eligibility requirements for price support; comments by 1-23-81

Farmers Home Administration—

76089 11-18-80 / Clarification of economic emergency loans (final rule); comments by 1-19-81

77036 11-21-80 / Community facility loans and development grants for community domestic water and waste disposal systems; comments by 1-21-81

76440 11-19-80 / Supervised bank accounts; loan and grant disbursement; comments by 1-19-81

Food and Nutrition Service—

77258 11-21-80 / Federal sanctions and State agency liabilities; comments by 1-21-81

Food Safety and Quality Service—

77037 11-21-80 / Grading of shell eggs, rabbits, and poultry, and inspection of eggs and egg products; comments by 1-21-81

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM—

77080 11-21-80 / Workshop responsibilities and specification changes; comments by 1-20-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

76661 11-20-80 / Deep seabed mining; pre-enactment explorers; comments by 1-19-81

80847 12-8-80 / Tanner crab off Alaska; Amendment to fishery management plan and proposed regulation; comments by 1-18-81

CONSUMER PRODUCT SAFETY COMMISSION

76447 11-19-80 / Voluntary standards activities; modification of policy; comments by 1-19-81

EDUCATION DEPARTMENT

84950 12-23-80 / College Library Resources Program (Title 11-A HEA); comments by 1-22-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

84823 12-23-80 / Availability of revised supplementary information and extension of the time period for public comment; comments by 1-23-81

80273 12-4-80 / Maximum lawful price for natural gas from stripper wells; comments by 1-23-81

2036 1-6-81 / Natural gas; incremental pricing; adoption of revised alternative fuel price ceilings for State of Kentucky; comments by 1-23-81

85779 12-30-80 / Proposed designation of a tight formation in Texas; comments by 1-21-81

ENVIRONMENTAL PROTECTION AGENCY

77464 11-24-80 / Air quality, Arizona, California, Hawaii, and Nevada; ambient surveillance provisions; comments by 1-23-81

85101 12-24-80 / Air quality attainment designations, Maryland redesignation for carbon monoxide for Cumberland and Hagerstown; comments by 1-23-81

84098 12-22-80 / Approval and promulgation of implementation plan for Illinois; comments by 1-21-81

77054 11-21-80 / Approval and promulgation of implementation plans; proposed revision to the New York State implementation plan; comments by 1-21-81

77052 11-21-80 / Approval and promulgation of implementation plans: State of Iowa; State implementation plan for lead; comments by 1-21-81

84099 12-22-80 / Approval and promulgation of State implementation plans: State of Missouri; comments by 1-21-81

83546 12-19-80 / Colorado State Implementation Plan; alternative emission reduction for Coors Container Facility; comments by 1-19-81

85101 12-24-80 / Diphenamid, proposed tolerance of herbicide on raspberries; comments by 1-23-81

85102 12-24-80 / Fluchloralin; proposed tolerances of herbicide on peanuts, peanut forage, and peanut hay; comments by 1-23-81

77435 11-24-80 / Hazardous waste listings; wastes from wood preserving industry; re-opening of comment period; comments by 1-23-81

[*See also* 45 FR 33123 and 33136, 5-19-80]

76618, 76620, 76624, 76626 11-19-80 / Hazardous waste management system; interim rules; comments by 1-19-81 (4 documents)

80561 12-5-80 / Hazardous Waste management system; used oil burned as fuel report; comments by 1-19-81

80316 12-4-80 / Intent to promulgate a maintenance of pay provision as part of the Idaho State Implementation Plan; comments by 1-19-81

85105 12-24-80 / 2,4-*D* isopropyl ester; proposed tolerance on citrus fruits; comments by 1-23-81

85103 12-24-80 / Methidathion; proposed tolerances of insecticide on mangos; comments by 1-23-81

76346 11-18-80 / National emission standards for the hazardous air pollutant vinyl chloride; comments by 1-19-81

