AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

2-29-80
Vol. 45 No. 42
Pages 13429-13720

federal register

Friday
February 29, 1980

Highlights

13429 **Asian/Pacific American Heritage Week** Presidential proclamation

13715 **Identification of Subjects in Agency Regulations** Administrative Committee of the Federal Register announces meeting and extension of comment period on advance notice of proposed rulemaking; meeting, 3-18-80; comments by 3-31-80 (Part VI of this issue)

13678 **Black Lung** Labor/ESA issues procedures for determining coal miners' total disability or death due to pneumoconiosis; effective 3-31-80 (Part V of this issue)

13540 **Black Lung Clinics** HEW/HSA is accepting applications for program grants; apply by 5-30-80

13446 **Indian Self-Determination and Education Assistance** Interior/BIA issues rules regarding contracts and grants; effective 3-31-80

13477 **Medicare and Medicaid** HEW/HCFA issues decision to develop regulations to improve care in health institutions

13452 **Private Foundations** Treasury/IRS provides rules regarding qualifying distribution of proceeds of sale of contributed property; effective March 31, 1980

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Area Code 202–523–5240

Highlights

13434 **Nuclear Power Reactors** NRC amends rules to require immediate reporting of significant events from licencees; effective 2–29–80

13467 **Social Services Programs** HEW/HDS issues an extension of period for States' purchase-of-service contracts to conform to procurement requirements; effective 2–29–80

13469 **Time Deposits** FRS amends maximum interest rate ceiling of 11¾ per cent on new 2½ year variable ceiling time deposits; effective 2–27–80

13437 **Share Accounts and Certificate Accounts** NCUA adopts 12% ceiling rate for certain certificates; effective 2–28–80

13464 **Disaster Preparedness Assistance** FEMA issues standards and procedures to implement Federal and State Preparedness Programs; effective 3–31–80

13646 **Toxic Substances Control** EPA proposes general recordkeeping and reporting requirements; comments by 5–6–80 (Part IV of this issue)

13471 **Liquid Polychlorinated Biphenyls** USDA/FSQS proposes to amend its Federal meat, poultry products, and egg products inspection regulations concerning new or replacement equipment and machinery; comments by 4–30–80

13453 **Income Tax** Treasury/IRS issues rules relating to qualified stock options granted after May 20, 1976; effective for taxable years ending after 12–31–75

13456 **Statewide FAIR Plans** FEMA revises rules to provide property insurance to residents and small businesses where such insurance is unavailable in voluntary market; effective 2–29–80

13718 **Petroleum and Natural Gas** USDA/Sec'y requests comments regarding conservation through possible changes in agency financial assistance programs; comments by 4–7–80 (Part VII of this issue)

13575 **Sunshine Act Meetings**

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13646 **Part IV, EPA**
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Presidential Documents

Title 3—

The President

Proclamation 4727 of February 27, 1980

Asian/Pacific American Heritage Week, 1980

By the President of the United States of America

A Proclamation

America's strength is in the heart of its people and the richness of its cultural diversity.

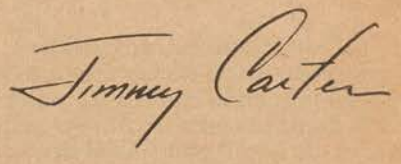
Those who have come from Asian and Pacific countries have long added a special quality to our American mosaic. In spite of adversity, in spite of violence inflicted on their peoples and cultures, Asian and Pacific Americans have shed sweat and blood in the struggle for America's nationhood and in the quest for freedom and opportunity. Out of all proportion to their numbers, Asian and Pacific Americans have contributed to our Nation's progress in a wide range of fields—science, the arts, literature, agriculture, industry and commerce. Bringing with them the strong and varied traditions of their Asian and Pacific homelands—China, Japan, Korea, the Philippines, the Pacific Islands, and Southeast Asia—they have greatly enriched our cultural heritage and institutions.

As we welcome new groups of Asian and Pacific peoples to our shores, our hearts are saddened by the suffering that has caused many of them to leave their homelands, but we are proud to be able to offer them freedom and hope and opportunity in America.

As we work together to help them make the difficult adjustments to a new land and new lives, we are deeply aware of our debt to the generations of Asian and Pacific Americans who have come before them. We are grateful for their presence and glad for the opportunity to continue our tradition as a land of immigrants, people who have come from every corner of the earth, united by a common commitment to human rights and human liberty.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, declare the seven days beginning May 7, 1980, as Asian/Pacific American Heritage Week. I call upon the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set may hand this twenty-seventh day of February, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.



[FR Doc. 80-6556
Filed 2-27-80; 3:47 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 432

Reduction in Grade and Removal Based on Unacceptable Performance

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: This amendment to OPM's regulations is made to comply with a Merit Systems Protection Board's Order which prohibits an agency from taking action under these regulations until OPM has approved an applicable performance appraisal system plan.

EFFECTIVE DATE: February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Wilma Lehman, Workforce Effectiveness and Development Group (202) 632–7647.

SUPPLEMENTARY INFORMATION: A decision of the Merit Systems Protection Board in the case of *Thomas W. Wells, et al.*, v. *Patricia R. Harris, et al.* (MSPB Order RR–80–3) declared 5 CFR 432.205 invalid. Also, see **Federal Register** Tuesday, February 12, 1980 (45 FR 9253). The revision to comply with this decision is being issued as an interpretive rule and is, therefore, being made effective immediately under 5 U.S.C. 553(b)(A) and 553(d)(2) which provide exceptions to the general notice of proposed rulemaking and to prior publication. OPM has determined that this is a significant regulation for the purposes of E. O. 12044.

Office of Personnel Management.
Beverly M. Jones,
Issuance System Manager.

PART 432—REDUCTION IN GRADE AND REMOVAL BASED ON UNACCEPTABLE PERFORMANCE

Accordingly, the Office of Personnel Management is revising 5 CFR 432.205 to read as follows:

§ 432.205 Interim procedures.

(a) An agency may take an action under this part only after:

(1) Approval by the Office of Personnel Management of a performance appraisal system plan covering the employee;

(2) Establishment of critical elements and identification of performance standards under 5 CFR 430.205 for all employees within the work group who are performing similar work; and

(3) Compliance with the requirements of this part; or

(b) Prior to the completion of an approved system plan and the development of critical elements and standards, an agency may reduce in grade or remove an employee for unsatisfactory performance or inefficiency under Subpart D of Part 752 of this title.

Authority: 5 U.S.C. 4305; MSPB Order RR–80–3.

[FR Doc. 80–6457 Filed 2–28–80; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 725

[Amdt. 13]

Farm Marketing Quotas and Acreage Allotments

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document changes the initial cutoff date for filing lease and transfer agreements from May 1 to April 15. This change will allow for more effective program administration and will allow producers the opportunity to complete lease and transfer of allotments and quotas before the planting season.

EFFECTIVE DATE: This rule shall become effective February 28, 1980.

ADDRESSES: Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burgess (ASCS) (202) 447–7935.

SUPPLEMENTARY INFORMATION: This rule changes the initial cutoff date for filing lease and transfer agreements from May 1 to April 15. This change will allow for more effective program administration and will allow producers the opportunity to complete lease and transfer transactions before the planting season begins. Since producers are making plans for the current crop and are now in the process of filing lease and transfer agreements, they need to know now the change provided in this rule. It is to the benefit of the producers that these regulations be made effective at the earliest practicable date.

Therefore, it is found and determined that compliance with the notice and public participation procedure and other provisions of 5 U.S.C. 553 and Executive Order 12044 with respect to this final rule are impracticable, unnecessary, and contrary to the public interest. Therefore, this rule shall become effective immediately.

Final Rule

Accordingly, 7 CFR Part 725 is amended by revising paragraph (c)(4)(i) of 725.72 to read as follows:

PART 725—FLUE CURED TOBACCO

§ 725.72 Lease and transfer of tobacco marketing quotas.

* * * * *

(c) * * *

(4) * * *

(i) If the record of transfer is filed after April 15 of the current crop year except that a record of transfer filed after April 15 but prior to June 15 shall be considered timely filed if the county committee, with approval of the State committee, finds that (A) the lease and transfer was agreed upon no later than April 15 of the current crop year, and (B) the record of transfer was not timely filed with the county committee because

of conditions beyond the control of the lessee or lessor.

* * * * *

Note.—This final rule is being published under emergency procedures as authorized by Executive Order 12044 and Secretary's Memorandum No. 1955. It has been determined by Jeffress A. Wells, Director, Production Adjustment Division, that the emergency nature of this date change for filing flue-cured tobacco lease and transfer agreements warrants the publication of this rule without first affording an opportunity for public comment. (Preparation of a final impact analysis is not required.)

This final rule will be scheduled for review under provisions of Executive Order 12044 and Secretary's Memorandum No. 1955.

Signed at Washington, D.C., on February 19, 1980.

Ray Fitzgerald,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-6181 Filed 2-28-80; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 241]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period March 2–8, 1980. Such action is needed to provide orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATES: March 2, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on February 26, 1980, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS USDA, Washington, D.C. 20250, telephone 202–447–5975.

§ 910.541 Lemon Regulation 241.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period March 2, 1980 through March 8, 1980, is established at 230,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 27, 1980.

D.S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-6635 Filed 2-28-80; 11:22 am]

BILLING CODE 3410-02-M

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins

AGENCY: Rural Electrification Administration.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A—REA Bulletins to provide for a revision of REA Bulletin 381–2, "Telephone System Construction Contract, Labor and Material." The revision announces (1) A general revision of the Telephone System Construction Contract, Labor and Materials, REA Form 511, (2) changes in the contract's associated specifications, REA Forms 511a, 511d, 511f and 511g, and (3) the renumbering of the 511 forms to 515, 515a, 515c, 515d, 515f and 515g. There is a need to revise the 511 forms to incorporate changes in construction materials, engineering designs and procedures, testing requirements and construction methods that have taken place since the last revision in October 1973. This action will make it possible for REA telephone borrowers to continue to provide their subscribers with the most modern and efficient telephone service.

EFFECTIVE DATE: February 20, 1980.

FOR FURTHER INFORMATION CONTACT: Robert Peters, telephone number (202) 447–2525.

SUPPLEMENTARY INFORMATION: REA regulations are issued pursuant to the Rural Electrification Act as amended (7 U.S.C. 901 et seq.). A Notice of Proposed Rulemaking was published in the **Federal Register** on June 8, 1979, Vol. 44, No. 112, Page 33076. However, no public comments were received in response to the notice.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355–S, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: February 20, 1980.

Susan T. Shepherd,

Acting Administrator.

[FR Doc. 80-6251 Filed 2-28-80; 8:45 am]

BILLING CODE 3410-15-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletin

AGENCY: Rural Electrification Administration, USDA.

ACTION: Emergency final rule.

SUMMARY: The Rural Electrification Administration hereby amends Appendix A—REA Bulletins to provide

a delay in the effective date of REA Bulletin 345–79, REA Specification for Electronic Equipment Housings, PE–69. The effective date is delayed to June 1, 1980.

No manufacturers of electronic equipment housings have to date submitted data showing compliance with this specification. In order to permit the continued routine financing of these housings with REA loan funds, a deferral of the effective date is required.

EFFECTIVE DATE: February 22, 1980.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, telephone (202) 447–3827.

SUPPLEMENTARY INFORMATION: The emergency is due to the fact that at the present, no manufacturers of electronic equipment housing have submitted data complying with this specification. Therefore, to permit the continued routine purchase of these housings with REA loan funds, a deferral of the effective date is required. This deferral will provide sufficient time for manufacturers to qualify their products. However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data, or arguments to the Administrator, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Attention: Telephone Operations and Standards Division. Material submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, the File With to REA Bulletin 345–79 shall remain in effect, thus permitting the public business to proceed more expeditiously.

An impact analysis for this delay has been prepared and is available for public inspection.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria.

Dated: February 22, 1980.

John H. Arnesen,

Assistant Administrator—Telephone.

[FR Doc. 80-6379 Filed 2-28-80; 8:45 am]

BILLING CODE 3410-15-M

Office of Environmental Quality

7 CFR Part 3100

Archaeological Resources Protection Act of 1979

AGENCY: Office of Environmental Quality, USDA.

ACTION: Notice of permitting procedures pending promulgation of new regulations.

SUMMARY: The purpose of this notice is to provide immediate guidance to those persons seeking permits to conduct archaeological excavation and/or exploration of lands administered by the Department of Agriculture. This guidance is offered in light of a new Act, the Archaeological Resources Protection Act of 1979, (Pub. L. 96–95), and its requirements for a permit authorizing such activities.

FOR FURTHER INFORMATION CONTACT: Dr. Janet Friedman, Forest Service (Recreation), USDA, Box 2417, Room 4236, Washington, D.C. 20013, (202) 447–2309.

SUPPLEMENTARY INFORMATION:

The Act

The Archaeological Resources Protection Act of 1979 (hereafter the Act) was enacted to provide a comprehensive framework for protecting and regulating the use of archaeological resources on public and Indian lands. Formerly, these resources were protected by the Antiquities Act of 1906 (34 Stat. 225, 16 U.S.C. 431–3) and regulations promulgated thereunder, 43 CFR Part 3.

The new Act requires that all excavation and removal of archaeological resources on public land be done pursuant to a permit issued by the Federal land manager. Recovered archaeological resources remain the property of the United States with custody and final disposition determined under regulations promulgated by the Secretary of the Interior. Violations of the Act, of a permit, or of applicable regulations can result in criminal and/or civil penalties.

The Act requires that uniform rules and regulations be promulgated by the Secretaries of the Interior, Agriculture, and Defense, and the Chairman of the Board of the Tennessee Valley Authority, after consultation with other Federal land managers, Indian tribes and representatives of concerned State agencies, and after public notice and hearing. Each such rule or regulations promulgated must also be sent to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs. The rule or regulation does not take effect for 90 days following its submission to these Committees.

Permit Applications

It is clear from the purpose and legislative history of the Act that it was not the intention of the Congress to discontinue legitimate archaeological exploration and excavation pending the implementation of new regulations. Maintaining a legitimate archaeological activity is particularly important in light of the need to undertake archaeological surveys and exploration prior to proceeding with various pending energy projects. However, Section 10(a) states that *"Each* uniform rule or regulation promulgated under the Act" must be submitted for Congressional review and *"no* such uniform rule or regulation may take effect before the expiration of a period of ninety calendar days following the date of its submission to such Committees" (emphasis supplied). The Act makes no explicit provision for exempting interim or emergency regulations from the 90-day legislative review period, yet the Act and its permit requirement took effect immediately upon its enactment. (Section 6(e)).

To reconcile these provisions of the statute and to enable archaeological activity to continue pending the promulgation of new permitting regulations under the Act, the Department of Agriculture has determined that the most reasonable course is to continue to issue permits during this period under regulations and procedures set forth in 43 CFR Part 3, which is promulgated under the Antiquities Act, to the extent those regulations are primarily procedural in nature.

Notice

Notice is hereby given that applications to the Department of Agriculture for permits for excavation and removal of archaeological resources subject to the Archaeological Resources Protection Act of 1979, Pub. L. 96–95, will be processed under regulations promulgated pursuant to Sections 3 and 4 of the Antiquities Act of 1906, (Sections 3 and 4, Stat. 225, 16 U.S.C. 432) and the substantive provisions of the Archaeological Resources Protection Act of 1979 (Pub. L. 96–95) until such time as new regulations have been promulgated. The existing regulations are to be found in 43 CFR Part 3. To the extent any provisions of the regulations are inconsistent with the new Act, the

policies of the new Act will govern for permits issued under the new Act.

Bob Bergland,

Secretary.

February 22, 1980.

[FR Doc. 80-6554 Filed 2-28-80; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

Closing of Port of Entry at Indus, Minn.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rulemaking order amends the regulations of the Immigration and Naturalization Service to close the Class B port of entry at Indus, Minnesota, and delete reference to that port from the Code of Federal Regulations. The amendment is necessary because the inspector, who served as an excepted immigration inspector has retired, and will not be replaced on account of Service manpower considerations. The amendment is intended to amend the Code of Federal Regulations to reflect the closing of this port.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: F. P. Murphy, Deputy Assistant Commissioner for Inspections, Immigration and Naturalization Service. Telephone: (202) 633-3275.

SUPPLEMENTARY INFORMATION: Reference is made to the Notice of Proposed Rulemaking published on March 13, 1979 at 44 FR 14562 in which it was proposed to close the Class B port of entry at Indus, Minnesota, and delete reference to it from the Code of Federal Regulations.

Only one representation was received in connection with this proposed rule making. However, that comment did not take issue with our proposal to close the port. After careful consideration of that representation it has been decided to close the port of entry at Indus, MN, and delete reference to it from the Code of Federal Regulations.

Persons who would have sought to enter the United States at the port of Indus may apply for admission and/or Canadian Boat Landing Cards at the port of entry located at International Falls, Minnesota. International Falls is a short distance away from Indus. It is, therefore not anticipated that the closure of Indus will inconvenience the public. The U.S. Customs Service has no objection to the closure of this port.

In the light of the foregoing, the following amendment is hereby prescribed to Chapter I of Title 8 of the Code of Federal Regulations:

PART 100—STATEMENT OF ORGANIZATION

In Part 100, § 100.4(c)(2) is amended by deleting Indus, Minn., from the list of Class B ports shown under District No. 10—St. Paul, Minn. As amended, § 100.4(c)(2) reads in pertinent part, as follows:

§ 100.4 Field Service.

* * * * *

(c) *Suboffices.* * * *

* * * * *

(2) *Ports of entry for aliens arriving by vessel or by land transportation.* * * *

* * * * *

District No. 10—St. Paul, Minn.

* * * * *

Class B

Crane Lake, Minn.
Oak Island, Minn.

* * * * *

(Sec. 103 (8 U.S.C. 1103))

Effective date. This amendment becomes effective on March 31, 1980.

Dated: February 23, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-6428 Filed 2-28-80; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20 and 50

Immediate Reporting of Significant Events at Operating Nuclear Power Reactors

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations, effective immediately, to require timely and accurate information from licensees to NRC following significant events at operating nuclear power reactors.

EFFECTIVE DATE: February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Dudley Thompson, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-492-8177.

SUPPLEMENTARY INFORMATION: The capability of the NRC to make timely decisions and to provide adequate assurances regarding actual or potential threats to public health and safety, depends heavily on the rapidity with which significant events are communicated by nuclear power reactor licensees to NRC. The majority of events occurring throughout the nuclear industry pose little or no serious or immediate threats to the public health and safety; however, certain events do pose such threats or generate fear or unusual concern.

NRC has an important obligation to collect facts quickly and accurately about significant events, assess the facts, take necessary action, and inform the public about the extent of the threat, if any, to public health and safety. Not only must NRC act promptly to prevent or minimize possible injury to the public, it must also take appropriate action to alleviate fear or concern created as a result of such events.

After the accident at Three Mile Island on March 28, 1979, the NRC staff acted to ensure the timely and accurate flow of information from licensees of operating nuclear power reactors following significant events. Dedicated telephone lines have been installed from all operating power plants to the NRC Operations Center and the Regional Offices. A line is located in each control room with provisions made for extensions to be located at other specified locations at the facility. When these phones are picked up to report significant events, they automatically ring at the NRC Operations Center and can be held open as long as needed.

NRC's Office of Inspection and Enforcement (OIE) issued Bulletins and sent letters requesting each licensee to review its prompt reporting procedures to NRC. These were intended to make certain that each licensee notifies NRC within one hour of the time the reactor is not in a controlled or expected condition of operation. Once the licensee has notified NRC, an open, continuous communication channel is established and maintained between the licensee and NRC.

The NRC staff has continued to evaluate licensees' responses to OIE's Bulletins and letters and to analyze the kinds of significant events that should be reported immediately. By their very nature, OIE's Bulletins and letters did not impose requirements on licensees, and in several instances licensees have not immediately reported significant events to NRC. Moreover, the Bulletins and letters did not describe in sufficient detail the specific types of significant events NRC determined had to be

reported immediately. The Commission has found that in order to take necessary action to protect the health and safety of the public, twelve types of significant events should be reported immediately (within one hour) to it. Consequently, NRC has decided to publish a rule requiring the immediate reporting by telephone of these events. The events, which are described in detail in the rule, include serious events that could result in an impact on the public health and safety such as those leading to initiation of the licensee's emergency plan or any section of the plan, the causing of the nuclear power plant to be in an uncontrolled condition, the exceeding of a safety limit, an act of sabotage, or an uncontrolled release of radioactivity. With regard to initiation of the licensee's emergency plan, the Commission is presently in the process of promulgating a rule concerning requirements for emergency plans for nuclear power plants. Meanwhile, the Commission has published guidance on emergency preparedness at operating nuclear power plants in NUREG–0610. This guidance has been sent to all affected licensees.

In view of (1) the significance of these twelve types of events with respect to their ability to jeopardize the health and safety of the public, (2) the fact that most of these events are not required presently to be reported immediately to NRC, (3) the problem of licensees not having reported such events to NRC after receipt of OIE's Bulletins and letters, and (4) NRC's immediate need to know in order to act quickly, NRC has determined that there is good cause to waive the opportunity for the public to comment on this rule before its effective date, and has determined, therefore, that it is in the public interest to make this rule effective immediately.

Although this rule is being published in effective form without a prior public comment period, the public is invited to submit its views and comments. If possible, these comments should be submitted by April 29, 1980. After reviewing any views and comments submitted, the Commission may reconsider or modify the rule as it deems necessary.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to 10 CFR Part 20 and 10 CFR Part 50 are published as a document subject to codification.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. Section 20.403 is amended by adding a new paragraph (d) to read as follows:

§ 20.403 Notification of incidents.

* * * * *

(d) For nuclear power reactors licensed under § 50.21 or § 50.22, the incidents included in paragraph (a) and paragraph (b) in this section shall in addition be reported pursuant to § 50.72.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

2. The title preceding § 50.70 is changed to read as follows:

Inspections, Records, Reports, Notifications

3. A new section 50.72 is added to read as follows:

§ 50.72 Notification of significant events.

(a) Each licensee of a nuclear power reactor licensed under § 50.21 or § 50.22 shall notify the NRC Operations Center as soon as possible and in all cases within one hour by telephone of the occurrence of any of the following significant events and shall identify that event as being reported pursuant to this section:

(1) Any event requiring initiation of the licensee's emergency plan or any section of that plan.

(2) The exceeding of any Technical Specification Safety Limit.

(3) Any event that results in the nuclear power plant not being in a controlled or expected condition while operating or shut down.

(4) Any act that threatens the safety of the nuclear power plant or site personnel, or the security of special nuclear material, including instances of sabotage or attempted sabotage.

(5) Any event requiring initiation of shutdown of the nuclear power plant in accordance with Technical Specification Limiting Conditions for Operation.

(6) Personnel error or procedural inadequacy which, during normal operations, anticipated operational occurrences, or accident conditions, prevents or could prevent, by itself, the fulfillment of the safety function of those structures, systems, and components important to safety that are needed to (i) shut down the reactor safely and maintain it in a safe shutdown condition, or (ii) remove residual heat following reactor shutdown, or (iii) limit the release of radioactive material to acceptable levels or reduce the potential for such release.

(7) Any event resulting in manual or automatic actuation of Engineered Safety Features, including the Reactor Protection System.

(8) Any accidental, unplanned, or uncontrolled radioactive release. (Normal or expected releases from maintenance or other operational activities are not included.)

(9) Any fatality or serious injury occurring on the site and requiring transport to an offsite medical facility for treatment.

(10) Any serious personnel radioactive contamination requiring extensive onsite decontamination or outside assistance.

(11) Any event meeting the criteria of 10 CFR 20.403 for notification.

(12) Strikes of operating employees or security guards, or honoring of picket lines by these employees.

(b) With respect to the events reported under subparagraphs (1), (2), (3), and (4) of paragraph (a) of this section, each licensee, in addition to prompt telephone notification, shall also establish and maintain an open, continuous communication channel with the NRC Operations Center, and shall close this channel only when notified by NRC.

(Secs. 161b. and o., Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, D.C. this 25th day of February 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-6345 Filed 2-28-80; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 430

Energy Conservation Program for Consumer Products; Procedural Regulations for the Submission and Disposition of Petitions for Prescription of a Rule to Supersede a State Appliance Energy Use or Efficiency Regulation; Editorial Changes

AGENCY: Department of Energy.

ACTION Editorial Change to a Final Rule.

FOR FURTHER INFORMATION CONTACT:
Mr. James A. Smith, Department of Energy, Office of Conservation and Solar Energy, Mail Station 2221C, 20 Massachusetts Avenue, NW., Washington, D.C. 20585 (202) 376–4814.

As a result of an editorial error, there are two paragraphs designated as "(c)" in § 430.44 of Subpart D of Part 430 of Chapter II of Title 10, Code of Federal Regulations. Subpart D is entitled, "Petitions for Prescription of a Rule to Supersede a State Appliance Energy Use or Efficiency Regulation," and appears at 42 FR 54264, October 5, 1977. By this notice, DOE effects the following editorial changes to § 430.44 of Subpart D of Part 430 of Chapter II of Title 10, Code of Federal Regulations:

1. Paragraph (c) entitled, "Consolidation," is redesignated as paragraph (d).

2. Paragraph (d) entitled, "Finality of decision," is redesignated as paragraph (e).

Issued in Washington, D.C. February 21, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 80-6364 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; FC-0169]

Official Staff Interpretation; Suspension of Effective Date and Republication for Public Comment

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Effective date of official staff interpretation suspended; its text reprinted for public comment.

SUMMARY: The Board is suspending the effective date of official staff interpretation FC-0169 of Regulation Z, Truth in Lending, regarding conditions under which certain charges may be included in the "cash price", published January 21, 1980 (45 FR 3879) and is republishing it for public comment. The agency is taking this action in response to a request for public comment submitted in accordance with 12 CFR 226.1(d)(3). The letter requesting a comment period is published below and immediately precedes the text of the official staff interpretation.

DATES: The effective date of FC-0169 is suspended until further notice. Comments must be received on or before March 31, 1980.

ADDRESS: Comments (including reference to FC-0169) may be mailed to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, 20th and Constitution Avenue, N.W., Washington, D.C. between 8:45 am and 5:15 pm.

FOR FURTHER INFORMATION CONTACT: Maureen P. English, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System Washington, D.C. 20551 (202-452-3867).

SUPPLEMENTARY INFORMATION: (1) The effective date, February 20, 1980, of official staff interpretation FC-0169 is suspended in accordance with 12 CFR Part 226.1(d)(2)(ii). The text of the letter requesting the opportunity for public comment appears below. This interpretation will not go into effect until final action is taken. Notice of such action will be published in the **Federal Register** in approximately 60 days and will become effective upon publication.

(2) The text of official staff interpretation FC-0169 is republished for comment with the exception of language pertaining to its former effective date. Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR Part 261.6

(3) Interested persons are invited to submit relevant comments. All material should be submitted in writing to: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and should be received not later than March 31, 1980. Comments will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

(4) After comments are considered, this official staff interpretation may be amended, may be withdrawn or may remain unchanged. Final action regarding this official staff interpretation will appear in the **Federal Register.**

(5) **Authority:** 15 U.S.C. 1640(f).

February 20, 1980.

Mr. Theodore E. Allison,

Secretary, Board of Governors of the Federal Reserve System, Washington, D.C.

Dear Mr. Allison: The National Consumer Law Center requests an opportunity for public comment on official staff interpretation FC-0169, in accordance with 12 CFR 226.1(d).

The interpretation, as set forth in 45 FR 3880 (January 21, 1980), deals with the proper disclosure of certain fees in connection with a motor vehicle sale, two of which are fees for issuance of a certificate of title and fees for registration.

Section 226.4(b)(4) of Regulation Z currently requires the itemization and disclosure of such fees if they are to be excluded from the finance charge. It is our feeling that FC-0169, perhaps unintentionally, obscures this requirement. The letter states that the creditor has been disclosing the fees "as components" of the cash price. This language does not clearly tell one that the creditor has itemized the fees, as required by § 226.4(b)(4). FC-0169 further states, "Since you have properly excluded the certificate of title and registration fees from the finance charge, the prohibitory language [of § 226.2(n)] does not apply and you may include them in the cash price." Again, we feel that this language is not sufficiently clear, and may inadvertently lead creditors to believe that by merely lumping ("including") these fees in with the cash price (as "components" thereof), they will have properly excluded them from the finance charge.

We think that these possible ambiguities in the letter could be cured by the use of the following additional language (underlined):

"You have been *itemizing and* disclosing such fees. . . . "

"Since you have properly excluded the certificate of title and registration fees from the finance charge *by itemizing them as required under § 226.4(b)(4),* the prohibitory. . . . "

Thank you for your consideration.

Sincerely,

Wendy W. Schiller,

Staff Attorney.

§ 226.2(n)—Prohibition against including § 226.4 charges in the cash price pertains to finance charges and does not apply to charges excluded pursuant to § 226.4(b). Alternatively, such charges may be shown as § 226.8(c)(4) other charges. (Modifies Public Information Letter 623.)

§ 226.4(b)—Prohibition against including § 226.4 charges in the cash price pertains to finance charges and does not apply to charges excluded pursuant to § 226.4(b). Alternatively, such charges may be shown as § 226.8(c)(4) other charges. (Modifies Public Information Letter 623.)

§ 226.8(c)—Certificate of title, registration and inspection fees may be either included in the cash price or shown as an other charge.

January 9, 1980.

In your letter of . . . you ask about the proper disclosure under Regulation Z of certain statutory fees imposed in connection with the sale of motor vehicles.

You state that your client, a seller of motor vehicles, is required by a state law to collect fees for the issuance of a certificate of title and for registration and inspection of the vehicle. You have been disclosing such fees as components of the cash price, but are concerned that the exclusionary language of § 226.2(n), which prohibits including "charges of the types described in § 226.4" in the cash price, requires that you discontinue this practice.

The staff believes that the prohibition in § 226.2(n) against including charges of the types described in § 226.4 pertains to finance charges and does not apply to those charges that have been excluded from the finance charge pursuant to § 226.4(b). Since you have

properly excluded the certificate of title and registration fees from the finance charge, the prohibitory language does not apply and you may include them in the cash price. Alternatively, such charges may be shown as other charges pursuant to § 226.8(c)(4). To the extent that Public Information Letter 623 is inconsistent with this position, that letter is modified. Note that whichever approach is taken, the amount financed will include the fees.

The inspection fee, however, is not among the § 226.4(b) charges that must be itemized to be excluded from the finance charge. Therefore, as long as it is not "imposed directly or indirectly by the creditor as an incident to or as a condition of the extension of credit," it is not a finance charge and may either be included in the cash price as a "service(s) related to the sale" of the property pursuant to § 226.2(n), or shown as an other charge.

This is an official staff interpetation of Regulation Z, issued in accordance with § 226.1(d)(2) and limited to the facts and issues discussed herein.

Sincerely,

Nathaniel F. Butler,

Associate Director, Board of Governors of the Federal Reserve System.

Board of Governors of the Federal Reserve System, February 22, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-6380 Filed 2-28-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 590

[No. 80-119]

Preemption of State Usury Laws

February 25, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Correction of Notice of Agency Interpretation of Statute.

SUMMARY: The Notice of Agency Interpretation of Statute relating to the recent temporary statutory preemption of State usury laws published in 45 FR 8000 (Feb. 6, 1980) is amended by adding language that was inadvertently omitted from that Notice.

EFFECTIVE DATE: December 28, 1979.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Attorney, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552 (202-377-6457).

SUPPLEMENTARY INFORMATION: The Notice of Agency Interpretation of Statute published in 45 FR 8000 (Feb. 6, 1980) is hereby amended by inserting the following in the Supplementary Information section immediately before the Interpretation themselves.

Part 590 of Title 12 of the Code of Federal Regulations is amended by adding to Appendix A the following:

Appendix A.—*Interpretations*

Subject	Interpretation No.	Date	Federal Register volume and page
State law requiring refund of unearned interest on prepayment	590-6	Feb. 6, 1980	45 FR 8000.
Extensions of outstanding commitments	590-7	Feb. 6, 1980	45 FR 8000.
State law prohibition against charging points	590-8	Feb. 6, 1980	45 FR 8001.

The text of these Interpretations reads as set forth below and will not appear in the Code of Federal Regulations.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-6490 Filed 2-28-80; 8:45 am]

BILLING CODE 6720-01-M

12 CFR Part 590

[No. 80-120]

Preemption of State Usury Laws

February 25, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Correction of Notice of Agency Interpretation of Statute.

SUMMARY: The Notice of Agency Interpretation of Statute which was published in 45 FR 6165 (Jan. 25, 1980) was inadvertently placed in the Notices section of the **Federal Register** rather than in the Rules and Regulations section. Certain other language was also omitted from that Notice of Agency Interpretation.

EFFECTIVE DATE: December 28, 1979.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Attorney, Federal Home Loan Bank Board, 1700 G Street, N. W., Washington, D.C. 20552 (202-377-6457).

SUPPLEMENTARY INFORMATION: The Notice of Agency Interpretation published in FR Doc. 80-2440 (45 FR 6165) was inadvertently placed in the Notices section rather than in the Rules and Regulations section. That Notice of Agency Interpretation should also be amended at 45 FR 6166 by inserting in the Supplementary Information section immediately before the Interpretations the following language:

Part 590 of Title 12 of the Code of Federal Regulations is amended by adding to Appendix A the following:

Appendix

Subject	Interpretation No.	Date	Federal Register Volume and page
Assumptions	590-2	Jan. 25, 1980	45 FR 6166.
New York banking law	590-3	Jan. 25, 1980	45 FR 6166.
Terms of commitments	590-4	Jan. 25, 1980	45 FR 6166.
Commitments to builders	590-5	Jan. 25, 1980	45 FR 6166.

The text of these Interpretations reads as set forth below and will not appear in the Code of Federal Regulations.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-6489 Filed 2-28-80; 8:45 am]

BILLING CODE 6720-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions; Share Accounts and Share Certificate Accounts

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The National Credit Union Administration Board has, after

consulting with the Board of Governors of the Federal Reserve System, the Federal Home Loan Bank Board, the Federal Deposit Insurance Corporation, and the Department of Treasury, adopted a variable ceiling rate of 12% for share certificates other than money market certificate accounts and certificate accounts of $100,000 or more.

EFFECTIVE DATE: February 28, 1980.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C., 20456.

FOR FURTHER INFORMATION CONTACT: J. Leonard Skiles, Deputy General Counsel, Office of General Counsel, at the above address. Telephone: (202) 357–1030.

SUPPLEMENTARY INFORMATION: The National Credit Union Administration Board (Board) is amending its regulations governing the maximum dividend rates that may be paid on share certificate accounts. Subsections 701.35(g) (2) and (3) (12 CFR 701.35(g) (2) and (3)) presently provide that Federal credit unions may pay on share certificate accounts the greater of a fixed rate (7¾% or 8%, depending on the nature of the share certificate account) or a variable rate which is 50 basis points (½%) below the average 2½ year yield on United States Treasury securities. Currently, there is no upper limit on the variable rate. The amendment to subsections (g) (2) and (3), however, would limit the maximum variable rate to the lesser of the 50 basis points (½%) below the average 2½ year yield on the United States Treasury securities or 12%. For example, if the variable rate for the month of March was 13%, Federal Credit Unions, notwithstanding, could pay no more than 12% on certificates offered during that month. It is noted that the fixed rates are substantially lower than the variable ceiling rate and, therefore, have no immediate application. However, it is not necessary to delete reference to the fixed rates at this time.

As is the current policy, the ceiling rate must be established each month for new share certificates issued during that month. Beginning the first day of every month, Federal credit unions will be permitted to pay the new ceiling rate which will then remain in effect for all share certificates issued during that month. Federal credit unions are permitted to compound and compute interest on these share certificates in accordance with any of the methods presently authorized. The Department of Treasury will continue to compute the average 2½ year yield on United States Treasury securities and will notify NCUA of the average yield three business days prior to the first of each month.

Because the very high rate that it is expected could be paid based on the average 2½ year yield for United States Treasury securities is considered to be deleterious to financial stability of Federal credit unions, this action, which is temporary in nature, was considered necessary pending the orderly adjustment of credit union portfolios to the new higher interest rate environment. It also compares to similar limiting amendments adopted by the other Federal financial regulatory agencies for the 2½ year certificate offered by banks and savings and loans associations.

The Board's decision to adopt the above discussed amendments was done after plenary discussion with the other financial regulatory agencies. It represents a further adjustment of overall interest rate ceilings due to the rapidly fluctuating economic conditions that began earlier this year. In order to facilitate the achievement of the stated objectives and in the interest of uniform action among the Federal financial regulatory agencies, the Board finds that application of the public notice and participation provisions of 5 U.S.C. § 553 is not necessary and would be contrary to the public interest. For the same reasons, the procedures set forth in the National Credit Union Administration's Final Report on Implementation of Executive Order 12044 were not followed. The official responsible for that determination is J. Leonard Skiles, Deputy General Counsel.

Rosemary Brady,

Secretary, NCUA Board.

February 27, 1980.

Authority: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).

Section 701.35 is amended by revising paragraph (g) (2) and (3) as follows:

§ 701.35 Share accounts and share certificate accounts.

* * * * *

(2) On a share certificate account, except as otherwise provided in this subsection, that is issued on or after the first day of every month, up to the greater of (1) 7¾%, or (2) the lesser of 12% or 50 basis points (½%) below the average 2½-year yield for United States Treasury securities, as determined and announced by the United States Department of Treasury three business days prior to the first day of each month, during the month of issuance of the account;

(3) Except as otherwise provided in paragraphs (4) and (5) of this subsection, on a share certificate account which represents an investment of retirement account funds pursuant to Section 721.4 or of public unit funds pursuant to Section 701.32 that is issued on or after the first day of every month, up to the greater of (1) 8%, or (2) the lesser of 12% or 50 basis points (½%) below the average 2½-year yield for United States Treasury securities, as determined and announced by the United States Department of Treasury three business days prior to the first day of each month, during the month of issuance of the account.

[FR Doc. 80-6555 Filed 2-27-80; 3:38 am]

BILLING CODE 7535-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230 and 239

[Release No. 33-6190]

Amendments to Registration Statement Form S-8 and Related New and Amended Rules Under the Securities Act of 1933

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the adoption of Rules 464 and 475a, amendments to related Rules 473, 477, and 485, and amendments to Form S–8, the form for registration of securities to be offered to employees pursuant to certain plans. The purpose of the new rules, amended rules and form amendments is to provide a means whereby all filings on Form S–8 (both pre-effective and post-effective) will become effective automatically, without affirmative action on the part of the Commission or of its staff pursuant to delegated authority.

In the release in which the above new rules and amendments were issued for comment, the Commission also requested comments on a series of general proposals which, if adopted, would allow issuers with employee benefit plans to utilize disclosure techniques comparable to those contained in Form S–16, either by incorporating Form S–16 type disclosure and updating features into Form S–8 or by adopting a new form. Comments were also requested with respect to the feasibility of incorporating one or more Employee Retirement Income Security Act ("ERISA") filings to register or update the registration of securities issued under plans subject to ERISA. The Commission expects that under cover of a separate release to be issued

in the near future it will propose modifications to Form S–8 which, if adopted, would permit Form S–16 type updating and disclosure. The Commission recognizes that there may be duplication of disclosure in ERISA filings and Commission documents but believes that more time is needed to study how such duplication might be eliminated. The Commission does not believe, however, that either the proposals to modify Form S–8 or the further study should hold up adoption of these proposals.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: William E. Toomey, Office of the Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202–272–2573).

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the adoption of Rules 464 (17 CFR 230.464) and 475a (17 CFR 230.475a), of corresponding amendments to Rules 473 (17 CFR 230.473), 477 (17 CFR 230.477) and 485 (17 CFR 230.485), and to Form S–8 (17 CFR 239.16b), the form for registration under the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77a et seq.) of securities to be offered to employees pursuant to certain plans.[1] The new rules and corresponding amendments will result in original filings on Form S–8 becoming effective automatically 20 days following filing and in post-effective amendments on Form S–8 becoming effective automatically upon filing. Since the procedure for processing these filings will be fully automated, in each case the entire filing will become public immediately upon filing and neither acceleration nor delay of the effective date of a filing will be possible. The Commission is adopting, however, an amendment to Rule 477 which would permit registrants to withdraw original Form S–8 filings without the prior consent of the Commission, if the withdrawal is filed with the Commission prior to the effective date. Additionally, the present practice which permits unsold shares to be deregistered by means of a post-effective amendment will not be affected by the proposed changes.

To accommodate automatic effectiveness, the provisions of Form S–8 relating to resale prospectuses have been amended. Resale prospectuses on Form S–16 may be filed as a part of Form S–8 and will also become effective automatically. Resale prospectuses on Form S–1, however, must be filed separately, and an additional filing fee will be charged.

The Commission's action with respect to automatic effectiveness of filings on Form S–8 is based upon the Commission's belief that most filings on this Form comply in all material respects with the disclosure requirements of the Form and related rules, that the review process results in only minimal disclosure improvement and that the public interest would generally best be served by prompt effectiveness of such filings without the delays necessitated by the low review priority accorded such filings. The Commission further believes that these rules and related amendments permitting automatic effectiveness will result in significant cost savings to issuers as well as in a reduction in paperwork for the Commission staff.

General Background

Over the past several years the total number of filings made in the Division of Corporation Finance under the Securities Act and the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq.) has continued to increase while staff size has remained stable. At the same time additional responsibilities have been assigned to that Division. The increased number of filings and additional responsibilities have created a pressing need to establish and to reorganize priorities and to change staff review procedures in order to focus upon more critical filings and to process filings on a more productive and efficient basis. Upon consideration the Commission has determined that eliminating routine staff review of filings on Form S–8 would appear to have little impact on the quality of disclosure in such filings. Under these circumstances the Commission believes that much of the time presently spent processing filings on Form S–8 would be better spent on other activities having higher priorities. Accordingly, reallocation of such resources elsewhere would appear to be in the public interest.

The Division does not contemplate doing away with review altogether. Thus, although a reduced staff effort will be involved, there will be monitoring of compliance with disclosure requirements both prior to and after filings become effective on an audit basis. This monitoring effort, however, will not prevent automatic effectiveness unless formal or informal staff action is taken to delay or suspend the filing. In addition, the new system continues to mandate compliance with the form requirements, including the existing condition precedent that the issuer must be current in its previous twelve months Exchange Act reports.

Discussion of the New Rules and Amendments

The Commission hereby announces that its staff will no longer routinely review any filings on Form S–8 as well as any related Form S–16 resale prospectuses. To maximize the savings of staff time, all processing of the filings will be automated, and notifications of effectiveness will not be prepared and mailed. Issuers wishing confirmation that their filings have been received by the Commission (with resultant effectiveness in twenty days or immediately, depending upon the type of filing) should submit with their filings, in a prominent manner, a receipt which can be date-stamped along with a stamped, self-addressed return envelope.

As originally proposed in Securities Act Release No. 6151, exceptions to the automatic effectiveness procedure were contemplated for those Form S–8 filings containing Form S–1 resale prospectuses or confidential treatment requests. Since so few filings involve either situation and because provision for these exceptions would unnecessarily complicate an automated system, the Commission has decided to eliminate these exceptions. As a result of this decision, resale prospectuses on Form S–1 must be filed separately, and the present procedure which permits these filings to be made as a part of a Form S–8 will be discontinued. General Instruction E of Form S–8, Unavailability of the Form S–8 Prospectus for Reoffers or Resales, has been revised accordingly to reflect this change. Should it ever become necessary to file a confidential treatment request pursuant to Rule 485 with respect to a Form S–8, appropriate procedures may be worked out with the examining branch on a case-by-case basis.[2] However, if increased integration of reports filed under the Exchange Act with Form S–8 occurs, situations where confidential treatment is needed should be quite rare. Because these two

[1] These changes, except for the changes in Rules 473, 477, and 485, which are being made as technical amendments, were originally proposed in Securities Act Release No. 6151 (November 19, 1979 (44 FR 67671)). Forty-four letters of comment addressed the subject of this release, of which thirty-five gave unqualified support, the others suggesting changes of various types while still endorsing the general concept. After consideration the Commission has determined to adopt one of the commentator suggestions, which concerns new Rule 464, discussed below.

[2] Rule 485 is being amended to cross reference to Form S–8 so as to reduce the likelihood that confidential treatment requests will be improperly processed.

exceptions to automatic acceleration have been eliminated, it is no longer necessary to place any boxes on the cover page of Form S–8. Accordingly, the proposed two boxes have been dropped, and the other box, containing a certification as to compliance with the requirements for the use of Form S–8, has been made a part of the signature certification.

The effective date of new filings on Form S–8 will no longer be accelerated. These filings will become effective on the twentieth day after filing through lapse of time (pursuant to Section 8(a) of the Securities Act). The Commission is aware, however, that events could occur which would require an amendment to a registration statement prior to its effective date. Accordingly, the Commission is announcing a new Rule 475a which provides that the filing of any pre-effective amendment to a registration statement on Form S–8 shall be deemed to have been filed with the consent of the Commission for the purposes of Section 8(a) of the Securities Act. This will prevent the twenty-day period from beginning again and will permit issuers to amend their filings to include last minute revisions and updated financial statements.

Issuers should note that Rule 473 has been amended to eliminate automatic delaying amendments on Form S–8. Although automatic delaying amendments were contemplated in the proposals contained in Securities Act Release 6151, further analysis has led the Commission to the conclusion that the presence of such amendments would unduly complicate the automatic effectiveness procedure. Accordingly, proposed Rule 475a has been amended to eliminate the reference to delaying amendments and Rule 473 has also been revised. To compensate somewhat for the elimination of delaying amendments, however, the Commission is amending Rule 477 to permit withdrawal of original Form S–8 filings without the prior consent of the Commission.

Under new Rule 464, all post-effective amendments on Form S–8 containing a certification that the issuer meets all of the requirements for filing on Form S–8 will become effective upon filing with the Commission. Moreover, Rule 464 incorporates into the General Rules and Regulations under the Securities Act the concept now contained in the standard undertaking in Form S–8 which deems the effective date of a registration statement to be the effective date of each post-effective amendment with respect to any securities sold pursuant to the related prospectus after the post-effective amendment has become effective. At the suggestion of one commentator, the language of new Rule 464 has been revised slightly to make it clear that the scope of the Rule is limited to post-effective amendments which have updated the prospectus to incorporate new full year financial statements or to meet the requirements of Section 10(a)(3) of the Securities Act.[3]

The Commission's original proposal to amend Item 17 of Form S–8 to codify the staff practice to require updated financial statements where the issuer had succeeded to or disposed of a significant business or significant assets is not being adopted at this time. Item 17 would be deleted in its entirety if incorporation by reference procedures similar to those permitted in connection with Form S–16 were adopted. Accordingly, it has been decided to consider the proposed modification in connection with an upcoming project to review the requirements of Forms 10–Q and 8–K rather than to undertake consideration in connection with revisions of an individual registration form. Since this decision does not in any way modify the traditional staff position, issuers should continue to be aware that additional financial information will be necessary if one or more of the events enumerated in the original proposed amendments have occurred.

As a further reminder to registrants of a problem area often the subject of comments under the review process, the Commission is adopting the proposed revision to the instruction to the Signature section of Form S–8 to make reference specifically to the power of attorney and resolution of the board of director provisions of Rule 402(c).

Text of the Amendments to Form S–8 and the New Rules

Chapter II of Title 17 of the Code of Federal Regulation is amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. A new § 230.464 is added as follows:

§ 230.464 Effective date of post-effective amendments on form S–8.

Provided that the issuer continues to meet the requirements for filing on Form S–8 at the time of filing of each post-effective amendment on such Form with the Commission:

(a) The post-effective amendment shall become effective upon filing with the Commission; and

(b) With respect to securities sold on or after the filing date pursuant to a prospectus which forms a part of the S–8 registration statement and which has been amended to include or incorporate new full year financial statements or to comply with the provisions of section 10(a)(3) of the Act, the effective date of the registration statement shall be deemed to be the filing date of the post-effective amendment.

2. A new paragraph (d) is added to § 230.473 as follows:

§ 230.473 Delaying amendments.

* * * * *

(d) No amendments pursuant to paragraph (a) of this section may be filed with a registration statement on Form S–8.

3. A new § 230.475a is added as follows:

§ 230.475a Pre-effective amendments on form S–8 deemed filed with consent of Commission.

Amendments to a registration statement on Form S–8 filed prior to the effectiveness of such registration statement shall be deemed to have been filed with the consent of the Commission and shall accordingly be treated as part of the registration statement.

4. Section 230.477 is revised to read as follows:

§ 230.477 Withdrawal of registration statement or amendment.

(a) Except as provided in paragraph (b) of this section, any registration statement or any amendment or exhibit thereto may be withdrawn upon application if the Commission, finding such withdrawal consistent with the public interest and the protection of investors, consents thereto.

(b) Any application for withdrawal of a registration statement filed on Form S–8, and/or any pre-effective amendment thereto, will be deemed granted upon filing if such filing is made prior to the effective date.

(c) The application for withdrawal under either paragraphs (a) or (b) of this section shall be signed and shall state fully the grounds upon which made. The fee paid upon the filing of the registration statement will not be returned to the registrant. The papers comprising the registration statement or amendment thereto shall not be removed from the files of the Commission but shall be plainly marked

[3] A new instruction F has been inserted in Form S–8 which briefly summarizes the procedures relating to automatic effectiveness and confidential treatment and indicates that notwithstanding other rule provisions the number of additional copies of registration statements and amendments to be filed with the Commission may be reduced.

with the date of the granting of such withdrawal and in the following manner: "Withdrawn upon the request of the registrant, the Commission consenting thereto."

5. Section 230.485 is amended to read as follows:

§ 230.485 Contracts in general.

Public disclosure will not be made of the provisions of any material contract or portion thereof if the Commission determines that such disclosure would impair the value of the contract and is not necessary for the protection of investors. Except for requests made on or in connection with filings on Form S–8, in any case where the registrant desires the Commission to make such a determination, the procedure set forth below shall be followed:

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Section 239.16b is amended as follows:

§ 239.16b Form S–8, for registration under the Securities Act of 1933 of securities to be offered to employees pursuant to certain plans.

1. The General Instructions are amended by revising subparagraph E(2), adding paragraph F, and revising Note 1 as follows:

General Instructions

* * * * *

E. Unavailability of the Form S–8 Prospectus for Reoffers or Resales

* * * * *

(2) If subparagraph (1), above, does not permit the use of a prospectus on Form S–16, registered reoffer or resales must be made by means of a separate registration statement utilizing whichever form is applicable.

F. Filing and Effectiveness of Registration Statement; Requests for Confidential Treatment; Number of Copies

Original registration statements on this Form S–8 will become effective automatically on the twentieth day after the date of filing (Rule 456, 17 CFR 230.456), pursuant to the provisions of Section 8(a) of the Act (Rule 459, 17 CFR 230.459). Pre-effective amendments may be filed prior to effectiveness, and such amendments will be deemed to have been filed with the consent of the Commission (Rule 475a, 17 CFR 230.475a). Accordingly, the filing of a pre-effective amendment will not commence a new twenty-day period. Post-effective amendments on this form shall become effective upon the date of filing (Rule 464, 17 CFR 230.464). Delaying amendments are not permitted in connection with either original filings or amendments (Rule 473(d), 17 CFR 239. 473(d)), and any attempt to interpose a delaying amendment of any kind will be ineffective. All filings made on or in connection with this Form become public upon filing with the Commission. As a result, requests for confidential treatment made under Rule 485 (17 CFR 230.485) must be processed with the Commission staff prior to the filing of the registration statement. The number of copies of the registration statement and of each amendment required by Rules 402 and 472 (17 CFR 230.402, 230.472) shall be filed with the Commission; provided, however, that the number of additional copies referred to in Rule 402(a)(2) may be reduced from ten to two and the number of additional copies referred to in Rule 472(a) may be reduced from eight to two, one of which shall be marked to clearly and precisely indicate changes.

Notes

1. The information in a prospectus used for reoffers or resales shall be updated through an amended prospectus filed in accordance with Section 10(a)(3) of the Act. The information responding to Item 5 of Form S–16 may be updated more frequently through the filing of a post-effective amendment, or through a supplement to the prospectus filed pursuant to Rule 424(c) (17 CFR 230.424(c)) under the Act, to reflect new volume limitations and additional amounts of securities proposed to be offered.

* * * * *

2. The Signatures are amended as follows:

Signatures

The Issuer. Pursuant to the requirements of the Securities Act of 1933, the issuer certifies that it meets all of the requirements for filing on Form S–8 and has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ———, and the State of ———, on this —— day of ———, 19—.

(Issuer) ———

By ———

(Signature and Title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated. Moreover, the undersigned hereby also certify that to the best of their knowledge and belief the issuer meets all of the requirements for filing on Form S–8.

(Signature) ———

(Title) ———

(Date) ———

3. The *Instructions* to the SIGNATURES are amended by adding the following:

Note.—Reference is made to the provisions concerning powers of attorney and resolutions of the board of directors contained in Rule 402(c) (17 CFR 230.402(c)) of Regulation C.

* * * * *

Statutory Authority

The Commission hereby adopts Rules 464 and 475a as well as amendments to Form S–8, and to Rules 473, 477, and 485, pursuant to the Securities Act of 1933, particularly Sections 7, 10 and 19 thereof.

(Secs. 7, 10, 19, 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685; sec. 308(a)(2), 90 Stat. 57; (15 U.S.C. 77g, 77j, 77s))

By the Commission.

George A. Fitzsimmons,

Secretary.

February 22, 1980.

[FR Doc. 80–6378 Filed 2–28–80; 8:45 am]

BILLING CODE 8010–01–M

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17 CFR Part 240

[Release No. 34–16598]

Record Production Obligations of National Securities Exchanges and National Securities Associations

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting a proposed amendment to Rule 17a–1 (17 CFR 240.17a–1) under the Securities Exchange Act of 1934 ("Act") to conform the language of that rule to the language of Section 17(a) of the Act, as amended by the Securities Act Amendments of 1975. Rule 17a–1 authorizes the Commission staff, under section 17(a), to obtain copies of any documents made or received by a national securities exchange ("exchange") or national securities association ("association") in the course of its business as such or in the conduct of its self-regulatory activities.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: William S. Muller, Division of Market Regulation, Securities and Exchange Commission, Room 351, 500 North Capitol Street, Washington, D.C. 20549, (202) 272–2415.

SUPPLEMENTARY INFORMATION: On November 14, 1979, the Commission issued a release proposing for comment a technical amendment to Rule 17a–1 under the Act governing the record retention and record production obligations of exchanges and associations.[1] The Commission adopted Rule 17a–1 in 1974,[2] to implement the authority conferred by Section 17(a) of the Act.[3] Thus, paragraph (a) of the rule

[1] Securities Exchange Act Release No. 16340 (November 14, 1979), 44 FR 66607.

[2] *See* Securities Exchange Act Release No. 10809 (May 17, 1974), 39 FR 18765.

[3] At the time Rule 17a–1 was adopted by the Commission in 1974, Section 17(a) of the Act, 15 U.S.C. 78q(a) (1970), provided: "Every national securities exchange, * * * [and] every registered securities association * * * shall make, keep, and

Footnotes continued on next page

prescribes those documents which must be maintained by an exchange or association, paragraph (b) prescribes the period for which such documents must be maintained, and paragraph (c) sets forth the Commission's authority to examine any documents required to be maintained. In particular, paragraph (c) of Rule 17a–1 provides that to facilitate the completion of such an examination, the Commission's representatives may temporarily remove documents for reproduction unless the exchange or association makes copies available.

The Securities Acts Amendments of 1975 [4] restructured Section 17 of the Act by, among other things, adding a new subsection (b) specifically addressing the Commission's examination authority which was then removed from subsection (a).[5] As amended, Section 17(a)(1) provides (emphasis added):

> Every national securities exchange [and] registered securities association * * * *shall make and keep* for prescribed periods *such records, furnish such copies thereof,* and make and disseminate such reports *as the Commission, by rule, prescribes* as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.[6]

Thus, Section 17(a)(1) provides the Commission with explicit statutory authority to require exchanges and associations to provide the Commission with copies of any documents which such organizations are required to maintain.

The Commission has determined to amend Rule 17a–1 in conformity with the revised language of Section 17(a) and, thereby, to clarify that the Commission's authority under paragraph (c) of Rule 17a–1 to obtain copies of documents maintained by an exchange or association is independent of the Commission's examination authority under subsection (b) of Section 17. As amended, paragraph (c) of Rule 17a–1 provides that an exchange or association must, upon request, promptly furnish to a representative of the Commission copies of any documents made or received by such organization in the course of its business or in the conduct of its self-regulatory activities.

I. Comments Received

The Commission received letters of comment concerning the proposed amendment of Rule 17a–1 from the New York Stock Exchange ("NYSE")[7] and the American Stock Exchange ("Amex").[8] Although the letters were received by the Commission after December 31, 1979, the deadline for comments on the proposed rule amendment, the Commission has reviewed the comments made by these exchanges.[9]

The Amex and the NYSE suggest that proposed paragraph (c) of Rule 17a–1 should specify that requests for copies of documents under the terms of that rule must be in writing. Such a requirement, it is claimed, would provide a permanent record of the Commission staff's request for copies, and would therefore avoid any misunderstandings concerning the identity of which documents had been requested. The Amex and the NYSE also suggest that proposed paragraph (c) of Rule 17a–1 should designate those Commission staff members who would be authorized to obtain copies of documents under the rule. The Amex suggests that the designation should include staff members of the Divisions of Market Regulation and Enforcement at a Civil Service level of GS–11 or above; the NYSE suggests that the designation include only those at the director level or the next subordinate level. The Amex believes that paragraph (c) of Rule 17a–1 should require that requests for copies of documents be reasonable and be deemed by the Commission to be necessary or appropriate in connection with the exercise of its oversight responsibilities respecting self-regulatory activities. And, finally, the NYSE suggests that paragraph (c) of Rule 17a–1 should clarify that copies of documents which are maintained in a not easily accessible location need not be furnished "promptly" to a Commission representative.

II. Discussion

The Commission has considered each of the relevant suggestions made by the commentators, but has determined not to incorporate the suggested changes within paragraph (c) of Rule 17a–1.

Specifically, a provision in paragraph (c) of Rule 17a–1 requiring that requests for copies of documents be in writing and prescribing the level at which staff members may be authorized to make such requests would impede the effective discharge of the Commission's oversight responsibilities, particularly in the context of its inspections work. While the Commission staff makes every effort to make its requests for copies of documents as specific as practicable and to present its requests in an organized fashion, the Commission does not believe that it is appropriate to require its staff to expend the time necessary to prepare formal written requests each time it may require copies of exchange or association documents. Exchanges and associations may, of course, develop their own internal records of documents produced for the Commission. Similarly, the Commission has determined not to specify the level at which Commission staff members are authorized to obtain copies.[10]

With respect to the NYSE's suggestion that paragraph (c) of the Rule should

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Footnotes continued from last page

preserve for such periods, such accounts, correspondence, memoranda, papers, books, and other records, and make such reports, as the Commission by its rules and regulations may prescribe as necessary or appropriate in the public interest or for the protection of investors. Such accounts, correspondence, memoranda, papers, books, and other records shall be subject at any time or from time to time to such reasonable periodic, special or other examinations by examiners or other representatives of the Commission as the Commission may deem necessary or appropriate in the public interest or for the protection of investors."

[4] Pub. L. No. 94–29 (June 4, 1975).

[5] Section 17(b) of the Act, 15 U.S.C. 78q(b), provides, in pertinent part: "All records of persons described in subsection (a) of this section are subject at any time, or from time to time, to such reasonable periodic, special, or other examinations by representatives of the Commission and the appropriate regulatory agency for such persons as the Commission or the appropriate regulatory agency for such persons deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title * * *."

The Senate Report accompanying the Securities Acts Amendments of 1975 made clear that the Commission's authority under Section 17(b) was self-executing and that "the authority to examine records would include the authority to make or require copies of such records." Report of the Committee on Banking, Housing and Urban Affairs to Accompany S. 249, 94th Cong. 1st Sess., Senate Report No. 75, at 119–120.

[6] 15 U.S.C. 78q(a)(1) (1976).

[7] Letter from James E. Buck, Secretary of the NYSE to George A. Fitzsimmons, Secretary of the Commission (January 8, 1980).

[8] Letter from Norman S. Poser, Executive Vice President of the Amex, to George A. Fitzsimmons, Secretary of the Commission (January 15, 1980).

[9] In addition to suggesting specific ways in which proposed paragraph (c) of Rule 17a–1 should be amended, both the NYSE and the Amex comment letters raise the issue of amending paragraph (a) of Rule 17a–1, which requires the retention of all documents made or received by an exchange or association in the course of its business as such or in the conduct of its self-regulatory activities. The record retention requirements, however, are outside the scope of the proposed amendment, the purpose of which is to assure that Commission staff members will be able to obtain prompt access to copies of documents maintained in the files of an exchange or association. The Commission notes that any exchange or association that feels it is unnecessarily burdened by the record retention requirements of Section 17a–1 may file with the Commission for its approval, pursuant to Rule 17a–6 (17 CFR 240.17a–6), a record destruction plan specifying those documents or types of documents which that organization believes it should be permitted to destroy prior to the end of the five-year retention period required by Rule 17a–1(b).

[10] Neither the Amex nor the NYSE presented any instance of suggested staff abuse of the document request process, and the Commission is aware of none.

clarify that copies of documents kept in a location which is not readily accessible need not be furnished promptly, the Commission notes that whether an exchange or association has responded promptly to a request must be determined in relation to the circumstances surrounding the request. The Commission must assure at the same time, however, that unreasonable delay is avoided in the production of documents requested by the Commission's staff.

The Commission wishes to leave no doubt as to its interpretation of the record production obligations of exchanges and associations. The amendment of Rule 17a–1 adopted today is conforming in nature, implementing Commission authority under Section 17(a) of the Act, and reflects no change in the Commission's long-standing position that its staff members are independently authorized under section 17(b) of the Act to obtain copies of exchange and association records for examination and removal.[11]

III. Findings

The Commission believes that the proposed amendment to paragraph (c) of Rule 17a–1 will clarify the record production obligations of exchanges and associations. The ability of the staff promptly to obtain copies of any documents maintained by exchanges or associations is crucial to the performance of the Commission's oversight responsibilities with respect to such organizations. Therefore, the Commission finds, for the reasons stated above, that the proposed conforming amendment is appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of the Act.

Accordingly, the Commission, acting puruant to the Act and in particular Sections 15A, 17 and 19, hereby amends Part 240 of Title 17 of the Code of Federal Regulations by revising paragraph (c) of § 240.17a–1 to read as follows:

[11] *See* Securities Exchange Act Release No. 16340 (November 14, 1979) 44 FR 66607; Securities Exchange Act Release No. 16278 (October 12, 1979), 44 FR 60281. The Commission continues to adhere to the views set forth in these releases that its staff has authority under both Section 17(b) of the Act and Rule 17a–1 to obtain copies of any documents maintained by an exchange or association. While the association and the exchanges have generally cooperated in providing the Commission staff with copies of requested documents, the Commission is prepared to take immediate action to enforce those record production obligations where necessary.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.17a–1 Recordkeeping rule for national securities exchanges and national securities associations.

* * * * *

(c) Every national securities exchange and registered securities association shall, upon request of any representative of the Commission, promptly furnish to the possession of such representative copies of any documents required to be kept and preserved by it pursuant to the provisions of paragraphs (a) and (b) of this section.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 21, 1980.

[FR Doc. 80–6385 Filed 2–28–80; 8:45 a.m.]

BILLING CODE 8010–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Trimeprazine Tartrate and Prednisolone Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations for trimeprazine tartrate and prednisolone tablets to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data. These conditions of use were classified as effective as a result of a National Academy of Sciences—National Research Council, Drug Efficacy Study Group (NAS/NRC) evaluation of the product. In lieu of certain effectiveness data, approval may require submission of bioequivalence or similar data. A previous **Federal Register** publication has reflected that this product is in compliance with the conclusions of the review.

EFFECTIVE DATE: February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV–110), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of this product was published in the **Federal Register** of July 22, 1970 (35 FR 11710). In that document, the Academy concluded, and FDA concurred, that the product was probably effective in dogs as an antipruritic and antitussive with anti-inflammatory action.

That announcement was issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act.

Norden Laboratories, Inc., Lincoln, NE 68501, responded to the notice by submitting supplemental NADA (12–437V) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the product in dogs as an antipruritic and antitussive with anti-inflammatory action. The supplemental application was approved by a regulation published in the **Federal Register** of February 12, 1973 (38 FR 4250). The regulation reflecting this approval established a new section for the drug in 21 CFR 135c.88, recodified at 21 CFR 520.2604. The new section did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data required for approval by § 514.111(a)(5)(vi) of the new animal drug regulations. In lieu of those data, approval of such products may be obtained if bioequivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.2604(c) (1), (2), (3), (4), and (5) by adding the footnote reference "[1]" and by adding at the end of the section the footnote to read as follows:

§ 520.2604 Trimeprazine tartrate and prednisolone tablets.

* * * * *

(c) Conditions of use. (1) * * *[1]
(2) * * *[1]
(3) * * *[1]
(4) * * *[1]
(5) * * *[1]

Effective date. This regulation shall be effective February 29, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 20, 1980

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-5988 Filed 2-28-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Parts 520 and 522

Aminopropazine Fumarate Tablets and Aminopropazine Fumarate Sterile Solution Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations for aminopropazine fumarate tablets and aminopropazine fumarate sterile solution injection to indicate those conditions of use for which approvals for identical products need not include certain types of efficacy data. These conditions of use were classified as effective as a result of a National Academy of Sciences—National Research Council, Drug Efficacy Study Group (NAS/NRC) evaluation of the products. In lieu of certain efficacy data, approval may require submission of bioequivalence or similar data. A previous **Federal Register** publication has reflected that these products are in compliance with the conclusions of the review.

EFFECTIVE DATE: February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-110), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of these products was published in the **Federal Register** of August 14, 1970 (35 FR 12964). In that document, the Academy concluded, and FDA concurred, that the products were effective when used to reduce smooth muscle contractions in animals.

That announcement was issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act.

Jensen-Salsbury Laboratories, Division of Richardson-Merrell, Inc., Kansas City, MO 64141, responded to the notice by submitting supplemental NADA's (11-877V) and 34-477V, tablet and injectable forms, respectively) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the products to reduce excessive smooth muscle contractions in certain animals. The supplemental applications were approved by a regulation published in the **Federal Register** of April 26, 1972 (37 FR 8379). The regulation reflecting this approval established a new section for the drug in tablet form (21 CFR 135c.53, recodified at 21 CFR 520.82a) and a new section for the drug in the injectable form (21 CFR 135b.42, recodified at 21 CFR 522.82). The new sections did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which approval for identical products need not include certain types of efficacy data required for approval by § 514.111(a)(5)(vi) of the new animal drug regulations. In lieu of those data, approval of such products may be obtained if bioequivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 520 and 522 are amended as follows:

1. In Part 520, § 520.82a is amended in paragraph (c)(1), (2), (3), and (4) by adding the footnote reference "[1]" and by adding at the end of the section the footnote to read as follows:

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.82a Aminopropazine fumarate tablets.

* * * * *

(c) *Conditions of use.* (1) * * *[1]
(2) * * *[1]
(3) * * *[1]
(4) * * *[1]

2. In Part 522, § 522.82 is amended in paragraph (c)(1), (2), (3), and (4) by adding the footnote reference "[1]" and by adding at the end of the section the footnote to read as follows:

PART 522—IMPLEMENTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.82 Aminopropazine fumarate sterile solution injection.

* * * * *

(c) *Conditions of use.* (1) * * *[1]
(2) * * *[1]
(3) * * *[1]
(4) * * *[1]

Effective date. This regulation shall be effective February 29, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 15, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-5989 Filed 2-28-80; 8:45 a.m.]

BILLING CODE 4110-03-M

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21 CFR Parts 520 and 522

New Animal Drugs Not Subject To Certification; Protokylol Hydrochloride Tablets and Protokylol Hydrochloride Injection

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: This document amends the regulations for protokylol hydrochloride tablets and protokylol hydrochloride injection to indicate those conditions of use for which approvals for identical products need not include certain types of efficacy data. These conditions of use were classified as probably effective as a result of a National Academy of Sciences—National Research Council, Drug Efficacy Study Group (NAS/NRC) evaluation of the products. In lieu of certain efficacy data, approval may require submission of bioequivalence or similar data. A previous **Federal**

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

Register publication has reflected that these products are in compliance with the conclusions of the review.

EFFECTIVE DATE: February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-110), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of these products was published in the Federal Register of December 11, 1968 (33 FR 18409). In that document, the Academy concluded, and FDA concurred, that the products were probably effective as a bronchodilator for dogs and cats.

That announcement was issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act.

Haver-Lockhart Laboratories, P.O. Box 676, Kansas City, MO 64141 (presently Bayvet Division of Cutter Laboratories, Inc., P.O. Box 390, Shawnee Mission, KS 66201), responded to the notice by submitting a supplemental NADA (12-054V) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the products in dogs and cats for relief of bronchial spasm. The supplemental application was approved by a regulation published in the Federal Register of August 29, 1972 (37 FR 17470). The regulation reflecting this approval established a new section for the drug in tablet form (21 CFR 135c.70, recodified at 21 CFR 520.2022) and a new section for the drug in the injectable form (21 CFR 135b.56, recodified at 21 CFR 522.2022). The new sections did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which approval for identical products need not include certain types of efficacy data required for approval by § 514.111(a)(5)(vi) of the new animal drug regulations. In lieu of those data, approval of such products may be obtained if bioequivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 520 and 522 are amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. In Part 520, § 520.2022 is amended in paragraph (c) (1), (2), and (3) by adding the footnote reference "[1]" and by adding at the end of the section the footnote to read as follows:

§ 520.2022 Protokylol hydrochloride tablets.

* * * * *

(c) *Conditions of use.* (1) * * * [1]

(2) * * * [1]

(3) * * * [1]

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. In Part 522, § 522.2022 is amended in paragraph (c)(1), (2), and (3) by adding the footnote reference "[1]" and by adding at the end of the section the footnote to read as follows:

§ 522.2022 Protokylol hydrochloride injection.

* * * * *

(c) *Conditions of use.* (1) * * * [1]

(2) * * * [1]

(3) * * * [1]

Effective date. This regulation shall be effective February 29, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 15, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-5990 Filed 2-28-80; 8:45 am]

BILLING CODE 4110-03-M

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

21 CFR Part 522

New Animal Drugs Not Subject To Certification; Sterile Prednisone Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The regulations are amended to codify a previously approved new animal drug application (NADA) sponsored by Schering Corp. The NADA provides for safe and effective intramuscular use of prednisone suspension in dogs, cats, and horses as an anti-inflammatory agent. The regulations are also amended to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data. These conditions of use were classified as effective as a result of a National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group evaluation of the product. In lieu of certain effectiveness data, approval may require submission of bioequivalence or similar data.

EFFECTIVE DATE: February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Howard Meyers, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033, is sponsor of an NADA (9-963), which was originally approved May 25, 1955. The injectable prednisone suspension that is covered by the NADA was one of several adrenocortical steroids that were subject of the NAS/NRC Drug Efficacy Study implementation (DESI) evaluation published in the Federal Register of April 12, 1969 (34 FR 6447). The NAS/NRC concluded, and the agency agreed, that the subject adrenocortical steroids are effective as anti-inflammatory agents. The agency invited submission of supplemental NADA's to revise labeling provided for in the parent NADA's for the subject steroids to limit the claims and present the conditions of use substantially as set forth in the DESI evaluation. Schering responded to the evaluation by submitting a supplemental NADA providing updated manufacturing and controls information and labeling revised as recommended. The supplemental NADA was approved by letter of May 30, 1978.

The regulations are amended to codify this NADA and to specify that applications for approval of identical

products for the same conditions of use need not include certain types of efficacy data required for approval by §§ 514.1(b)(8)(ii) or 514.111(a)(5) (21 CFR 514.1(b)(8)(ii) or 514.111(a)(5)). Instead of those data, approval of such products may be obtained if bioequivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

Because the NADA was approved before July 1, 1975, a summary of safety and effectiveness data and information submitted in accordance with § 514.11(e)(2)(ii) to support this approval is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended by revising § 522.1890 to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.1890 Sterile prednisone suspension.

(a)(1) *Specifications.* Each milliliter of sterile aqueous suspension contains 10 or 40 milligrams of prednisone.

(2) *Sponsor.* See 000033 in § 510.600(c) of this chapter.

(3) *Conditions of use*—(i) (*Amount*). Administer intramuscularly as follows:

(*a*) *Horses.* 100 to 500 milligrams, repeating if necessary. If no response is observed after 3 to 4 days of therapy, reevaluate diagnosis.[1]

(*b*) *Canine.* 0.25 to 1.0 milligram per pound of body weight for 3 to 5 days or until a response is noted. Treatment may be continued with an orally administered maintenance dose.[1]

(ii) *Indications for use.* It is used in horses and dogs for treatment of inflammatory conditions involving joints and accessory structures.[1]

(iii) *Limitations.*[1] Do not use in viral infections. Except in emergency therapy, do not use in animals with tuberculosis, chronic nephritis, or Cushing's disease. With infections, use appropriate antibacterial therapy with and for at least 3 days after discontinuance of use and disappearance of all signs of infection. Clinical and experimental data have demonstrated that corticosteroids administered orally or parenterally to animals may induce the first stage of parturition when administered during the last trimester of pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis. Not for use in horses intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(b)(1) *Specifications.* Each milliliter of sterile aqueous suspension contains 10 to 40 milligrams of prednisone.

(2) *Sponsor.* See 000085 in § 510.600(c) of this chapter.

(3) *Conditions of use*—(i) *Amount.* Administer intramuscularly as follows:

(*a*) *Horses.* 100 to 400 milligrams, repeating if necessary. If no response is observed after 3 to 4 days of therapy, reevaluate diagnosis.[1]

(*b*) *Dogs and cats.* 0.25 to 1.0 milligram per pound of body weight for 3 to 5 days or until a response is noted. Treatment may be continued with an orally administered dose.[1]

(ii) *Indications for use.* It is used for conditions requiring an anti-inflammatory agent.[1]

(iii) *Limitations.*[1] See paragraph (a)(3)(iii) of this section.

Effective date. This regulation is effective February 29, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: February 15, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80–5991 Filed 2–28–80; 8:45 am]

BILLING CODE 4110–03–M

[1] These conditions are NAS/NRC reviewed and are effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety data.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Parts 271, 272, 273, 274, 275, 276, and 277

Contracts and Grants Under the Indian Self-Determination and Education Assistance Act

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final Rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is making numerous miscellaneous changes to its regulations concerning hearings and appeals that were promulgated under the Indian Self-Determination and Education Assistance Act. The changes amend the procedures for handling declination issues which arise in the process of reviewing proposed contracts and contract modifications. The Bureau believes the appeal procedures for all of the Public Law 93–638 transactions should be simplified. These amendments make the procedures for handling contract issues uniform with the procedures for handling funding issues.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Jay Suagee, Chief, Division of Self-Determination Services, Code 480, Bureau of Indian Affairs, Room 4058, 18th & C Streets, NW., Washington, D.C. 20240, telephone 202–343–2706.

SUPPLEMENTARY INFORMATION: Dr. Helen Miner Miller is the primary author of this document.

On August 23, 1978, there was published in the **Federal Register** (43 FR 37464) a notice of proposed rulemaking with proposed amendment and a notice of final rulemaking in the **Federal Register** (43 FR 37432) to Chapter I of Title 25 of the Code of Federal Regulations. The public was given until September 22, 1978, to submit written comments, suggestions, or objections regarding the proposed amendments to 25 CFR Parts 271, 272, 273, 274, 275, and 277.

The authority for this revision is the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, et seq.), 230 DM 1 and 2, and the authority of the Assistant Secretary—Indian Affairs under 209 DM 8.1. The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

I. Discussion of Changes

The Bureau believes the appeal procedures for all of the Pub. L. 93–638 transactions should be simplified by amending the current procedures for handling declination issues which arise in review of proposed contracts and contract modifications and conformed to the procedures adopted for handling funding issues.

The appeal procedures for insufficient funding and declination issues will now follow a parallel route. The hearings and appeals provisions under §§ 271.81, 271.82, 271.83 and 271.84 are deleted and one procedure has been designated for an informal conference and a formal hearing under § 271.81 and appeals under § 271.82. The applicant or the tribal governing body may appeal the Area Director's recommendation or decision to the Commissioner. Upon receipt of notice that an informal conference or a formal hearing is requested as provided in § 271.81 (a)

and (b) a date, time, and place for the conference or hearing will be scheduled with the applicant.

Informal conferences will be conducted by the Commissioner or by an official designated by him; the purpose of the conference will be to attempt to resolve issues without going through the expensive and time-consuming formal hearing procedure. If the applicant is not satisfied with the results of the conference or does not request an informal conference, the applicant is entitled to a formal hearing under § 271.81(c). This formal hearing will be conducted by an official from the Office of Hearings and Appeals, Department of the Interior. The decision by the Commissioner following the formal hearing may be appealed to the Assistant Secretary—Indian Affairs under § 271.82. The decision by the Assistant Secretary is final for the Department.

The following is a list of the sections being changed and the reasons for each change. The changes are a result of organizational changes and comments received.

A. Part 271

1. The definition of "Commissioner" in § 271.2(e) is changed to reflect the current status of the Commissioner.

2. The definition of "Assistant Secretary—Indian Affairs" is added in § 271.2(u) to reflect the position of the Assistant Secretary—Indian Affairs.

3. Paragraph (c)(2)(vii)(C) of § 271.18 is deleted and reserved because the decision of the Assistant Secretary—Indian Affairs will be final following the appeal process under the newly revised § 271.82. In addition paragraph (c)(2)(vii)(F) is revised to reference only § 271.81 and § 271.82 since all appeals have been simplified under that section and § 271.82 is amended and §§ 271.83, and 271.84 have been deleted in their entirety.

The document revising 25 CFR Part 271 published in the **Federal Register** on August 23, 1978, as 43 FR 37432 is corrected by deleting the reference to new paragraph (c)(2)(vii)(H) under § 271.18 revision number 7. Deleted from the final regulations were those proposed revisions relating to delegations by tribes of the authority to enter into agreements under the 1834 Act.

4. Section 271.23(d) is rewritten regarding the review and action by the Area Director. If the Area Director is not able to resolve the insufficient funding and declination issues for proposed applications, they follow the same procedure of an informal conference conducted by an official designated by the Commissioner and/or a formal hearing conducted by an official from the Office of Hearings and Appeals. If the applicant is not satisfied with the informal conference, the applicant is entitled to a formal hearing under § 271.81.

One commentator favored the proposed revision to establish clear hearing procedures which would be applicable to lack of funds and declination cases. Unclear procedural technicalities were enumerated bearing on the time period for action by the Area Director under this section. The Bureau concurs with the need to clarify the time period and has revised this section accordingly.

One commentator objected to the Area Director's decision not to contract because of a funding problem unless the applicant appeals. At present only the Commissioner can decide not to contract and the Area Director only makes a recommendation on declination issues. The commentator argues that the Commissioner alone has authority to decide not to contract on the ground of funding insufficiency and the Tribe should have the opportunity to present its position to the Assistant Secretary within a reasonable time period without regard to a formal appeal notice within ten days. The Area Director is currently designated as the allottee of funds available at that level for programs or parts of programs and must, in our opinion, make a decision on funding issues. Before making a decision, however, the Area Director will consider what funds are available including funds from the Central Office. All of this takes place prior to a decision by the Area Director. In order to insure sufficient time for applicants to appeal to the Commissioner, the ten day appeal time has been expanded to thirty days.

A commentator requested clarification of "all interested parties" entitled to participate in the informal conference. The clarification has been made in § 271.23 and § 271.81.

5. Paragraph (c) of § 271.24 is amended to change the reference of § 271.23(d)(4)(iii) to § 271.23(d)(5)(iii) and (iv). This is because of the renumbering of paragraphs (d)(1) through (5)(iv).

6. Section 271.25 is shown in full with revisions regarding the review and action by the Commissioner. The review and action revisions include procedures for a contract application submitted directly under § 271.21, or a contract application with either the Area Director's recommendation to decline or the Area Director's decision that the contract cannot be entered into because of unresolved funding problems.

7. Section 271.26 has been deleted in its entirety because the decisions of the Assistant Secretary—Indian Affairs are final for the Department. It is the Assistant Secretary—Indian Affairs' desire to be involved in the Pub. L. 93–638 process, and the hearings and appeals process incorporates his participation.

8. Section 271.64 is revised to simplify the Pub. L. 93–638 hearings and appeals procedure for handling declination issues and to conform the procedures adopted for handling funding issues.

9. Section 271.65 is deleted in its entirety because of the simplification of the Pub. L. 93–638 hearings and appeals procedures for declination and insufficient funding issues.

10. In § 271.74 the references to §§ 271.81(c), 271.82, and 271.83 are revised to reflect the new sections on appeal procedures to read "§ 271.81 and § 271.82." Paragraph (c)(2) is deleted because the informal conference and the formal hearing are provided under paragraphs (a) and (b) of § 271.81. Paragraph (d) is revised to change the reference to "§ 271.82" and to delete the phrase "or § 271.83 as appropriate."