77353 11-21-80 / Physical, chemical, persistence, and ecological effects testing; proposed good laboratory practice standards; comments by 1-21-81

77332 11-21-80 / Proposed environmental test standards; comments by 1-21-81

84827 12-23-80 / Proposed policy and procedures for identifying, assessing, and regulating airborne substances posing a risk of cancer; comments by 1-22-81

76404 11-18-80 / Proposed standards to limit atmospheric emissions of particulate matter from new, modified, and reconstructed asphalt blowing stills, asphalt saturators, asphalt storage tanks, and mineral handling and storage operations in the asphalt processing and roofing manufacturing industry; comments by 1-19-81

76209 11-18-80 / Redesignation of Linn County, Iowa (Cedar Rapids), from nonattainment to attainment regarding ozone ambient air quality standards; comments by 1-19-81

76427 11-18-80 / Standards of performance for new stationary sources; priority list; comments by 1-19-81

81074 12-9-80 / Steam electric power generating point source category effluent limitation guidelines; pretreatment standards and new source performance standards; comments by 1-19-81

85104 12-24-80 / Terbacil; proposed tolerance of herbicide on aparagus; comments by 1-23-81

FEDERAL COMMUNICATIONS COMMISSION

73719 11-6-80 / FM broadcast station in Andrews and Pawley's Island, S.C., proposed changes in table of assignments; reply comments by 1-19-81

78735 11-26-80 / FM broadcast station in Los Lunas, N. Mex.; changes in table of assignments; reply comments by 1-19-81

73720 11-6-80 / FM broadcast station in North Las Vegas, Nevada, proposed changes in table of assignments; reply comments by 1-19-81

73980 11-7-80 / FM broadcast station in St. Johnsbury, Vt.; changes in table of assignments; reply comments by 1-19-81

FEDERAL MARITIME COMMISSION

84832 12-23-80 / Exemption of collective bargaining agreements; proposed revocation; comments by 1-22-81

FEDERAL RESERVE SYSTEM

80648 12-5-80 / Truth in lending; Regulation Z; proposed complete revision; comments by 1-19-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Public Health Service—

76212 11-18-80 / Hospitals and medical facilities construction and modernization and health professional personnel teaching facilities; loan guarantees; use of notes as collateral for tax-exempt financing; comments by 1-19-81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner—Office of Assistant Secretary—

76376 11-18-80 / Changes in mortgage amounts under HUD's single family mortgage insurance programs; (interim rule); comments by 1-19-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

70198 10-22-80 / Proposed determination of critical habitat for the Hawksbill Sea Turtle in Puerto Rico; comments by 1-21-81

70192 10-22-80 / Proposed listing with endangered status and critical habitat for the Monito Gecko; comments by 1-21-81

Land Management Bureau—

84390 12-22-80 / Oil and gas leasing, and leasing of minerals other than oil and gas; special acts; comments by 1-21-81

National Park Service—

84997 12-24-80 / Demonstrations and special events; 1981 inauguration; comments by 1-23-81

84390 12-22-80 / Oil and gas leasing, and leasing of minerals other than oil and gas; Special Acts; comments by 1-21-81

INTERSTATE COMMERCE COMMISSION

80370 12-4-80 / Coal rate guidelines nationwide; comments by 1-19-81

80150 12-3-80 / Railroad revenue adequacy standards; comments by 1-19-81

JUSTICE DEPARTMENT

Prisons Bureau—

75125 11-13-80 / Control, custody, care, treatment, and instruction of inmates; incoming publications; interim rule; comments by 1-19-81

LABOR DEPARTMENT

83998 12–19–80 / Procurement; grants and contracts; cost principles and procedures; comments by 1–19–81

PERSONNEL MANAGEMENT OFFICE

76087 11–18–80 / Civil service retirement program and Federal employees health benefits program; definition of child eligible for survivor annuity benefits and health benefits coverage; interim rule; comments by 1–19–81