11. Section 271.75 paragraphs (c), (e) and (f) are revised by changing the references to § 271.84 to the revised § 271.81 for the reasons cited in revision number 8.

12. Section 271.81, Subpart Hearings and Appeals, is revised and presented in full text. In addition § 271.82 is amended, and §§ 271.83 and 271.84 are deleted. The Bureau of Indian Affairs believes it would be in the interest of the tribes to simplify the 25 CFR Part 271 hearings and appeals by amending the procedure for handling declination issues which arise in review of proposed contracts and of contract modifications to conform with the procedures for handling funding issues. The written decision of the Commissioner has been extended from 15 to 30 days following receipt of the transcript from the Office of Hearings and Appeals. It is necessary to base the time requirement from receipt of the transcript. The decision of the Commissioner of Indian Affairs has been extended to 30 days since the number of appeals may preclude the Bureau from meeting the regulatory time lines.

13. Section 271.82 is amended to provide for an appeal to the Assistant Secretary—Indian Affairs from the Commissioner's decision to decline or to amend a contract or to provide a funding decision and the decision of the Assistant Secretary—Indian Affairs has been extended to 30 days for the reason cited under item 12.

14. Sections 271.83 and 271.84 are deleted in their entirety as indicated in revision number 12.

B. Part 272

1. The definition of "Commissioner" in § 272.2(e) is changed to reflect the current status of the Commissioner.

2. The definition of "Assistant Secretary—Indian Affairs" is added in § 272.2(t) to reflect the position of the Assistant Secretary—Indian Affairs.

3. The introductory paragraph of § 272.51 is revised to refer to § 276.15(c)(3) as a specific cross-reference.

C. Part 273

1. The definition of "Commissioner" in § 273.2(c) is changed to reflect the current status of the Commissioner.

2. The definition of "Assistant Secretary—Indian Affairs" is added in § 273.2(w) to reflect the position of the Office of the Assistant Secretary—Indian Affairs.

D. Part 274

1. The definition of "Commissioner" in § 274.3(e) is changed to reflect the current status of the Commissioner.

2. The definition of "Assistant Secretary—Indian Affairs" is added in § 274.2(s) to reflect the position of the Assistant Secretary—Indian Affairs.

E. Part 275

1. The definition of "Commissioner" in § 275.2(d) is changed to reflect the current status of the Commissioner.

2. The definition of "Assistant Secretary—Indian Affairs" is added in § 275.2(l) to reflect the position of the Assistant Secretary—Indian Affairs.

F. Part 276

1. Section 276.15(c)(3) is revised to cross reference § 272.51.

G. Part 277

1. The definition of "Commissioner" in § 277.3(c) is changed to reflect the current status of the Commissioner.

2. The definition of "Assistant Secretary—Indian Affairs" is added in § 277.3(p) to reflect the position of the Assistant Secretary—Indian Affairs.

II. Changes Not Adopted

General statements of concern that were not directed to the changes under consideration in the proposed regulations published in the **Federal Register** on August 23, 1978, are not addressed in this section.

Certain comments and proposed rules have been carefully considered but have not been accepted. The following suggestions and proposed rules were not adopted for the reasons given:

A. Because new legislation has been enacted impacting on Pub. L. 93–638, the following proposed rules published in the **Federal Register** on August 23, 1978, as 43 FR 37432 are not being adopted: §§ 272.52(a), 272.53(a), 272.54, 273.73, 274.53, 277.53.

Comprehensive rules will be proposed incorporating Pub. L. 95–224, Pub. L. 95–561 and other government-wide legislation determined to be applicable to Pub. L. 93–638 at a later date.

B. One commentator from a contract school objected to the Bureau's perception of the role of the tribal governing body in the contracting process and felt the role of the Indian people and community are being subverted whereby requests for contracts must be submitted by Indian tribes in support of this contention. The Bureau does not agree with this analysis and feels that the Act clearly mandates the role of the tribal governing body in the contracting process.

C. One commentator was opposed to what he considered regulation changes in school construction. The concern expressed was that the changes distorted the Agency's fundamental responsibilities. After careful analysis of the regulation changes, the Bureau is of the opinion that the changes were not substantive in nature. The intent of the change was to clarify the delegation of authority and responsibility by enumerating the requirements. It is essential that all applications are processed in the same manner and that the Agencies assume their responsibility in the processing of applications. Once the applications are submitted to the Area, proper priorities can be established. If the applicant desires expeditious consideration, the cited procedures must be followed.

D. One commentor had questions on the regulations concerning the Indian Technical Assistance Center. For further information concerning the programmatic activities of the Indian Action Program, contact the Director, Indian Technical Assistance Center. The mailing address is, 1075 South Yukon, Box 26268 Belmar Branch, Lakewood, Colorado 80226 and the commercial telephone number is 303/234–3863.

III. Additional Information

The proposed revision to paragraph (a)(3) of § 275.3 indicating that the tribe has the option of delegating authority to the tribal organization to enter into 1834 agreements published in the **Federal Register** (43 FR 12878) as a proposed rule on March 28, 1978, has been finalized.

It is evident from the definition of tribal organization in 4(c) of Pub. L. 93–638 that more than governing bodies of Indian tribes are included within the definition. While there can be little doubt that a governing body of an Indian tribe is a proper authority of the tribe within the meaning of the 1834 Act, the same cannot be said for the other entities defined as tribal organizations by Pub. L. 93–638. Therefore, since it is the tribe and more specifically the proper authority of the tribe which is empowered by the 1834 Act to direct the employment of BIA employees, any entity which is not an Indian tribe or an appropriate governmental instrumentality or agency thereof cannot direct employees under the 1834 Act. A tribal governing body, such as a tribal council, may delegate the actual day-to-day direction of BIA employees to a tribal official or agency or may delegate the authority to conclude 1834 Act agreements to a tribal agency such as an Indian contract school board. Such arrangements have been made in the past and no change in the regulations is needed to sanction them. Since some of the entities which are defined as tribal organizations in section 4(c) may not be instrumentalities or agencies of tribal government to which tribal authority under the 1834 Act could properly be delegated, no change is being made in § 275.3(a)(3).

Revise Subchapter Y, Chapter 1 of Title 25 of the Code of Federal Regulations as follows:

A. PART 271—CONTRACTS UNDER INDIAN SELF-DETERMINATION ACT

1. By revising paragraph (e) and adding paragraph (u) of § 271.1 as follows:

§ 271.1 [Amended]

* * * * *

(e) "Commissioner" means the Commissioner of Indian Affairs, under the direction and supervision of the Assistant Secretary—Indian Affairs, is responsible for the direction of day-to-day operations of the Bureau of Indian Affairs.

* * * * *

(u) "Assistant Secretary—Indian Affairs" means the Assistant Secretary—Indian Affairs who discharges the authority and responsibility of the Secretary for activities pertaining to Indians and Indian Affairs.

2. § 271.18 is amended as follows:

a. Paragraph (c)(2)(vii)(C) is deleted and reserved.

b. Reference to (c)(2)(vii)(H) in revision number 7 of 43 FR 37432 is deleted.

c. Paragraph (c)(2)(vii)(F) is revised to read as follows:

§ 271.18 Tribal request for initial contract.

* * * * *

(c) * * *

(2) * * *

(vii) * * *

(F) Right to an appeal under §§ 271.81 and 271.82.

* * * * *

3. By revising § 271.23(d) as follows:

§ 271.23 Review and action by Area Director.

* * * * *

(d) Within 30 days, the Area Director shall review the contract application, the recommendations of the Superintendent, any responses from the contract applicant or the tribal governing body and the criteria for declination set forth in § 271.15 to determine whether any declination or funding issues exist which must be addressed and at the completion of the review take one of the actions specified below in paragraphs (d)(1), (d)(2), (d)(3), (d)(4) or (d)(5), as appropriate.

(1) The applicant will be notified in writing if the Area Director recommends that the proposed contract cannot be entered into because of the declination issues. The Area Director's recommendation may be appealed to the Commissioner, and the notice shall include a statement to that effect. The applicant shall have 30 days from receipt of notice of the Area Director's recommendation in which to exercise its appeal rights by providing the Area Director with a notice in writing to that effect. Upon receipt of notice of appeal and if an informal conference is requested, a conference shall be conducted by the Commissioner or by an official designated by him. The purpose of the informal conference will be to attempt to resolve issues without going through the formal hearing procedure. Interested parties, entitled to present their positions, shall be limited to authorized representatives of the Bureau, the tribal organization and the tribal governing body(s). If the tribal organization and the tribal governing body(s) are not satisfied with the informal conference or do not request one, the tribal organization and the tribal governing body(s) are entitled to a formal hearing in accordance with § 271.81(c).

(2) If the contract application was submitted directly to the Area Director as provided for in § 271.21, or if the Superintendent has forwarded an application with funding problems which could not be resolved at the Agency level, the Area Director will also review the application to determine whether funds are available within the Area to finance the proposed contract, the effect of services provided by the proposed contract, the effect of the proposed contract on other services or programs provided by the Area and any deficiencies which could possibly result in declination. At the completion of the review, the Area Director will take one of the following actions as appropriate:

(i) If funds are not available to adequately finance the proposed contract without significantly reducing services under the noncontracted programs or parts of programs, the Area Director shall so notify the tribal organization and the tribal governing body(s) in writing and offer alternative solutions to the funding problem. The alternatives offered by the Area Director may include those given in subdivisions (i) through (vii) of § 271.22(c)(1) which can be used alone or in combination to solve the funding problem. The tribal organization and tribal governing body(s) may also propose alternative solutions to solve the funding problem. Upon receiving written notice of the applicant's choice of alternative(s), the Area Director shall determine whether the alternative(s) chosen will solve the funding problem. If the applicant's choice of alternative(s) is sufficient to solve the funding problem, or if the solution involves reprogramming which requires congressional action, the Area Director shall take the action in paragraph (d)(3), (d)(4), or (d)(5) of this section, as appropriate. If the applicant's choice of alternative(s) will not solve the funding problem, the applicant shall be notified in writing and will be asked to reconsider the matter and make a second choice. After the applicant has reconsidered and notified the Area Director in writing of its second choice of alternative(s), the Area Director shall decide whether that choice is sufficient to solve the funding problem. If the Area Director determines that the applicant's second choice of alternative(s) will not solve the funding problem, or if the applicant refuses to make a selection, the proposed contract cannot be entered into due to the limitation that monies obligated on contracts cannot exceed available appropriations (31 U.S.C. 665(a)).

(ii) The tribal organization and the tribal governing body(s) will be notified in writing if the Area Director decides that the proposed contract cannot be entered into because of unresolved funding problems. The Area Director's decision may be appealed to the Commissioner, and the notice shall include a statement to that effect. The applicant shall have 30 days from receipt of notice of the Area Director's decision in which to exercise its appeal rights by providing the Area Director with a notice in writing to that effect.

Upon receipt of notice of appeal, an informal conference shall be conducted by the Commissioner or by an official designated by him. The purpose of the informal conference will be to attempt to resolve issues without going through the formal hearing procedure. Interested parties entitled to present their positions, may attend the informal conference and present their position. If the applicant is not satisfied with the informal conference, the applicant is entitled to a formal hearing in accordance with § 271.81(c).

(3) If the tribal organization and tribal governing body(s) choice of alternatives includes the reprogramming of funds, the Area Director shall forward the reprogramming request, the reasons for the request, and his recommendations to the Commissioner for further action as given in § 271.25(c)(1). The Commissioner or an official designated by him may hold an informal conference with the applicant prior to making a final decision on a reprogramming request if the conference is requested by the applicant. If appropriate congressional committees grant the reprogramming request, the Area Director shall take the actions in paragraph (d)(4) or (d)(5) of this section as appropriate. If Congress does not grant the reprogramming request, the contract cannot be made and the Area Director shall so notify the applicant in writing.

(4) If funds are available to adequately finance the proposed contract without significantly reducing services under the noncontracted programs or parts of programs and there are no declination issues, the Area Director will notify the contract applicant in writing of this fact. Before the negotiations take place, the Area Director shall give the applicant a copy of any documents to be used by the Bureau during negotiations. The Area Director shall negotiate and award the contract within 30 days of notifying the applicant unless a later date is requested by the applicant.

(5) If the funds are available to adequately finance the proposed contract without significantly reducing services under the noncontracted programs or parts of programs but it is felt that there are declination issues which must be resolved, the Area Director will notify the tribal organization and tribal governing body(s) of this fact in writing. The notice shall include a list of the declination

issues identified by the Area Director, the reason(s) for such determination, a copy of any documents used in arriving at the issues, recommendations for resolving the issues, and the technical assistance available for this purpose.

(i) If the applicant accepts the Area Director's offer of technical assistance, it shall be provided in accordance with the applicant's request. At such time as the issues are thus resolved, the Area Director will so advise the applicant and offer to enter into negotiations within 30 days of resolution or unless the applicant requests additional time.

(ii) If the applicant declines the Area Director's offer of technical assistance and the matter is not otherwise resolved, the Area Director shall proceed in accordance with § 271.24.

(iii) If the applicant does not respond within 30 days of receipt of the Area Director's recommendation and offer of assistance, and does not request additional time in which to respond, the Area Director shall proceed in accordance with § 271.24.

(iv) If the applicant does not agree with the Area Director's recommendations and the matter is not resolved within 30 days of the Area Director's recommendations, the Area Director shall proceed in accordance with § 271.24.

§ 271.24 [Amended]

4. Paragraph (c) of § 271.24 is amended to change the reference of § 271.23(d)(4) (iii) and (iv) to § 271.23(d)(5) (iii) and (iv).

5. By revising § 271.25 as follows:

§ 271.25 Review and action by Commissioner.

(a) Within five days after receiving a contract application submitted directly under § 271.21, or after receiving a contract application with either the Area Director's recommendation to decline or the Area Director's decision that the contract cannot be entered into because of unresolved funding problems, the Commissioner shall notify the tribal organization (unless restricted by the tribal resolution under § 271.18(c)(2) or subsequent resolutions) and tribal governing body(s) in writing of the receipt of the application.

(b) An application submitted directly to the Commissioner under § 271.21(a)(3) will be handled by the Directorate(s) within the Bureau in whose substantive jurisdiction the subject matter of the proposed contract falls. That Director will perform all of the actions of the Area Director specified in § 271.23.

(c) For an application referred by an Area Director, the Commissioner will perform one of the following actions as required by § 271.23.

(1) In case of insufficient funds, the Commissioner shall within 30 days review the factual record developed in the formal hearing. The Commissioner shall consider whether funds are available to finance the proposed contract. If the solution to the funding problem chosen by the applicant involves reprogramming, the Commissioner, if he concurs, will forward the reprogramming request with the reasons for the request through the Department to the Office of Management and Budget for referral to the appropriate congressional committees for approval. The applicant shall be notified in writing if the Commissioner decides that the proposed contract cannot be made because of unresolved funding problems.

(2) When the Commissioner does not accept the Area Director's advice of insufficient funding, following the review of the factual record developed under § 271.81, notice shall be given that the recommendations are not accepted and that the Bureau shall negotiate and award the contract within 45 days, unless the applicant requests additional time.

(3) If the Commissioner determines that the application cannot be accepted, the insufficient funding notice shall be issued as follows:

(i) Within 30 working days as provided under § 271.81(d).

(ii) The advice of insufficient funding notice shall be in writing and shall contain:

(A) Identification of the specific objections that the contract cannot be entered into due to the limitation that monies obligated cannot exceed appropriations under 31 U.S.C. 665(a).

(B) Specific recommendations on actions required by the applicant to overcome objections and a description of the nature, scope, and source of the technical assistance which will be available to overcome objections.

(C) Copies of the transcript of the formal hearing and all documentary evidence introduced as provided under § 271.81(c)(vi).

(d) When declination issues are involved, within 15 days after receiving the formal hearing record, the Bureau shall notify the tribal organization (unless restricted by the tribal resolution under § 271.18(c)(2) or subsequent resolutions) or tribal governing body(s) and the Area Director(s) of the Commissioner's decision.

(1) When the Commissioner does not accept the Area Director(s) recommendation to decline, following the review of the factual record developed under § 271.81(c)(1), notice shall be given that the recommendations are not accepted and that the Bureau shall negotiate and award the contract within 45 days unless the applicant requests additional time.

(2) If the Commissioner determines under § 271.81(d) that the application should be declined, the declination notice shall be issued as follows:

(i) Within 30 working days as provided under § 271.81(d).

(ii) Within 30 days after notifying the applicant under paragraph (d)(2) of this section when the applicant has not used the right under paragraph (d)(2).

(3) The declination notice shall be in writing and shall contain:

(i) Identification of specific objections, categorized under one or more of the declination criteria set forth in § 271.15.

(ii) Specific recommendations on actions required by the applicant to overcome objections and a description of the nature, scope, and source of the technical assistance which will be available to overcome declination objections.

(iii) Copies of the transcript of the formal hearing and all documentary evidence introduced as provided under § 271.81(c)(vii).

§ 271.26 [Reserved]

6. § 271.26 is deleted in its entirety and reserved.

7. § 271.64 is revised as follows:

§ 271.64 [Amended]

a. In paragraph (c)(1) the comma is deleted following the word "decline" in the third line and the phrase is inserted to read "or to recommend not to contract because of funding problems,".

b. Paragraph (c)(2) is amended by deleting the last two words and the colon and substituting the phrase "right to appeal under § 271.81."

c. The remainder of this subsection from § 271.64(c)(2)(i) through (e)(2)(vi) is deleted in its entirety.

§ 271.65 [Reserved]

8. § 271.65 is deleted in its entirety and reserved.

9. § 271.74 is revised as follows:

§ 271.74 [Amended]

a. In § 271.74(b) the reference § 271.81 in the third sentence is changed to § 271.81(c) and in the fourth sentence the reference § 271.81(c) is changed to § 271.81(d) to be consistent with the revised § 271.81.

b. Paragraph (c)(2) is deleted and paragraph (c)(1) is redesignated as (c).

c. Paragraph (d) is revised to change the reference to "§ 271.82" to "§ 271.81" and to delete the phrase "or § 271.83 as appropriate."

10. § 271.75 is amended as follows:

§ 271.75 [Amended]

a. In paragraph (d) the reference "§ 271.84" is changed to read "§ 271.81 and § 271.82" at the end of the last sentence.

b. In paragraph (e) the reference "§ 271.84" at the end of the first sentence is changed to read "§ 271.81 and § 271.82."

c. In paragraph (f) the reference "§ 271.84" at the end of the second sentence is changed to read "§ 271.81 and § 271.82."

11. Section 271.81 under Subpart G—Hearings and Appeals is revised as follows:

§ 271.81 Informal conference and formal hearing.

(a) A tribal organization (unless retricted by the tribal resolution under § 271.18(c)(2) or subsequent resolutions) or tribal governing body will be notified in writing of the Area Director's recommendation or decision. The Area Director's recommendation or decision may be appealed to the Commissioner and the notice shall include a written statement to that effect. The applicant shall have 30 days from receipt of notice of the Area Director's decision in which to exercise its appeal rights by providing the Area Director with a notice in writing to that effect.

(b) Upon receipt of notice of appeal and if an informal conference has been requested, a date, time, and place for the informal conference will be arranged.

The informal conference will be conducted within 30 calendar days of receipt of the appeal notice, or at such time as may be agreed upon. The Bureau of Indian Affairs will authorize payment of transportation costs and per diem to allow adequate representation of the applicant if the meeting is more than 50 miles from the office of the applicant. The conference shall be conducted by the Commissioner or by an official designated by him. The purpose of the informal conference is to attempt to informally resolve issues without a formal hearing. Interested parties, entitled to present their positions shall be limited to authorized representatives of the Bureau, the tribal organization and the tribal governing body(s). If the applicant is not satisfied with the informal conference, or does not request a conference, the applicant is entitled to a formal hearing in accordance with § 271.81(c).

(c) The formal hearing, if requested in writing, will be convened within 30 days of the Commissioner's receipt of the request, or at such date and place as agreed upon. If the hearing is more than 50 miles from the applicant's office, the Bureau of Indian Affairs will authorize payment of transportation costs and per diem to allow adequate representation. The Bureau shall be responsible to arrange all aspects of the formal hearing. The hearing will be conducted by an official from the Office of Hearings and Appeals, the Department of the Interior, and shall accord the tribal governing body or applicant the following rights:

(1) The right to written notice of issues to be considered;

(2) The right to be represented by counsel;

(3) The right to have the Department provide witnesses who are capable of providing testimony on the issues;

(4) The right to cross examine witnesses;

(5) The right to produce oral and documentary evidence;

(6) The right to require testimony under oath;

(7) The right to a copy of the transcript of the hearings and all documentary evidence introduced.

(d) The written decision of the Commissioner shall be rendered within 30 working days after receipt of the transcript. The decision of the Commissioner may be appealed to the Assistant Secretary—Indian Affairs as provided under § 271.82.

12. § 271.82 is revised to read as follows:

§ 271.82 Appeals from decision or action by Commissioner.

(a) The applicant or the tribal governing body (unless restricted by the tribal resolution under § 271.18(c)(2) or subsequent resolutions) may appeal the Commissioner's decision made under § 271.81 to the Assistant Secretary—Indian Affairs. A notice of appeal must be sent to the Assistant Secretary—Indian Affairs within 30 days of receipt of the Commissioner's decision. The written decision of the Assistant Secretary—Indian Affairs shall be rendered within 30 working days following the receipt of appeal.

(b) The decision by the Assistant Secretary—Indian Affairs is final for the Department. The tribal governing body or the applicant is deemed to have exhausted its administrative remedies following rendering of the decision.

§ 271.83 [Reserved]

§ 271.84 [Reserved]

13. § 271.83 and 271.84 are deleted in their entirety and reserved.

B. PART 272—GRANTS UNDER INDIAN SELF-DETERMINATION ACT

1. By revising paragraph (e) and adding paragraph (t) of § 272.2 to read as follows:

§ 272.2 [Amended]

* * * * *

(e) "Commissioner" means the Commissioner of Indian Affairs, under the direction and supervision of the Assistant Secretary—Indian Affairs, who is responsible for the direction of day-to-day operations of the Bureau of Indian Affairs.

* * * * *

(t) "Assistant Secretary—Indian Affairs" means the Assistant Secretary—Indian Affairs who discharges the authority and responsibility of the Secretary for the activities pertaining to Indians and Indian affairs.

2. The introductory paragraph of § 272.51 is revised to read as follows:

§ 272.51 Hearings.

Hearings referred to in § 276.15(c)(3) of this chapter shall be conducted as follows:

* * * * *

C. PART 273—EDUCATION CONTRACTS UNDER JOHNSON-O'MALLEY ACT

1. By revising paragraph (c) and adding paragraph (w) of § 273.2 to read as follows:

§ 273.2 [Amended]

* * * * *

(c) "Commissioner" means the Commissioner of Indian Affairs, under the direction and supervision of the Assistant Secretary—Indian Affairs, who is responsible for the direction of day-to-day operations of the Bureau of Indian Affairs.

* * * * *

(w) "Assistant Secretary—Indian Affairs" means the Assistant Secretary—Indian Affairs who discharges the authority and responsibility of the Secretary for activities pertaining to Indians and Indian affairs.

D. PART 274—SCHOOL CONSTRUCTION CONTRACTS OR SERVICES FOR TRIBALLY OPERATED PREVIOUSLY PRIVATE SCHOOLS

1. By revising paragraph (e) and adding paragraph (s) of § 274.3 to read as follows:

§ 274.3 [Amended]

* * * * *

(e) "Commissioner" means the Commissioner of Indian Affairs, under the direction and supervision of the Assistant Secretary—Indian Affairs, who is responsible for the direction of the day-to-day operations of the Bureau of Indian Affairs.

* * * * *

(s) "Assistant Secretary—Indian Affairs" means the Assistant Secretary—Indian Affairs who discharges the authority and responsibility of the Secretary for activities pertaining to Indians and Indian affairs.

E. PART 275—STAFFING

1. By revising paragraph (d) and adding paragraph (l) of § 275.2 to read as follows:

§ 275.2 [Amended]

* * * * *

(d) "Commissioner" means the Commissioner of Indian Affairs, under the direction and supervision of the Assistant Secretary—Indian Affairs, who is responsible for the direction of day-to-day operations of the Bureau of Indian Affairs.

* * * * *

(l) "Assistant Secretary—Indian Affairs" means the Assistant Secretary—Indian Affairs who discharges the authority and responsibility of the Secretary for activities pertaining to Indians and Indian Affairs.

F. PART 276—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS

1. The second sentence of paragraph (c)(3) of § 276.15 is revised to read as follows:

§ 276.15 Grant closeout.

* * * * *

(c) * * *

(3) * * * The Bureau shall also provide a hearing for the grantee before cancellation, as provided in § 272.51.

* * *

G. PART 277—SCHOOL CONSTRUCTION CONTRACTS FOR PUBLIC SCHOOLS

1. By revising paragraph (c) and adding paragraph (p) of § 277.3 which was incorrectly cited as (e) in revision number 4 of 43 FR 37432 to read as follows:

§ 277.3 [Amended]

* * * * *

(c) "Commissioner" means the Commissioner of Indian Affairs, under the direction and supervision of the Assistant Secretary—Indian Affairs, who is responsible for the direction of day-to-day operations of the Bureau of Indian Affairs, Department of the Interior.

* * * * *

(p) "Assistant Secretary—Indian Affairs" means the Assistant Secretary—Indian Affairs who discharges the authority and responsibility of the Secretary for activities pertaining to Indians and Indian affairs.

Rick C. Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-6371 Filed 2-28-80; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7679]

Income Tax; Qualifying Distribution by Private Foundation of Proceeds of Sale of Contributed Property

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to qualifying 100 percent distribution by a private foundation either of proceeds of the sale of contributed property or of the contributed property itself. The final regulations liberalize existing rules with respect to 100 percent distribution of contributed property by allowing the private foundation to take account of reasonable expenses incurred in the sale of contributed property, and by giving the foundation the option to calculate the fair market value of the property as its value at the date of sale or distribution if it is sold or distributed within 30 days of receipt by the foundation.

DATE: The amendments are effective on March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Eileen Murphy of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION:

Background

Issuance of this regulation was not preceded by publication in the **Federal Register** of a notice of proposed rulemaking and request for comments. These steps were dispensed with as unnecessary because it is believed that this regulation, which liberalizes existing requirements, is beneficial to all interested parties.

Explanation of Provisions

In order for section 170(b)(1)(A)(vii) of the Internal Revenue Code of 1954 (relating to percentage limitations for a charitable contribution deduction) to apply to contributions to a private "nonoperating" foundation, the foundation must distribute 100 percent of the contributions received by it. This 100 percent requirement is satisfied if an amount is distributed that is equal to the fair market value of the contributed property on the date of its contribution. This regulation project amends § 1.170A-9(g)(2)(iv) to provide that:

a. The amount of this fair market value is reduced by reasonable selling expenses, if any, incurred by the private foundation in the sale of the contributed property; and

b. At the choice of the private foundation, if the contributed property is either sold or distributed within 30 days of its receipt by the foundation, the amount of this fair market value is either—

1. The gross amount received on the sale of the property, less reasonable selling expenses incurred, or

2. An amount equal to the fair market value of the property on the date of its distribution to a public charity, and not the fair market value of the contributed property on the date of its contribution.

Drafting Information

The principal author of these regulations is Eileen Murphy of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended by revising § 1.170A-9(g)(2)(iv) to read as follows:

§ 1.170A-9 Definition of section 170(b)(1)(A) organization.

* * * * *

(g) *Private nonoperating foundation distributing amount equal to all contributions received—* * * *

(2) *Special rules.* In applying subparagraph (1) of this paragraph—

* * *

(iv) For purposes of satisfying the requirements of section 170(b)(1)(D)(ii), except as provided to the contrary in this subdivision (iv), the fair market value of contributed property, determined on the date of contribution, is required to be used for purposes of determining whether an amount equal in value to 100 percent of the contributions received has been distributed. However, reasonable selling expenses, if any, incurred by the foundation in the sale of the contributed property may be deducted from the fair market value of the contributed property on the date of contribution, and distribution of the balance of the fair market value will satisfy the 100 percent distribution requirement. If a private foundation receives a contribution of property and, within 30 days thereafter, either sells the property or makes an in kind distribution of the property to a public charity, then at the choice of the private foundation the gross amount received on the sale (less reasonable selling expenses incurred) or the fair market value of the contributed property at the date of its distribution to the public charity, and not the fair market value of the contributed property on the date of contribution (less reasonable selling expenses, if any), is considered to be the amount of the fair market value of the contributed property for purposes of the requirements of section 170(b)(1)(D)(ii).

* * * * *

This Treasury decision liberalizes existing rules with respect to distributions of contributed property received by private foundations and is considered to be beneficial to all interested parties. For these reasons, it is found unnecessary to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: February 14, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 80-6372 Filed 2-28-80; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[T.D. 7680]

Income Tax; Qualified Stock Options Granted After May 20, 1976

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to transitional rules for qualified stock options granted after May 20, 1976 and certain options exercised after May 20, 1981. Changes to the applicable tax law were made by the Tax Reform Act of 1976. The regulations would provide the public with the guidance needed to comply with that Act and would affect grantors and grantees of stock options.

EFFECTIVE DATE: These regulations will be effective for taxable years ending after December 31, 1975.

FOR FURTHER INFORMATION CONTACT: Annie R. Alexander of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On December 18, 1978, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 422 and 424 of the Internal Revenue Code of 1954 (43 FR 58830). The amendments were proposed to conform the regulations to section 603 in the Tax Reform Act of 1976 (90 Stat. 1574). There was no request for a public hearing and accordingly none was held. One comment was received but that comment did not result in any changes to the proposed regulations because it was felt that the regulations do not require additional clarification, or the change would make the regulations inconsistent with the statute. After consideration of the comment regarding the proposed amendments, those amendments are adopted without change by this Treasury decision. The preamble to the notice of proposed rulemaking summarizes and explains the proposed amendments.

Drafting Information

The principal author of this regulation is Annie R. Alexander of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended by adopting without change the regulations proposed in the notice of proposed rulemaking published in the **Federal Register** on December 18, 1979 (43 FR 58830).

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: February 20, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

§ 1.422 [Deleted]

Paragraph 1. Section 1.422 is deleted.

Par. 2. Section 1.422-2 is amended by revising the first sentence of paragraph (a)(1)(i) of § 1.422-2 and by inserting three new sentences immediately after that sentence, and by adding a new paragraph (i) to § 1.422-2. The revised and added provisions read as follows:

§ 1.422-2 Qualified stock options defined.

(a) *Qualified stock option defined.* (1)(i) The term "qualified stock option" means an option that meets the requirements of section 422(b) and this section. Generally, section 422(b) requires a qualified stock option to be granted to an individual after December 31, 1963, and before May 21, 1976. However, a qualified stock option may be granted after May 20, 1976, if it meets the requirements of section 422(c)(7). See paragraph (i) of this section for rules relating to options granted after May 20, 1976.* * *

* * * * *

(i) *Certain options granted after May 20, 1976*—(1) *In general.* An option granted to an individual after May 20, 1976 is not a qualified stock option unless the option meets the requirements of section 422(c)(7) and this paragraph. Generally, an option meets the requirements of section 422(c)(7) if it either is granted under a written plan adopted before May 21, 1976, or is substituted for a qualified stock option described in paragraph (i)(3) of this section. An option meeting the requirements of section 422(c)(7) and this paragraph that is exercised after May 20, 1981, will be treated under § 1.83-7(a) as if it were a nonqualified stock option without a readily ascertainable fair market value at the time of its grant.

(2) *Options granted under a written plan adopted before May 21, 1976.* (i) An option granted after May 20, 1976, is a qualified stock option if it otherwise meets the requirements of section 422(b) and this section and if the option is granted under a written plan that was adopted before May 21, 1976. A plan will be treated as having been adopted as of the date all actions needed for adoption have been completed. Ordinarily, a plan is adopted when approved by the board of directors of the granting corporation. However, if the board's action is subject to a condition or the happening of a particular event, the plan is adopted on the date the condition is met or the event occurs unless the board's resolution fixes the date of approval as the date of the board's action. For purposes of determining the date of the adoption of a plan, the date of the approval of the plan by the shareholders of the granting corporation is disregarded. Thus, it is immaterial whether the shareholders approved the plan before, on, or after May 21, 1976, although the plan must satisfy the requirements of paragraph (b) of this section, which requires that the shareholders approve the plan within 12 months before or after its adoption by the board. The authorization of specific grants of options to specific individuals under the plan is not required in order for options granted under the plan to be qualified stock options.

(ii) A corporation that merely changes its identity or place of incorporation may continue to grant qualified stock options under a written plan adopted before May 21, 1976, to the extent permissible had the change not occurred. In all other reorganizations a written option plan will be treated as being adopted after May 20, 1976, unless the corporation that adopted the plan before May 21, 1976, survives the reorganization. Of course, the surviving corporation may continue to grant options under the plan only to the extent it would have been able to do so had the reorganization not occurred.

(3) *Substituted stock options.* An option granted after May 20, 1976, is a qualified stock option if the option is an option that has been substituted, in a transaction to which section 425(a) applies (relating to certain corporate reorganizations, liquidations, etc.), for a qualified stock option granted before May 21, 1976 (or any option that is a qualified stock option under the requirements section 422 (c)(7)(A) or (B) and paragraph (i)(2) or (3) of this section).

(4) *Modifications to option plans.* An option plan adopted before May 21, 1976, may be modified after May 20, 1976, and options granted under such a plan, as modified, will be considered options granted under a plan adopted before May 21, 1976, unless the modification is considered the adoption of a new plan. See paragraph (b) of this section for rules relating to modifications that will be considered the adoption of a new plan. If a plan is modified after May 20, 1976, such that the modification is considered under paragraph (b) of this section to be the adoption of a new plan any option granted as a result of such modification will not be a qualified stock option. An option will be considered to have been granted as a result of such modification if it could not have been granted but for such modification of the plan. For example, if the modification changes the terms of the options to be granted in such a way that the modification is considered the adoption of a new plan, then no option granted with such terms is a qualified stock option since it could not have been granted but for the modification. If a plan is modified to increase the number of shares that can be transferred upon exercise of the options granted under the plan, any option granted after the modification will be a qualified stock option only if the option could have been granted without the modification to the plan. For example, if the number of shares authorized under a plan is increased from 4,000 shares to 10,000 shares at a time when options have already been granted under the plan to purchase 3,000 of the previously authorized shares, an option granted after the modification will be a qualified stock option if it is not an option to purchase any of the additional 6,000 shares authorized by the modification. In determining for this purpose which shares are subject to a particular option, the first option granted after the modification will be considered an option to buy originally authorized shares to the extent there are any such shares not subject to a previously granted option. If options to buy originally authorized shares and options to buy additional shares are granted, the granting corporation may designate which options are options to buy originally authorized shares to the extent there are originally authorized shares not subject to a previously granted option. In the previous example, absent such a designation, if ten options were granted on different days after the plan modification, each option for the purchase of 700 shares, the first option would be a qualified stock option since 1,000 originally authorized shares are not subject to any previously granted option. The second option would not be a qualified stock option because it includes an option to buy 400 shares that were not originally authorized and therefore could not have been granted without the modification. If the order in which the ten options were granted could not be determined and no such designation were made under this paragraph, none of the options would be a qualified stock option. If the modification enlarges the class of employees eligible to receive options, any option granted to a newly eligible employee would not be a qualified stock option.

(5) *Exercise of certain options after May 20, 1981.* If a qualified stock option granted after May 20, 1976, is exercised after May 20, 1981, the option will be treated as if it were a nonqualified stock option that did not have a readily ascertainable fair market value at the time it was granted. Thus, if such a qualified stock option is exercised after May 20, 1981, section 421(a) will not apply to the transfer of stock pursuant to the exercise of the option, and such transfer will be taxed under section 83. See § 1.83–7(a) for rules relating to the treatment of nonqualified stock options under section 83.

§ 1.424 [Deleted]

Par. 3. Section 1.424 is deleted.

Par. 4. Section 1.424–2 is amended by adding a new paragraph (d)(5) to read as follows:

§ 1.424–2 Restricted stock options.

* * * * *

(d) *Certain options granted after December 31, 1963.** * *

(5) An option granted after December 31, 1963, that is treated as a restricted stock option under section 424(c)(3) and this paragraph must be exercised before May 21, 1981, in order for section 421(a) to apply to the transfer of stock pursuant to such exercise. If such an option is exercised after May 20, 1981, section 421(a) will not apply to the transfer of stock pursuant to such exercise, and section 83 will apply to such transfer as if the option were a nonqualified stock option without a readily ascertainable fair market value at the time of its grant. See § 1.83–7(a) for rules relating to the treatment of nonqualified stock options under section 83.

[FR Doc. 80–6373 Filed 2–28–80; 8:45 am]

BILLING CODE 4830–01–M

31 CFR Part 1

Disclosure of Records; Exempt System

AGENCY: Internal Revenue Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Internal Revenue Service system of records entitled "File of Persons Making Threats of Force or Forcible Assaults" (26.005) is deleted from the exempt system listing in 31 CFR 1.36. This system has been eliminated since it is being incorporated into an existing automated system for increased efficiency. (See 44 FR 52913, September 11, 1979.)

EFFECTIVE DATE: February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. William E. Mulroy, Director, Internal Security Division, Office of Assistant Commissioner (Inspection), Internal Revenue Service, Washington, DC 20224 (202) 566–4564.

SUPPLEMENTARY INFORMATION: The comment period expired on October 11, 1979. No comments were received. In addition, approval has been obtained from the Office of Management and Budget. Accordingly, the rule is effective February 29, 1980.

Dated: February 20, 1980.

W. J. McDonald,

Assistant Secretary (Administration).

§ 1.36. [Amended]

31 CFR 1.36 Internal Revenue Service, Notice of Exempt System is amended by deleting from paragraph (b) the system entitled, "File of Persons Making Threats of Force or Forcible Assaults" (26.005). This system appears between Collateral Files (26.002) and Form 2209, Courtesy Investigations (26.006).

[FR Doc. 80-6471 Filed 2-28-80; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1418-8]

Florida: Variance for Particulates, SO_2, Visible Emissions and Excess Emissions for Florida Power & Light Generating Plants

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On August 31, 1979, the State of Florida submitted to EPA, as a SIP revision, a temporary variance from July 25, 1979 until July 25, 1981, which had been adopted by the Environmental Regulation Commission. This variance allows the Florida Power and Light Company (FP&L) to continue certain operations during the current low-sulfur oil shortage. On December 4, 1979, EPA proposed to approve the submitted variance, with certain exceptions, which relaxes the requirements specific FP&L generating units must meet with regard to emissions of particulates, sulfur dioxide, visible emissions and excess emissions. EPA is today approving the submitted variance except for certain provisions as discussed below.

DATES: This action is effective February 29, 1980.

ADDRESSES: Copies of the materials submitted by Florida and the comments received in response to the proposal notice of December 4, 1979 (44 FR 69683), may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Branch, 401 M Street, SW, Washington, D.C. 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308.

FOR FURTHER INFORMATION CONTACT: Archie Lee, EPA, Region IV, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30308, 404/881–3286, FTS 257–3286.

SUPPLEMENTARY INFORMATION:

Background

In early 1979, the Florida Power and Light (FP&L) Company was unable to obtain a sufficient supply of low-sulfur fuel oil due in part to the decreased availability of crude and the disappearance of "spot market" low-sulfur oil supplies. Consequently, FP&L petitioned and received emergency relief under Section 110(f) of the Clean Air Act (CAA). The relief granted under Section 110(f) is limited in time and therefore the need for a longer period of relief has arisen. On August 28, 1979, the Florida Department of Environmental Regulation issued a variance which relaxes the current particulate limits of 0.1 lbs per MM BTU and 20% opacity. Under the variance Cape Canaveral 1 & 2, Fort Myers 1 & 2, Manatee 1 & 2, and Sanford 3, 4, and 5 may emit 0.3 lbs. per MM BTU, and Port Everglades 1, 2, 3, and 4, Riviera 3 & 4, and Turkey Point 1 & 2 may emit 0.4 lbs. per MM BTU. Opacity limits for all units are relaxed to 40%. Additionally, the variance stipulates that if fuel oil with asphaltene content of less than or equal to 9% by weight is burned, the following limits may be applied by the State to all units: (1) 0.3 lbs per MM BTU, or (2) 0.2 lbs. per MM BTU (for units with low excess air burners). In the proposal notice, EPA incorrectly stated that the above limits would apply when burning oil with asphaltene content of 9% or less by weight. The variance states that the limits may be applied as written above. Although not identified in the **Federal Register** proposal notice of December 4, 1979, this variance is a temporary SIP revision which will be in effect for two years from the date of the FP&L variance partition, July 25, 1981.