76183 11–18–80 / Regulations to govern promotion of Administrative Law Judges (ALJs); comments by 1–19–81

POSTAL SERVICE

84060 12–22–80 / Annual presort First-class Mailing fee; comments by 1–23–81

84826 12–23–80 / Centralized delivery mail receptacles; comments by 1–21–81

SECURITIES AND EXCHANGE COMMISSION

78158 11–25–80 / Revisions of investment company current report forms; comments by 1–23–81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

76868 11–20–80 / Export airworthiness approvals; comments by 1–19–81

76691 11–20–80 / Summary of petitions received and dispositions of petitions denied; comments by 1–19–81

Federal Highway Administration—

77455 11–24–80 / Buy-America requirements; use of domestic steel construction materials; comments by 1–23–81

[Corrected at 45 FR 80836, 12–8–80]

63535 9–25–80 / Elimination of the first aid kit in buses operating in interstate or foreign commerce; comments by 1–22–81

70288 10–23–80 / Inspection, repair, and maintenance—inspection requirements for leased vehicles; comments by 1–21–81

63535 9–25–80 / Parts and accessories necessary for safe operation; comments by 1–22–81

[Corrected at 45 FR 65261, 9–25–80]

76705 11–20–80 / Use and disposition of property acquired by States for modified or terminated highway projects; comments by 1–19–81

National Highway Traffic Safety Administration—

84108 12–22–80 / Passenger automobile average fuel economy standards; proposed decision to grant exemption; comments by 1–21–81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

76191 11–18–80 / Amendments to explosive materials regulations; comments by 1–19–81

Customs Service—

76449 11–19–80 / Examination of merchandise; amendments to regulations; comments by 1–19–81

Internal Revenue Service—

76450 11–19–80 / Indirect foreign tax credit for domestic corporations required to include amounts in gross income with respect to certain third-tier corporations under section 951; comments by 1–19–81

VETERANS ADMINISTRATION

77050 11–21–80 / Privacy Act exemptions; comments by 1–21–81

Deadlines for Comments On Proposed Rules for the Week of January 25 through January 31, 1981

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

78699 11–26–80 / Wool, hair and bristles; import restrictions; comments by 1–26–81

Commodity Credit Corporation—

85039 12–24–80 / 1981 Peanut program; Proposed determinations regarding a loan and purchase program for the 1981 crop of peanuts; comments by 1–30–81

78622 11–26–80 / Export Credit Guarantee Program (GSM–102); guarantee against defaults by foreign banks; comments by 1–26–81

CIVIL AERONAUTICS BOARD

73087 11–4–80 / Classification and exemption of air taxi operators; dual authority; reply comments by 1–26–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

85769 12–30–80 / Advance notice of proposed rulemaking for improving coastal management in the United States; comments by 1–31–80

74178 11–7–78 / Shrimp fishery of Gulf of Mexico; comments by 1–31–81

[Corrected at 79126, 11–28–80]

COMMUNITY SERVICES ADMINISTRATION

85485 12–29–80 / Environmental protection; comments by 1–28–81

EDUCATION DEPARTMENT

78962 11–26–80 / Bilingual Education Training Program; comments by 1–25–81

86312 12–30–80 / Library Research and Demonstration Program (Title II–BHEA) provisions; comments by 1–29–81

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

85610 12–29–80 / Grant programs for schools and hospitals and for buildings owned by units of local government and public care institutions; comments by 1–28–81

Federal Energy Regulatory Commission—

84814 12–23–80 / Gathering allowances and compression allowances under section 110 of the Natural Gas Policy Act of 1978; Inquiry; comments by 1–30–81

1743 1–7–81 / Proposed elimination of requirement of Federal entities to file reports pursuant to § 141.1; comments by 1–29–81