Excess emissions are allowed during periods of malfunction and startup/shutdown operations. During boiler cleaning and load changes, emission limits of 0.6 lbs. particulate per MM BTU and 60% opacity apply. (These periods are not to exceed 3 hours in any 24-hour period.) Opacity greater than 60% is allowed for not more than four 6-minute periods during the 3-hour period, providing the unit has installed and operating, or has committed to install and operate, continuous opacity monitors.

The sulfur dioxide limitations for Manatee Units 1 & 2 are relaxed from 1.1 lb. per MM BTU to 2.75 lbs. per MM BTU. Control strategy demonstrations purporting to show compliance with the National Ambient Air Quality Standards and PSD increments for total suspended particulates and sulfur dioxide are included with the State submittal.

EPA has reviewed the materials submitted by the State of Florida and the comments in response to the proposal notice and is approving the revision except for the following areas:

The TSP limits for the Turkey Point and Port Everglades plants would allow FP&L to burn higher sulfur fuel, thereby violating the sulfur dioxide Class I increments in the Everglades National Park. (The alternate Class I PSD increments for sulfur dioxide were used in the control strategy to accommodate emissions from the Turkey Point and Port Everglades plants.)

EPA received comments from four commenters on the proposal notice. Three of the commenters supported EPA's position to disapprove the variance as it applied to the Turkey Point and Port Everglades plants. The fourth commenter (a law firm submitting comments in behalf of their client FP&L) urged EPA to reconsider its proposed action and approve the SIP revision as submitted. The comments of that firm are stated as those of FP&L and are as follows:

FP&L stated that low sulfur oil has become more scarce and there is little prospect of sufficient long-term supply becoming available. Next, FP&L does

not contest modelling results showing that the variance would allow the Class I PSD increments for sulfur dioxide to be exceeded in the Everglades National Park area. However, FP&L contends that under Section 165(d) of the Clean Air Act and 40 CFR 52.21(q), EPA may (and should) grant the alternative Class I increments if the Federal Land Manager certifies essentially that air quality related values in the Everglades would not be affected. FP&L asserts that Section 165(d) potentially applies because a fuel switch (to a higher sulfur content oil) is a "modification" even though it is exempt from being a "major modification" under EPA regulations. FP&L argues that since *Alabama Power* v. *Costle*, —— F. 2d ——, (D.C. Cir., No. 78–1006, dec. December 14, 1979) held that the PSD baseline should be set from the date of the first PSD permit application in the area, EPA should wait until Florida establishes the areas for setting baselines.

This is because FP&L contends that the Port Everglades and Turkey Point plants are not within the "area of significant impact" from a nearby source for which a PSD application has previously been filed. Finally, FP&L asserts that predictive modelling is imperfect and there is not a perfect correlation between increased sulfur dioxide emissions and increased particulate emissions from use of a higher sulfur content oil. Therefore, FP&L urges EPA to require additional monitoring of ambient air sulfur dioxide levels in the Everglades instead of disapproving the variance for the Port Everglades and Turkey Point plants.

Concerning the insufficient supply of low sulfur oil, FP&L has never asserted that there is an insufficient present supply of such oil for the Port Everglades and Turkey Point plants and all other plants in its system if the variance is disapproved for only the two named plants. Second, it is EPA's position that the alternative Class I increments is only available for a *proposed* major emitting facility. See Clean Air Act Sec. 165(d)(2)(c). Since both the Port Everglades and Turkey Point plant are already in existence and the only change contemplated is a switch in the sulfur content of fuel used, they are not "proposed" facilities. Additionally, the fuel switch is neither a "modification" nor a "major modification". This is because the only arguable manner in which it could qualify as a "modification" is as a "change in the method of operation". See Clean Air Act Sec. 111(a)(4). However, since FP&L has asserted that prior to 1975, both plants were capable of accommodating this change in the sulfur content of fuel used, that change is not a "change in the method of operation" for PSD purposes. See 40 CFR 52.21(b)(2)(ii)(*d*)(1978).

Third, FP&L argues that in light of *Alabama Power*, EPA should wait until Florida establishes the "area" for setting baselines, since the two FP&L plants are not within the "area of significant impact" of a nearby source which has already filed for (and received) its PSD permit. The *Alabama Power* case did not mention this "area of significant impact" test for setting the baseline. Since such a test is not mandated by that case and is not in present EPA regulations or guidance, this argument is rejected.

The final assertion of this commenter is that EPA should obtain more sulfur dioxide ambient air monitoring data for this area before deciding whether to disapprove the variance for the two named FP&L plants. This is because of imperfect predictive modelling and imperfect correlation of sulfur dioxide and particulate emissions from use of a higher sulfur content fuel. Since FP&L has no objection to the quality of predictive modelling for those plants where the results are favorable to FP&L, EPA sees no reason for FP&L's concern on the same modelling which produced unfavorable results (Port Everglades and Turkey Point). Second, if there were an insufficient correlation (in FP&L's view) between sulfur dioxide and particulate emissions from higher sulfur oil, there would be no reason for the company to request a variance from the particulate emission standard in order to allow the company to use higher sulfur oil. Therefore, this argument is also rejected.

EPA has determined that since this SIP revision does not involve the permitting of a major new source or major modification, the alternative Class I increments cannot be used. Therefore the air quality impact of the SIP revision must not violate the standard Class I increments. Since the limits on allowable sulfur dioxide emissions for the Turkey Point and Port Everglades plants would not be violated even by the higher sulfur oil projected in the variance, it is evident that the current SO_2 emission limits applicable to these plants are not adequate to protect the Class I increments. Therefore, the State must initiate action to revise the SO_2 emission limits for these two plants to protect the Class I increments and submit the new limits as a SIP revisions.

EPA is approving the Florida revision except for the portions affected by the deficiencies just described; the latter portions are disapproved.

(Section 110 of the Clean Air Act (42 U.S.C. 7410)).

Dated: February 25, 1980.

Douglas M. Costle,

Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart K—Florida

1. In § 52.520, paragraph (c) is amended by adding subparagraph (19) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(19) August 31, 1979, submittal of variance granted to FP&L for increased emissions of particulates, sulfur dioxide and visible emissions. This variance is in effect from July 25, 1979, to July 25, 1981. The TSP variance for Turkey Point and Port Everglades are disapproved while remaining portions are approved.

[FR Doc. 80–6382 Filed 2–28–80; 8:45 am]

BILLING CODE 6560–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 3

Archaeological Resources

For a document referencing the use of 43 CFR Part 3, see FR Doc. 80–6554 published by the Office of Environmental Quality, Department of Agriculture in the Rules section of this issue. Refer to the Contents for the correct page number.

BILLING CODE 4310–03–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Insurance Administration

44 CFR Part 55

Statewide "FAIR Plans"

AGENCY: Federal Insurance Administration, Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to revise the Regulations concerning operation of Statewide FAIR Plans under the Urban Property Protection and Reinsurance Act of 1968. On November 6, 1979, the Federal

Insurance Administrator, FEMA, published its interim regulation to effect the amendment and, while this regulation has been fully effective since November 6, 1979, FEMA did offer an opportunity for public comment on the regulation by December 6, 1979. This date has now passed and the regulation should be given final effect immediately. FAIR Plans provide essential property insurance to residents and small businesses in areas in which such insurance is not available in the voluntary market.

DATE: Effective date February 29, 1980.

ADDRESS: Federal Insurance Administration, Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: F. V. Reilly, Federal Insurance Administration, Room 4126, 451—7th Street, SW., Washington, D.C. 20410, Telephone Number: 202/755–6580.

SUPPLEMENTARY INFORMATION: The only comments received were from an insurance industry organization, in respect to which the comments were duly considered and, in some cases, adopted. For example, the comments included recommendations which, with little modification, were incorporated into the final rule, as follows: That an appropriate period of tax delinquency rather than non-payment alone should be sufficient evidence of owner neglect to justify a FAIR Plan decision not to insure the property; that cancellation of coverage be permitted on five days notice in case of owner or occupant incendiarism, material misrepresentation or non-payment of premium, or when 65% of the rental units become unoccupied, or when salvageable items have been or are being removed from the insured building without reasonable explanation for the removal; or where reliable information that an arson-for-profit attempt will be made in respect to the insured building, or where the insured or loss payee has been convicted of arson or of a crime involving a purpose to defraud an insurer. The insured cancelled on five-day notice will be given the reason for the cancellation and an opportunity to refute the information and gain reinstatement.

In addition, several editorial suggestions were adopted in the final rule and other recommendations were rejected either because it was felt that the interim rule already addressed the substance adequately or because the recommendation was too subjective in nature to produce an objective, equally fair standard. Review of the interim rule and the comments also suggested that the final rule include language defining the kind of public members who should be included in the composition of the FAIR Plan governing or advisory boards or committees and appropriate language has accordingly been added to the final rule.

In view of the fact that due consideration has been given to all of the comments received resulting in the incorporation in the final rule of much of the suggested revisions, no useful purpose is served by delaying the effective date of this revision. Hence, the amendments are effective immediately.

Accordingly, the interim amendments to Part 55 of Title 44 published at 44 FR 64082, November 6, 1979, hereby become the final Part 55, as amended hereby, of Title 44 of the Code of Federal Regulations but with the following changes:

1. Section 55.2(e) is amended by the addition, at the end thereof, of the following:

§ 55.2 Composition and supervision of FAIR Plan.

* * * * *

(e) * * * These public members shall include neighborhood civic groups or associations, consumer groups or associations, city, county or other government planners, or other individuals or organizations who have interest in improving local conditions. The solicitation of these public members to represent the consumer and other community interests shall be conducted by persons or organizations independent of insurance industry affiliation.

* * * * *

§ 55.7 [Amended]

2. Section 55.7(c)(4) is revised as follows:

* * * * *

(c) * * *

(4) Buildings in respect to which any two or more of the following conditions exists:

(i) "Failure to pay real estate taxes on the property after the taxes have been delinquent for one (1) year or more (real estate taxes shall not be deemed to be delinquent for this purpose even if they are due and constitute a lien, so long as a grace period remains under local law during which such taxes may be paid without penalty), or

(ii) Failure, within the insured's control, to furnish heat, water, or public lighting for 30 consecutive days or more, or

(iii) Failure within a reasonable time to correct conditions dangerous to life, health or safety.

§ 55.7 [Amended]

3. New § 55.7(c)(6) is added, as follows:

* * * * *

(c) * * *

(6) Rejection of a risk in respect to which one or more of the conditions set forth in § 55.9(a)(1) (i) through (ix) currently exists. The FAIR Plan will upon notice that conditions at the building(s) have changed, consider the acceptance of a new application for coverage.

4. Section 55.9(a) is revised to read as follows:

§ 55.9 Notice of cancellation or nonrenewal.

(a)(1) Each Plan shall require its participating insurers to give, and each such insurer shall give, property owners no less than 30 days prior written notice of any cancellation or nonrenewal of coverage initiated by the insurer with respect to any eligible risk, whether or not such risk is then insured under the Plan, in order to allow the affected property owner sufficient time to apply for an inspection and to obtain coverage under the Plan if necessary, except that a shorter notice of not less than 5 days may be used if one of the following conditions exists in which event a policy may be cancelled subject to the policy conditions imposed by the state insurance authority:

(i) Owner or occupant incendiarism;

(ii) At least 65% of the rental units in the building are unoccupied, and the insured has not obtained prior approval from the FAIR Plan of a rehabilitation plan which necessitates a high degree of unoccupancy;

(iii) Fire damage exists and the insured has stated or such time has elapsed as clearly indicates that the damage will not be repaired;

(iv) Following a fire, permanent repairs following satisfactory adjustment of loss have not commenced within 60 days;

(v) Property has been abandoned or there has been removal of undamaged salvageable items from the building and the insured can give no reasonable explanation for such removal;

(vi) Utilities such as electric, gas, or water services have been disconnected and the insured has failed to pay his account for such services within 120 days, or real estate taxes have not been paid for a two year period after the taxes have become delinquent (real estate taxes shall not be deemed to be delinquent for this purpose even if they are due and constitute a lien, so long as a grace period remains under local law during which such taxes may be paid without penalty);

(vii) Where reliable information that good cause exists to believe that the building will be burned for the purpose of collecting the insurance on the property;

(viii) Conviction or unresolved indictment of a named insured or loss payee or any other person having a financial interest in the property of the crime of arson or a crime involving a purpose to defraud an insurance company;

(ix) Where the building has been subject to more than two (2) fires, each loss amounting to at least $500 or one percent of the insurance in force, whichever is greater, in any 12-month period; or more than three (3) such fires in any 24-month period, provided that the cause of such fires is due to conditions which are the responsibility of the owner-named insured;

(x) Material misrepresentation;

(xi) Non-payment of premium.

(2) Any cancellation upon less than thirty days notice arising out of any of the conditions listed in paragraph (a)(1) of this section shall follow a procedure which includes as a minimum, the following:

(i) The designation of a responsible official by the state insurance authority to serve as the point of contact with the FAIR Plan.

(ii) The notification either in writing or by phone to the official by the FAIR Plan of any such cancellation. The state insurance authority shall maintain a record of all such cancellations.

(iii) The notification to the insured by the FAIR Plan of the cancellation, giving the reasons for the action and setting forth the insured's prerogative to appeal to the state insurance authority for review of the cancellations. The cancellation shall stand unless the state insurance authority rules otherwise.

* * * * *

Dated: February 26, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-6392 Filed 2-28-80; 8:45 am]

BILLING CODE 6718-01-M

44 CFR Part 64

[Docket No. FEMA 5782]

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 DATE: 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 impracticable and unnecessary.

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
New York	Wayne	Butler, town of	361445	Feb. 1, 1980, emergency	Nov. 29, 1974.
Do	do	Savannah, town of	361229A	do	Dec. 20, 1974 and June 25, 1976.
Pennsylvania	Potter	Clara, township of	421974A	Feb. 2, 1980, emergency	Oct. 18, 1974 and May 14, 1976.
New York	Steuben	Jasper, town of	361212A	Feb. 3, 1980, emergency	Nov. 1, 1974 and July 2, 1976.
Do	Fulton	Stratford, town of	361136	do	Nov. 15, 1974.
North Carolina	Swain	Unincorporated areas	370227	do	Jan. 19, 1979.
Pennsylvania	Lycoming	Bastress, township of	422472	do	Feb. 7, 1975.
North Dakota	Traill	Bingham, township of	380640—New	Feb. 8, 1980, emergency	
Texas	Fort Bend	Needville, town of	480820	do	
Utah	Cache	Unincorporated areas	490012	Feb. 12, 1980, emergency.	
Pennsylvania	Wyoming	Overfield, township of	422568	Feb. 13, 1980, emergency.	Dec. 27, 1974.
California	Napa	Unincorporated areas	060250A	Jan. 29, 1971, emergency, Feb. 1, 1980, regular, Feb. 1, 1980, suspended, Feb. 11, 1980, reinstated.	Feb. 1, 1980.
Arkansas	Los Angeles	Lockesburg, city of	050339	Feb. 15, 1980, emergency.	Apr. 18, 1975.
California	Seiver	Lancaster, city of	060672A	do	Sept. 11, 1979.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Idaho	Latah	Kendrick, city of	160089B	Feb. 1, 1980, suspension withdrawn.	Oct. 18, 1974.
Illinois	Du Page	Darien city of	170750A	do	Nov. 29, 1974.
Do	Rock Island	Moline, city of	170591B	do	May 3, 1974 and Sept. 24, 1976.
Do	Peoria	Peoria, city of	170536B	do	May 24, 1974 and Oct. 10, 1975.
Indiana	Porter	Chesterton, town of	180201B	do	Feb. 1, 1974
Do	Vanderburgh	Unincorporated areas	180256A	do	Feb. 1, 1980.
Kansas	Pottawatomie	St. Marys, city of	200275B	do	Dec. 7, 1973 and June 18, 1976.
Minnesota	Wright	Clearwater, city of	270536B	do	Aug. 23, 1974.
Mississippi	Coahoma	Unincorporated areas	280038A	do	Oct. 21, 1977.
Montana	Custer	Miles City, city of	300014B	do	Jan. 23, 1974 and Oct. 17, 1975.
New Jersey	Essex	Cedar Grove, township of	340180B	do	Nov. 5, 1976.
North Carolina	Buncombe	Woodfin, town of	370380B	do	July 25, 1975 and Oct. 17, 1975.
Ohio	Ashtabula	Ashtabula, city of	390011B	do	Dec. 28, 1973.
Do	do	Geneva, city of	390013B	do	Nov. 23, 1974 and July 30, 1976.
Do	Lake	Kirtland, city of	390616A	do	Aug. 8, 1975.
Massachusetts	Essex	Lynnfield, town of	250089B	do	Sept. 6, 1974 and Sept. 3, 1976.
Do	Middlesex	Natick, town of	250207B	do	July 26, 1974 and Apr. 9, 1976.
Do	Norfolk	Norwood, town of	250248B	do	Aug. 16, 1974 and June 21, 1977.
Do	Hampden	Springfield, city of	250150B	do	July 26, 1974.
Michigan	Allegan	Douglas, village of	260549A	do	Sept. 26, 1975.
Do	Oakland	Farmington Hills, city of	260172B	do	Mar. 15, 1974 and Aug. 27, 1976.
Do	Allegan	Saugatuck, township of	260009B	do	June 28, 1974 and July 2, 1976.
Do	do	Saugatuck, village of	260305C	do	Dec. 17, 1976.
Pennsylvania	Huntingdon	Alexandria, borough of	420481B	do	Sept. 14, 1973 and Oct. 15, 1976.
Do	Washington	Chartiers, township of	422144B	do	Nov. 1, 1974 and July 2, 1976.
Do	Wyoming	Exeter, township of	42091A	do	Oct. 12, 1973.
Do	Allegheny	Forward, township of	421064B	do	July 19, 1974 and May 7, 1976.
Do	Beaver	Freedom, borough of	420111C	do	Feb. 1, 1974 and Apr. 30, 1976.
Do	Allegheny	Kilbuck, township of	421073B	do	Sept. 13, 1974 and July 16, 1976.
Do	Lancaster	Marietta, borough of	420558B	do	Oct. 12, 1973.
Do	Schuylkill	Port Clinton, borough of	420784B	do	Mar. 9, 1973 and Oct. 1, 1976.
Do	Beaver	Rochester, borough of	420116B	do	Feb. 1, 1974 and May 28, 1976.
Do	Bucks	Tullytown, borough of	420206B	do	Dec. 28, 1973 and Oct. 22, 1976.
Do	Beaver	Vanport, township of	421320B	do	Mar. 22, 1974 and Sept. 24, 1976.
South Carolina	Orangeburg	Branchville, town of	450162B	do	June 7, 1974 and June 18, 1976.
Do	Greenville	Greenville, city of	450091A	do	June 28, 1974.
Texas	Rockwall	Heath, city of	480545A	do	Nov. 19, 1976.
Vermont	Lamille	Stowe, village of	500067B	do	Aug. 9, 1974 and Oct. 22, 1976.

(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, 44 FR 20963)

Issued: February 19, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-6357 Filed 2-28-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426–1460 or

Toll Free Line (800) 424–8872 (in Alaska and Hawaii Call Toll Free (800) 424–9080), Room 5148, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.8(b)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	New Haven, City, New Haven County (Docket No. FI–5446).	Quinnipiac River	Throughout the community	*11
		Mill River	Throughout the community	*11
		West River	100' downstream of Edgewood Avenue	*11
			Edgewood Avenue upstream	*12
			Whalley Avenue upstream	*14
			Blake Street upstream	*16
			Valley Street upstream	*31
			East Ramsdell Street upstream	*72
			Lily Pond Dam downstream	*75
			Lily Pond Dam upstream	*78
			Lily Pond Avenue upstream	*81
			Upstream corporate limits	*81
		Wintergreen Brook	Blake Street	*19
			Wintergreen Avenue	*28
		Beaver Brook	Blake Street	*18
			Fitch Street	*23
			Crescent Street	*28
		Morris Creek	Throughout community	*11
		Tuttle Brook	Throughout community	*11
Maps are available at the City Planning Office, 9th floor, 157 Church Street, and at the City Engineer's Office, 5th floor, 200 Orange Street, New Haven, Connecticut.				
Illinois	(V), Stone Park, Cook County (Docket No. FI–5262).	Addison Creek	Just upstream of Lake Street at the southern corporate limit	*635
			1,050 feet upstream of Lake Street	*636
			2,280 feet upstream of Mannheim Road	*638
Maps available at the Village Hall, Stone Park, Illinois 60165.				
Michigan	(Twp), Shelby, Macomb County (Docket No. FI–4701).	Clinton River	Southeast corporate limit	*632
			1 mile upstream of southeast corporate limit	*633
			1.5 miles upstream of southeast corporate limit	*635
			1.35 miles downstream of Ryan Road	*640
			0.83 mile downstream of Ryan Road	*643
			0.31 mile downstream of Ryan Road	*648
			Just downstream of Ryan Road	*652
			0.05 mile upstream of Ryan Road	*655
			1.1 mile upstream of Ryan Road	*661
			0.8 mile downstream of southwest corporate limit	*663
			0.26 mile downstream of southwest corporate limit	*672
			At southwest corporate limit	*676
		Clinton River Middle Branch	Just upstream of Hayes Road	*627
			2,600 feet upstream of Hayes Road	*631
			2,100 feet downstream of Schoenherr Road	*634
			150 feet upstream of Schoenherr Road	*639
			2,900 feet upstream of Schoenherr Road	*642
			At Jewell Road	*648
			1,300 feet downstream of Michigan 53	*651
			At Michigan 53	*654
			Just downstream of Bellman Road	*656
			Just upstream of Bellman Road	*658
			500 feet upstream of 25 Mile Road	*659
			500 feet downstream of Van Dyke Road	*661
			Just upstream of Van Dyke Road	*663
			1,500 feet downstream of Ruann Drive	*666
			Just upstream of Ruann Drive	*671
			Just downstream 24 Mile Road	*675
			1,100 feet upstream of 24 Mile Road	*676
			Just upstream of Mound Road	*683
			1,400 feet upstream of Mound Road	*684
			1,300 feet downstream of Shelby Road	*691
			Just upstream of Shelby Road	*700
			1,900 feet upstream of Shelby Road	*703
			At Blue Ridge Drive	*714
		Newland Drain	At the confluence with Chestnut Lake	*725
			At 24 Mile Road	*726
			100 feet upstream of Grand Trunk Western Railroad	*733
			1,100 feet downstream of 25 Mile Road	*738
			At 25 Mile Road	*741
Maps available at Township Hall, 52700 Van Dyke, Utica, Michigan.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Mississippi	Jackson (City), Hinds County (Docket No. FI-5217).	Pearl River	Confluence with Hardy Creek at centerline	*269
			Interstate 20 (1st crossing) at centerline	*272
			Interstate 55—260 feet upstream from centerline	*275
			State Highway 25—130 feet upstream from centerline	*279
			Confluence with Purple Creek at centerline	*281
			Limit of Detailed Study at centerline	*283
		Cany Creek	Illinois Central Gulf Railroad (1st crossing) at centerline	*268
			Illinois Central Gulf Railroad (2nd crossing) 100 feet upstream from centerline.	*272
			West Frontage Road 100 feet upstream from centerline	*272
			Terry Road 100 feet upstream from centerline	*275
			McClure Road 160 feet upstream from centerline	*279
			Cooper Road 50 feet upstream from centerline	*295
			Smallwood Street 150 feet upstream from centerline	*303
			McDowell Road 110 feet upstream from centerline	*311
			Suncrest Drive 110 feet downstream from centerline	*311
			Suncrest Drive 110 feet upstream from centerline	*315
			Alyce Street 50 feet upstream from centerline	*328
		Hardy Creek	Illinois Central Gulf Railroad (1st crossing) at centerline	*269
			Greenwood Avenue 50 feet upstream from centerline	*270
			Alemeda Street 50 feet upstream from centerline	*281
			McDowell Road 100 feet upstream from centerline	*311
			Dianne Drive 80 feet upstream from centerline	*323
			Annalisa Drive 50 feet upstream from centerline	*334
			Wingfield Drive 130 feet downstream from centerline	*340
			Wingfield Drive 130 feet upstream from centerline	*346
			Raymond Road 100 feet upstream from centerline	*350
		Tributary 1 to Hardy Creek	Confluence with Hardy Creek 53 feet upstream from centerline	*326
			Flowers Drive 30 feet upstream from centerline	*337
		Three Mile Creek	Unnamed Road 50 feet upstream from centerline	*270
			Illinois Central Gulf Railroad 110 feet downstream from centerline	*271
			Illinois Central Gulf Railroad 110 feet upstream from centerline	*281
			Terry Road 110 feet upstream from centerline	*290
			Colonial Drive 30 feet upstream from centerline	*299
			Cummings Street at centerline	*300
		Tributary 1 to Three Mile Creek	Glenn Street 110 feet upstream from centerline	*302
			Paden Street 30 feet upstream from centerline	*310
			Gunda Street 30 feet upstream from centerline	*318
		Lynch Creek	Illinois Central Gulf Railroad (1st crossing) 80 feet upstream from centerline.	*272
			Interstate Highway 20 East 30 feet upstream from centerline	*272
			Illinois Central Gulf Railroad 130 feet upstream from centerline	*274
			Terry Road 30 feet upstream from centerline	*282
			Valley Street 80 feet upstream from centerline	*285
			U.S. Highway 80—130 feet upstream from centerline	*292
			Lynch Street 80 feet upstream from centerline	*297
			Robinson Street 30 feet upstream from centerline	*302
			St. Charles Street 30 feet upstream from centerline	*305
			South Drive 80 feet upstream from centerline	*314
			Holden Street 30 feet upstream from centerline	*319
			Lindberg Drive 30 feet upstream from centerline	*323
			West Capital Street 80 feet upstream from centerline	*327
			Country Club Drive 160 feet upstream from centerline	*334
			Bonita Drive 110 feet upstream from centerline	*363
			Flag Chapel Drive 30 feet upstream from centerline	*367
		Tributary 1 to Lynch Creek	Interstate Highway 20, 130 feet upstream from centerline	*299
			West Highland Drive 30 feet upstream from centerline	*335
		Tributary 2 to Lynch Creek	Ellis Avenue 80 feet upstream from centerline	*295
			Lynch Street 50 feet upstream from centerline	*307
			Washington Street 80 feet upstream from centerline	*317
			Booker Street 80 feet upstream from centerline	*321
		Tributary 3 to Lynch Creek	Primos Avenue 130 feet upstream from centerline	*305
			Robinson Road 50 feet upstream from centerline	*323
			Interstate 220—110 feet downstream from centerline	*331
			Interstate 220—160 feet upstream from centerline	*340
			Barnett Drive 30 feet upstream from centerline	*340
		Tributary 4 to Lynch Creek	Lindsey Drive 80 feet upstream from centerline	*305
			Nimitz Street 30 feet upstream from centerline	*311
			St. Charles Street Extended 80 feet upstream from centerline	*322
			Morson Road 110 feet upstream from centerline	*338
			U.S. Highway 80—50 feet upstream from centerline	*357
			Westhaven Boulevard 50 feet upstream from centerline	*360
			Berry Street 50 feet upstream from centerline	*369
			Gault Street 110 feet upstream from centerline	*370
		Tributary 4-1 to Lynch Creek	U.S. Highway 80—50 feet upstream from centerline	*340
			Westhaven Boulevard 50 feet upstream from centerline	*351
		Tributary 5 to Lynch Creek	Interstate 220—50 feet upstream from centerline	*329
			Dixon Road 80 feet upstream from centerline	*334
			Westhaven Boulevard 130 feet upstream from centerline	*360
			Illinois Central Gulf Railroad at centerline	*367
		Tributary 6 to Lynch Creek	Interstate 80—110 feet upstream from centerline	*284
			Valley Street 110 feet upstream from centerline	*290
			Barrett Avenue 50 feet upstream from centerline	*296
			Lynch Street 50 feet upstream from centerline	*301
			Robinson Street 80 feet upstream from centerline	*315
			Buena Vista Avenue 130 feet upstream from centerline	*319
			Columbus Street 50 feet upstream from centerline	*321

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Town Creek	Illinois Central Gulf Railroad (1st crossing) 30 feet upstream from centerline.	*273
			Ranking Street 30 feet upstream from centerline	*273
			Amite Street 30 feet upstream from centerline	*273
			Mill Street 30 feet upstream from centerline	*276
			Galletin Street 30 feet upstream from centerline	*278
			West Monument Street 30 feet upstream from centerline	*285
			Maple Street 30 feet upstream from centerline	*292
			Woodrow Wilson Drive 30 feet upstream from centerline	*302
			Ford Avenue 80 feet upstream from centerline	*316
			Delta Drive 80 feet upstream from centerline	*334
			Northside Drive 30 feet upstream from centerline	*337
			Unnamed Road 30 feet upstream from centerline	*342
		Tributary 2 to Town Creek	Confluence with Town Creek at centerline	*323
		Tributary 3 to Town Creek	West Monument Street at centerline	*285
			West Bell Street 110 feet upstream from centerline	*290
			Ash Street at centerline	*293
			Elm Street 50 feet upstream from centerline	*296
			Livingston Street 50 feet upstream from centerline	*298
			Millsaps Avenue Extension 50 feet upstream from centerline	*304
			Woodrow Wilson Avenue 50 feet upstream from centerline	*310
		Tributary 4 to Town Creek	Fortification Street 80 feet upstream from centerline	*288
			Ash Street 130 feet upstream from centerline	*290
			Erie Street 30 feet upstream from centerline	*295
			Dewit Avenue 110 feet upstream from centerline	*299
			Delta Drive 80 feet upstream from centerline	*306
			Toole Street 130 feet upstream from centerline	*308
			Avenue D-30 feet upstream from centerline	*324
			Queens Avenue 30 feet upstream from centerline	*337
		Tributary 5 to Town Creek	Woodrow Wilson Avenue 80 feet upstream from centerline	*306
			Perkins Street Extended 30 feet upstream from centerline	*310
			Coleman Avenue 30 feet upstream from centerline	*323
			Delta Drive 80 feet upstream from centerline	*331
			Greenfield Avenue 80 feet upstream from centerline	*334
			Utah Street 80 feet upstream from centerline	*338
			Northside Drive 30 feet upstream from centerline	*348
			Illinois Central Gulf Railroad 80 feet upstream from centerline	*361
		Eubanks Creek	Dam at centerline	*277
			U.S. Highway 55—50 feet upstream from centerline	*277
			Wood Dale Drive 80 feet upstream from centerline	*283
			Hawthorne Drive 30 feet upstream from centerline	*290
			Eagle Avenue 30 feet upstream from centerline	*294
			North State Street 80 feet upstream from centerline	*299
			West Street 30 feet upstream from centerline	*306
			Newman Avenue 80 feet upstream from centerline	*314
			Bailey Avenue 30 feet upstream from centerline	*316
			Douglas Avenue 30 feet upstream from centerline	*321
			Livingston Road 80 feet upstream from centerline	*326
			Northside Drive 110 feet upstream from centerline	*328
		Tributary 3 to Eubanks Creek	Old Canton Road 80 feet upstream from centerline	*289
			Buckley Drive 130 feet upstream from centerline	*299
			Montbrook Street 80 feet upstream from centerline	*308
		Tributary 4 to Eubanks Creek	Meadowbrook Road 80 feet upstream from centerline	*299
			Naples Road 30 feet upstream from centerline	*310
		Tributary 5 to Eubanks Creek	Meadowbrook Road 30 feet upstream from centerline	*296
			Naples Road 30 feet upstream from centerline	*304
			Northside Drive 30 feet upstream from centerline	*312
			El Paso Street 30 feet upstream from centerline	*320
			Iris Avenue 30 feet upstream from centerline	*320
		Tributary 6 to Eubanks Creek	Wilshire Street 30 feet upstream from centerline	*307
			Northside Drive 110 feet upstream from centerline	*312
			Meadow Lane Drive 50 feet upstream from centerline	*322
			Witsell Road 80 feet upstream from centerline	*332
		Tributary 6-1 to Eubanks Creek	Meadow Lane Drive 50 feet upstream from centerline	*323
			Azalea Drive 50 feet upstream from centerline	*325
			Beaver Brook Road at centerline	*326
		Tributary 7 to Eubanks Creek	Confluence with Eubanks Creek at centerline	*321
			Northside Drive 110 feet upstream from centerline	*326
			Limit of Detailed Study at centerline	*332
		Twin Lakes Creek—G	Dam 30 feet upstream from centerline	*278
			Eastover Drive 30 feet upstream from centerline	*281
			Lake Circle Drive 30 feet upstream from centerline	*288
			Navajo Road 30 feet upstream from centerline	*295
			Ridgewood Road 130 feet upstream from centerline	*306
			Kenwood Drive 80 feet upstream from centerline	*316
		Twin Lakes Creek—H	Lake Circle Drive 30 feet upstream from centerline	*291
			Eastover Drive 30 feet upstream from centerline	*294
			Honey Suckle Lane 50 feet upstream from centerline	*296
			Meadowbrook Road 40 feet upstream from centerline	*311
		Belhaven Creek	U.S. Highway 55 at centerline	*276
			Illinois Central Gulf Railroad at centerline	*278
			Laurel Street 80 feet upstream from centerline	*279
		Hanging Moss Creek	Confluence with Pearl River at centerline	*281
			Ridgewood Road 50 feet upstream from centerline	*281
			Old Canton Road 50 feet upstream from centerline	*285
			Interstate 55—160 feet upstream from centerline	*289
			Manhattan Road 90 feet upstream from centerline	*292

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			North State Street 110 feet downstream from centerline	*297
			Illinois Central Gulf Railroad 110 feet upstream from centerline	*303
			Highland Drive 50 feet upstream from centerline	*305
			Hanging Moss Road 110 feet upstream from centerline	*306
			Livingston Road 50 feet upstream from centerline	*317
			Interstate 220—110 feet upstream from centerline	*321
		White Oak Creek (Tributary 3 to Hanging Moss Creek).	Westbrook Road 50 feet upstream from centerline	*281
			Old Canton Road 50 feet upstream from centerline	*281
			Ridgewood Road 50 feet upstream from centerline	*296
			Interstate 55—160 feet upstream from centerline	*306
			North State Street 20 feet upstream from centerline	*314
		Tributary 4 to Hanging Moss Creek.	Footbridge 110 feet upstream from centerline	*293
			Briarwood Drive 90 feet upstream from centerline	*304
			North State Street 110 feet upstream from centerline	*306
			Beasley Road 90 feet upstream from centerline	*312
		Tributary 5 to Hanging Moss Creek.	Meadow Road 30 feet upstream from centerline	*305
			Hanging Moss Road 30 feet upstream from centerline	*312
			Beasley Road 30 feet upstream from centerline	*316
			Interstate 220—50 feet upstream from centerline	*322
			Countyline Road 60 feet downstream from centerline	*335
		Tributary 5-2 to Hanging Moss Creek.	Rutherford Drive 50 feet upstream from centerline	*328
			Interstate 220—110 feet upstream from centerline	*332
		Tributary 5-3 to Hanging Moss Creek.	Confluence with Hanging Moss Creek Tributary 5 at centerline	*324
			Countyline Road 25 feet downstream from centerline	*340
		Tributary 6 to Hanging Moss Creek.	Watkins Drive 110 feet upstream from centerline	*317
			Beasley Road 30 feet upstream from centerline	*322
			Interstate 220—110 feet upstream from centerline	*328
			Livingston Road 80 feet upstream from centerline	*335
		Tributary 7 to Hanging Moss Creek.	Confluence with Hanging Moss Creek at centerline	*324
			Countyline Road 30 feet upstream from centerline	*347
		Purple Creek	Westbrook Road at centerline	*281
			Sedgewich Drive at centerline	*281
			Old Canton Road 30 feet upstream from centerline	*287
			1st Footbridge upstream of Old Canton Road 30 feet upstream from centerline.	*288
			Colonial Circle 30 feet upstream from centerline	*291
			Woodfield Drive 50 feet upstream from centerline	*303
			Countyline Road at centerline	*309
		Bakers Creek	Private Road 25 feet upstream from centerline	*281
			Illinois Central Gulf Railroad 100 feet upstream from centerline	*295
		Tributary 2 to Bakers Creek	Confluence with Bakers Creek at centerline	*280
			Interstate 20 Eastbound 50 feet upstream from centerline	*294
			Interstate 20 Westbound 50 feet upstream from centerline	*295
			Shaw Road 75 feet downstream from centerline	*310
			Shaw Road 75 feet upstream from centerline	314
			Norma Street 75 feet downstream from centerline	*321
			Norma Street 50 feet upstream from centerline	*325
		Big Creek	Raymond Road 200 feet downstream from centerline	*325
			Raymond Road 200 feet upstream from centerline	*329
			Brookview Drive 200 feet upstream from centerline	*343
			Northswell Road 100 feet upstream from centerline	*351
			Mississippi Highway 18—50 feet upstream from centerline	*360
		Tributary 1 to Big Creek	McClure Road at centerline	*328
		Tributary 5 to Big Creek	North Siwell Road 50 feet upstream from centerline	*337
		Bogue Chitto	John F. Kennedy Boulevard 25 feet upstream from centerline	*274
			State Highway No. 49—50 feet upstream from centerline	*284
		Tributary 4 to Bogue Chitto	Confluence with Bogue Chitto at centerline	*260
		Stream 1	St. Andrews Drive 25 feet upstream from centerline	*282
			Field Road 150 feet upstream from centerline	*283
			Brae Burn Drive 50 feet downstream from centerline	*287
			Brae Burn Drive 50 feet upstream from centerline	*290
			Countyline Road at centerline	*291
		Trahon Creek	Forrest Hills Road 20 feet upstream from centerline	*298
			Henderson Road 150 feet downstream from centerline	*319
			Henderson Road 150 feet upstream from centerline	*323
			McClure Road at centerline	*323
		Tributary 1 to Trahon Creek	Lakeshore Drive 380 feet upstream from centerline	*303
	Maps available at City Hall, P.O. Box 17, Jackson, Mississippi.			
Pennsylvania	Monroe, Borough, Bradford County (Docket No. FI-5439).	Towanda Creek	Upstream corporate limits	*782
			Locust Street Extended (to Creek Bank)	*773
			Berwick Drive	*765
			Downstream face of Bridge Street Bridge	*760
			Downstream corporate limits	*749
	Maps available at the Monroe Community Hall, Main Street, Monroeton, Pennsylvania.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority of Federal Insurance Administrator, 44 FR 20963)

Issued: February 1, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-6152 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

44 CFR Part 300

[Docket No. FEMA-PP 300]

Disaster Preparedness Assistance

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Part 300 prescribes the standards and procedures to be followed in implementing Pub. L. 93–288 Title II—Disaster Preparedness Assistance, section 201, Federal and State Disaster Preparedness Programs. These include a description of the program and of the types of technical and financial assistance provided to States and through them to local governments, and of the terms and conditions upon which such assistance is furnished. This is the final version of the proposed rule published in the **Federal Register** October 24, 1979 (Vol. 44, No. 207, pages 61211–61214).

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Donald J. Carbone, Preparedness Development Division, Plans and Preparedness, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 566–0981.

SUPPLEMENTARY INFORMATION: On October 24, 1979, the Acting Director for Plans and Preparedness published in the **Federal Register** (44 FR 61211) a proposed 44 CFR Part 300—Disaster Preparedness Assistance. That proposed rule revised and updated then-existing regulations promulgated originally as a subpart of 24 CFR Part 2205 and redesignated (September 28, 1979) as 44 CFR Part 205. The proposed rule deleted no-longer-applicable provisions and added more detailed guidance on State disaster preparedness improvement grants but effected no new policies or procedures. The proposed rule was open for public comment through December 24, 1979.

Subsequently, the Federal Emergency Management Agency (FEMA) received only one formal comment, a request from the Clary Institute that FEMA consider providing disaster preparedness assistance "directly to Indian Tribal governments and Alaskan villages" on the grounds that they "have limited sovereignty under the Federal Government and are not subject to or subordinate to state or local governments."

FEMA is unable to accommodate this recommendation. Title II, Disaster Preparedness Assistance, of the Disaster Relief Act of 1974, as amended (Pub. L. 93–288) authorizes that preparedness assistance—both technical (sec. 201(b)) and financial (sec. 201 (c) and (d)) be provided to the States. As defined by the Act (sec. 102(4)), "State" does not include those governments.

Title II does, however, permit technical assistance and grants to the States to be used for local as well as State disaster preparedness. And the Act (sec. 102(6)) defines "local government" as including "any Indian tribe or authorized tribal organization." Therefore while those governments cannot be funded directly under Title II, they can be aided through grants to the States, including State pass-through of funds by contract or subgrant. Furthermore, arrangements can be made, in coordination with the appropriate State or States, for direct Federal technical assistance to these or any "local" governments under the Act.

Therefore, the public review process has not resulted in any changes to the proposed rule.

FEMA itself, however, has revised two sections to reflect changes in Agency delegations. In § 300.3, paragraph (b) has been amended, with reference to Regional Directors' disaster preparedness authority, by deleting "with certain limitations" and substituting "within their respective Regions". The principal change is in § 300.5, paragraph (i)(3), to reflect the permanent delegation of grant-making authority to the Regional Directors, by deletion of the sentence "Unless otherwise extended, this delegation shall expire September 30, 1980, after which the authority shall be vested in the Director, Office of Plans and Preparedness."

(It should be noted, however, that the authorization of all appropriations under the Act is due to expire September 30, 1980, unless extended by the Congress.)

References to the "Director, Office of Plans and Preparedness" have been updated to "Associate Director for Plans and Preparedness" in §§ 300.3(b) and 300.5(i) (3) and (10). Editorial errors have been corrected in §§ 300.2(d) and 300.3(c)(4).

A Finding of Inapplicability of section 102(2)(c) of the National Environmental Policy Act of 1969, previously stated for Part 300, still pertains.

Nothing in these regulations would affect or be affected by the small business sector. Part 300 is therefore not relevant to the Presidential memorandum of November 16, 1979 on that subject.

Accordingly, Subchapter E of Chapter I, Title 44 is amended by adding thereto Part 300, Disaster Preparedness Assistance as follows.

SUBCHAPTER E—PREPAREDNESS

PART 300—DISASTER PREPAREDNESS ASSISTANCE

Sec.

300.1 General.
300.2 Definitions.
300.3 Federal Disaster Preparedness Program.
300.4 Technical assistance.
300.5 Financial assistance.

Authority: Sec. 201, 601, Disaster Relief Act of 1974, (42 U.S.C. 5131; 5201), Executive Order 12148 of July 20, 1979. 44 FR 43239.

§ 300.1 General.

(a) The purpose of this part is to prescribe the standards and procedures to be followed in implementing Pub. L. 93–288 Title II—Disaster Preparedness Assistance, section 201, Federal and State Disaster Preparedness Programs.

(b) The disaster preparedness program shall be carried out in accordance with the policies set forth in § 205.3 of this chapter and the following objectives:

(1) To prepare for the efficient and expeditious provision of disaster relief.

(2) To mitigate potential disaster effects on persons and property through warning, evacuation, and emergency protective measures.

(3) To reduce the effects of hazards through effective land use and construction practices, appropriate legislation and enforcement, dissemination of disaster-related information, and elimination or lessening of disaster-producing events.

§ 300.2 Definitions.

As used in this part:

(a) "The Act" means the Disaster Relief Act of 1974, as amended (Pub. L. 93–288).

(b) "Disaster preparedness plans" means those plans prepared by Federal, State, and local governments in advance of anticipated disasters for the purpose of assuring effective management and delivery of aid to disaster victims, and providing for disaster mitigation, warning, rehabilitation, and recovery.

(c) "State disaster preparedness coordinator" means the person designated by the Governor or by State law as responsible for overall disaster preparedness program coordination or management.

(d) "Vulnerability analysis" means a systematic investigation of potential disasters in terms of probability, frequency, magnitude, and location, in order to forecast their probable effects, in specific geographical areas, on the people, systems, facilities, resources, and institutions.

§ 300.3 Federal disaster preparedness program.

(a) The Director is authorized to establish a program of disaster preparedness that utilizes the services of all appropriate agencies and to provide overall management of that program by:

(1) Providing policy guidance to Federal agencies and conducting program reviews of Federal activities relating to disaster preparedness.

(2) Directing the preparation and review of Federal disaster preparedness plans.

(3) Determining goals and arranging for training of Federal and State personnel, and conducting exercises, critiques, and evaluations to enhance disaster preparedness programs.

(4) Sponsoring and monitoring disaster-related research and the application of science and technology to Federal, State, and local disaster preparedness plans and programs.

(5) Encouraging participation in disaster mitigation and recovery programs by Federal agencies, State and local governments, the practicing professions, research and academic institutions, voluntary agencies, the business community, civic and other organizations, and individuals.

(b) The Director has delegated this authority to the Associate Director for Plans and Preparedness primarily, to the Regional Directors within their respective Regions, and to other officers of the Agency regarding specific program elements appropriate to their responsibilities.

(c) The Regional Director shall establish a regional program of disaster preparedness that is consistent with the overall national program and with the State programs within the region and shall manage that regional program by:

(1) Reviewing Federal agency, State, and local disaster preparedness and response activities and recommending improvements.

(2) Assisting the States in accordance with the Act and these regulations.

(3) Coordinating the disaster preparedness programs of Federal agencies within the region.

(4) Preparing plans and conducting training, exercises, critiques, and evaluations to enhance Federal agencies' preparedness for disaster assistance; arranging for and carrying out such activities in conjunction with the States to ensure coordinated Federal, State, and local response to disasters.

§ 300.4 Technical assistance.

(a) The Regional Director shall, upon request, provide technical assistance to the States, in accordance with the objectives specified in § 300.1(b) of these regulations, for comprehensive plans and practicable programs for preparation against disasters, including hazard reduction, avoidance, and mitigation and for assistance to individuals, businesses, and State and local governments following such disasters.

(b) Particular emphasis shall be given to technical assistance in the following aspects of disaster preparedness:

(1) The drafting of disaster-related State legislation and executive authorities.

(2) Vulnerability analyses.

(3) Work plans and other documentation for disaster preparedness grants.

(4) State and local disaster preparedness programs and procedures.

(5) Staff training, workshops, and seminars.

(6) Disaster assistance exercises.

(7) Program evaluation.

(8) Public information and education programs.

(9) Application of technological information to the disaster preparedness program.

(c) The Regional Director shall also advise the States regarding complementary Federal programs that will enhance State and local disaster assistance and preparedness.

(d) Requests for technical assistance under section 201(b) of the Act shall be made by the Governor or the State disaster preparedness coordinator to the Regional Director.

(1) The request for technical assistance shall indicate as specifically as possible the objectives, nature, and duration of the requested assistance; the recipient agency or organization within the State; the State official responsible for utilizing such assistance; the manner in which such assistance is to be utilized; and any other information needed for a full understanding of the need for such requested assistance.

(2) The State shall provide assurance that technical assistance does not duplicate any existing State capability, any State or local effort funded by the Federal Government, or any Federal assistance provided under other authority.

(e) Nothing in this part shall be construed to prevent the States from obtaining appropriate technical assistance from other sources, including other Federal agencies under such agencies' own statutory or delegated authorities.

§ 300.5 Financial assistance.

(a) Each State (as defined in the Act) except the Canal Zone requested and received an initial development grant of up to $250,000 for the development of plans, programs, and capabilities for disaster preparedness and prevention. All of these grants have been completed.

(b) The Regional Director may provide to the States, in accordance with the objectives specified in § 300.1(b) of these regulations, upon written request by the Governor or an authorized representative, an annual improvement grant of up to $25,000 but not to exceed 50 percent of eligible costs. The nonfederal share may exceed the Federal share.

(c) "Annual" improvement grant means that the State may receive no more than $25,000 in actual reimbursements during any continuous 12-month period.

(1) Each grant, even though received annually, is a new grant, subject to all the requirements of a new grant. It is not a renewal of or an amendment to that of the preceding year.

(2) An improvement grant normally will have a one-year duration to be succeeded by a new grant without a break in time, in the interest of program and management continuity. A one-year length is not a requirement, however; nor is continuous funding. There can be a hiatus between grant periods, grants may be for more or less than a year, or grants can overlap, if the State can justify these procedures.

(d) The required nonfederal share for the improvement grant may be in cash or in kind.

(1) State or local revenue-sharing funds may be used for the nonfederal share, as may, within certain limits, funds of Federal-State Regional Commissions; these are exceptions to the prohibition against matching Federal funds with Federal funds. Any nonfederal funds may also be used for this share.

(2) The nonfederal share may be wholly or partially in kind. Forms of in-kind contribution may include, for example, salaries and expenses of State or local personnel, rentals, pro-rata cost of facilities and equipment, and services, provided these costs are not claimed for reimbursement and are not charged as indirect costs to the grant.

(3) Federal funds match the total State expenditure (up to the allowable maximum), not item-by-item costs. Reimbursements are made only for actual eligible expenditures, not for obligations incurred by the State.

(e) The following minimum requirements shall apply to each improvement grant, to the extent considered by the Regional Director as necessary to the State's disaster preparedness capability.

(1) The State shall maintain a current State emergency plan for implementation as required by Section 301(b) of the Act.

(2) The State shall take into account the kinds of disasters to which it is most vulnerable and the particular requirements therefrom for disaster response and mitigation.

(3) State guidance and assistance shall be provided to local jurisdictions in the development of their disaster preparedness plans, programs, and capabilities.

(4) The State emergency plan shall incorporate appropriate policies and procedures pertaining to environmental clearance to assure State and local compliance with applicable Federal, State, and local laws and regulations.

(f) The improvement grant may apply to such preparedness programs and capabilities as:

(1) Planning for disaster response in general, for specific disaster contingencies in special locales, for local and area mutual emergency support under State sponsorship, for long-range recovery, and for disaster mitigation and hazard reduction.

(2) Revision, as necessary, of State legislation, implementating orders, regulations, and other authorities and assignments relevant to disaster preparedness and assistance.

(3) Disaster-related mutual aid compacts and agreements.

(4) Conduct of vulnerability analyses not otherwise available but necessary for the development of State and local disaster preparedness plans and programs.

(5) Design of disaster-related emergency systems.

(6) Training and exercises.

(7) Program reviews and postdisaster critiques.

(8) Public information and education programs.

(g) The improvement grant shall be product-oriented; that is, it must produce something measurable in some way so as to determine specific results, to substantiate compliance with the grant work-plan objectives, and to evidence contribution to the State's disaster capability.

(h) The Regional Director shall approve all costs claimed for reimbursement on the basis of their reasonableness and necessity for the efficient administration of the grant program; however—

(1) Federal funds provided to the State, or through the State to local government, under the provisions of section 201 of the Act may not be used to procure or repair equipment, materials, or facilities except that required for administration of the grant;

(2) Out-of-State travel may not be charged to the grant without prior approval of the Regional Director; and

(3) Travel and other costs for participation in conferences, training and similar activities, whether or not provided for in the grant work plan, shall be eligible only if clearly beneficial to the grant program.

(i) All grants under section 201 of the Act are subject to the appropriate provisions of OMB Circular No. A–95 Revised, Evaluation, review and coordination of Federal and federally assisted programs and projects (January 2, 1976); GSA Federal Management Circular No. 74–4, Cost Principles applicable to grants and contracts with State and local governments (issued July 18, 1974); and OMB Circular No. A–102 Revised, Uniform administrative requirements for grants-in-aid to State and local governments (August 24, 1977). In accordance with these requirements the following provisions shall also apply:

(1) Applications for improvement grants shall be processed through the State clearinghouse in compliance with Circular No. A–95 Revised before submittal to the Regional Director.

(2) The submitted application shall include, in an original and two copies:

(i) Standard Form 424, Application for Federal Assistance, indicating the amount requested and the nonfederal share, the grant starting date and duration, certification of A–95 clearance, and the designated agency to carry out or manage the improvement effort. This agency should be the one most appropriate for the work to be accomplished and need not be that designated previously for the development grant.

(ii) A budget estimate; the Budget Information form in Circular A–102 Revised, Attachment M, should be used.

(iii) A work plan setting forth those elements of the comprehensive and detailed program that are to be improved under this grant and any additional or subordinate plans or other products or activities to be developed for specific contingencies or disaster functions in accordance with the State's disaster preparedness program. Even though the grant is to cover only one year, the work plan may, to indicate continuity of intended effort, cover a multi-year period, especially if the work to be performed in that year is part of a longer-range project.

(iv) Assurance of compliance with applicable laws and regulations. Inclusion of a standard "assurances" sheet available from the Regional Director or adapted from A–102 Revised, Attachment M, is sufficient.

(v) Any pertinent comments received and provided by the State clearinghouse in the A–95 procedure.

(3) The Regional Director has been delegated full authority, within these regulations and other policy and procedural instructions as the Director, Federal Emergency Management Agency or the Associate Director for Plans and Preparedness may from time to time provide, to approve or reject improvement grant applications and to award or amend the grants.

(i) Upon approval, the Regional Director shall complete Section III of SF 424 and provide copies to the State for the designated agency, the State clearinghouse, and (if different) the State Central Information Reception Agency (SCIRA).

(ii) In approving a grant, the Regional Director may attach special conditions, if deemed necessary, to ensure compliance with the grant requirements. It shall be standard practice for the Regional Director to review these with the concerned State officials in advance of approval. Formal acceptance of these conditions is provided in the "assurances" sheet submitted as part of the application package.

(4) A grant application may be amended at any time prior to the scheduled completion of work under the grant if warranted on the basis of new requirements, changes in Federal or State statutes or other legal authorities, or other sufficient reason: *Provided,*

Such proposed modifications are mutually agreed upon by the Governor or an authorized representative and by the Regional Director. The addition of new work projects may require further A–95 clearance.

(5) At the request of the State through Standard Form 270, the Regional Director may approve an advance of funds not to exceed the Federal share of the first 90 days' estimated operational expenses.

(6) The State shall provide quarterly performance reports to the Regional Director. Reporting shall be by program quarter unless otherwise agreed to by the Regional Director.

(7) To the extent feasible, the State shall submit at least two copies of each grant product to the Regional Director. The Regional Director's acceptance of a grant product as fulfilling the terms of the grant should not be construed as approval of or concurrence with the content of the product as to its quality.

(8) In addition to reviews of specific products, the Regional Director shall review grant performance at least quarterly, in such manner as the Regional Director may determine. If review findings clearly indicate a failure to meet the terms of the grant, the Regional Director shall take appropriate action with the State to rectify the problem or, if necessary, shall suspend all or part of an amount claimed for payment or even the grant itself.

(9) The State shall submit to the Regional Director claims for reimbursement at least quarterly but not more often than monthly, on Standard Form 270, signed by the State disaster preparedness coordinator or other authorized representative. Payment shall be made within 30 days after receipt of a properly executed request for payment (except for final payment, which may be withheld pending audit).

(10) The State shall conduct a final audit of each grant to determine, as a minimum, the fiscal integrity of financial transactions and reports, and compliance with laws, regulations, and administrative requirements. The State shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, size, and complexity of the activity. Federal audits shall be conducted only at the request of the Regional Director or the Associate Director for Plans and Preparedness.

(Sec. 201, Disaster Relief Act of 1974, as amended, Pub. L. 93–288; Reorganization Plan No. 3 of 1978 (43 FR 41943); and Executive Order 12148 (44 FR 43239))

Issued at Washington, D.C., February 15, 1980.

Frank A. Camm,

Associate Director for Plans and Preparedness.

[FR Doc. 80-6377 Filed 2-28-80; 8:45 am]

BILLING CODE 6718-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

45 CFR Part 228

Social Services Programs for Individuals and Families; Procurement Standards

AGENCY: Administration for Public Services, Office of Human Development Services, Department of Health, Education, and Welfare.

ACTION: Final regulations.

SUMMARY: This regulation extends the period within which purchase-of-service contracts made in accordance with regulations governing titles IV-A and VI of the Social Security Act must conform to the requirements under title XX of the Act. This extension period is from April 1, 1976 through December 31, 1976.

EFFECTIVE DATE: The effective date of this regulation is February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Johnnie U. Brooks, Room 2225—MES Building, Department of Health, Education, and Welfare, 330 C Street, SW, Washington, DC 20201 (202) 245–9415.

SUPPLEMENTARY INFORMATION:

Background

45 CFR 228.70 (Procurement Standards) provides that Federal financial participation (FFP) is available to States for title XX social services provided under purchase-of-service contracts only when the contracts are written and contain certain specific information.

The regulations governing purchase-of-service contracts under titles IV-A and VI of the Social Security Act (predecessor service programs to title XX), are found in 45 CFR Part 226. Those rules require neither written contracts nor the detailed information required for title XX contracts. The original title XX regulations published on June 27, 1975 (effective October 1, 1975), did not provide sufficient time for States to convert their contracts to meet the new rules. We found it necessary therefore, to publish an amendment to those regulations on October 3, 1975, extending the conversion period until March 31, 1976. This was done to give States as much flexibility as possible to implement this aspect of the new program. Subsequent consultations with States, and HEW reviews of adherence to this time frame revealed that despite good faith efforts to comply, an even longer time was actually needed.

Since the purpose of the regulations is to require written contracts and not to create a situation where States would be subject to a disallowance, we decided to extend the conversion time thru December 31, 1976. A survey of States indicated that the additional nine months would allow all States adequate time to make the transition.

Regulation Change

45 CFR 228.70 is amended to extend from April 1, 1976 through December 31, 1976, the period within which purchase-of-service contracts made under the rules governing titles IV-A and VI of the Social Security Act must conform to title XX requirements.

Waiver of Proposed Rulemaking

We believe there is a good cause to waive notice of proposed rulemaking and to forego a comment period. This is because the change is of benefit to the States, and does not require any action on their part. In addition, this is a retroactive provision, and serves to substantially eliminate the possibility of audit exceptions in relation to the date these requirements were to be met.

Publication of the rule is simultaneous with the effective date as it relieves a restriction, and gives immediate notice that any dissallowances should be reviewed in light of this new effective date.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.642, Social Services for Low Income and Public Assistance Recipients)

Note.—It has been determined that this document does not require preparation of a Regulatory Analysis under Executive Order 12044.

Dated: January 9, 1980.

Manuel Carballo,

Assistant Secretary for Human Development Services.

Approved: February 23, 1980.

Nathan J. Stark,

Acting Secretary.

PART 228—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES: TITLE XX OF THE SOCIAL SECURITY ACT

45 CFR 228.70 is amended as follows:

Subpart C—Purchase of Service

§ 228.70 Procurement standards.

FFP is available in the costs of purchased services only if they are secured in accordance with relevant provisions of Subpart P of 45 CFR 74, and the requirements of this subpart. Purchase-of-service contracts or agreements made with public or private agencies or individuals in accordance with 45 CFR Part 226, shall be deemed to conform to the requirements in this section through December 31, 1976.

* * * * * *

[FR Doc. 80-6477 Filed 2-28-80; 8:45 am]
BILLING CODE 4110-92-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

Tanner Crab Fishery; Amendment to Fishery Management Plan and Final Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Final regulations.

SUMMARY: The Director, Alaska Region, ("Regional Director"), National Marine Fisheries Service (NMFS) issues this final regulation (Field Order) applicable to fishing by vessels of the United States in the Alaska Tanner Crab Fishery, in accordance with the Fishery Management Plan (FMP) for the Commercial Tanner Crab Fishery off the Coast of Alaska, and regulations implementing this FMP [50 CFR 671.27(b)]. This Field Order closes the Westside section of the Kodiak district in the Westward registration area "J" to fishing for Tanner crab by vessels of the United States effective beginning at 6:00 P.M. Alaska Standard Time (AST) on February 24, 1980, rather than on April 30, 1980, as currently provided in 50 CFR 671.26(f)(3)(i). The closure will remain in effect until November 1, 1980.

EFFECTIVE DATE: 6:00 P.M. Alaska Standard Time (AST), February 24, 1980. Public comments are invited until April 24, 1980.

ADDRESS: Harry L. Rietze, Director Alaska Region, National Marine Fisheries Service, Juneau, Alaska 99802.

FOR FURTHER INFORMATION: Harry L. Rietze, Telephone (907) 586-7221.

SUPPLEMENTARY INFORMATION: The FMP, which was extended by amendment through October 31, 1980 (45 FR 785), provided for in-season adjustments to season and area openings and closures. The implementing regulations in 50 CFR Part 671 specify in § 671.27(b) that these decisions shall be made by the Regional Director in accordance with the criteria set out in that section. On October 20, 1978, the Assistant Administrator for Fisheries, NOAA, with the approval of the Administrator, NOAA, delegated to the Regional Director authority to promulgate Field Orders making in-season adjustments.

50 CFR 671.28(f) creates four districts within Registration Area J. The districts were created, in part, to prevent overfishing of individual Tanner crab stocks by allowing closure of a particular district when the desired harvest level in that district is reached. One of these districts is the Kodiak district. Although the FMP states that the optimum yield for the Kodiak district is 25 million pounds, the Alaska Board of Fisheries during its December 1979 meeting established a 10 to 25 million pound guideline harvest level in that district. This harvest guideline was based on relative stock abundance indices observed from each of the eight fishing sections within the district during the 1979 crab index survey, together with the historical commercial fishery performance. Preseason assessments of stock abundance for the district indicate a desirable harvest level of approximately 15 million pounds for the 1979–80 fishing season. Each of eight fishing sections within the Kodiak district are evaluated individually based on their individual stock abundance trends and conditions.

The Westside fishing section of the Kodiak district has a projected 1.0 million pound harvest level for the 1979–80 fishing season. This harvest level is a reduction from the 1978–79 season's harvest of approximately 3 to 4 million pounds, and is the result of an 81 percent reduction in the relative abundance index of legal crabs observed in the crab indexing surveys since 1977. Since the January 5, 1980 start of the season, 736,000 pounds have been harvested with an average catch of 17 crabs per pot. This is compared to 28 and 35 crabs per pot harvested during the 1977–78 and 1976–77, seasons respectively. It is estimated that at the current catch rate the desired harvest level will be reached by February 24.

In order to prevent overfishing of the Tanner crab stock in this section of the Kodiak district, the Regional Director has determined, in accordance with 50 CFR 671.26(b) and Department Administrative Order 218-7 (43 FR 2083), and following consultation with the Commissioner, Alaska Department of Fish and Game, that an emergency exists and that the Westside section of the Kodiak district in Registration Area J should be closed at 6:00 P.M. AST on February 24, 1980, rather than on April 30, 1980.

The Regional Director further finds that, in order to protect the resources, public comment prior to issuance of this Field Order is impracticable and contrary to the public interest. However, public comments on the necessity for, and extent of, this closure will be received by the Regional Director for a period of 60 days after the effective date of the Field Order. During this 60-day period, the data and information upon which this decision is based will be available for inspection during business hours at the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West 9th Street, Juneau, Alaska.

Should comments be received during the 60-day period, if appropriate, the Regional Director shall reconsider the necessity for the closure and, as soon as practicable after that reconsideration, shall publish in the **Federal Register** either: (A) a notice of continued effectiveness of the closure; or (B) a notice to modify or rescind the closure.

An environmental impact statement was prepared for the Commercial Tanner Crab Fishery off The Coast of Alaska FMP and is on file with the Environmental Protection Agency. A regulatory analysis has been prepared in compliance with Executive Order 12044.

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

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

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

PART 671—TANNER CRAB FISHERY

In accordance with 50 CFR 671.27(h), 50 CFR 671.26(f)(3)(i) is amended to read:

§ 671.26 Season and gear restrictions.

* * * * *

(f) * * *

(3) * * *

(i) In the Kodiak district from January 5 through April 30 only, with the following exceptions:

(A) In that portion of the Kodiak district between 156°20'13" W longitude (Kilokak Rocks) and 157°27' W longitude (Cape Kumlik) Tanner crab may be taken from January 5 through May 15 only;

(B) In that portion of the Kodiak district west of a line from 58°52' N latitude, 152°45' W longitude to 58° N latitude, 154° W longitude and north of 58° N latitude, Tanner crab may be taken from January 5, 1980, through 6:00 P.M. (Alaska Standard Time) February 20, 1980, only; and

(C) In that portion of the Kodiak district north of a line from 57°17'15" N latitude, 154°47' W longitude (Cape Ikolik) to 57°15' N latitude, 155°30' W longitude, east of a line from 57°15' N latitude 155°30' W longitude to 58° N latitude, 154° W longitude, to 58°52' N latitude, 152°45' W longitude, and west of a line extending north from the northern tip of Shuyak Island at 152°20' W longitude, west of 152°30' W longitude in Shuyak Strait, and west of a line from Inner Point to Afognak Point in Whale Passage and Afognak Strait, Tanner crab may be taken from January 5, 1980, through 6:00 P.M. (AST) February 24, 1980, only.

[FR Doc. 80-6473 Filed 2-28-80; 8:45 am]
BILLING CODE 3510-22-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0277; Regulation Q]

Interest on Deposits; Maximum Rates of Interest Payable

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System has amended Regulation Q to establish a maximum interest rate ceiling of 11¾ per cent on the new 2½ year variable ceiling time deposit. Member banks are authorized to pay interest on this category of time deposit at a ceiling rate of three quarters of one per cent below the average 2½ year yield for United States Treasury securities as determined by the United States Treasury or at a rate of 11¾ per cent, whichever is lower.

EFFECTIVE DATE: February 27, 1980.

FOR FURTHER INFORMATION CONTACT:
Gilbert T. Schwartz, Assistant General Counsel (202/452-3625) or Paul S. Pilecki, Attorney (202/452-3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION:

Effective January 1, 1980, member banks were permitted to offer a nonnegotiable time deposit with a maturity of 2½ years or more at a ceiling rate tied to the average yield on United States Treasury securities with maturities of 2½ years. The ceiling rate for insured commercial banks is 75 basis points below the average Treasury yield while the corresponding ceiling rate for Federally-insured savings and loan associations and mutual savings banks is 50 basis points below such yield. The ceiling rate for new deposits is determined monthly, but the ceiling rate applicable to outstanding deposits does not change during the life of the deposit. This new deposit category was established, in part, to increase the ability of Federally insured depository institutions to compete for funds, thereby facilitating the flow of funds to the housing market.

This action is being taken at this time by the Federal Reserve and the other Federal financial institution regulatory agencies because, under current market conditions, depository institutions would be authorized to pay high rates of interest on their deposits for 2½ years or more. Such rates are not warranted in view of current rates available on long-term assets, such as mortgages, in which these funds would be invested. The Board, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the Administrator of the National Credit Union Administration have acted with respect to the depository institutions subject to their respective jurisdictions to establish a maximum for the variable ceiling rate on 2½ years or more (90 days or more for Federal credit unions) time deposits. The maximum variable ceiling is 11¾ per cent for Federally-insured commercial banks and 12 per cent for Federally-insured savings and loan associations and mutual savings banks. Consequently, when the yield on 2½ year Treasury securities less 75 basis points is lower than 11¾ per cent, this rate would be the ceiling on the new 2½ year deposit category for insured commercial banks. Members banks will continue to be permitted to compound interest on this category of time deposit.

The Board's action was taken at this time, after consultation with the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the National Credit Union Administration, and the United States Department of the Treasury. In order to facilitate the achievement of the previously mentioned objectives as rapidly as possible, the Board finds that application of the notice and public participation provisions of 5 U.S.C. 553 to these actions would be contrary to the public interest and that good cause exists for making the amendment effective immediately.

Pursuant to its authority under section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) to prescribe limitations on the rates of interest which may be paid by member banks on time deposits, effective immediately, the Board amends Regulation Q (12 CFR Part 217) as follows:

Section 217.7 is amended by revising paragraph (g) to read as follows:

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

* * * * *

(g) *Time deposits of less than $100,000 with maturities of 2½ years or more.* Except as provided in paragraphs (a), (b), (d) and (e), a member bank may pay interest on any nonnegotiable time deposit with a maturity of 2½ years or more that is issued on or after the first day of each month at a rate not to exceed the lower of three quarters of one per cent below the average 2½ year yield for United States Treasury securities as determined and announced by the United States Department of the Treasury three business days prior to the first day of such month, or 11¾ per cent. The average 2½ year yield will be rounded by the United States Department of the Treasury to the nearest 5 basis points. A member bank may offer this category of time deposit to all depostiors. However, a member bank may pay interest on any nonnegotiable time deposit with a maturity of 2½ years or more which consists of funds deposited to the credit of, or in which the entire beneficial interest is held by:

(1) the United States, any State of the United States, or any county, municipality or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof; or

(2) an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) §§ 408, 401,

at a rate not to exceed the ceiling rate payable on the same category of deposit by any Federally-insured savings and loan association or mutual savings bank.

By order of the Board of Governors, February 27, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-6641 Filed 2-28-80; 11:57 am]
BILLING CODE 6210-01-M

Proposed Rules

Federal Register
Vol. 45, No. 42
Friday, February 29, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1701

Equal Opportunity In Construction Financed With REA Loans or Guarantees; Advance Notice of Proposed Modification

AGENCY: Rural Electrification Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: REA proposes to revise its Bulletin 20–15:320–15, "Equal Opportunity in Construction Financed with REA Loans" that was last revised in July 1970. This revision will bring into focus the most recent requirements set forth by the United States Department of Labor with respect to Federally Assisted Construction Contracts. Federally Assisted Construction as it applies to REA borrowers, is that construction paid for in whole or in part with funds borrowed from or guaranteed by REA. This Bulletin will provide guidelines to the REA-financed systems for following Executive Order 11246 as prescribed by the Office of Federal Contract Compliance Programs (OFCCP). Likewise, this Bulletin will also provide guidelines for the REA-financed systems which are covered under Title VII of the Civil Rights Act of 1964, dealing with their employment practices. There is also a need to eliminate some of the paperwork which is inherent in the present Bulletin. In order that REA borrowers may know the paperwork that can be eliminated and for REA to be of assistance in fully cooperating with OFCCP it becomes necessary for REA to revise this Bulletin.

DATE: Public comments must be received no later than March 14, 1980.

ADDRESS: Submit written comments to the Civil Rights Coordinator, Rural Electrification Administration, Room 4313, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Henry L. Taylor, telephone number (202) 447–5981.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to set forth some guidelines that will assist its borrowers in complying with the requirements of OFCCP of the U.S. Department of Labor.

All written submissions made pursuant to this notice will be made available for public inspection during regular business hours, address above.

Dated: February 22, 1980.

Robert W. Feragen,

Administrator.

[FR Doc. 80–6103 Filed 2–28–80; 8:45 am]

BILLING CODE 3410–15–M

7 CFR Part 1701

Nondiscrimination Among Beneficiaries of REA Programs; Advance Notice of Proposed Bulletin Revision

AGENCY: Rural Electrification Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: REA proposes to revise REA Bulletin 20–19:320–19, "Nondiscrimination Among Beneficiaries of REA Programs," dated July 26, 1978. The revision will be issued as "File Withs" to the Bulletin and will incorporate new mandatory requirements imposed upon REA. These new requireents include: (1) Collection of REA Program Participation Data By Sex, (2) Identification of Farm Women, (3) Nondiscrimination On the Ground of Credit, Age and Handicap, (4) Revision of REA Form 268, "Report of Compliance and Participation," and revision of Appendix E of the Bulletin which sets forth instructions for completing the REA Form 268. The purpose of this revision is to provide detailed information on new requirements promulgated under Title VI of the Civil Rights Act of 1964 and other civil rights provisions, and to provide instructions and guidelines to REA borrowers to facilitate compliance.

DATE: Public Comments are solicited and must be received by REA no later than March 15, 1980.

ADDRESS: Submit written data, views, or comments to the REA Civil Rights Coordinator, Rural Electrification Administration, Room 4313–South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Dr. Henry L. Taylor, Telephone Number (202) 447–5981.

SUPPLEMENTARY INFORMATION: Pursuant to the Civil Rights Act of 1964, related civil rights rules and regulations of the U.S. Department of Agriculture, and (7 U.S.C. 901 et seq.) REA proposes to revise REA Bulletin 20–320–19, "Nondiscrimination Among Beneficiaries of REA Programs," dated July 26, 1978.

All written submissions made pursuant to this notice will be made available for public inspection during regular business hours, address above.

Robert W. Feragen,

Administrator.

February 22, 1980.

[FR Doc. 80–6104 Filed 2–28–80; 8:45 am]

BILLING CODE 3410–15–M

7 CFR Part 1701

Engineering Service Contract; Proposed Revision of REA Bulletin

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to issue a File With to REA Bulletin 341–3 to announce a general revision of REA Form 217, Post Loan Engineering Service Contract, Telephone System Design and Construction. The last revision of this contract was in December 1971. Since that date, significant changes have been made in the telephone industry in engineering designs and procedures, testing requirements and construction methods. There is a need to revise REA Form 217 to incorporate these applicable changes into the REA engineering service contract. In addtion, the revised form will provide a new contract format, incentives for the completion of construction on time, requirements to minimize changes in construction after bidding and some changes in methods of compensation. The revision will provide an up-to-date contract, with improvements to assist REA telephone

borrowers in providing their subscribers with the most modern and efficient telephone service.

DATE: Public comments must be received by REA no later than: April 29, 1980.

ADDRESS: Submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355–S, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Robert Peters, telephone (202) 447–2525.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue a File With to REA Bulletin 341–3. Interested persons may obtain copies of this proposed action from the address indicated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours at the above address.

On issuance of the File With to REA Bulletin 341–3, Appendix A to Part 1701 will be modified accordingly.

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Draft Impact Analysis has been prepared and is available from the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355–S, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: February 20, 1980.

Susan T. Shepherd,

Acting Administrator.

[FR Doc. 80-6256 Filed 2-28-80; 8:45 am]

BILLING CODE 3410-05-M

Food Safety and Quality Service

7 CFR Part 2859

9 CFR Parts 308, 381

Prohibition of All New and Replacement Equipment and Machinery Containing Liquid Polychlorinated Biphenyls (PCB's)

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document would amend the Federal meat, poultry products, and egg products inspection regulations administered by the Agency by prohibiting the entry of new or replacement equipment and nachinery containing liquid polychlorinated biphenyls (PCB's) onto the premises of any official establishment or plant regulated under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act. PCB's are a class of chemical compounds which are highly toxic and persistent in nature. This action is proposed because of a number of incidents of human food contamination from PCB's. The proposal is intended to reduce the likelihood of future PCB accidents and danger to human health and resultant losses of food due to adulteration.

DATE: Comments must be received on or before April 30, 1980.

ADDRESS: Written comments should be sent to: Executive Secretariat, Attn: Annie Johnson, Room 3807, South Agriculture Building, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. Oral comments on the meat, poultry products, and egg products inspection regulations to Dr. W. O. Caplinger, (202) 447–5627. (See also comments under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Dr. W. O. Caplinger, Acting Director, Facilities, Equipment, and Sanitation Division, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5627.

SUPPLEMENTARY INFORMATION:

Comments

Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Office of the Executive Secretariat and should bear a reference to the date and page number of this issue of the **Federal Register.** Any person desiring opportunity for oral presentation of views on the meat, poultry products, and egg products inspection regulations must make such request to Dr. Caplinger so that arrangements may be made for such views to be presented. A transcript shall be made of all views orally presented. All comments submitted pursuant to this notice will be made available for public inspection in the Office of the Executive Secretariat during regular business hours (7 CFR 1.27(b)).

Background

Polychlorinated byphenyls (PCB's) are a class of toxic industrial chemicals used for their highly stable, fire resistant, and heat transfer characteristics. They also have high resistance to the flow of electrical current.

PCB's have been used in the United States since 1929 in such applications as transformers and capacitor fluids, heat transfer fluids, hydraulic fluids, capacitors for motors driving refrigerator compressors, and capacitors in pumps and equipment that start under a heavy load.[1]

Health Risks Due to PCB's

PCB's were not generally recognized as being toxic until after a widespread poisoning occurred in Japan in 1968 caused by the accidental introduction of PCB's into cooking oil. In that incident, 1,291 people were affected.

Prior to that incident, PCB's had caused reproductive problems in commercial mink. Those problems were first reported in 1965, but it was not until 1970, after satisfactory analytical procedures had been developed, that PCB's were identified as the contaminant. The source of the PCB's was found to be contaminated coho salmon from Lake Michigan which were fed to the mink.

Research into the effects of exposure to PCB's since those early occurrences has yielded data indicating that PCB's cause various kinds of health disorders in laboratory animals including reproductive failures, gastric disorders, skin lesions, and tumors.

Studies of human exposure to PCB's in the Japanese incident have indicated a high incidence of skin disorders, digestive disturbances, jaundice, throat and respiratory irritations, and severe headaches.

The effects of PCB contamination are cumulative. PCB's are extremely stable and chemically persistent; that is, that do not easily break apart into new chemical arrangements. Even when introduced into living organisms, PCB's do not readily metabolize, but tend to accumulate in the tissues of the host organism. Once introduced into the food chain, from whatever source, they will continue to be present in all resultant products as they move up the food chain. Thus, the human population is susceptible to PCB contamination from foods they consume.

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[1] PCB's are or have been manufactured and sold under a variety of trade names including: Pyranol (General Electric), Chlorextol (Allis-Chalmers), Inerteen (Westinghouse), Noflamol (Wagner Electric), Phenochlor (Pro Delec), Therminol (Monsanto Chemical Co.), Aroclor (Monsanto Chemical Co.), MCS (Monsanto Chemical Co.), Pydraul (Monsanto Chemical Co.), Turbinol (Monsanto Chemical Co.), Santorac (Monsanto Chemical Co.), and Kanechlor (Kanegafuchi), Chlophen (Bayer), Dykanol (Cornell Dubilieu), and Decachloro Biphenyls (Caffaro).

PCB's in Today's Environment

The most significant sources of free PCB's in the environment include discarded consumer or industrial products containing PCB's, atmospheric fallout, and spills associated with the use or the transport of PCB's. In today's environment, PCB's are already widespread, as literally thousands of environmental and ecological samples from all over the world have been analyzed and reported to contain PCB. PCB's have been detected, frequently at high levels, in a large number of fish and bird species inhabiting widely separated geographic areas.

U.S. Regulatory Control of PCB's

PCB's are currently regulated by the Environmental Protection Agency (EPA) and by the Food and Drug Administration (FDA).

a. Environmental Protection Agency

The Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*) requires the Environmental Protection Agency (EPA) to control the manufacture, processing, distribution in commerce, use, disposal, and marketing of PCB's. Section 6(e)(3) of that Act (15 U.S.C. 2605(e)(3)) provides that no person may manufacture any PCB after January 1, 1979, or process or distribute in commerce any PCB after July 1, 1979, except to the extent that EPA specifically exempts such activity. Implementation of the January 1, 1979, ban was subsequently postponed until 30 days after completion of EPA rulemaking on May 31, 1979 (44 FR 31514). The May 31 rule prohibits all manufacturing, processing, distribution in commerce, and use of PCB's after July 2, 1979, that are not specifically exempted by EPA.

The May 31 rule did provide certain exemptions. EPA authorized uses of PCB's in a few "non-totally enclosed" systems, such as in hydraulic systems and heat transfer systems, and generally exempted the use of PCB's in "totally enclosed" systems, such as those found in transformers and capacitors.

EPA has, under the May 31 rule, established a 50 parts per million (ppm) "cut-off point" for defining the term "PCB." Any mixture more dilute than this, unless otherwise specifically provided, is not considered a PCB. EPA concludes that this cut-off limit provides adequate protection for human health and the environment while defining a program that can be effectively implemented.

b. Food And Drug Administration

The Food and Drug Administration (FDA) similarly has taken steps to prevent the introduction of PCB's into the food supply. Specifically, current FDA regulations, which were promulgated in July 1973, restrict the industrial uses of PCB's in establishments that manufacture, handle, and store food intended for human consumption (21 CFR 110.49), and animal feed (21 CFR 500.45), and in establishments that manufacture food-packaging materials (21 CFR 109.15). These regulations provide that new equipment or machinery for handling or processing human food and animal feed and for manufacturing food packaging materials shall not contain PCB's. Establishments that manufacture, handle and store food intended for human consumption and animal feed, and establishments that manufacture food-packaging materials which had such equipment in place were also required by these regulations to replace any PCB-containing fluids in such equipment, to the fullest extent possible with good manufacturing practices, with fluid that did not contain PCB's, by September 4, 1973. The FDA regulations, however, specifically exempted electrical transformers and condensers containing PCB's in sealed containers because at the time there were no known suitable replacement fluids for such equipment, and their use in FDA regulated establishments was not expected to result in direct contact with materials being processed.

The Proposal

Since 1971, there have been at least eight separate incidents of PCB contamination of human food supplies, including chickens, turkeys, eggs, and cattle, as a result of PCB liquid leaking from industrial equipment. These accidents have resulted in PCB contamination of several million pounds of food with a loss of over $10 million. No adverse human health effects have been directly attributed to any of these incidents. However, it is known that some PCB's have reached consumers.