ENVIRONMENTAL PROTECTION AGENCY

86506 12–31–80 / Air quality, Pennsylvania; revision of State Implementation Plan; alternative emission reduction option for Minnesota Mining and Manufacturing Company (3m) in Bristol, Pa., comments by 1–30–81

78174 11–25–80 / Standards of performance for new stationery sources—perchloroethylene dry cleaners; comments by 1–26–81

FEDERAL COMMUNICATIONS COMMISSION

72719 11–3–80 / Direct broadcast satellites; satellite-to-home television transmission; comments by 1–31–81

81215 12–10–80 / FM broadcast station in Lahaina, Maui, Hawaii; changes in table of assignments; comments by 1–27–81

81080 12–9–80 / FM broadcast station in Romney, West Va.; proposed changes in table of assignments; comments by 1–27–81

81078 12–9–80 / FM broadcast station in Millersburg, Ohio; proposed changes in table of assignments; comments by 1–27–81

71384 10–28–80 / Policies governing ownership and operation of domestic satellite earth stations in Alaska Bush communities; reply comments by 1–29–81

73979 11–7–80 / Provisions for one-way paging stations in the domestic public land mobile radio service; reply comments by 1–30–81

82283 12-15-80 / TV broadcast station in Middleton, Mass.; proposed changes in table of assignments; comments by 1-30-81

FEDERAL EMERGENCY MANAGEMENT AGENCY

79122 11-28-80 / Floodplain management and protection of wetlands; comments by 1-27-81

FEDERAL RESERVE SYSTEM

81537 12-11-80 / Nonbanking activities of foreign banking organizations; comments by 1-30-81

GENERAL SERVICES ADMINISTRATION

58122 9-2-80 / Information system for furniture, furnishings, and certain other items; comments by 1-30-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

79002 11-28-80 / Additional standards for human blood and blood products; source plasma (human); comments by 1-27-81

111 1-2-81 / Diagnostic X-Ray systems and their mjaor components; proposed amendment to performance standard; comments by 1-29-81

79091 11-28-80 / Erythromycin enteric—coated tablets; disintegration standard; comments by 1-27-81

79089 11-28-80 / Radioactive drugs; reduction of reserve sample retention requirements; comments by 1-27-81

78162 11-25-80 / Tests and methods of assay of antibotic and antibotic containing drugs; revised standard response line concentrations; comments by 1-26-81

[Corrected at 46 FR 1298, 1-6-81]

Health Care Financing Administration

79453 12-1-80 / Collection of unpaid Medicare premiums; comments by 1-30-81

79658 12-1-81 / Withholding of payments for practitioners, providers, and suppliers of services; comments by 1-30-81

Human Development Services Office—

86817 12-31-81 / Foster care maintenance and adoption assistance child welfare services; Federal financial participation; fiscal requirements; comments by 1-30-81

Social Security Administration—

79501 12-1-80 / Federal old-age, Survivors, and disability insurance and supplemental security income for the aged, blind, and disabled; Representative payment; comments by 1-30-81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Assistant Secretary for Fair Housing and Equal Opportunity—

78508 11-25-80 / Nondiscrimination in programs and activities receiving assistance under Title I of the Housing and Community Development Act of 1979; comments by 1-26-81

Assistant Secretary for Housing—

Federal Housing Commission—

78164 11-25-80 / Coinsurance provision; comments by 1-26-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

72234 10-31-80 / Endangered plants; proposed endangered status and critical habitat for stephanomeria malheurensis (Malheur wire-lettuce); comments by 1-29-81

Fish and Wildlife Service—

86511 12-31-80 / Service and forfeiture procedures; increased value of seized property and posting of notices; comments by 1-30-81

Surface Mining Reclamation and Enforcement Office—

85797 12-30-80 / Surface coal mining and reclamation and enforcement; intent to prepare Federal Program and suspension of Ohio schedule for State program resubmission; comments by 1-29-81

INTERSTATE COMMERCE COMMISSION

79488 12-1-80 / Application procedures for motor carrier transportation, special intermodal authority; comments by 1-30-81

81799 12-12-80 / Cancellation of motor carrier joint rates through routes; comments by 1-26-81

86738 12-31-80 / Tariffs; intermodal carriers; authority to enter into international joint rates with nonvessel operating common carriers; comments by 1-30-81

LEGAL SERVICES CORPORATION

86511 12-31-80 / Restrictions and certain activities (legislative advocacy, etc.) by fund recipients; comments by 1-30-81

NATIONAL CREDIT UNION ADMINISTRATION

79494 12-1-80 / Adjustable rate mortgages; comments by 1-31-81

PERSONNEL MANAGEMENT

79078 11-28-80 / Federal employees' group life insurance and health benefits; coverage for employees hired under career-related work-study programs; comments by 1-27-81

POSTAL SERVICE

86504 12-31-80 / Mailability of matter; advice to postal customers; comments by 1-29-81

SMALL BUSINESS ADMINISTRATION

79496 12-1-80 / Definition of social disadvantage; Minority group inclusion; comments by 1-30-81

[Comments date corrected at 45 FR 80117, 12-3-80]

TRANSPORTATION DEPARTMENT

Coast Guard—

81607 12-11-80 / San Juan Harbor, seaplane restricted area; comments by 1-26-81

Office of the Secretary—

83252 12-18-80 / Special air traffic rules and airport traffic patterns slot allocation at Washington National Airport; reply comments by 1-26-81

71236 10-27-80 / Washington National Airport; special air traffic rules and airport patterns; allocation of hourly number of instrument flight operations; reply comments by 1-26-81

TREASURY DEPARTMENT

Internal Revenue Service—

79094 11-28-80 / Income tax; partnerships and investments credit for used property; comments by 1-27-81

78167 11-25-80 / Treatment, for tax proposes, of expenditures for attempts to influence legislation; comments by 1-26-81

Next Week's Meetings

ADMINISTRATIVE COURTS OF THE UNITED STATES

78193 11-25-80 / Board of certification, United States Circuit Courts of Appeals, Court Executive, San Francisco, Calif., 1-23-81

AGRICULTURE DEPARTMENT

Forest Service—

81083 12-9-80 / Coronado National Forest Grazing Advisory Board, Tucson, Ariz. (open), 1-20-81

79520 12-1-80 / San Juan National Forest Grazing Advisory Board, Durango, Colo. (open), 1-23-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

2222 1-8-81 / National Council on the Arts, Theatre Panel, Washington, D.C. (partially open), 1-22 and 1-23-81

COMMERCE DEPARTMENT

International Trade Administration—

1764 1-7-81 / Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee, San Francisco, Calif. (partially open), 1-22-81

79132 11-28-80 / Computer Systems Technical Advisory Committee, Washington, D.C. (partially open), 1-22-81

[Changed at 45 FR 80854, 12-8-80]

79133 11-28-80 / Hardware Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (closed), 1-21-81

[Changed at 45 FR 80855, 12-8-80]

79525 12-1-80 / Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (open), 1-21-81

[Changed at 45 FR 80854, 12-8-80]

National Oceanic and Atmospheric Administration—

83308 12-18-80 / Emergency Striped Bass Study, Washington, D.C. (open), 1-19-81

85808 12-30-80 / Western Pacific Fishery Management Council's Spring Lobster Subpanel, Honolulu, Hawaii (open), 1-23-81

DEFENSE DEPARTMENT

Air Force Department—

84842 12-23-80 / Community College of the Air Force (CCAF) Advisory Committee, Montgomery, Ala. (open), 1-20-81

82986 12-17-80 / USAF Scientific Advisory Board, Space Division Advisory Group, Los Angeles, Calif. (closed), 1-22 and 1-23-81

Office of the Secretary—

85812 12-30-80 / DOD Advisory Group on Electron Devices, Working Group A, New York, N.Y. (closed), 1-22-81