A recent major industrial accident occured in June 1979 in a meat slughtering plant when PCB liquid leaked from a stored electrical transformer, a totally enclosed system. The PCB liquid was washed into the plant sewage system, separated in primary waste treatment, and sent with other inedible product for rendering into animal feeds. This, in turn, resulted in the contamination both of primary foods of animal origin intended for human consumption, including meat, poultry, milk and eggs, and of secondary food products such as soups, cakes, etc. Millions of pounds of food were contaminated with PCB's as a result of this accident. Food and feed products implicated in the contamination incident were distributed to 19 States and two foreign countries. The cost from this accident alone will run into millions of dollars.

On December 20, 1979, there was a PCB leakage from a capacitor in a federally inspected hog slaughtering establishment in Iowa. Only the quick actions of plant officials and an FSQS inspector in recognizing and containing the problem prevented another potentially massive contamination incident.

The Department has the responsibility, under the meat, poultry products, and egg products inspection acts, to inspect products and take other actions to prevent the distribution of adulterated products. Because of the persistent and highly toxic nature of this class of chemicals, PCB contamination of foods through industrial accidents appears to represent a substantial hazard to human health and environment. Futhermore, mineral oil and such synthetic fluids as fluorocarbons, silicones, and others appear to be adequate industrial substitutes for PCB's. (PCB substitutes are discussed at length in the *EPA Support Document/Voluntary Environmental Impact Statement*, which is available from the Office of Toxic Substances, Environmental Protection Agency, Washington, D.C. 20460.)

Consequently, FSQS proposes to ban the introduction on the premises of official establishments and plants regulated by the Agency under the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, of all new or replacement equipment or machinery containing liquid PCB's in excess of 50 ppm of the liquid medium.[2]

No exemption for PCB's contained in a "totally enclosed manner" is provided. The problems related to the presence of liquid PCB's in food processing establishments and its removal from all existing equipment and machinery are presently under study. Since PCB's in the solid state do not present the same leakage problems, no action regarding them is presently being proposed. However, they will also be considered in connection with the study. The results of that study will determine future Agency action.

[2] The 50 ppm is the same as the definitional amount determined by EPA in 40 CFR 761.1.

Options Considered

In its decision to propose regulatory action on the subject of PCB's, FSQS considered four options. The first option was to take no regulatory action. The second option was to propose the prohibition of the introduction of any new or replacement equipment containing liquid PCB's onto the premises of FSQS inspected meat, poultry products, and egg products processing plants. The third option was to take no regulatory action at the present time, but to conduct an extensive information and education program aimed at the managers of all plants under FSQS jurisdiction. The fourth option was to propose a requirement that would remove existing PCB-containing equipment as well as prohibit the introduction of any new or replacement equipment into any of the aforementioned food processing establishments.

The first option was rejected since it did not deal with the current hazards to human health which PCB's pose. The fourth option is seen as the eventual goal of the Agency. However, more information must be gathered on the economic and technical impact of this option before an effective proposal can be put forth. The second option was selected as the best alternative at present since it will entail a minimal economic impact on the regulated industry while being an important first step leading to the eventual regulation of all PCB's in those food plants inspected by FSQS. It was decided, however, to proceed with the information and education campaign contained in the third option. Using a booklet titled *Polychlorinated Biphenyls: An Alert For Food and Feed Facilities* (December 1979), which was prepared by the Environmental Protection Agency in cooperation with the Department of Agriculture and the Food and Drug Administration, FSQS is attempting to reach managers of all plants under its jurisdiction who have decisionmaking authority relating to electrical equipment containing PCB's.

IRLG Liaison

PCB's are a toxic substance identified for regulatory coordination by the Toxic Substances Work Group of the Interagency Regulatory Liaison Group (IRLG). During the development stage of this regulation, representatives of the EPA, the FDA, the Consumer Product Safety Commission (CPSC), and the Occupational Safety and Health Administration (OSHA) were consulted. FDA and EPA have separately reviewed and concurred in this proposal. It has been agreed that any comments received as a result of this proposed rulemaking will also be shared with these agencies.

FSQS, EPA, and FDA are also concurrently and cooperatively developing broader rulemaking which would address the present use of PCB's by the food, feed, pesticide, and fertilizer industries. However, in view of the particular problems of this Agency in regulating meat, poultry, and egg products facilities under its jurisdiction, this action is deemed appropriate at this time.

Accordingly, the Federal meat, poultry products, and egg products inspection regulations would be amended as follows:

1. The following are the proposed amendments to 9 CFR:

PART 308—SANITATION

a. Section 308.5 of the Federal meat inspection regulations (9 CFR 308.5) would be amended by adding a new paragraph (g) to read as follows:

§ 308.5 Equipment and utensils to be easily cleaned; those for inedible products to be so marked; evaluation of equipment and utensils.

* * * * *

(g) New or replacement equipment or machinery (including any replacement parts) brought onto the premises of any official establishment shall not contain liquid polychlorinated biphenyls (PCB's) in concentrations above 50 parts per million by volume of the liquid medium. This provision applies to both food processing and non-food processing equipment and machinery, and replacement parts for such equipment and machinery.

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

b. Section 381.56 of the Federal poultry products inspection regulations (9 CFR 381.56) would be amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 381.56 Maintenance of sanitary conditions and precautions against contamination of poultry products.

* * * * *

(b) New or replacement equipment or machinery (including any replacement parts) brought onto the premises of any official establishment shall not contain liquid polychlorinated biphenyls (PCB's) in concentrations above 50 parts per million by volume of the liquid medium. This provision applies to both food processing and non-food processing equipment and machinery, and any replacement parts for such equipment and machinery.

2. The following is the proposed amendment to 7 CFR:

PART 2859—INSPECTION OF EGGS AND EGG PRODUCTS (EGG PRODUCTS INSPECTION ACT OF 1970)

Section 2859.502 of the Federal regulations on the inspection of eggs and egg products (7 CFR 2859.502) would be amended by adding a new paragraph (c) to read as follows:

§ 2859.502 Equipment and utensils.

* * * * *

(c) New or replacement equipment or machinery (including any replacement parts) brought onto the premises of an official plant shall not contain liquid polychlorinated biphenyls (PCB's) in concentrations above 50 parts per million by volume of the liquid medium. This provision applies to both food processing and non-food processing equipment and machinery, and any replacement parts for such equipment and machinery.

(Secs. 5, 8, and 21, 34 Stat. 1260, as amended, 21 U.S.C. 605, 608, and 621; Secs. 7, 14, and 16, 71 Stat. 441, as amended, 21 U.S.C. 456, 463, and 465; Secs. 2–29, 84 Stat. 1620 *et seq.*, 21 U.S.C. 1031–1056, 42 FR 35625, 35626).

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant." An Approved Draft Impact Analysis is available from Dr. W. O. Caplinger, Acting Director, Facilities, Equipment, and Sanitation Division, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5627.

Done at Washington, D.C., on February 26, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-6467 Filed 2-28-80; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF ENERGY

Office of Leasing Policy Development

10 CFR Parts 376 and 390

Leasing; Cancellation of Regional Public Hearing on Fixed Net Profit Share Bidding System

AGENCY: Department of Energy.

ACTION: Cancellation of Regional Public Hearing.

SUMMARY: On November 30, 1979, the DOE issued a Notice of Proposed Rulemaking (44 FR 70389, December 6, 1979), with regard to establishment of a fixed net profit share bidding system for OCS oil and gas lease sales. Regional public hearings were scheduled in Houston on February 26 and in San Francisco on February 28. The San Francisco hearing has been cancelled due to lack of public response. The hearing in Houston will be held as planned on February 26.

FOR FURTHER INFORMATION CONTACT: Robert C. Gillette (202) 254–5201.

Issued in Washington, D.C., on February 26, 1980.

R. Dobie Langenkamp,

Deputy Assistant Secretary, Resource Development and Operations.

[FR Doc. 80–6521 Filed 2–28–80; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 935

Channel Islands Marine Sanctuary; Extension of Comment Period

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice Extending Comment Period.

SUMMARY: The National Oceanic and Atmospheric Administration proposes the designation by the Secretary of Commerce of the Channel Islands Marine Sanctuary off the coast of California. Presidential approval of the designation is required. After designation, the Secretary of Commerce must promulgate necessary and reasonable regulations to control activity within the sanctuary. A Notice of Proposed Rulemaking was published on December 5, 1979 (44 FR 69970) and a Draft Environmental Impact Statement issued contemporaneously. The comment period closed on February 4, 1980. In order to ensure adequate consideration of all views the comment period is being extended until March 7, 1980.

DATE: Comment period extended to March 7, 1980.

ADDRESS: Send Comments to: Director, Sanctuary Programs Office, Office of Coastal Zone Mangement, NOAA, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Jo Ann Chandler, Director Sanctuary Programs Office, Office of Coastal Zone Management. 202–634–4236.

Dated: February 26, 1980.

Michael Glazer.

Assistant Administrator for Coastal Zone Management, National Oceanic And Atmospheric Administration.

[FR Doc. 80–6342 Filed 2–28–80; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Ch. I

Prohibition of All New and Replacement Equipment and Machinery Containing Liquid Polychlorinated Biphenyls (PCB's); Cross Reference

Cross Reference: For a proposed rule developed jointly by the Department of Agriculture, Food Safety and Quality Service (FSQS), the Environmental Protection Agency, and the Food and Drug Administration, and issued by the FSQS concerning the prohibition of all new and replacement equipment and machinery containing liquid polychlorinated biphenyls in federally regulated meat, poultry, and egg processing plants, see FR Doc. 80–6467 published elsewhere in this issue. Refer to the table of contents at the front of this issue for the page number of the FSQS document.

BILLING CODE 3410–DM–M

21 CFR Part 105

[Docket No. 80N–0025]

Infant Formulas; Public Meeting and Public Hearing

Corrections

In FR Doc. 80–2829 appearing at page 6702 in the issue of Tuesday, January 29, 1980, make the following changes:

On page 6702, second column, eleventh line of the first full paragraph, "contract" should read "contact"; third column, first line, the Zip Code should read "20201"; and in the fifth line of the first full paragraph, "Friday" should read "February".

BILLING CODE 1505–01–M

21 CFR Part 145

[Docket No. 78P–0429]

Canned Pineapple; Proposed Amendment of Standards of Identity and Quality

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to amend the U.S. standards of identity and quality for canned pineapple to redesignate as "small cubes or dice" the style of pineapple presently referred to as "cubes or dice" and to provide for an additional optional style of canned pineapple designated as "large cubes." This action is for the purpose of promoting honesty and fair dealing in the interest of consumers and facilitating international trade.

DATES: Comments by April 29, 1980. Proposed compliance for affected products initially introduced into interstate commerce: July 1, 1981.

ADDRESSES: Written comments, data, or information to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: The Malaysian Pineapple Industry Board, Ministry of Primary Industries of Malaysia, has submitted a petition through the Embassy of Malaysia, 2401 Massachusetts Ave. NW., Washington, DC 20008, to amend the U.S. standards of identity and quality for canned pineapple (21 CFR 145.180 (a) and (b)), to redesignate as "small cubes, diced" the style of canned pineapple referred to as "cubes or dice" and to establish an additional optional style "large cubes, diced" which is produced by the Malaysian pineapple industry.

FDA issued a final regulation in the **Federal Register** of July 10, 1979 (44 FR 40276) to amend the U.S. standard of identity for canned pineapple, § 145.180(a) (21 CFR 145.180(a)), in consideration of the identity features of the Recommended International Standard for Canned Pineapple (CAC/RS 42–1970) (Codex Standard) developed by the Codex Alimentarius Commission. Also, in the same issue of the **Federal Register** (44 FR 40336), FDA issued a proposal to amend the U.S. standard of quality for canned pineapple, § 145.180(b) (21 CFR

145.180(b)), in consideration of the quality features of the Codex Standard. FDA is considering those parts of the Malaysian petition that requested amendment of the U.S. standard of identity as a proposal to amend the July 10, 1979 final regulation. FDA is considering the quality features of the petition as a proposal to amend the present standard of quality in § 145.180(b).

The Malaysian petition defines "small cubes, diced," as consisting of cube shaped pieces cut from slices or from peeled, cored fruit and that, except for an occasional unit, the longest dimension (along any edge) of each unit is not greater than 9/16 inch. The identity standard (44 FR 40280) defines "cubes or dice," consistent with the Codex Standard, as reasonably uniform, cube shaped pieces, predominately 14 millimeters (mm) (0.55 inch) or less in the longest edge dimensions. "Large cubes, diced," are defined by the petition as cube shaped pieces cut from whole fruit and that, except for an occasional unit, the longest dimension (along any edge) of each unit is not greater than 1 inch.

The petitioner also requested that the U.S. standard of quality be amended in § 145.180(b)(1)(ii)(*b*) to read as follows: "Not more than 15 percent of the drained weight consists of pieces weighing more than 3/32 ounce each for small cubes, diced and 1 7/32 ounce each for large cubes, diced."

The Malaysian petition states that Malaysian pineapple is smaller in size than pineapple grown in other parts of the world because of its genetic difference and because it is grown in peat soil as opposed to the mineral soil of other countries. To maximize recovery of pineapple from the small fruit, the petition states, the Malaysian pineapple industry produces a larger size cube style of canned pineapple than provided by the U.S. standard of identity. The petition states that this style of cubes represents approximately 13 percent of the pineapple canned in Malaysia and that it is well-accepted in the United Kingdom and other countries of the European economic community, Middle East, Japan, and New Zealand.

In a letter to FDA, dated April 11, 1979, the Pineapple Growers Association of Hawaii (PGAH), 1902 Financial Plaza of the Pacific, Honolulu, HI 96813, stated that it is not necessary to amend the U.S. standards of identity and quality for canned pineapple to provide for the addition of another style of fruit obtained from pineapple, namely, "large cubes." The letter stated that the identity of "large cubes" as defined by the Malaysian petition falls within the definition for the style "chunks." The PGAH also stated that the amendment of the U.S. standard of quality proposed by the Malaysian petition falls within the quality criteria for chunks in § 145.180(b)(1)(iii), which requires that not more than 15 percent of the drained weight consist of pieces weighing less than 3/16 ounce (oz) each.

The PGAH suggested that the petition be rejected on the basis that the addition of yet another style of canned pineapple, namely, "large cubes," to the already long list of styles (i.e., slices, half slices, broken slices, tidbits, chunks, cubes, spears, and crushed) provided for by the standard of identity is not in the best interest of the consumer. Moreover, the PGAH continued, it would be confusing to provide for the label identity of a style of pineapple commonly and universally known as "chunks" with a substituted identity, "large cubes."

Chunks are defined in § 145.180(a)(2)(vii) as short, thick pieces cut from thick slices and/or from peeled cored pineapple and predominately more than 13 mm (0.51 inch) in both thickness and width, and less than 38 mm (1.5 inches) in length. FDA points out, as is stated in the testimony at the public hearing of October 30, 1951, to establish the standards of identity, quality, and fill of container for canned pineapple, that the definition for chunks is for rectangular pieces of pineapple. The units of pineapple defined in the Malaysian petition are specified as cube shaped. The agency therefore is of the opinion that "large cubes," as defined by the Malaysian petition, are not "chunks" and that "large cubes" is an appropriate name for this cube shaped style of canned pineapple. FDA proposes, based on the Malaysian petition, to redesignate as "small cubes" or, alternatively, "dice" the style of pineapple referred to in 21 CFR 145.180(a)(2)(viii) as "cubes" or alternatively "dice" and to adopt an additional optional style designated as "large cubes." FDA further proposes to add § 145.180(a)(2)(xi), as set out below, and defines "large cubes" as reasonably uniform cube shaped pieces, longer than 14 mm (0.55 inch) along any edge, but predominately 25 mm (1 inch) or less in the longest edge dimensions. The proposed provision that the "large cube"style "be longer than 14 mm (0.55 inch) along any edge" has been added by FDA on its own initiative to clearly distinguish between the petitioned "small cube" and "large cube" styles because the "large cube" style as defined in the Malaysian petition would also encompass the "small cube" style as defined in this petition. FDA specifically invites comment on this proposed minimum length provision of the proposed "large cube" style.

A United States Senator from Hawaii sent FDA a letter saying that he "strongly believe[d] that the establishment of a new category of 'large cubes' for pineapple solely to accommodate the interests of foreign pineapple growers is unnecessary and may seriously jeopardize the high quality and esteem that domestically grown pineapple has enjoyed over the years with the American consumer."

Although FDA respects the viewpoint expressed in this comment, the agency's actions must be guided by the provisions of law applicable to the establishment of food standards. According to section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), the purpose of food standards is to promote honesty and fair dealing in the interest of consumers. This provision does not authorize FDA to approve or deny petitions to amend food standards received from foreign industry based on the effects of the proposed revision on domestic industry. Furthermore, the United States is under treaty obligations regarding international food standards to facilitate international trade. Moreover, as to the concern that the proposed amendment of the canned pineapple standard may seriously jeopardize the high quality and esteem of domestically grown pineapple, the proposed amendment of the standard of quality sets out minimum requirements for the proposed new style "large cubes" that are equally applicable to domestic or imported canned pineapple.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))), and under authority delegated to the Commissioner of the Food and Drugs (21 CFR 5.1), it is proposed that Part 145 be amended by revision paragraphs (a)(2)(viii) and (b)(1)(ii)(*b*), and by adding new paragraph (a)(2)(xi) to read as follows:

§ 145.180 Canned pineapple.

(a) * * *

(2) * * *

(viii) *Small cubes or dice*—consisting of reasonably uniform, cube-shaped pieces, predominately 14 millimeters (0.55 inch) or less in the longest edge dimensions.

* * * * *

(xi) *Large cubes*—consisting of reasonably uniform, cube-shaped pieces, longer than 14 millimeters (0.55 inch) along any edge, but predominately 25

millimeters (1 inch) or less in the longest edge dimensions.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(*b*) Not more than 15 percent of the drained weight consists of pieces weighing more than 3 grams (0.11 ounce) each for small cubes and 18 grams (0.63 ounces) each for large cubes.

* * * * *

Interested persons may, on or before April 29, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m and 4 p.m., Monday through Friday.

Executive Order 12044 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption.

Dated: February 22, 1980.

Wiliam F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–6317 Filed 2–28–80; 8:45 am]

BILLING CODE 4110–03–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

Prohibition of All New and Replacement Equipment and Machinery Containing Liquid Polychlorinated Biphenyls (PCB's); Cross Reference

Cross Reference: For a proposed rule developed jointly by the Department of Agriculture, Food Safety and Quality Service (FSQS), the Environmental Protection Agency, and the Food and Drug Administration, and issued by the FSQS concerning the prohibition of all new and replacement equipment and machinery containing liquid polychlorinated biphenyls in federally regulated meat, poultry, and egg processing plants, see FR Doc. 80–6467 published elsewhere in this issue. Refer to the table of contents at the front of this issue for the page number of the FSQS document.

BILLING CODE 3410–DM–M

40 CFR PART 61

[FRL 1423–7; Docket No. OAQPS 79–14]

National Emission Standards for Hazardous Air Pollutants; Proposed Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer; Informal Public Hearings

AGENCY: Environmental Protection Agency.

ACTION: Location Change for Washington Public Hearing.

SUMMARY: This notice announces a change in the location of the Washington, D.C. public hearing on the proposed airborne carcinogen policy and generic standards. On October 10, 1979, the Environmental Protection Agency proposed in the **Federal Register** (44 FR 58642) a policy and procedures for addressing airborne carcinogens emitted into the ambient air from stationary sources. In the same **Federal Register** (44 FR 58662), EPA published an advance notice of proposed rulemaking, soliciting comments on draft generic work practice and operational standards which could be applied quickly to reduce emissions of airborne carcinogens from certain source categories.

On October 26 and December 6, 1979, EPA published notices in the **Federal Register** (44 FR 61620, 44 FR 70196) announcing and amending the dates and locations of informal public hearings to receive public comment on the proposed policy and generic standards.

DATES: Beginning at 9:00 a.m. each day, hearings will be held in Washington, D.C. on March 10 and 11, 1980; in Boston, Massachusetts on March 12, 1980; and in Houston, Texas on March 13, 1980. Written comments responding to, supplementing, or rebutting written or oral comments received at public hearings must be submitted within 30 days of the hearing date.

ADDRESSES: All written comments responding to, supplementing, or rebutting written or oral comments received at the public hearings should be addressed to: Central Docket Section, Room 2903B, Waterside Mall, 401 M Street, SW, Washington, D.C. 20460, ATTN: OAQPS 79–14.

Persons wishing to provide oral testimony at the public hearings should contact Mr. Joseph Padgett (MD–12), Director, Strategies and Air Standards Division, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, Telephone 919–541–5204 (FTS 629–5204).

The hearings will be held at the following locations:

Washington Hearing: General Services Administration Building, First Floor Auditorium, 18th and F Street, NW., Washington, D.C. 20405.

Boston Hearing: Room 208, J. W. McCormick Building, Post Office Square, Boston, Massachusetts 02109.

Houston Hearing: Shamrock Hilton, Crystal Room, 6900 Main at Holcombe, Houston, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Padgett, Telephone 919–541–5204).

SUPPLEMENTARY INFORMATION: The location of the public hearing in Washington, D.C. has been changed in order to provide additional seating capacity for participants and interested individuals.

Dated: February 25, 1980.

Ed Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 80–6424 Filed 2–28–80; 8:45 am]

BILLING CODE 6560–01–M

40 CFR Part 81

[FRL 1425–2]

Approval and Promulgation of State Implementation Plans; Section 107—Attainment Status Designations—Colorado

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposed rulemaking modifies the Governor of Colorado's September 27, 1979, request to redesignate the Pueblo Urbanized 3C Area from nonattainment for total suspended particulates (TSP) to unclassified. The nonattainment status for this area is retained.

DATES: Comments due March 31, 1980.

ADDRESSES: Comments on this modification should be directed to: Robert R. DeSpain, Chief, Air Programs Branch, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

Copies of the materials submitted by the Colorado Air Pollution Control Commission and comments received on this proposal may be examined during normal business hours at: Environmental Protection Agency, Region VIII Library, 1860 Lincoln Street, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: Robert R. DeSpain, Chief, Air Programs Branch, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295 (303) 837-3471.

SUPPLEMENTARY INFORMATION: On September 27, 1979, the Governor of Colorado transmitted to EPA the Air Quality Control Commission's recommendation to reclassify the Pueblo Urbanized 3C Area from its present nonattainment status to unclassified as to the National Ambient Air Quality Standards (NAAQS) for total suspended particulate matter.

On October 31, 1979, in a letter to the Governor, EPA stated its policy to redesignate an area to unclassified only if it is shown that the air quality data are invalid. In addition, a nonattainment area may be redesignated to attainment if it is shown that the area is no longer in violation of ambient standards. Generally, eight consecutive quarters of ambient data showing no violations are required before an attainment designation can be approved.

In a January 2, 1980, letter, the Commission stated that there has been no contention that the hi-vol readings upon which the original designation was based were improperly taken or that there are eight quarters of readings showing no violations. The Commission's rationale (adopted August 3, 1979), for requesting the "unclassified" designation was

> * * * it (is) inappropriate to retain the designation of the Pueblo nonattainment in light of evidence that the area is not experiencing adverse effects to public health or welfare and inappropriate to designate the area as attainment in light of the fact that ambient levels of particulate matter may exceed standards even after discounting background dust levels; and in the absence of an ambient air quality standard for particulate matter of sizes and substances that may adversely affect public health and welfare (or adequate evidence upon which to develop such a standard); The Commission concludes that, based on the entire record of evidence considered as a whole, the Pueblo 3C Urbanized Area cannot be classified as either attainment or nonattainment and should therefore be designated as unclassifiable.

The Commission requested EPA to use "administrative good sense" in applying the ambient air quality standards for particulate matter by discounting the effects of particulates where the problem involves particulates not generally of the substances and respirable sizes thought to affect public health. EPA's Fugitive Dust Policy represents "administrative good sense." In rural areas, particulates generally of the substances and sizes not thought to affect public health are discounted in determining the attainment status of an area.

This is not the case in Pueblo because of the following reasons:

1. Pueblo is an industrialized urban area significantly affected by Colorado Fuel and Iron Steel Corporation and other major sources. Industrial particulate emissions exceed 7,000 tons per year (1979 State Implementation Plan Emission Inventory) while rural areas where EPA's Fugitive Dust Policy has been applied have industrial emissions an order of magnitude less.
2. Pueblo has high lead concentrations approaching EPA's Lead Standard, which is indicative that the particulates in Pueblo are contaminated.
3. Pueblo's population exceeds 100,000.
4. The State has consistently monitored ambient particulate levels over 100 micrograms per cubic meter in Pueblo.

Since the air quality data used to designate Pueblo as nonattainment have not been shown to be invalid and the area still violates ambient standards, EPA is proposing to modify the Governor's redesignation request. Thus, EPA is proposing to retain the nonattainment designation.

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

This notice of proposed rulemaking is issued under the authority of Section 107 of the Clean Air Act as amended.

Dated: February 20, 1980.

Roger L. Williams,

Regional Administrator.

[FR Doc. 80-6484 Filed 2-28-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR Part 405

Consolidation of Medicare and Medicaid Regulations for Survey and Certification of Health Care Facilities

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

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Medicare and Medicaid regulations would be revised and consolidated in an effort to steamline, simplify, and integrate, to the extent possible, survey and certification procedures now imposed on providers and suppliers. These changes will improve the quality of care in health care institutions by strenghening the process by which they are certified to participate in the program. Specific objectives include:

(1) To improve the quality of the surveys of providers and suppliers and thus improve the basis for decisions on whether to certify these providers and suppliers for participation in Medicare and Medicaid;

(2) To simplify the survey and certification process and thus reduce unnecessary burdens on all providers and suppliers through use of alternative methods for determining compliance with program requirements;

(3) To eliminate unnecessary differences that now exist between Medicare and Medicaid which have proven to be ineffective and administratively burdensome to providers and the Federal and State agencies that administer the programs;

(4) To include patients and consumers in the survey and certification process by allowing them input into determining whether facilities are eligible to participate in the Medicare and Medicaid programs.

The Department has classified these regulations as policy significant. A regulatory analysis is planned.

FOR FURTHER INFORMATION CONTACT: Mr. Antoine J. Elias, Health Care Financing Administration, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Maryland 21207, (301) 594-7902.

Dated: February 21, 1980.

Earl M. Collier, Jr.,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 80-6381 Filed 2-28-80; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 81, 83

[Gen. Docket No. 80-1; RM-3101; RM-3128; RM-3129]

Allocating Spectrum for an Automated Inland Waterways Communications System (IWCS) Along the Mississippi River and Connecting Waterways; Second Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Correction.

SUMMARY: This action clarifies a term and corrects typographical errors in paragraph 15 of a notice of proposed rule making in GEN DOCKET 80–1. The Notice was published in the **Federal Register** on January 16, 1980, 45 FR 3064.

DATE: Comments in this docket must be received on or before March 24, 1980, and Reply Comments must be received on or before April 23, 1980.

ADDRESS: Send comments to: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Robert P. DeYoung or Walter E. Weaver, Private Radio Bureau (202) 632–7175.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of Parts 2, 81 and 83 of the Commission's Rules to Allocate Spectrum for an Automated Inland Waterways Communications System (IWCS) along the Mississippi River and Connecting Waterways and, Maritime Mobile Radio Services: Improvement in Service Through Provision for Automated VHF Common Carrier Systems and, VHF Frequency Assignments To The Maritime Radio Services In the New Orleans and Lower Mississippi Rivers Areas and on the coastlines of the contiguous states, Gen Docket No. 80–1, RM–3101, RM–3128, RM–3129.

Released: February 21, 1980.

In the Notice of Proposed Rule Making, Order and Notice of Inquiry in the above-captioned proceeding, released January 11, 1980 (45 FR 6967), FCC 80–2, there are three errors in paragraph 15, sixth sentence. This sentence should read as follows: "Moreover, the United States proposed to the 1979 World Administrative Radio Conference (WARG) of the International Telecommunication Union (ITU) that the band 216–220 MHz be allocated to the Maritime Mobile service on a primary basis, to the Fixed and Mobile Radio services on a secondary basis, with the Radiolocation service being continued on a primary basis until 1990."

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-6465 Filed 2-28-80; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1047

[No. MC-C-3437 (Sub-10)]

Air Terminal Zone—Hartsfield Atlanta International Airport

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rules.

SUMMARY: In response to a petition filed by Air Cargo, Inc., the Commission is instituting a proceeding to consider whether to amend its existing regulations set forth in 49 CFR § 1047.40. This would expand the air terminal zone at Hartsfield Atlanta International Airport to allow exempt motor carrier operations [conducted pursuant to the "incidental to transportation by aircraft" exemption set forth in section 10526(a)(8) of the Interstate Commerce Act] on air cargo traffic moving to or from five specified Georgia points which are outside the geographical scope of that zone as presently defined in our regulations. The rule is proposed to restore the competitive balance between these points and others which are within the zone as presently defined.

DATES: Comments must be filed with the Commission on or before March 31, 1980.

ADDRESS: An original and 15 copies (when possible) of each submission should be forwarded to: MC–C–3437 (Sub-No. 10), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Frederick T. Stocker, 202–275–7953;
or
Donald J. Shaw, Jr., 202–275–7972.

SUPPLEMENTARY INFORMATION:

Petitioner Air Cargo, Inc., is an agent representing 27 certificated direct air carriers. In *Motor Transportation of Property Incidential to Transportation by Aircraft*, 131 M.C.C. 87 (1978), the Commission adopted regulations (effective June 26, 1979) redefining and generally expanding air terminal zones (the areas within which certain motor carrier transportation of property is incidental to transportation by aircraft, and, therefore, within the ambit of the partial exemption from economic regulation set forth in 49 U.S.C. 10526(a)(8). Air Cargo notes that, as a result of the new rules, the air carrier industry—both airlines and air freight forwarders—have undertaken in many instances to expand their pickup and delivery services on air cargo to the limits of the new exempt zones. Petitioner adds that this is particularly true at major air cargo centers.

Petitioner points out that Delta Air Lines, Inc., and Eastern Air Lines, Inc., serve the Atlanta, GA, area through the Hartsfield Atlanta International Airport. They have expanded their airfreight pickup and delivery services to the limit of the air terminal area of that airport as authorized under § 1047.40(a) of the Commission's regulations.

Petitioner states that, in northwest Georgia, the involved air terminal zone passes through the center of a highly competitive industrial area where textiles, carpets, and electrical equipment are manufactured. Industries located at Calhoun, Cartersville, and Rome, GA, are within this air terminal zone and are competitive with industries at Chatsworth, Dalton, Ellijay, Eton, and Spring Place, GA, which are beyond the air terminal zone. According to petitioner's computations, the concerned air terminal zone boundary intersects Ellijay. Dalton and Eton are approximately 12 miles beyond the boundary of the air terminal zone, and Chatsworth and Spring Place are approximately nine miles beyond the boundary.

Attached to Air Cargo's petition are letters in support of its proposal from representatives of industries located at the five concerned Georgia points. These people assert generally that they are encountering a significant competitive disadvantage vis-a-vis their competitors located within the involved air terminal zone, who are able to use the airlines' pickup and delivery services.

Petitioner asserts that two of the airlines it represents, Delta and Eastern, are ready, willing, and able to extend their air freight pickup and delivery services to include Chatsworth, Dalton, Ellijay, Eton, and Spring Place. Shippers at these points would then have the same rate base as their competitors at Calhoun, Rome, and Cartersville. This cannot be accomplished unless the regulations defining the scope of the incidential-to-air exemption are amended to include these points.

This petition has been filed in accordance with the provisions of 49 CFR 1047.40(b)(1). If expansion of the concerned air terminal zone is deemed appropriate, the new rules identifying these five specifed Georgia points would be listed as an additional exception to the pertinent air terminal zone regulations and included in 49 CFR 1047.40(b)(2).

We do not believe that the action proposed will have an adverse effect on either the quality of the human environment or conservation of energy

resources. However, anyone may comment on this aspect of the proposal.

Oral hearings do not appear to be necessary at this time and none is contemplated. Anyone wishing to present views and evidence, either in support of or in opposition to this proposal, is invited to submit written data, views, or arguments. Written materials submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC, during regular business hours.

This proceeding will be referred to an appropriate Review Board for initial disposition.

Notice to the general public of this matter will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Office of the Federal Register.

This notice of proposed rules is issued under authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: February 13, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, and Commissioners Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-6362 Filed 2-28-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1047

[No. MC-C-3437 (Sub-9)]

Exempt Zones—Specified Major Air Cargo Centers

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rules.

SUMMARY: In response to a petition filed by Air Cargo, Inc., the Commission is instituting a proceeding to consider whether to amend its existing regulations set forth in 49 CFR 1047.40, by expanding air terminal zones at specified major "air cargo centers." This would allow exempt motor carrier operations (conducted pursuant to the "incidental to transportation by aircraft" exemption set forth in section 10526(a)(8) of the Interstate Commerce Act) to be performed within certain geographical areas comprised of the combined specifed air terminal zones (as presently defined) of several airports which generally serve the same territory. The rule is proposed to end the confusion which results from a major center's being served by several airports that have different terminal zones.

DATES: Comments must be filed with the Commission on or before March 31, 1980.

ADDRESS: An original and 15 copies (when possible) of each submission should be forwarded to: MC-C-3437 (Sub-No. 9), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Frederick T. Stocker, 202-275-7953;
or
Donald J. Shaw, Jr., 202-275-7972.

SUPPLEMENTARY INFORMATION:

Petitioner Air Cargo, Inc., is an agent representing 27 certificated direct air carriers. In *Motor Transportation of Property Incidential to Transportation by Aircraft,* 131 M.C.C. 87 (1978), the Commission adopted regulations (effective June 26, 1979) redefining and generally expanding air terminal zones (the areas within which certain motor carrier transportation of property is incidental to transportation by aircraft, and, therefore, within the ambit of the partial exemption from economic regulation set forth in 49 U.S.C. 10526(a)(8)). Air Cargo notes that, as a result of the new rules, the air carrier industry—both airlines and air freight forwarders—have undertaken in many instances to expand their pickup and delivery services on air cargo to the outer limits of the new exempt zones. Petitioner adds that this is particularly true in areas it refers to as major air cargo centers.

It is petitioner's contention that, at six of these major air cargo centers (Los Angeles, Ontario, and San Diego, CA; San Francisco and Oakland, CA; Chicago, IL; New York, NY, and Newark, NJ; Miami and Ft. Lauderdale, FL; and Baltimore, MD, and Washington, DC), a serious operating and service problem has been created by reason of the fact that each of these air cargo centers is served by more than one airport, and the terminal zone of each such airport differs from the air terminal zone of the other airport or airports serving the same air cargo center. Thus, petitioner states, outlying points which are within the air terminal zone of one of the airports serving a particular air cargo center may not be within the air terminal zone of the other airport or airports serving that same air cargo center. This results from the airports being in different locations and the respective air terminal zones being measured from the boundary of each individual airport.

Air Cargo argues that the shipping public perceives air transportation at a particular air cargo center as being provided by the airlines scheduled into and out of all of the airports serving that center. For example, a shipper who happens to be located in Connecticut within the air terminal zone of La Guardia Airport, may be outside of the air terminal zone of John F. Kennedy International Airport or Newark Municipal Airport. The shipper does not expect that an air cargo shipment will be held at La Guardia Airport until a scheduled flight from that airport departs, if an earlier and more appropriate schedule is departing from Kennedy or Newark Airport.

Likewise, petitioner notes, the arilines traditionally route the air cargo shipments to the particular airport where the most expeditious service will result. Each of the six named major air cargo centers is served by two or three airports. Petitioner contends that this type of problem exists at a large number of outlying cities and towns within the prescribed air terminal area of one of those airports, but not the other or others. As a result, the shippers and consignees are provided with less than the full spectrum of air service available to and from their air cargo center.

Moreover, the shifting of airline schedules between the airports serving these six air cargo centers often occurs on a seasonal basis as a result of equipment requirements, gate availability, and total customer demand. Consequently, a shipper can be offered the desired schedules at a particular airport during one part of the year and not during another.

By analogy, petitioner further argues that in the six specified air cargo centers, passengers use all of the airports serving the centers, depending on the convenience of the scheduled flights. For example, passengers in the Washington-Baltimore area use Washington National, Dulles International, and Baltimore Washington International Airports, depending upon which airport has the most convenient and desirable schedule for meeting their particular needs. Petitioner believes that shippers of air freight should be able to exercise the same type of option. This would eliminate the confusion from the differences in the scope of the air terminal zones of the multiple airports serving the involved major air cargo centers.

To alleviate the porblems it perceives, petitioner proposes an addition to the rules listed as an exception under § 1047.40(b). This new rule would appear substantially in the following manner:

In addition to transportation taking place within the exempt zone of each of the

airports specified below [as described in subsections (a) part (4) and (b) part (1) above], the motor carrier transportation of property incidental to transportation by aircraft, moving over that airport, is also partially exempt from regulation [provided all other specific requirements of subsection (a) parts (1), (2), and (3) are met] if the operations are conducted within the air terminal zone(s) of the airport(s) with which it is grouped below:

Group A San Francisco International Airport (CA), San Jose Municipal Airport (CA), Oakland International Airport (CA);
Group B Los Angeles International Airport (CA), Ontario International Airport (CA), San Diego International Airport (CA);
Group C John F. Kennedy International Airport (New York City, NY), La Guardia Airport (New York City, NY), Newark Municipal Airport (NJ);
Group D Washington National Airport (DC), Dulles International Airport (VA), Baltimore-Washington International Airport (MD);
Group E Midway Airport (Chicago, IL), O'Hare International Airport (Chicago, IL); and
Group F Broward County International Airport (Fort Lauderdale, FL), Miami International Airport (FL).

In conclusion, the Commission proposes to adopt this addition to its rules subject to the comments of interested parties.

Additionally, although petitioner limits its proposal to six major air cargo centers, evidence will be entertained which identifies other such centers meriting similar consideration. If the rules proposed here are adopted and other such centers are identified, they will be the subject of a subsequent rulemaking proceeding.

We do not believe that the action proposed will have an adverse effect on either the quality of the human environment or conservation of energy resources. However, anyone may comment on this aspect of the proposal.

Oral hearings do not appear to be necessary at this time and none is contemplated. Anyone wishing to present views and evidence, either in support of or in opposition to this proposal, is invited to submit written data, views, or arguments. Written materials submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC, during regular business hours.

Notice to the general public of this matter will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Office of the Federal Register.

This notice of proposed rules is issued under authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: February 13, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, and Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Stafford dissenting.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-6355 Filed 2-28-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1248

[No. 37269]

Adoption of Sampling Procedures To Collect Motor Carrier Commodity Statistics

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission is proposing the adoption of statistical sampling procedures to collect freight commodity statistics presently filed by Class I motor carriers of property in the Freight Commodity Statistics Report (Form TCS). Adoption of statistical sampling procedures for Form TCS should reduce the overall TCS reporting burden, improve the quality of data reported, and reduce the costs of collecting and processing TCS data. This reporting revision would be effective for the reporting year beginning January 1, 1981.

DATES: Comments should be filed on or before April 14, 1980.

ADDRESSES: An original and 15 copies, if possible, of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Commission established a Data Task Force (DTF) to review financial and statistical reports filed with the Commission. The objective of the DTF review was to determine where reductions in reporting burden could be achieved. The DTF *Report on Financial and Statistical Information*, issued January 3, 1979, concluded that statistical sampling procedures could be used to obtain TCS data.

Sampling procedures are being considered for certain Commission reports because the present system of data collection results in a heavy reporting burden on carriers and costly processing burden on the Commission. This costly data collection system yields information of questionable quality and limited usefulness in modes where a high incidence of nonreporting is experienced.

Form TCS is designed to yield totals from all Class I common and contract motor carriers (except certain exempt carriers) of volumes of revenue freight carried for every commodity. These totals are further segregated by commodity classification and gross freight revenues attributable to these shipments. The universe of Class I motor carriers filing Form TCS is approximately 1,000 carriers.

An alternative to the present TCS reporting program would be a random sampling program. All motor carriers of property would comprise the reporting universe. A given carrier would only be required to file Form TCS for the year it was selected to participate in the sample. A statistically valid sample would allow the Commission to make unbiased projections about the total activity of all motor carriers.

Based upon our review of the present TCS reporting program, we would consider a reasonable sample size to be 500 carriers distributed between the respective revenue classifications as follows:

Class I 325
Class II 100
Class III 75

Adoption of this sampling plan would impose an additional reporting burden on 175 Class II and Class III carriers each year. However, the overall TCS reporting burden would be significantly reduced. Carriers selected to participate in the sample would be notified in sufficient time to allow them to maintain adequate records to develop the required report. We believe the benefits of improved data quality, reduced collection and processing costs and reduced TCS reporting burden outweigh the costs of imposing an additional reporting burden on 175 Class II and Class III carriers each year.