85813 12-30-80 / DOD Advisory Group on Electron Devices, Working Group C, San Diego, Calif. (closed), 1-21 and 1-22-81

78194 11-25-80 / Wage Committee, Wash., D.C. (partially open), 1-20-81

83650 12-19-80 / Water in Southwest Asia Task Force, Defense Science Board, Arlington, Va. (closed), 1-21 and 1-22-81

[Rescheduled at 45 FR 86524, 12-31-80]

EDUCATION DEPARTMENT

84118 12-22-80 / Search Committee of the Intergovernmental Advisory Council on Education, Tallahassee, Fla. (closed), 1-21-81

ENERGY DEPARTMENT

Energy Research Office—

2381 1-9-81 / Conservation Panel of the Energy Research Advisory Board, Washington, D.C. (open), 1-23-81

85816 12-30-80 / Solar Photo Voltaic Energy Advisory Committee and Subcommittee of the Energy Research Advisory Board, Albuquerque, N. Mex., and Golden, Colo. (open), 1-19 through 1-21-81

ENVIRONMENTAL PROTECTION AGENCY

1333 1-6-81 / Science Advisory Board, Research Outlook Review Subcommittee, Washington, D.C. (open), 1-22-81

FEDERAL COMMUNICATIONS COMMISSION

1337 1-6-81 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 1-21-81

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

83669 12-19-80 / Meeting, Washington, D.C. (open), 1-22-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Human Development Services Office—

86812 12-31-80 / Adoption assistance and child welfare services; foster care; State eligibility requirements for additional payments; Denver, Colo. 1-19-81; Philadelphia, Pa., 1-23-80 (both sessions open)

85124 12-24-80 / Foster care maintenance and adoption assistance; child welfare services. Denver, Colo.; 1-19-81; Philadelphia, Pa., 1-23-81 (both sessions open)

86817 12-31-81 / Foster care maintenance and adoption assistance, child welfare services; Federal financial particiaption; Denver, Colo., 1-19-81; Philadelphia, Penn., 1-23-81; (both sessions open)

85831 1-30-80 / White House Conference on Aging, Technical Committee on Creating an Age-Integrated Society: Implications for Education, Ann Arbor, Mich. (open), 1-19 and 1-20-81

National Institutes of Health—

83675 12-19-80 / Environmental Health Sciences National Advisory Council, Research Triangle Park, N.C. (partially open), 1-19-81

83675 12-19-80 / Eye National Advisory Council, Bethesda, Md. (partially open), 1-18 through 1-21-80

83676 12-19-80 / General Medical Sciences National Advisory Council, Bethesda, Md. (partially open), 1-19-81

Office of the Secretary—

83172 12-17-80 / Adoption Assistance and Child Welfare Act of 1980, implementation; demonstration project assisting those wishing to comment on proposed regulations; Philadelphia, Pa. (open), 1-23-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

84157 Proposed disposition and administration of lands declared excess by the U.S. Navy on the island of Culebra and Culebrita in Puerto Rico, Culebra Island and San Juan, Puerto Rico (open), 1-21 and 1-22-81 respectively

Land Management Bureau—

171 1-2-81 / Baker District Advisory Council, Baker Oregon (open), 1-21-81

[Originally published at 45 FR 81890, Dec. 12, 1980]

83333 12-18-80 / Fairbanks District Advisory Council, W. Wainwright, Alaska (open), 1-23 and 1-24-81

83333 12-18-80 / Fairbanks District Advisory Council, Minerals Subcommittee, W. Wainwright, Alaska (open), 1-20-81

83333 12-18-80 / Fairbanks District Advisory Council, Utility Corridor Subcommittee, W. Wainwright, Alaska (open), 1-22-81

83332 12-18-80 / Las Cruces District Grazing Advisory Board, Las Cruces, N. Mex. (open), 1-22-81

85527 12-29-80 / Medford District Advisory Council, Medford, Ore. (open), 1-23-81

77147 11-21-80 / Proposed outer continental shelf oil and gas lease sale, Newark N.J., 1-20-81; Norfolk, Va., 1-22-81

National Park Service—

84159 12-22-80 / Santa Monica Mountains National Recreation Area Advisory Commission, (open) Santa Monica, Calif., 1-19-81; Los Angeles, Calif., 1-20-81; Ventura, Calif., 1-21-81; and Woodland Hills, Calif., 1-22-81

86558 12-31-80 / Statue of Liberty national Monument, general management planning; Brooklyn, N.Y. 1-20-80; Jersey City, N.J. 1-21-80; Manhattan, N.Y., 1-22-80 (all sessions open)

1357 1-61-81 / Upper Delaware Citizens Advisory Council, Narrowsburg, N.Y. (open), 1-23-81

NATIONAL SCIENCE FOUNDATION

83068 12-17-80 / Environmental Biology Advisory Committee, Ecological Sciences Subcommittee, Washington, D.C. (closed), 1-21 through 1-23-81

83069 12-17-80 / Physiology, Cellular, and Molecular Biology Advisory Committee, Cell Biology Subcommittee, Washington, D.C. (closed), 1-21 through 1-23-81

85861 12-30-81 / Subcommittee for Psychobiology of the Advisory Committee for Behavioral and Neural Sciences, Washington, D.C. (closed), 1-23 and 1-24-81

NUCLEAR REGULATORY COMMISSION

1379 1-6-81 / Reactor Safeguards Advisory Committee, Electrical Power Systems Subcommittee, Washington, D.C. (open), 1-23-81

1379 1-6-81 / Reactor Safeguards Advisory Committee, AC/DC Power Systems Reliability Subcommittee, Washington, D.C. (open), 1-22-81

PENSION POLICY, PRESIDENT'S COMMISSION

184 1-2-81 / Final Meeting, Williamsburg, Va. (open), 1-23 through 1-25-81

SYNTHETIC FULES CORPORATION

85863 12-30-80 / Pre-proposal workshop, Denver, Colo. (open), 1-19-81

TENNESSEE VALLEY AUTHORITY

80240 12-3-80 / Dispersed power production, proposed interim program and guidelines for implementation, Chattanooga, Tenn. (open), 1-19-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

85540 12-29-80 / Radio Technical Commission for Aeronautics Executive Committee, Washington, D.C. (open), 1-23-81

National Highway Traffic Safety Administration—

43922 6-30-80 / National Highway Safety Advisory Committee, Washington, D.C. (open), 1-19 through 1-21-81

VETERANS ADMINISTRATION

185 1-2-81 / Station Committee on Educational Allowances, Muskogee, Oklahoma (open), 1-22-81

82785 12-16-80 / Wage Committee, Washington, D.C. (closed), 1-22-81

Next Week's Public Hearings

CIVIL AERONAUTICS BOARD

84841 12-23-80 / Spanish Main International Airlines; fitness investigation; Washington, D.C., 1-22-81

COMMERCE DEPARTMENT

International Trade Administration—

82979 12-17-80 / Leather wearing apparel from Uruguay, preliminary affirmative countervailing duty determination, Washington, D.C., 1-22-81

DEFENSE DEPARTMENT

Navy Department—

68704 10-16-80 / Navy Discharge Review Board, San Diego and San Francisco, Calif., 1-18 thru 1-23-81

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

85610 12-29-80 / Grant programs for schools and hospitals and for buildings owned by units of local government and public care institutions, San Francisco, Calif., 1-20-81

ENVIRONMENTAL PROTECTION AGENCY

83126 12-17-80 / Air pollution, performance standards for limiting emissions of volatile organic compounds from gasoline tank truck loading racks of bulk gasoline terminals, Research Triangle Park, N.C. 1-21-81