This proposed action is not expected to affect significantly the quality of the human environment.

Accordingly, we propose to revise Part 1248, § 1248.51 of Title 49 of the Code of Federal Regulations, as set forth in the appendix below.

Decided: February 4, 1980.

This rule is proposed under the authority in 49 U.S.C. 10321 and 5 U.S.C. 553.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

Commissioner Stafford concurring in part with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Stafford (concurring in part)

While I applauded this Commission's efforts to reduce the reporting burden on the regulated motor carrier industry, the methodology and procedures proposed in this notice of rulemaking raise a number of questions. Initially, I might point to my concern as to the use of random sampling by the Commission to carry out its regulatory obligations. In that regard, see my separate expression in Ex Parte No. 367, *Tariff Integrity Board,* served October 5, 1979.

The proposed procedures could also create a state of uncertainty and allow carriers to become lax in their recording tasks insofar as they would be notified in advance (the date is unclear) that they had been selected to report certain statistics. This may result in additional burdens on the resources of the Commission.

Finally, the proposal to include 75 class III carriers in the sample raises additional problems. In the past, reports of various kinds from these carriers have been very skimpy. Whether or not the data derived from this class of carriers is necessary or valid must await the filing of comments in this proceeding.

Appendix

Section 1248.51, *Freight Commodity Statistics,* is revised to read:

§ 1248.51 Freight commodity statistics.

All common and contract motor carriers of property selected to participate in the random sample reporting program, and not specifically exempted from reporting freight commodity statistics, shall file Form TCS. Carriers shall report all statistics according to the 3-, 4- and 5-digit commodity codes specified in § 1248.101. Carriers selected to participate in the sample will be notified in sufficient time to allow them to maintain adequate records to complete report Form TCS.

[FR Doc. 80-6374 Filed 2-28-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atomspheric Administration

50 CFR Part 601

Regional Fishery Management Councils; Intercouncil Boundaries

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Notice of extension of comment period.

SUMMARY: On January 18, 1980, Advance Notice of Proposed Rulemaking and Request for Comments on an intercouncil boundary between the Gulf of Mexico Fishery Management Council and the South Atlantic Fishery Management Council was published in the **Federal Register** (45 FR 3618). Additional time for public comment has been requested so as to provide opportunity for preparation and submission of comments on the geographic factors involved in the boundary.

DATE: Consequently, the comment period on the proposed rulemaking is extended until April 20, 1980.

FOR FURTHER INFORMATION CONTACT: William G. Gordon, Director, Office of Resource Conservation and Management, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 634-7218.

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

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

Winfred H. Meibohm,

Executive Director National Marine Fisheries Service.

[FR Doc. 80-6472 Filed 2-28-80; 8:45 am]

BILLING CODE 3510-22-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5780]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 and section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

These elevations, together with the flood plain management measures required by Section 60.3 (formerly Section 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	City of Dumas, Desha County	Ditch No. 6	Just downstream of State Highway 54	*164
	Maps available at City Hall, 155 East Waterman Street, Dumas, Arkansas 71639.			
	Send comments to Mayor Billy Free or Ms. Mary Howard, City Clerk, City Hall, 155 East Waterman Street, Dumas, Arkansas 71639.			
Arkansas	City of McGhee, Desha County	Crooked Bayou	Just upstream of South Second Street	*141
			Just upstream of White Street	*142
			Just upstream of Beech Street	*145
			Just upstream of Arkansas State Highway 4	*147
		Black Pond Slough	Just downstream of U.S. Highway 65	*141
			Approximately 0.5 mile upstream of Arkansas State Highway 4	*142
		Little Bayou Macon	Just upstream of Arkansas State Highway 1	*139
		Coral No. 18	Just upstream of Arkansas State Highway 1	*141
	Maps available at City Hall Highway 4-West, McGhee, Arkansas 71654.			
	Send comments to Mayor Hayes Stevens, or Mr. Kenny Gober, Administrator Assistant, City Hall, P.O. Box 612, McGhee, Arkansas 71654.			
Arkansas	City of Siloam Springs, Benton County.	Sager Creek	Just upstream of Dam	*1,093
			Just downstream of State Highway 264	*1,121
			Just upstream of State Highway 264	*1,130
		Tributary 1	Just upstream of University Street	*1,091
		Tributary 2	Just upstream of Hico Street	*1,128
			Just upstream of State Highways 59 and 68 B	*1,148
		Tributary 3	Just downstream of State Highway 43	*1,086
	Maps available at City Hall, 410 North Broadway, Siloam Springs, Arkansas 72761.			
	Send comments to Mr. Macaulay J. Gosney, Director of Administration, City Hall, 410 North Broadway, Siloam Springs, Arkansas 72761.			
California	Weed (City), Siskiyou County	Boles Creek	75 Feet upstream from center of Southern Pacific Railroad Bridge	*3,405
			At culvert outlet approximately 500 feet downstream from center of Interstate Highway 5.	*3,476
			At intersection of Main Street and Lake Avenue	#1
	Maps available at City Hall, 780 South Davis, Weed, California.			
	Send comments to Honorable Bill Warren, Mayor, City of Weed, City Hall, P.O. Box 470, Weed, California 96094.			
Connecticut	Bethany, Town, New Haven County.	Bladens River	Corporate Limits	*232
			Downstream Bear Hill Road	*241
			Upstream Bear Hill Road	*246
			Private Road 1,900 feet downstream of Bethmour Road	*250
			Downstream Bethmour Road	*260
			Upstream Bethmour Road	*266
		Hopp Brook	Confluence with Bladens River	*239
			Private Road 2,000 feet downstream of Miller Road	*247
			1,500 feet downstream of Miller Road	*253
			Downstream Miller Road	*269
			Upstream Miller Road	*278
			1,200 feet upstream of Miller Road	*297
			Downstream Hopp Brook Lane	*343
			Upstream Hopp Brook Lane	*350
			1,150 feet upstream of Hopp Brook Lane	*370
			2,200 feet upstream of Hopp Brook Lane	*390
	Maps available at the Town Clerk's Office and the Town Selectmen's Office, 40 Peck Road, Bethany, Connecticut.			
	Send comments to Mr. Gordon Carrington, First Selectman of the Town of Bethany, Town Hall, 40 Peck Road, Bethany, Connecticut 06575.			
Connecticut	Plainville, Town, Hartford County	Pequabuck River	Downstream Corporate Limits	*170
			2nd Conrail crossing (downstream)	*181
			2nd Conrail crossing (upstream)	*188
			Upstream Corporate Limits	*196
		Quinnipiac River	Downstream Corporate Limits	*169
			Tomlinson Avenue (upstream)	*177
			Hamlin Pond	*181
	Maps available at the Office of the Town Clerk.			
	Send comments to Mr. Richard Piotrowski, Chairman of the Plainville Town Council, Municipal Center, 1 Central Square, P.O. Box 250, Plainville, Connecticut 06062.			
Connecticut	Waterford, Town, New London County.	Jordan Brook	Confluence w/Jordan Cove	*11
			Upstream side of Rope Ferry Road, State Route 156	*16
			Upstream side of footbridge downstream of U.S. Route 1	*26
			Upstream side of U.S. Route 1	*29
			Upstream side of footbridge downstream of Fog Plain Road	*30
			At collapsed bridge downstream of Breached Dam	*34
			3,250 feet upstream of collapsed bridge	*36
			3,970 feet upstream of collapsed bridge	*46
			Upstream side of driveway downstream of Waterford Parkway	*56
			Upstream side of Waterford Parkway southbound	*62
			2,980 feet upstream of Breached Dam upstream of Waterford Parkway.	*73
			4,160 feet upstream of Breached Dam upstream of Waterford Parkway.	*82
			1,960 feet downstream of downstream end of Cross Road	*92
			Upstream end of Cross Road	*109
			Downstream side of Douglas Lane	*119
			1,580 feet upstream of Douglas Lane	*123

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Nevins Brook	Confluence with Jordan Brook	*16
			Upstream side of U.S. Route 1 (Boston Post Road)	*22
			Downstream end of Fog Plain Road	*32
			Upstream end of gravel road, 2,740 feet upstream of Fog Plain Road	*41
			4,940 feet upstream of Fog Plain Road	*46
		Thames River	From downstream Corporate Limits to a point approximately 7,400 feet upstream.	*11
			From a point approximately 7,400 feet upstream from the downstream Corporate Limits to the upstream Corporate Limits.	*12
		Long Island Sound	Entire Shoreline	*11
	Maps available at the Office of the Town Clerk and at the Department of Public Works.			
	Send comments to Mr. Lawrence J. Bettencourt, First Selectman of Waterford, Town Hall, 200 Boston Post Road, Waterford, Connecticut 06385.			
Florida	Dundee (Town), Polk County	Peace Creek Drainage Canal	200 feet west of intersection of U.S. Highway 27 and Lincoln Avenue	*122
		Lake Dell Outlet Ditch	100 feet downstream from center of U.S. Highway 27	*125
		Crystal Lake	Area adjacent to shoreline	*123
		Lake Trask	Area adjacent to shoreline	*118
		Lake Dell	Bay Street at approximately 1,000 feet south from its intersection with Frederick Avenue.	*126
		Lake Menzie	Area adjacent to shoreline	*129
		Lake Ruth	Area adjacent to shoreline	*126
		Lake Marie	Area adjacent to shoreline	*124
		Lake Ada	Area adjacent to shoreline	*127
		Lake Josephine	Area adjacent to shoreline	*128
		Ponding Areas	Area adjacent to shoreline of lake surrounded by Center Street, Ridgewood Avenue, North Fourth Street and northern corporate limits.	*140
			500 feet east of intersection of Sixth Street and southern corporate limits.	*142
			Bay Street at approximately 200 feet north from its intersection with Lincoln Avenue.	*122
			800 feet southeast of intersection of State Highway 27 and Lincoln Avenue.	*122
	Maps available at Town Hall, Center Street, Dundee, Florida.			
	Send comments to the Honorable Lonnie D. Adams, Mayor, Town of Dundee, Town Hall, P.O. Drawer A, Dundee, Florida, 33838.			
Kentucky	City of Evarts, Harlan County	Clover Fork	Approximately 180 feet downstream of State Highway 38	*1,291
			Approximately 60 feet downstream of Bridge Street	*1,296
		Yocum Creek	Just upstream of State Highway 38	*1,298
			Approximately 50 feet downstream of State Highway 215	*1,311
	Maps available at City Hall, P.O. Box 206, Evarts, Kentucky 40828.			
	Send comments to Mayor Ed Turpin or Ms. Shirley Black, City Clerk, P.O. Box 206, Evarts, Kentucky 40828.			
Kentucky	City of Louisa, Lawrence County	Big Sandy River	Just upstream of old lock and dam No. 3	*576
			At confluence of Tug and Levisa Forks	*577
		Levisa Fork	Just upstream of Louisa, Fort Gay Bridge	*577
			Just downstream of Southern corporate limits and confluence of Lick Creek.	*577
	Maps available at City Hall, Pike and Main Cross, Louisa, Kentucky 41230			
	Send comments to Mayor W. E. Van Hoose, or Ms. Judy Salisbury, City Clerk, City Hall, P.O. Box 621 Louisa, Kentucky 41230.			
Louisiana	City of Covington, St. Tammany Parish.	Tchefuncta River	Just upstream of Louisiana State Highway 21	*16
			Just downstream of River Forest Bridge	*24
		Bogue Falaya River	Just upstream of U.S. Highway 190	*19
		Mile Branch	Just upstream of 19th Avenue	*24
			Just upstream of 29th Avenue	*27
		Lateral A	Just upstream of 15th Avenue	*16
		Lateral B	Just upstream of Louisiana Highway 437	*28
	Maps available at City Hall, 609 North Columbia, Covington, Louisiana 70433.			
	Send comments to Mayor Earnest J. Cooper or Mr. Wayne Comberrel, Director of Administration, City Hall, 609 North Columbia, Covington, Louisiana 70433.			
Louisiana	City of Slidell, St. Tammany	Diversion Canal (W-14 Main)	Just upstream of Florida Avenue	*13
			Just upstream of Robert Road	*15
			Intersection of Cresentwood Street and Boswells Court	*17
		Bayou Bonfouca	Just upstream of U.S. Highway 190	*11
		Bayou Vincent (W-13 Main)	Intersection of Sycamore Street and Carnation Street	*13
		Lake Pontchartrain	At intersection of Markham Drive and Oxford Street	*9
			At intersection of College Street and Clara Street	*9
	Maps available at City Hall, 2055 2nd Street, Slidell, Louisiana 70458.			
	Send comments to Mayor M. W. Hort or Mr. Geral Martinez, City Councilperson, City Hall, 2055 2nd Street, Slidell, Louisiana 70458.			
Massachusetts	Pepperell, Town, Middlesex County.	Reedy Meadow Brook	Confluence with Nashua River	*183
			Shawnee Road (Upstream)	*183
			Lowell Road (Upstream)	*186
			Leighton Road (Upstream)	*187
			(Upstream) Corporate Limits	*202
		Nissitissit River	Mill Street (Upstream)	*184
			Unnamed Dam 1,900 feet upstream from Mill Street (Downstream)	*192
			Unnamed Dam 1,900 feet upstream from Mill Street (Upstream)	*200

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Nashua River	Prescott Street (Upstream)	*210
			Massachusetts State Line	*177
			Confluence of Reedy Meadow Brook	*183
			Confluence of Nissitissit River	*183
			Boston & Maine Railroad (Upstream)	*183
			Groton Street (Upstream)	*184
			Pepperell Pond Dam (Downstream)	*186
			Pepperell Pond Dam (Upstream)	*203
			Upstream Corporate Limits	*208

Maps available at the Town Hall.

Send comments to Mr. Wesley Hills, Chairman of the Board of Selectmen, Town Office, Main Street, Pepperell, Massachusetts 01463.

Massachusetts	Plainville, Town, Norfolk County	Ten Mile River	Downstream Corporate Limits	*191
			Downstream of Witherells Place	*192
			Upstream of Witherells Pond Dam	*199
			Downstream of Plainville Pond Dam	*203
			Upsteam of Plainville Pond Dam	*206
			Downstream of Fuller Street	*210
			Fuller Dam	*215
		Brook No. 1	Downstream Corporate Limits	*162
			Downstream of Interstate 495	*163
			Upstream of Interstate 495	*165
		Turtle Brook	Confluence with Rabbit Hill Pond	*172
			Mirimichi Street	*163
			Upstream of Dam	*171
			250 feet upstream confluence of Sawmill Brook	*175
			Downstream of Taunton Street	*181
			Upstream of Taunton Street	*186
			Downstream of Turnpike Lake Dam No. 1	*196
			Upstream of Turnpike Lake Dam No. 1	*200
		Hawthorne Brook	Confluence with Hawthorne Brook	*201
			Confluence with Turtle Brook	*201
			50 feet upstream of U.S. Route 1 (Downstream Crossing)	*202
			50 feet downstream of U.S. Route 1 (Upstream Crossing)	*202
			50 feet upstream of U.S. Route 1 (Upstream Crossing)	*205
			Downstream of Cowell Street	*207
		Whiting Pond Bypass	Limit of Detailed Study	*211
			Downstream Corporate Limits	*187
			Confluence with Ten Mile River	*192

Maps available at the Office of the Town Clerk.

Send comments to Mr. Robert W. Root, Chairman of the Board of Selectmen, Town Office, 142 South Street, Plainville, Massachusetts 02762.

Massachusetts	Westport, Town, Bristol County	Buzzards Bay	Entire Shoreline	*12
		Rhode Island Sound	Entire Shoreline	*12
		West Branch Westport River	Entire Reach	*12
		East Branch Westport River	Confluence with Rhode Island Sound to river mile 7	*12
			From river mile 7 to approximately 500 feet downstream of Forge Road.	*13

Certain areas of the community are affected by flood with velocity (wave action); see maps for areas designated Zone V9.

Maps available at the Town Clerk's Office, 816 Main Street, Westport, Massachusetts.

Send comments to Ms. Roxanne Delano, Town Offices, 816 Main Street, Westport, Massachusetts 02790.

Massachusetts	Wilmington, Town, Middlesex County.	Shawsheen River	Downstream Corporate Limits	*88
			Upstream Corporate Limits	*93
		Ipswich River	Downstream Corporate Limits	*76
			Upstream Church Street Culvert	*88
			Upstream Canal Steet Culvert	*96
			Upstream Corporate Limits	*109
		Martins Brook	Downstream Corporate Limits	*76
			Downstream Salem Street	*76
			Upstream Salem Street	*82
			Upstream Andover Street	*84
		Maple Meadow Brook	Confluence with Ipswich River	*82
			Power Company Easement Road	*85
		Lubbers Brook	Confluence with Ipswich River	*77
			Upstream Middlesex Avenue Culvert	*82
			Downstream Main Street	*93
			Upstream Main Street	*98
			Upstream Boston and Maine Railroad (south of Main Street)	*100

Maps available at the Town Hall.

Send comments to Mr. Rocco DePasquale, Chairman of the Board of Selectmen of Wilmington, Town Hall, Wilmington, Massachusetts 01887.

Missouri	Festus, City, Jefferson County	South Tributary	Missouri Pacific Railroad	*413
			South Mill Street	*414
		North Tributary	Brierton Lane	*413
			Main Street (Upstream)	*414
			Jefferson Avenue	*432
			Central Avenue	*450
			Interstate Route 55 (Upstream)	*455
			Horine Road (Upstream)	*458

Maps available at City Hall, 222B Mill Street, Festus, Missouri.

Send comments to the Honorable Harold Oetting, Mayor of Festus, City Hall, 222B Mill Street, Festus, Missouri 63028.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Montana	Three Forks (Town), Gallatin County.	Jefferson River	Intersection of Adams Street and Arizona Street	*4,071
			Intersection of Adams Street and Colorado Street	*4,072
			Intersection of Adams Street and Kansas Street	*4,075
		Jefferson and Madison Rivers	Intersection of 4th Avenue East and Oak Street	*4,068
			Approximately 130 feet south of the intersection of 4th Avenue East and Hickory Street.	*4,070
			Intersection of 1st Avenue West and Elm Street	*4,071
			Approximately 500 feet west of the intersection of 2nd Avenue West and Grove Street	*4,073
	Maps available at Town Hall, 206 West Main Street, Three Forks, Montana.			
	Send comments to the Honorable Jack W. Heebner, Mayor, Town of Three Forks, Town Hall, P.O. Box 187, Three Forks, Montana 59752.			
New York	Wilson, Town, Niagara County	East Branch Twelvemile Creek	1,800 feet downstream of Chestnut Street	*360
			1,100 feet downstream of Chestnut Street	*361
			Chestnut Street (Downstream)	*362
			Chestnut Street (Upstream)	*364
			1,350 feet downstream of Willow Road	*365
	Maps available at the Town Hall, 375 Lake Street, Wilson, New York.			
	Send comments to Mr. Whitney Barnum, Town Supervisor, 375 Lake Street, Wilson, New York 14172.			
New York	Wilson, Village, Niagara County	Lake Ontario	Tuscarora Bay to eastern Corporate Limits	*249
	Maps available at the Office of the Village Clerk, Village Hall, Young Street, Wilson, New York.			
	Send comments to the Honorable E. Kenneth Welker, Mayor of the Village of Wilson, Village Hall, Young Street, Wilson, New York 14172.			
North Carolina	City of Graham, Alamance County	Haw River	Just upstream of State Route 54	*495
			Just upstream of Interstate 85	*503
		Big Alamance Creek	Just upstream of State Highway 87	*489
			Approximately 300 feet downstream of State Route 2309	*494
		Little Alamance Creek	Just upstream of State Route 2309	*496
			Just downstream of State Route 2312	*510
		Boyd Branch	Just upstream of State Route 2304	*515
			Just upstream of Interstate 85	*548
		Town Branch	Just upstream of Access Road to Sewage Treatment Plant	*495
			Just upstream of Interstate 85	*538
		Steelhouse Branch	Just downstream of Access Road to Sewage Treatment Plant Extended.	*500
	Maps available at City Hall, 201 South Main Street, Graham, North Carolina 27253.			
	Send comments to Mayor Rhyne or Mr. Bruce Turney, City Manager, City Hall, 201 South Main Street, Graham, North Carolina 27253.			
South Dakota	Baltic (Town) Minnehaha County	Big Sioux River	Intersection of river and center of Lovely Avenue	*1,466
			At Check Dam No. 2 approximately 300 feet northwest of intersection of Main Street and Elm Street.	*1,468
	Maps available at Town Hall, Baltic, South Dakota.			
	Send comments to Honorable Chad Kono, Mayor, Town of Baltic, Town Hall, Box 249, Baltic, South Dakota.			
South Dakota	Spearfish (City), Lawrence County	Spearfish Creek	Intersection of Rushmore Street and Third Street	*3,590
			Intersection of Lincoln Street and Third Street	*3,621
			Cul-de-sac at the south end of Third Street	*3,654
		Hungry Hollow Gulch	Intersection of Iris Street and St. Joe Avenue	*3,656
	Maps available at City Hall, 722 Main Street, Spearfish, South Dakota.			
	Send comments to the Honorable James J. Seward, Mayor, City of Spearfish, City Hall, 722 Main Street, Spearfish, South Dakota 57783.			
Texas	City of Irving, Dallas County	West Fork of Trinity River	Approximately 500 feet upstream of Gifford-Hill Spur Railroad	*432
			Approximately 100 feet upstream of MacArthur Boulevard	*435
		Elm Fork of Trinity River	Approximately 100 feet upstream of Royal Lane	*430
			Approximately 100 feet upstream of Valley View Lane	*434
		Bear Creek	Approximately 200 feet downstream of County Line Road	*477
		Dry Creek	Just upstream of Belt Line Road	*452
			Just downstream of Pioneer Road	*497
		Estelle Creek	Just downstream of Rochelle Road	*497
			Just upstream of Northgate Drive	*518
		Delaware Creek	Just downstream of Shady Grove Road	*450
			Approximately 100 feet downstream of Live Oak Drive	*497
		West Irving Branch	Just downstream of Shady Grove Road	*460
			Just downstream of Chicago Rock Island and Pacific Railroad	*490
		Stream 7C2	Just upstream of Chicago Rock Island and Pacific Railroad	*443
			Just downstream of Brook Hollow Road	*472
		Hackberry Creek	Just upstream of Colwell Drive	*431
			Just upstream of Valley View Lane	*451
			Just upstream of State Highway 114	*465
			Just upstream of Beltline Road	*471
		Cottonwood Branch	Approximately 150 feet upstream of State Highway 348	*429
			Just downstream of State Highway 114	*435
		South Fork of Hackberry Creek	Just downstream of State Highway 114	*445
			Just upstream of Trigg Road	*472
			Just upstream of Valley View Lane	*503
		Mud Springs Creek	Approximately 1300 feet upstream of the confluence with Hackberry Creek.	*476
		Grapevine Creek	Just downstream of Radio Road	*530
			Just upstream of County Line Road	*544

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available at City Hall, 825 West Irving Boulevard, Irving, Texas 75060.				
Send comments to Mayor Marvin Randle or Mr. Bobby Joe Raper, Mayor Pro Tem, City Hall, 825 West Irving Boulevard, Irving, Texas 75060.				
Virginia	Roanoke, City	Roanoke River	Upstream Tayloe Avenue	*908
			Upstream Main Street (U.S. 220)	*945
			Upstream Corporate Limit	*984
		Tinker Creek	Upstreamside Orange Avenue	*925
			Downstreamside Preston Avenue	*980
		Glade Creek	Upstream Vinton Mill Road	*913
			Downstreamside Berkley Road	*927
		Glade Creek Tributary	Upstream State 653	*937
			Upstreamside U.S. 460	*1,005
		Lick Run	Upstream 8th Street	*918
			Upstream Orange Avenue	*940
		Trout Run	Upstream 5th Street	*931
			Upstream 7th Street	*941
		Barnhardt Creek	Downstreamside U.S. 11	*997
			Upstream U.S. 11	*1,002
			Upstreamside Glenmore Drive	*1,018
		Mudlick Creek	Upstream Mudlick Road	*981
			Upstreamside Grandin Road	*1,003
		Carvin Creek	Upstream Hollins Road (State 601)	*983
			Downstream Hershberger Road	*985
		Garnard Branch	Upstream Riverland Road	*918
			Upstream Findlay Road	*958
		Gum Spring Branch	Upstream Garden City Drive	*980
			Downstream Tipton Avenue	*1,068
		Murray Run	Upstream Brandon Avenue	*939
			Upstream West Drive	*980
			Upstreamside Ogden Road	*1,068
		Ore Branch	Upstream Wiley Dirve	*937
			Upstream Broadway Street	*962
		Ore Branch Tributary	Upstreamside State 419	*1,097
			Upstreamside Franklin Road (U.S. 220)	*1,108
		Peters Creek	Upstream Norfolk & Western Railroad	*967
			Downstream Peachtree Drive	*1,024
Maps available at the Roanoke Municipal Building.				
Send comments to Mr. Burn Euert, Roanoke City Manager, Municipal Building, 215 Church Avenue, Roanoke, Virginia 24011.				
Virginia	Salem, City	Roanoke River	Downstream Corporate Limits	*983
			Norfolk and Western Railway Upstream	*990
			U.S. Route 11 (Apperson Drive) Upstream	*993
			State Route 419 (Cave Spring Road) Upstream	*997
			(Upstream Crossing) U.S. Route 11 (Apperson Drive) Upstream	*999
			Colorado Street Upstream	*1,006
			Eddy Avenue Upstream	*1,012
			Mill Lane Upstream	*1,029
			Hammit Lane (Extended)	*1,044
			Diuguids Lane Upstream	*1,052
			Confluence of Butt Hollow	*1,055
		Mason Creek	Confluence with Roanoke River	*987
			Norfolk and Western Railway	*987
			Roanoke Boulevard Upstream	*996
			Lynchburg Turnpike Upstream	*1,013
			State Route 419 (Electric Road) Upstream	*1,016
			U.S. Route 460 (East Main Street) Upstream	*1,023
			Confluence of Gish Branch	*1,025
			Reece Road (Extended)	*1,036
			Garst Street	*1,047
			Dam 1 950 feet upstream of Garst Street Upstream	*1,061
			Dam 2 1,700 feet upstream of Garst Street	*1,063
			Dam 3 3,200 feet upstream of Garst Street upstream	*1,071
			Private Drive approximately 1,300 feet upstream of Dam 3 Upstream	*1,083
			Upstream Corporate Limits	*1,087
		Gish Branch	Confluence with Mason Creek	*1,025
			Malone Hyde Building culvert outlet	*1,030
			Malone Hyde Building culvert inlet	*1,034
			Chamberlain Lane Upstream	*1,045
			Parkdale Drive Upstream	*1,050
			Stoutamire Drive (Extended)	*1,081
			State Route 631 (North Mill Road	*1,095
		Williams Branch	Confluence with Roanoke River	*1,006
			Norfolk and Western Railway most upstream crossing Upstream	*1,012
			7th Street Upstream	*1,012
			6th Street Upstream	*1,014
			4th Street Upstream	*1,025
			2nd Street Upstream	*1,032
			Burwell Street culvert outlet	*1,044
			East Main Street culvert outlet Downstream Side	*1,049
			Clay Street culvert inlet	*1,052
			Market Street Upstream	*1,064
			Private Road 840 feet upstream of Market Street Upstream Side	*1,075
			Hawthorne Road Upstream	*1,091
			Base of Private Pond Dam	*1,096

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Snyder Branch	Confluence with Williams Branch	*1,035
			Alabama Street culvert inlet	*1,042
			Roanoke Boulevard culvert inlet	*1,043
			College Avenue	*1,050
			Calhoun Street culvert inlet	*1,054
			East Main Street culvert inlet Upstream	*1,057
			Clay Street culvert inlet	*1,063
		High School Branch	Confluence with Roanoke River	*1,027
			Mill Lane Upstream	*1,027
			Norfolk and Western Railway Downstream Crossing Downstream Side	*1,028
			Norfolk and Western Railway Upstream Crossing Upstream	*1,035
			Culvert outlet 120 feet upstream from Norfolk and Western Railroad	*1,035
			Culvert inlet 1,040 feet upstream from Norfolk and Western Railroad	*1,041
			60 feet upstream of culvert inlet	*1,042
		Dry Branch	Confluence with Roanoke River	*1,014
			Norfolk and Western Railway Downstream Crossing Upstream	*1,015
			Norfolk and Western Railway Upstream Crossing Upstream	*1,022
			Fourth Street Upstream	*1,022
			First Street (Extended)	*1,032
			Burwell Street Upstream	*1,039
			U.S. Route 460 (East Main Street) culvert inlet	*1,047
			James Street (Extended)	*1,064
			Marshall Street (Extended)	*1,072
			Field Drive (Extended)	*1,085
			Carrolton Avenue Upstream	*1,098
			Private Drive 1,290 feet upstream of Carrolton Avenue Upstream	*1,121
			Upstream Corporate Limits	*1,141
		Cole Hollow Brook	Confluence with Roanoke River	*1,031
			Hurt Lane Downstream	*1,034
			Norfolk and Western Railway Stream Crossing Upstream	*1,036
			Confluence of Paint Bank Branch	*1,040
			U.S Routes 11 and 460 Downstream	*1,044
			Horner Lane Upstream	*1,046
			Windsor Drive Downstream	*1,071
			Downstream Interstate 81 Off Ramp Downstream	*1,074
			Upstream Interstate 81 Off Ramp Downstream	*1,083
			Litchell Road Upstream	*1,092
			Upstream Corporate Limits	*1,096
		Paint Bank Branch	Confluence with Cole Hollow Brook	*1,040
			Culvert outlet 2,340 feet upstream of confluence with Cole Hollow Brook Upstream.	*1,045
			U.S. Routes 11 and 460 (West Main Street) Upstream	*1,054
			Rolling Wood Drive (Extended)	*1,071
			Valley Dale Road Upstream	*1,108
			Jackson Drive (Extended)	*1,115
			Texas Hollow Road Upstream	*1,126
			Upstream Corporate Limits	*1,134
		Butt Hollow	Confluence with Roanoke River	*1,055
			Downstream Corporate Limits	*1,057
			Norfolk and Western Railway Downstream Crossing Upstream	*1,059
			Norfolk and Western Railway Upstream Crossing Upstream	*1,063
			U.S. Routes 11 and 460 Upstream	*1,073
			Howard Drive (Extended)	*1,102
			Butt Hollow Road Upstream	*1,108
			Upstream Corporate Limits	*1,137
		Bowman Hollow	Confluence with Roanoke River	*1,002
			U.S. Route 11 (Apperson Drive) Downstream	*1,006
			Brook Avenue Upstream	*1,012
			Kimball Avenue Upstream	*1,020
			Private Drive 2,630 feet upstream of Kimball Drive Upstream	*1,059
			Franklin Street Downstream	*1,066
			Second Private Drive—220 feet upstream from Franklin Street Upstream.	*1,073
			Third Private Drive 1,400 feet upstream from Franklin Street Upstream	*1,092
			Point 3,150 feet upstream from Franklin Street	*1,129
		Barnhardt Creek	Confluence with Roanoke River	*984
			Upstream Corporate Limits	*984

Maps available at the Salem Municipal Building.

Send comments to Mr. William Paxton, Jr., Salem City Manager, P.O. Box 869, Municipal Building, Salem, Virginia 24153.

Virginia	Stafford County	Accokeek Creek (lower)	4,554 feet downstream of State Route 608	*32
			State Route 608 (Downstream Side)	*43
			Richmond, Fredericksburg and Potomac Railroad (Upstream Side)	*54
			2,240 feet upstream of Richmond, Fredericksburg and Potomac Railroad.	*55
		Accokeek Creek (upper)	2,075 feet downstream of U.S. Route 1	*86
			U.S. Route 1 (Upstream Side)	*100
			Southbound Interstate 95 (Upstream Side)	*114
			5,593 feet upstream of Southbound Interstate 95	*131
		Aquia Creek	Confluence with Potomac River.	*8
			Aquia Drive (Upstream Side)	*11
			U.S. Route 1 (Upstream Side)	*17
			Southbound Interstate 95 (Upstream Side)	*30
			Beaverdam Reservoir	*83
		Tributary 1 to Chopawamsic Creek.	275 feet upstream of the upstream boundary of Quantico Marine Corps Schools.	*31

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Private drive off of State Route 660	*41
			U.S. Route 1 (Upstream Side)	*56
			State Route 637 (Upstream Side)	*74
			1,275 feet upstream of State Route 637	*97
		Claiborne Run	Confluence with Rappahannock River	*40
			3,610 feet upstream of State Route 3	*50
			State Route 218 (Upstream Side)	*72
			State Route 623—Harrell Road (Upstream Side)	*108
			Richmond, Fredericksburg and Potomac Railroad crossing near Mt. Pleasant Estates (Upstream Side).	*132
			Telegraph Road—State Route 627 (Upstream Side)	*140
			1,535 feet upstream of State Route 627	*143
		Falls Run	Confluence with Rappahannock River	*41
			5,740 feet upstream of confluence with Rappahannock River	*66
			7,915 feet upstream of U.S. Route 17 and State Route 664	*81
			9,885 feet upstream of U.S. Route 17 and State Route 664	*124
		Little Falls Run	Confluence with Rappahannock River	*33
			Abandoned Railroad Bridge (Downstream Side)	*47
			265 feet upstream of Abandoned Railroad Bridge	*64
		Potomac Creek	4,680 feet downstream of U.S. Route 1	*38
			U.S. Route 1 (Upstream Side)	*57
			Southbound Interstate 95 (Upstream Side)	*63
			State Route 627 (Upstream Side)	*74
			3,145 feet upstream of State Route 627	*82
		Rappahannock River	1,700 feet downstream of confluence of Little Falls Run	*32
			Richmond, Fredericksburg and Potomac Railroad	*40
			6,640 feet upstream of confluence of Falls Run	*49
		Tributary 1 to Rappahannock River.	Confluence with Rappahannock River	*34
			State Route 3 (Upstream Side)	*47
			Upstream State Route 730 (at downstream Lake Carroll)	*90
			Upstream State Route 730 (at upstream Lake Carroll)	*103
		Rappahannock River—Left Channel.	At Confluence with Right Channel	*41
			6,640 feet upstream of confluence of Falls Run	*49

Maps available at the Stafford County Planning Department.

Send comments to Mr. N. C. Sharp, County Administrator, c/o Mr. George Snerigan, Director of Community Development, P.O. Box 339, Stafford, Virginia 22554.

Virginia	Albemarle County	North Fork, Rivanna River	Confluence with Rivanna River	*352
			1.53 miles upstream of State Route 649	*362
		Mechums River	Confluence with South Fork Rivanna River	*429
			State Route 601	*434
			1.6 miles downstream of State Route 614	*456
			1.8 miles upstream of State Route 614	*467
			State Route 678	*471
			2.6 miles upstream of State Route 678	*487
			U.S. Route 250	*502
			2 miles upstream of U.S. Route 250	*515
			Interstate 64 Eastbound Lane	*529
			2.02 miles upstream of Interstate 64 Eastbound Lane	*551
		South Fork Rivanna River	Confluence with Rivanna River	*352
			Southern Railway	*357
			Downstream side of South Fork Rivanna River Dam	*366
			Upstream side of South Fork Rivanna River Dam	*391
			State Route 660	*400
			1.66 miles upstream of State Route 660	*410
		Ivy Creek	Confluence of Mechums and Moormans Rivers	*429
			Confluence with South Fork Rivanna River.	*391
			Private Road	*405
			6,000 feet upstream of Private Road	*420
			State Route 601	*433
			Dirt Road	*457
			State Route 677	*469
			Downstream side of Chessie System	*479
			Upstream side of Chessie System	*496
			State Route 637 (Downstream Crossing)	*508
			3,600 feet upstream of State Route 637 (Downstream Crossing)	*525
			State Route 637 (Upstream Crossing)	*541
			1,100 feet upstream of State Route 637 (Upstream Crossing)	*545
		Little Ivy Creek	Confluence with Ivy Creek	*475
			Downstream side of Dam at Emerson Road	*485
			Upstream side of Dam at Emerson Road	*501
			Downstream side of Chessie System	*504
			Upstream side of Chessie System	*513
			Upstream Route 250	*514
			State Route 786	*523
			1,100 feet upstream of State Route 786	*532
		Jumping Branch	Confluence with Ivy Branch	*391
			2,400 feet upstream of confluence with Ivy Branch	*423
			5,000 feet upstream of confluence with Ivy Branch	*442
			7,600 feet upstream of confluence with Ivy Branch	*455
			11,575 feet upstream of confluence with Ivy Branch	*485
		Powell Creek	Confluence with South Fork Rivanna River	*357
			Dirt Road	*365
			Private Road	*393
			Downstream side of Dam at Hollymead Drive	*406
			Upstream side of Dam at Hollymead Drive	*436

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			4,525 feet upstream of Dam at Hollymead Drive	*454
		Rivanna River	State Route 729	*298
			1.6 miles upstream of State Route 729	*310
			Chessie System Upstream	*324
			.36 mile upstream of dam	*329
			U.S. Route 250 Upstream	*340
			Confluence of North Fork and South Fork Rivanna Rivers	*352
		Meadow Creek	Downstream Corporate Limits—City of Charlottesville	*347
			Downstream side of State Route 631	*353
			Upstream side of State Route 631	*359
			First Corporate Limits Upstream of Downstream Corporate Limits of Charlottesville.	*377
			Second Corporate Limits Upstream of Downstream Corporate Limits of Charlottesville.	*394
			Upstream Corporate Limits	*399
		Moores Creek	Confluence with Rivanna River	*325
			State Route 20 Upstream	*335
			State Route 742 Upstream	*355
			Sixth Street (Abandoned Bridge)	*356
			Willoughby Boulevard	*382
			State Route 631	*386
			State Route 780	*395
			State Route 781	*405
			Private Road (Ford) 3,300 feet Upstream of State Route 781	*418
			Eastbound Lane Interstate 64	*428
			Downstream side of Southern Railway	*433
			Upstream side of Southern Railway	*441
			Southbound Lane of U.S. Route 29 (Downstream Crossing)	*445
			U.S. Route 29 (Middle Crossing)	*449
			First Private Road Upstream of U.S. Route 29 (Middle Crossing)	*465
			Second Private Road Upstream of U.S. Route 29 (Middle Crossing)	*476
			Third Private Road Upstream of U.S. Route 29 (Middle Crossing)	*492
			Downstream side of U.S. Route 29 (Upstream Crossing)	*511
			Upstream side of U.S. Route 29 (Upstream Crossing)	*519
			First Private Road Upstream of U.S. Route 29 (Upstream Crossing)	*527
			Second Private Road Upstream of U.S. Route 29 (Upstream Crossing)	*536
			State Route 745	*553
		Biscuit Run	Confluence with Moores Creek	*383
			First Private Road Upstream of Interstate 64	*395
			Second Private Road Upstream of Interstate 64	*411
			775 feet upstream of Second Private Road	*413

Maps available at the Albemarle County Planning Department.

Send comments to Mr. Guy B. Agnor, Albemarle County Executive, c/o Mr. Ronald Keeler, Planning Department, 414 East Market Street, Charlottesville, Virginia 22901.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: February 11, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-6138 Filed 2-27-80; 8:45 am]

BILLING CODE 6718-03-M

Notices

Federal Register
Vol. 45, No. 42
Friday, February 29, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Boundary Waters Canoe Area Wilderness and Boundary Waters Canoe Area Mining Protection Area; Filing of Wilderness Legal Description and Map

Public Law 95–495, dated October 21, 1978, designated the Boundary Waters Canoe Area Wilderness and the Boundary Waters Canoe Area Mining Protection Area, Superior National Forest, State of Minnesota. Section 3 of the Act directs the Secretary of Agriculture to publish a detailed legal description and map showing the boundaries of the wilderness in the **Federal Register.** Such map and description shall be filed with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Section 10 of the Act directs the Secretary of Agriculture to file a map and legal description of the mining protection area with the above named Committees. The Act further states that the legal description and maps shall be on file and available for public inspection in the offices of the Supervisor of the Superior National Forest and the Chief, Forest Service.

The Secretary of Agriculture, through the Chief, Forest Service has elected to combine the legal description and map for both the wilderness and the mining protection area into one document. It should be noted that is is not possible to prepare a satisfactory map involving over one million acres on one page. Thus, the map involves an index and 21 map sheets. These maps are expected to be available for purchase about March 1, 1980. In the interim, they are on file for public inspection in the following offices:[1]

Chief, Forest Service, U.S. Department of Agriculture, South Agriculture Building, Room 4238, 12th and Independence Avenue SW., Washington, D.C. 20013

Regional Forester, Eastern Region, U.S. Department of Agriculture, 633 W. Wisconsin Avenue, Milwaukee, Wisconsin 53203

Forest Supervisor, Superior National Forest, U. S. Department of Agriculture, Federal Building, Duluth, Minnesota 55801

Dated: February 21, 1980.