INTERIOR DEPARTMENT

Water and Power Resources Services—

83032 12-17-80 / Pick-Sloan Missouri Basin Program, O'Neill Unit, environmental impact statement, O'Neill, Nebr., 1-21-81

TRANSPORTATION DEPARTMENT

Coast Guard—

83290 12-18-80 / Tankerman requirements, St. Louis, Mo., 1-21-81

TREASURY DEPARTMENT

Alcohol, Tabacco and Firearms Bureau—

82742 12-15-80 / Establishment of proposed viticultural areas, Santa Cruz Mountains, Calif., 1-19-81; Lime Kiln Valley, Calif., 1-21-81; Santa Maria Valley, Calif., 1-23-81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

A complete listing for the second session of the 96th Congress is published in the **Reader Aid** section of the issue of January 7, 1981

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

RULES GOING INTO EFFECT

2298 1-8-81 / DOT/FHWA— Carpool and vanpool (ridesharing) projects; determination of eligibility for Federal aid funding; effective 1-30-81

DEADLINES FOR COMMENTS ON PROPOSED RULES

1644 1-6-81 / HHS—Requirements and procedures applicable to appeals before the Departmental Grants Appeals Board; comments by 3-9-81

1321 1-6-81 / HHS/Child Support Enforcement Office—Child Support Enforcement Program; requests for collection by Secretary of the Treasury; comments by 3-9-81

1319 1-6-81 / HHS/Child Support Enforcement Office—Child Support Enforcement Program; withholding of advance funds for not reporting; comments by 3-9-81

APPLICATION DEADLINES

2374 1-9-81 / Commerce/MBDA—Financial Assistance Application Announcement; apply by 2-11-81

2375 1-9-81 / Commerce/MBDA—Financial Assistance Application Announcement; correction; apply by 1-15-81

2159 1-8-81 / Commerce/MBDA—General Business Services Program; project to serve New York County (Manhattan), N.Y.; apply by 1-29-81

2389 1-9-81 HUD/CPD—Community Development Block Grant Program; apply by 1-12-81

1355 1-6-81 / Interior/BIA—Indian Child Welfare Act; grant funds distribution formula; apply by 2-9-81

1628 1-6-81 / USDA/SEA—Plant biology and human nutrition grants; apply by 2-13, 2-20, and 2-27-81

MEETINGS

1351 1-6-81 / HHS/NIH—Dental Research National Advisory Council, Bethesda, Md. (partially open), 1-29 and 1-30-81

1351 1-6-81 / HHS/NIH—National Library of Medicine, Board of Regents (partially open):

Full Board meeting, Bethesda, 1-29 and 1-30-81

Extramural Programs Subcommittee, 1-28-81

Lister Hill Center and National Medical Audiovisual Center Subcommittee, 1-28-81

2222 1-8-81 / NFAH—Humanities Panel: Residental Fellowship for College Teachers in English and Composition, Chicago Ill.; and Residental Followships for College Teachers in Sociology, Washington, DC; 1-19-81 (both meetings closed)

2222 1–8–81 / NFAH—Theatre Panel, Washington, DC. (partially open), 1–22 and 1–23–81

OTHER ITEMS OF INTEREST

2166 1–8–81 / CSA—Accidental hypothermia prevention, training and technical assistance in energy-related programs for grantees already funded

1552 1–6–81 /HHS/HDSO—Guidelines for development of State Child Welfare Services Plan

2572 1–9–81 /Justice/OJARS—Planning and Coordination Grants to Develop and Support Model Comprehensive Programs for High-Risk Youths

2566 1–9–81 / Justice/OJJDP—Policy and Criteria for de minimis exceptions to full compliance with deinstitutionalization requirement of the Juvenile Justice and Delinquency Prevention Act in 1974, as amended

2331 1–19–81 / USDA/FNS—Food Distribution Program

2329 1–9–81 / USDA/FNS—National School Nutrition Programs; exclusion of Job Corp Centers

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