Douglas R. Leisz,

Associate Chief, Forest Service.

[FR Doc. 80–6339 Filed 2–28–80; 8:45 am]

BILLING CODE 3410–11–M

Ottawa National Forest Land and Resource Management Plan, Michigan; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement on the proposed Land and Resource Management Plan for the Ottawa National Forest in Michigan.

The plan is being prepared in accordance with requirements of the Secretary's regulations developed pursuant to the National Forest Management Act of 1976. It will propose management direction for the natural and human resources on the Ottawa National Forest.

The planning process will begin with identification of public issues, management concerns, and resource use and development opportunities. Planning criteria will be developed, and data will be collected and analyzed to determine how the identified issues and concerns can be resolved. An assessment of the capability of the land to produce resource outputs, and a determination of the public's future demands for these outputs will be made. Methods for resolving the identified public issues will be developed from this information, and will be used to formulate alternatives.

Alternatives will display a range of resource outputs at several expenditure levels. Each alternative will represent a cost-effective combination of management practices which can best meet the objectives of the alternative. In addition, each identified major public issue will be addressed; each alternative will specify methods to restore renewable resources, and a no-change alternative will be included.

A preferred alternative will be selected by ranking the alternatives according to their physical, biological, social, and economic effects. It will include the best combination of resource uses on the Forest and will also provide for a continuous monitoring and evaluation process.

A draft environmental impact statement will released around December 1982. The final land and resource management plan and environmental impact statement will be released approximately 10 months later.

Public participation will be an integral part of the planning process. A response form, meetings and other public involvement tools will be used to identify issues early in the planning process. Each public involvement activity will be announced through the news media and mailings to interested agencies, organizations and individuals.

Steve Yurich, Regional Forester of the Eastern Region, is the responsible official and Robert B. Tippeconnic, Forest Supervisor of the Ottawa National Forest is the person in charge of the project.

Further information about the planning process or written comments on this Notice of Intent should be directed to:

Forest Supervisor, Ottawa National Forest, East US 2, Ironwood, MI 49938, telephone: (906) 932–1330

James H. Freeman,

Director, Planning, Programming and Budgeting.

February 15, 1980.

[FR Doc. 80–6268 Filed 2–28–80; 8:45 am]

BILLING CODE 3410–11–M

RURAL ELECTRIFICATION ADMINISTRATION

Western Illinois Power Cooperative; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of

[1] Maps filed as part of the original document at the Office of the Federal Register.

the United States of America for a loan in the approximate amount of $44,694,000 to Western Illinois Power Cooperative (WIPCO) of Jacksonville, Illinois. This loan guarantee will provide supplemental funds needed to complete WIPCO's 9.5 percent share of Clinton Nuclear Unit #1.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Donald B. Bringman, Manager, Wester Illinois Power Cooperative, Inc., P.O. Box 609, Jacksonville, Illinois 62651.

In order to be considered, proposals must be submitted (within 30 days from the of **Federal Register** publication of this notice) to Mr. Bringman. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals recieved, as Western Illinois Power Cooperative, Inc., and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 14th day of February 1980.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 80-6014 Filed 2-28-80; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Booneville City Park Critical Area Treatment R.C. & D. Measure, Arkansas; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Maurice J. Spears, State Conservationist, Soil Conservation Service, 5029 Federal Building, 700 West Capitol Avenue, Little Rock, Arkansas 72203, telephone 501–378–5445.

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 not being prepared for the Booneville City Park Critical Area Treatment R.C. & D. Measure, Logan County, Arkansas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Maurice J. Spears, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include the use of shaping, grading, sprigging, seeding, tree planting, placement of topsoil, fertilizing, irrigation, and the installation of diversions, a grassed waterway, and a rock retaining wall to reduce or control the critically eroding areas.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Maurice J. Spears, State Conservationist, Soil Conservation Service, 5029 Federal Building, 700 West Capitol Avenue, Little Rock, Arkansas 72203, telephone 501–378–5445. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 31, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, (16 U.S.C. 590a–f, q).)

Dated: February 20, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80-6273 Filed 2-28-80; 8:45 am]

BILLING CODE 3410-16-M

Rome Cemetery Critical Area Treatment R.C. & D. Measure, Wisconsin; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Jerome C. Hytry, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, Madison, Wisconsin 53711, telephone 608–252–5341.

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 not being prepared for the Rome Cemetery Critical Area Treatment R.C. & D. Measure, Adams County, Wisconsin.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jerome C. Hytry, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include shaping, seeding mulching, and riprapping on approximately 1 acre of stream bank area.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jerome C. Hytry, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, Madison, Wisconsin 53711, telephone 608–252–5341. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 31, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, (16 U.S.C. 590a–f, q))

Dated: Febuary 20, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80-6274 Filed 2-28-80; 8:45 am]

BILLING CODE 3410-16-M

Southern Maryland R.C. & D. Area, Critical Area Treatment R.C. & D. Measures, Maryland; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, Room 522, College Park, Maryland 20740, telephone 301–344–4180.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environment 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 environmental impact statements are not being prepared for the Southern Maryland R.C. & D. Area, Critical Area Treatment R.C. & D. Measures in Charles, St. Mary's, and Calvert Counties, Maryland.

The environmental assessment of these federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for these measures.

The measures concern plans for critical area treatment. The planned works of improvement include small grade stabilization structures, diversions, critical area plantings, and grassed waterways.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, Room 522, College Park, Maryland 20740, telephone 301–344–4180. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementaton of the proposal will not be initiated until March 31, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, (16 U.S.C. 590a—f, q))

[FR Doc. 80-6275 Filed 2-28-80; 8:45 am]

Dated: February 20, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resrouces.

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Notice is hereby given that, during the week ended February 22, 1980 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR Part 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No.	Description
Feb. 20, 1980	37684	Piedmont Aviation, Inc., P.O. Box 2720, Winston-Salem, North Carolina 27102. Application of Piedmont Aviation, Inc. pursuant to Section 401 of the Act and Subpart Q requests a certificate of public convenience and necessity to engage in scheduled air transportation of persons, property and mail over the following segment: Between the terminal point Norfolk, Va. and the terminal point Baltimore, Md.; between the terminal point Baltimore, Md. and the terminal point Cincinnati, Ohio; between the terminal point Cincinnati, Ohio and the terminal point Nashville, Tenn.; and the terminal point Nashville, Tenn. and the terminal point Houston, Tex. Conforming Applications and Answers may be filed by March 18, 1980.
Feb. 20, 1980	37689	Hughes Air Corp., d/b/a Hughes Airwest, San Francisco International Airport, San Francisco, California 94128. Application of Hughes Airwest pursuant to Section 401 of the Act and subpart Q requests an amendment to its certificate of public convenience and necessity for Route 76 so as to delete therefrom Conditions (4) and (5) which read as follows: "(4) On each trip over all or part of this route, the holder shall stop at each point named between the point of origin and point of termination of the trip except a point or points at which the holder has been relieved of this requirement (a) by order of the Board, (b) as a result of a suspension under sections 401(j) and 419 of the Act, (c) because of adverse weather conditions or other conditions it could not reasonably foresee or control, or (d) because condition (5) below is applicable. "(5) If the holder has scheduled two daily round trips at each intermediate point, it may omit that point on any additional trips scheduled over all or part of this route as long as it remains in compliance with all other conditions in this certificate: *Provided, however,* That if the holder has scheduled one daily round trip to each of the following points it may omit that point on any additional trips: 'Sun Valley-Hailey-Ketchum, Idaho, Cedar City, Utah, or Blythe, Calif., or to Bend-Remond, Ore., on flights serving Portland, Ore., or two round trips five days a week to Prescott, Kingman, Grand Canyon, or Page, Ariz.' " Answers may be filed March 5, 1980.
Feb. 20, 1980	37691	Interprovincial Airways Ltd., c/o Edward James Jenson, P.O. Box 768, Lloydminster, Saskatchewan S9V 1C1. Application of Interprovincial Airways Ltd. pursuant to Section 402 and Subpart Q of the Act request a foreign Air Carrier Permit authorizing small aircraft charter operations between Canada and the United States pursuant to the Nonscheduled Air Service Agreement. Answers may be filed by March 19, 1980.
Feb. 21, 1980	37699	Piedmont Aviation, Inc., P.O. Box 2720, Winston-Salem, North Carolina 27102. Application of Piedmont Aviation, Inc. pursuant to Section 401 of the act and Subpart Q of the Board's Regulations requests that its Certificate of Public Convenience and Necessity be amended to remove Piedmont's one-stop restriction in the Lexington, KY.-Washington, D.C. (National) market. Conforming Applications and Answers are due by March 6, 1980.
Feb. 22, 1980	37702	Societe Anonyme Belge D'Exploitation De La Navigation Aerienne (SABENA) c/o Pierre A. Feller, 720 Fifth Avenue, New York, New York 10019. Application of SABENA pursuant to Section 402 of the Act and subpart Q of he Board's Regulations for an amended Foreign Air Carrier Permit so as to authorize it to continue to engage in foreign air transportation for an additional period of five years, as follows: (1) Between a point or points in Belgium and the terminal point Anchorage, Alaska, with respect to persons, property and mail. (2) Between a point or points in Belgium and the intermediate point Anchorage, Alaska, and between the intermediate point Anchorage, Alaska, and the terminal point Tokyo, Japan, with respect to persons and their accompanied baggage, subject to conditions. Answers due March 21, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-6376 Filed 2-28-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets Nos. 33363, 36432, and 36433]

Former Large Irregular Air Service Investigation Phase III and Applications of K-Air, Inc.; Postponement of Hearing

Notice is herby given that the hearing in the above-entitled proceeding now assigned to be held on February 29, 1980 at 9:30 a.m. (45 FR 6421, January 28, 1980) is postponed until March 6, 1980 at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C. before the undersigned.

Dated at Washington, D.C., February 25, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-6375 Filed 2-28-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 37730; Order 80-2-140]

Standard Foreign Fare Level Investigation; Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of February 1980.

I. Introduction

By this order, we are instituting an investigation into the reasonableness of fares for first-class and economy-class services in selected international city-pair markets. In enacting the International Air Transportation Competition Act (IATCA), Pub. L. 96-192, 94 Stat. 35, Congress extended the concept of a "zone of reasonableness" to international fares similar to that applied to domestic fares. The IATCA provides that, with certain exceptions, proposed fares which are not more than five percent higher or 50 percent lower than the Standard Foreign Fare Levels (SFFL) cannot be suspended or investigated because they are unjust or unreasonable.[1]

Within certain constraints, Congress has permitted us to establish the SFFL for air transportation betwen two points as of October 1, 1979, if we determine that a fare in effect on that date would be unjust or unreasonable.[2] The SFFL, which in most cases will be the existing fare level on October 1, 1979, or a SFFL established on the basis of the hearing record, forms the base for the statutory zone of reasonableness. All SFFLs will be adjusted regularly for changes in actual operating costs. Although we cannot lower an existing fare on the basis of a lower SFFL, we can prevent increases in fares until subsequent adjustments to the SFFL resulting from increases in operating costs raises the SFFL to the level of existing fares.

Many international markets appear to be less than workably competitive because of government restrictions on entry, capacity, charters, and pricing flexibility. In some of the more tightly restricted markets, fares on October 1, 1979, may have been high enough to produce excess profits for the airlines. The purpose of this proceeding is to determine whether any of the fares on this date were unjust or unreasonable.

Congress has set an extremely tight timetable for completion of this task. Our power to establish SFFLs expires 180 days after enactment of the IATCA. However, if within that period we determine after an oral evidentiary hearing before an administrative law judge that a fare is unjust or unreasonable, we may establish a SFFL on the basis of such hearing record.[3] Completion of this investigation in the allotted time will require the cooperation and good faith of all the parties to this proceeding. In order to aid in this task, we will set forth our views on the Board's fare policies. While not necessarily endorsing the details of staff's previous studies of international fares or their results, we believe that the approaches used in our most recent evaluations of international fares are a good start. We will therefore indicate the city-pair markets and cost methodologies we wish to have explored during the oral evidentiary hearing and outline our procedural requirements.

II. The Board's Fare Policy

Over the past years, we have been vigorously exercising our authority to suspend tariff filings in various international markets. Because of the recent rapid increase in costs, we have been making major progress toward ensuring reasonable fares by holding down fare increases. It may well be that by October 1, 1979, major increases in costs, particularly fuel, had eroded whatever excess profits existed prior to that time. However, this important task of preventing unreasonable fare increases was approached on a piecemeal basis in response to proposals for fare increases.

In Order 79-9-75, we embarked on a comprehensive review of international fares and our fare policy. Despite our general reluctance to interfere with carrier pricing decisions, we announced our intention to take action when competition is not allowed to function. As we noted: "The market for service on demand has been characterized by a single high fare which permits virtually unlimited stopovers and circuity-options which many passengers neither need nor want."[4] We therefore attempted to determine the cost of providing point-to-point service by examining: (1) Pricing decisions in markets showing different degrees of competition; (2) cost curves and fare formulas developed for use in domestic fare regulation; and (3) cost data supplied by the carriers.

Order 79-9-75 relied upon a preliminary study made by an International Task Force (ITF) composed of Board staff. In regulating international fares, our goal has been to hold fares at levels that would exist if markets were competitive. We have consequently attempted to determine the long-run costs of providing service. Each of the three different approaches used by the ITF to ascertain the proper level for international economy fares assumed that fares should reflect costs, including a fair return on investment. The staff estimated the cost of serivce by examining carrier pricing decisions in competitive long-haul markets ("Approach A") and by constructing

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[1] Section 24 of the IATCA provides that a proposed fare which may be unduly preferential, unduly prejudicial, unjustly discriminatory, or predatory may be suspended. In addition, this section permits the Board to suspend a fare in the public interest because of unreasonable regulatory actions by a foreign government with respect to fare proposals by a U.S. carrier.

[2] This power to establish SFFLs is limited by the Act to markets which in the aggregate account for no more than 25 percent of the total passengers carried by U.S. carriers in foreign air transportation.

[3] Since this ratemaking is rulemaking under the Administrative Procedure Act (5 U.S.C. 551(4)), the provisions contained in section 554 concerning adjudications are not applicable. Because of the unusual statutory requirements to complete this proceeding in 180 days, we will consider waiving § 300.4 of our rules in order to make the most efficient use of our staff resources. If we do waive our rules, we will advise the parties as to which Board employees who participated in the proceeding will assist the Board at the decisional stage.

[4] Order 79-9-75 at 5.

costs based upon data submitted by carriers, using the approach developed in the Domestic Passenger Fare Investigation (*DPFI*), Phase 7, ("Approach B"). The ITF experiemented with a third approach which attempted to determine the cost difference between normal economy service and discount service based on carrier pricing decisions in very competitive and very non-competitive markets ("Approach C"). Finally, the results obtained through these methods were compared with the fares that would have resulted from using the fare curves produced in the *DPFI* and in the *Hawaii Fares Proceeding.*

We invited interested parties to comment upon the ITF's methologies. Both Pan Am and TWA submitted written responses to the task force's study and met on several occasions with members of the task force to discuss their criticisms and suggested improvements in the preliminary study. Both carriers agreed that it was desirable to establish economically valid objective criteria for evaluating international fares, but argued that there were flaws in the ITF methodologies.

Approach A, the examination of pricing decisions in competitive markets, was primarily criticized because the staff implemented it using a particular market to act as an analog for all world markets. The Seattle-Seoul market, which the staff had used in its calculations, was characterized as unrepresentative because certain factors, such as the service level, the number of participating carriers, and the possibility of pricing decisions having been based on non-cost factors, appeared to limit its general applicability.

Approach B received a warmer reception from both carriers, although some objections were raised about the quality of service assumption (a 50 percent load factor), the assumed return on investment (15 percent) and the allocation of costs on a market-by-market, rather than an entity, basis. They also raised technical objections to certain aspects of the methodology. The carriers claimed that both methods were deficient because it is necessary to allow for the effects of dilution from discount fares and circuity and to include an explicit allowance for prorate dilution in determining the reasonable fare for point-to-point service.

Approach C, which examined pricing decisions focusing on the differentials between discount and normal economy fares, was attacked on a theoretical basis. The carriers were critical of the assumptions that discount fares serve the same role in their respective marketing strategies and that all discounts are based on the costs of providing service. We are not persuaded that Approach C as utilized by the ITF is sufficiently developed at this time to warrant its consideration in this expedited proceeding.

There may be many methods that could be used to determine if a fare for a class of service in a given market is unjust or unreasonable and, if so, to set a standard foreign fare level. Unfortunately, Congress has not given us sufficient time to explore all possible approaches in detail. We must limit the scope of the proceeding in order to conclude it within six months.[5] The statutory deadline therefore leaves us no choice but to limit the consideration of issues at the oral evidentiary hearing to an approach that we believe is "adequate", since in the time available we cannot, as a practical matter, hope to resolve differences of opinion as to the "best" approach.[6] We will now discuss our intended approach to determining the reasonablesness of the October 1, 1979 fares and our attitude toward setting the SFFLs should those fares be found unjust or unreasonable.

The statute first requires us to ascertain whether a fare for a class of service in existence on October 1, 1979, was unjust or unreasonable. In making this threshold finding, we believe that it is legally sufficient to determine that excess profits were being generated in a market on October 1, 1979, using a cost-based approach which compares total passenger revenues with the costs of passenger service for all classes, including a reasonable rate of return. The statute does not require us to make a finding with respect to the reasonableness of each individual fare within a class of service. Congress did not permit a sufficient period in which to study the fare structure,[7] or perform a detailed cost of service study.

In the absence of a detailed cost of service analysis for each type of fare within the first class and economy class of service, we may presume that fares were unjust and unreasonable if the fare level as a whole is excessive. It is not necessary first to specify which fare or combination of fares causes the unreasonable fare level for the classes of service as a whole. Since this is a rebuttable presumption, parties may show that specific fares in existence on October 1, 1979, were not unjust and unreasonable.

The factual showing that we will require to establish the presumption that a fare in effect on October 1, 1979 is unjust and unreasonable is the existence of excess profits. In making this determination, we will rely on a cost-based approach that has been used historically by the Board and other ratemaking agencies. Under this approach, all relevant operating costs are taken into consideration along with rate of return on investment and taxes. For this purpose the Board contemplates using the DPFI costing metholology (Version 6). This basic methodology appeared in Approach B of the ITF study.

Because we interpret the statute as requiring an initial assessment of the reasonableness of the fares on October 1, 1979, the most significant change from Approach B as it appeared in the ITF study is that the inputs will be based on the actual costs and operational characteristics, such a load factor and traffic mix. In order to do this we will use annual traffic data for the year ended September 30, 1979, and project cost data forward to March 31, 1980. The midpoint of the period will be October 1, 1979. Ultimately, our goal is to replicate the actual costs as of that date to the greatest extent possible. Some data may need to be constructed in order to depict the cost and revenue relationships accurately when complete reliance on historical data may not be possible. For example, the effect of the September 15, 1979 fare restructuring on revenue and prorates is not reflected in the past period data.[8] We emphasize that the statute provides that we are to determine whether fares charged on October 1, 1979 were unjust or unreasonable; therefore, we will analyze the actual operational costs and revenues that existed at that point with

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[5] We have been subjected to an almost impossible task by Congress to complete this proceeding in six months. As Senator Cannon stated in the debate on adoption of the Conference Report on the floor of the Senate: "we are making it clear to both the Board and the participants that any new procedures necessary to meet the 6-month deadline are permissible" (126 Cong. Rec. S748 (Daily Ed., January 31, 1980).

[6] Parties will be free to submit documentary evidence to show that this approach is fatally defective. If such a contention is made, parties should also document an alternative approach which would cure the asserted defects that are identified. Parties are always free to argue alternative approaches on brief to the board if they contend that our proposed approach would not be adequate.

[7] Fare level issues involve the level of revenue that must be recovered to cover the costs of service, including a reasonable rate of return, while fare structure involves the equitable relationship of fares that in the aggregate recover the amount of revenue that has been found to be reasonable. The Congress was aware of these distinctions, as a colloquy between Senators Cannon and Magnuson illustrates (126 *Cong. Rec.* S749 (Daily Ed. January 31, 1980)).

[8] One method of examining the effects of fare restructuring would be to construct new revenue figures by applying the October 1, 1979 fares to experienced passenger distribution data.

ratemaking adjustments only as necessary.

At this point, we are able to decide several legal and policy questions concerning rate of return in order to simplify consideration of this issue. Based on accepted practice, we expect to use the depreciated original value of assets and we will use the Board's depreciation standards in determining the book value of these assets. We realize that the cost of capital elements may present complicated issues which might be considered in a separate proceeding, and we have given the Chief Administrative Law Judge the authority to sever issues if parties are unable to reach stipulations.

Parties will of course be free to offer direct and rebuttal evidence or cross-examine witnesses on questions pertaining to this cost-based approach used for determining excess profits. They may attempt to demonstrate that the cost-based methodology is unreliable, that a fare was not unjust and unreasonable because excess profits were not being generated, or that a specific fare was not unjust and unreasonable. We intend that parties be allowed reasonable latitude to use the oral evidentiary procedures to explore the sufficiency of this cost-based methodology fully.

If excess profits are shown to exist in any of the markets under investigation on October 1, 1979, and evidence does not overcome the resulting presumption that the fares charged on that date were unjust or unreasonable, then the Board is empowered by the statute to establish a SFFL. We are presently inclined to determine the SFFL for each class of fare by apportioning the excess profits on October 1, 1979 proportionately. Since our objective is to duplicate to the extent possible the fare structure that would have been expected under competitive conditions in particular markets on October 1, 1979, we will not foreclose consideration of other justifiable methods, including non cost-based methods, for distributing the excess profits to fare classes. Given the time allotted for an oral evidentiary hearing, we are primarily concerned that the hearing focus on an acceptable, although not necessarily perfect, method of establishing these SFFLs.

However, we also recognize that there are other unrelated approaches that may be advanced as the basis for establishing the SFFL or judging the reasonableness of the October 1, 1979 fares. Because of the severe time constraints, we do not believe that due process or the IATCA requires a virtually unfettered right of exposition for each and every theory or methodology. The administrative law judge will therefore have the discretion to decide whether and to what extent other approaches outside the scope of the cost-based methodology we have outlined need be examined, taking into account standards of relevance and materiality and the tight time constraints governing this proceeding. Similarly, limitations may be placed on the type of consideration given at the hearing to various approaches for determining the SFFL if the October 1, 1979 fares are found to be unreasonable.

The specific approaches we have outlined constitute the minimum that will be considered. Other relevant approaches should of course be considered to the extent that time allows. Because no remand by the Board is possible if the judge were to exclude approaches that the Board might subsequently find to be useful, we are suggesting a procedure under which, in the discretion of the judge, the parties may develop such evidence for later inclusion in the record.

In the interest of expedition, we have already identified the markets which we intend to be the focus of the oral evidentiary hearing. On the basis of the International Task Force Study and the information we have reviewed in connection with recent tariff filings, we believe that the October 1, 1979 fares in the markets listed in Appendix A may have been unjust and unreasonable, and if so, the Board should establish a Standard Foreign Fare Level for October 1, 1979, in each of those markets.

III. Procedure

The International Air Transportation Competition Act permits us to establish deadlines for all stages of this proceeding. However, we generally prefer to give the administrative law judge the flexibility to make necessary adjustments in the procedural schedule. We have therefore set forth in Appendix B a recommended schedule for the hearing to insure that we can meet the inflexible requirements of the statute and, at the same time, develop an adequate record. However, we will require the judge to render a decision by July 3, 1980, since this deadline is absolutely necessary to protect our authority to set SFFLs before the expiration of our jurisdiction.

While we are permitting the administrative law judge hearing the case to adjust other dates provided in the recommended schedule, we believe that the extraordinary nature of this case requires a further modification of our normal procedural rules. We will permit the parties to appeal a change in our recommended schedule made at the Prehearing Conference or in the Prehering Conference Report by an administrative law judge presiding over any phase of this proceeding, provided this appeal is made within 24 hours of the issuance of the judge's ruling. Such an appeal will not require the consent of the judge. Answers to these special appeals must be filed within 24 hours after service of the appeal.[9] We do not anticipate nor should the parties expect that the Board will entertain appeals to alter the schedule or grant delays aside from this special appeal procedure.

By Order 80–1–133, we ordered the U.S. carriers to produce reports on their operations to certain foreign points and invited foreign air carriers to supply these data voluntarily. We expect these data to be utilized in this proceeding and we are therefore not attaching a separate evidence request. We intend all carriers that are made parties to this case to conform to the requirements of Order 80–1–133, including subsequent modifications. To the extent that data on markets in issue in this proceeding were not requested, Order 80–1–133 has been amended.[10]

Our recommended schedule provides that parties will be given until April 15, 1980, in which to prepare direct written testimony and exhibits. As we have indicated, we intend that the Board's staff will offer evidence dealing with both the reasonableness of the October 1, 1979 fares in the markets under investigation and, assuming these fares are found to be unjust and unreasonable, the SFFL. While carriers now serving these markets may offer evidence to support the October 1, 1979 fares as the just and reasonable basis for determining the SFFLs, their written direct cases may also include different approaches for establishing the SFFL.

Because of the time limitations in this case, it is not possible to stagger the evidentiary submissions to conform with various parties' perceptions about the respective burdens of proof. Therefore, all parties will be required to present their affirmative cases dealing with both the issue of whether the October 1, 1979 fares are an unjust and unreasonable basis for SFFLs in these markets, and assuming the fares are found to be unjust and unreasonable, what the SFFL would be. Although we have also suggested a limited period for the

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[9] An appeal from a ruling by an ALJ would normally require the consent of the presiding judge in accordance with Rule 18(f) of our Rules of Practice. Our action is in response to the peculiar circumstances of this case which may, as a practical matter, foreclose relief for procedural error and must not be interpreted as having any precedential value.

[10] The delegated authority of the Director, Office of Economic Analysis, is hereby terminated.

preparation of rebuttal testimony and exhibits, we intend that this opportunity will be used to identify and correct factual errors and to disclose defects in the approaches and methodologies used by other parties. The parties will be expected to comply strictly with the requirement that all rebuttal exhibits and testimony identify with particularity the direct testimony or exhibits they are intended to rebut.

In addition to written direct and rebuttal testimony, parties will have an opportunity to offer witnesses and, within reasonable limits, to cross-examine witnesses. The administrative law judge will strictly enforce the Administrative Procedure Act provision for the exclusion of irrelevant, immaterial, or unduly repetitious evidence, and we encourage the judge to devise procedures to organize or otherwise limit the time consumed by cross-examination.

While the judge must permit cross-examination with respect to the "excess profits" method we have described as the focus of our inquiry, the judge will have to make judgments about hearing other theories for determining the unjustness or unreasonableness of existing fares and establishing the SFFLs. Because the judge may receive written testimony and exhibits on alternative methods, he is free to prohibit or limit cross-examination that would jeopardize the successful completion of the proceeding, provided this would not result in a denial of due process. The judge may of course require parties asserting a right to cross-examine on different approaches to state the material issues of fact which can be elucidated only by means of cross-examination. We hope that many of these lines of questioning might be resolved by stipulations or written responses. If the presiding administrative law judge determines that cross-examination may be needed to permit the parties to develop adequately matters relating to an approach which he has excluded because of doubtful evidentiary validity or which he cannot hear within the time available, he may refer such matters for cross-examination before another administrative law judge designated by the Chief Administrative Law Judge. Any party may subsequently move the Board to incorporate into the record of this proceeding the proffered evidence and the related cross-examination.

Since we are imposing a substantial burden on the administrative law judge hearing this case, we do not require his decision to discuss all of the proferred evidence on alternative approaches if, in his judgment, this would make his task impossible. The decision must, however, consider the whole record with respect to the methodologies and approach we have specifically put in issue.

Finally, we are granting the Chief Administrative Law Judge broad authority to sever issues and to assign them to one or more administrative law judges. Other issues such as the proper rate of return or cross-examination on additional methods which would not otherwise be heard by the presiding judge may also be proper subjects to be considered in separate proceedings. We urge the parties to reach a stipulation on the issue of the proper rate of return on investment, for purposes of this proceeding only, in order to avoid a time consuming process involving the use of scarce resources to determine the appropriate return. A separate hearing would necessarily involve an even more expedited process so that it could conclude in time to be of use at the decisional stage of this proceeding.

Environment and Energy

We have tentatively decided that our action will not constitute a major Federal action significantly affecting the quality of the human environment, which would require preparation of an environmental impact statement in accordance with the National Environmental Policy Act (NEPA) Section 312.9 of our regulations provides that proceedings under section 1002 of the Act will involve an environmental evaluation only when there will be, *inter alia,* substantially greater or less service or traffic in a market, or our proposal is likely to be highly controversial. The Broad has recently undertaken environmental evaluations involving rate matters in two instances: (1) The *DPFI* Rulemaking, PS–80, proposing to establish a zone of fare flexibility within which carriers would be free to raise or lower fares with little likelihood of suspension; and (2) the IATA show-cause proceeding, Docket 32851, which proposed removing Board approval of the tariff conference mechanism by which international fares were fixed. In both instances, the policy decisions confronting the Board were highly controversial and there were colorable claims that service would be greatly increased as a result of the Board's contemplated action with respect to fares.

We believe that the investigation we are now instituting differs materially from situations in which we had earlier determined that our proposals may constitute a major Federal action significantly affecting the environment. In essence, Congress has already made the major policy decision to permit fare flexibility by amending the provisions governing our statutory authority. Presumably, Congress intended that carriers be allowed up to 50 percent downward flexibility even if this stimulated traffic demand to such an extent that service levels would increase.

Similarly, in our previous major fare initiatives, the highly controversial nature of our proposals involved policy matters clearly within our discretion. In deciding to implement these major policy initiatives, it was appropriate to undertake an environmental analysis. Under the IATCA, however, we have only six months in which to perform the very limited role of reviewing the fares in effect on October 1, 1979, in certain markets and, if we determine that they are unjust or unreasonable, establishing the SFFLs. We cannot change the fares in effect; at most a SFFL below current fare levels will inhibit carriers from exercising upward fare flexibility. Thus, our role under the new statutory suspend-free zone is somewhat circumscribed.[11]

In any event, we do not believe that the reasonably foreseeable environmental impact of a possible decision to establish a SFFL lower than an existing fare is likely to be significant. Because we cannot roll back the fares now in effect, our action would merely restrain automatic fare increases for an indefinite period. Our previous studies analyzing the effect of much greater fare decreases suggest that, even assuming substantial fare decreases in selected markets,[12] the added number of operations resulting from this fare stimulation would be slight. In the recent environmental assessment prepared in conjunction with the Board's proposal to disapprove the IATA agreements relating to the tariff conference mechanism,[13] it was determined that this action would not have a significant impact on the environment. The assessment and negative declaration assumed, in pertinent part, fare decreases of 12 percent for the North Atlantic, 20 percent for Latin America, and 24

[11] *See Flint Ridge Development Co. v. Scenic Rivers Assoc. of Oklahoma,* 426 U.S. 776 (1976); *Pennsylvania v. FMC,* 392 F. Supp. 795, 802.

[12] This assumption in turn involves the further speculation that fare increases are being restrained below the comparable fare levels in other markets and that the price elasticity of demand is so high that passengers will divert from markets not under consideration to those markets under investigation. We think that the validity of these assumptions would be subject to considerable dispute.

[13] Environmental Assessment dated August 29, 1979; Memorandum to the Board (undated), Docket 32851.

percent for the Pacific and a −2.0 elasticity. The assessment involved not only the few selected markets listed in Appendix A but all the U.S.-international markets. As a result, all of the U.S. airports primarily involved in this proceeding were examined in great detail. Drawing on this experience, we are inclined to believe that there will not be a significant increase in traffic for these markets.

Finally, we note that nothing which we are now proposing precludes us from choosing to allow a fare outside the statutory zone based on the SFFL to become effective if we are persuaded in an individual case that exercise of our suspension power would be detrimental to the environment. If we ultimately adopt a SFFL that is lower than an existing fare level on October 1, 1979, our action merely precludes the exercise of automatic upward flexibility under the statute without threat of suspension on the economic grounds of the reasonableness of the fare. However, there is nothing in the Act that requires us to exercise our discretion to suspend fares outside the statutory zone. Consequently, if a fare filing is made which raises serious environmental issues, we can then decide whether further environmental analysis is required.

For these reasons, we have tentatively decided that the criteria of section 312.9 for identifying a major Federal action significantly affecting the environment have not been met. However, we wish to receive comments from persons who believe that an environmental assessment is needed, and we are specifically interested in the methodologies and assumptions used in projecting significant increases in traffic.

Section 313.4 of our procedural regulations provides that actions involving tariff suspensions will not be deemed to be a major regulatory action under the Energy Policy and Conservation Act (EPCA) unless the proposed action may cause a near term net annual change in fuel consumption of 10 million gallons or raises substantial controversy with respect to energy conservation and efficiency. Our judgment that the possible establishment of SFFLs in these few markets will not lead to a noticeable increse in traffic or schedules also leads us to tentatively conclude that this proceeding will nof constitute a major regulatory action under the EPCA.

Because of the short timeframe allowed in the Act, we are asking parties to submit separate comments on our tentative environmental and energy determinations within 15 days. If after reviewing these comments we conclude that an environmental assessment or impact statement is required, we will direct our staff to prepare the appropriate document. We have granted the Chief Administrative Law Judge the delegated authority to sever environmental issues in this proceeding for separate consideration using the necessary written or oral procedures. If we decide other environmental procedures are necessary, this will allow the issue of the adequacy of the environmental assessment or impact statement to be challenged in another proceeding, thus removing an element with the potential for delaying the hearing on the reasonableness of international fares.

Accordingly,

1. A proceeding to be designated *Standard Foreign Fare Level Investigation* is instituted in Docket 37730, and shall be set for hearing in accordance with the procedures set forth below;

2. The issues in this proceeding shall be:

a. Are any of the fares in effect on October 1, 1979, for the first class or economy class of services between those points designated in Appendix A unjust and unreasonable; and

b. If so, as to each such market what should be the Standard Foreign Fare Levels as of October 1, 1979;

3. Parties in this case will be:

a. All carriers providing scheduled passenger air transportation service between any of the city-pair markets listed in Appendix A; and

b. Combined Bureaus (Domestic Aviation, International Aviation, and Office of Economic Analysis);

4. Petitions for leave to intervene, petitions for reconsideration and any other motions or petitions shall be filed within eight days following service of this order; answers to such petitions are due within five calendar days thereafter;

5. This case shall be heard by an administrative law judge at a time and place to be determined later;

6. Rule 18(f) is waived to the extent that any party may file an appeal to the Board involving changes in the recommended schedule made at the Prehearing Conference or in the Prehearing Conference Report by administrative law judge presiding over any phase of the proceeding, provided such appeal is made within 24 hours after the issuance of the challenged ruling; answers may be filed within 24 hours after service of the appeal;

7. The administrative law judge hearing this case shall render a decision no later than July 3, 1980;

8. Any person objecting to the Board's tentative conclusion that this proceeding does not constitute either a major Federal action significantly affecting the environment within the meaning of the National Environmental Policy Act or a major regulatory action within the meaning of the Energy Policy and Conservation Act may file comments within 15 days following issuance of this order;

9. The Chief Administrative Law Judge shall have the delegated authority to sever environmental, energy, or rate of return issues in this proceeding to allow separate consideration by appropriate procedures; to sever any other issues he deems appropriate upon request of the presiding judges; to appoint a different administrative law judge to hear cross-examination on matters raised by the parties which the presiding judge has excluded but as to which the presiding judge finds that profferred evidence should be accompanied by cross-examination; and

10. The delegated authority of the Director, Office of Economic Analysis to amend Order 80-1-133 is terminated.

This order shall be published in the **Federal Register** and served upon all certificated air carriers and foreign air carriers.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[14]

Secretary.

Appendix A—Markets at Issue

Latin America

New York—Rio de Janeiro.
New York—Caracas.
Miami—Buenos Aires.
Miami—Lima.
Los Angeles—Lima.

Pacific

Los Angeles—Tokyo
Seattle—Tokyo.
New York—Tokyo.

North Atlantic

New York—Paris.
New York—Athens.
New York—Milan.

Appendix B—Procedural Schedule
Date and Procedure

2/26/80, Institution of proceeding.
3/5/80, Petitions for leave to intervene or reconsider.
3/10/80, Answers to petitions.
3/12/80, Prehearing Conference.
4/15/80, Submission of direct testimony and exhibits by all parties.
4/30/80, Submission of rebuttal testimony and exhibits by all parties.
5/5/80, Hearing commences.
5/30/80, Briefs to the ALJ.
7/3/80, Decision or ALJ.
7/18/80, Briefs to the Board.

[14] All Members Concurred.

8/13/80, Issuance of final decision.

[FR Doc. 80-6475 Filed 2-28-80; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Maritime Administration

Republic National Bank of Dallas; Request for Removal, Without Disapproval, From Roster of Approved Trustees

Notice is hereby given, pursuant to 46 CFR 221.28, that Republic National Bank of Dallas, with offices at One Dallas Centre, P.O. Box 2964, Dallas, Texas, has requested removal, without disapproval, from the Roster of Approved Trustees. In its request for removal, Republic National Bank of Dallas certified that it is no longer acting or proposing to act as Trustee under a Vessel or Shipyard Financing Trust pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: February 26, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-6330 Filed 2-28-80; 8:45 am]
BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration Pacific Fishery Management Council, and its Scientific and Statistical Committee; Public Meeting With Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and the Council has established a Scientific and Statistical Committee (SSC) to assist in carrying out its responsibilities.

DATES: April 8-10, 1980.

ADDRESS: The meeting will take place at the La Baron Hotel, 1350 North First Street, San Jose, California.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, telephone (503) 221-6352.

Meeting Agendas follow:

Scientific and Statistical Committee (SSC)—(open meeting) April 8-9, 1980, (1 p.m. to 5 p.m. on 4/8; 10 a.m. to 5 p.m. on 4/9).

Agenda: Discuss Fishery Management Plans (FMP's) under development, conduct a public comment period beginning at 3:30 on 4/8, and conduct other SSC business.

Council—(open meeting) April 9-10, 1980, (10 a.m. to 5 p.m. on 4/9; 8 a.m. to 5 p.m. on 4/10).

Agenda: Open Session—Review of FMP's, conduct a public comment period beginning at 4 p.m. on 4/9, and conduct other fishery management business.

Council—(closed meeting) April 9, 1980, (8 a.m. to 10 a.m.).

Agenda: Closed Session—Discuss the status of current maritime boundary and resource negotiations between the U.S. and Canada and discuss personnel matters concerning appointments to vacancies on subpanels and teams. Only those Council members, SSC members, and related staff having security clearance will be allowed to attend this closed session.

The Assistant Secretary for Administration of the Department of Commerce with the concurrence of its General Counsel, formally determined on February 1, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c) (1) and (6), as information which is properly classified pursuant to Executive Order or disclosure of which would constitute a clearly unwarranted invasion of privacy. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce).

Dated: February 26, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-6423 Filed 2-28-80; 8:45 am]
BILLING CODE 3510-22-M

[Docket No. MMPAH 1980-1]

Proposed Regulations To Govern the Taking of Marine Mammals Incidental to Commercial Fishing Operations

Order

Having considered the written submissions and the oral presentations made at the conference held on February 22, 1980, the following adjustments are hereby effected to the dates set forth in the schedule announced in the **FEDERAL REGISTER** notice of February 15, 1980 (45 FR 10552).

Written direct expert testimony will be submitted by March 21, 1980. The hearing will commence in San Diego, California on March 31, 1980. It is anticipated that the hearing will be held in San Diego from March 31 to on or about April 11. The week beginning April 4 is reserved for continuation of the hearing in Washington, D.C.

The tentative schedule for post-hearing submissions will be: Original briefs by May 1, 1980. Reply briefs by May 9, 1980. Decision of Administrative Law Judge by June 4, 1980. Exceptions to the Initial Decision by June 12, 1980.

The parties are placed on notice that service is to be made by actual delivery. No extension of time will be allowed for mailing. Each party is directed to furnish the address of an office or other location within the District of Columbia where such service maybe made and received.

Dated: February 26, 1980.

Hugh J. Dolan,

Administrative Law Judge, Office of Hearings and Appeals.

[FR Doc. 80-6383 Filed 2-28-80; 8:45 am]
BILLING CODE 3510-17-M

COMMISSION ON FINE ARTS

Various Projects Affecting Appearance of Washington, D.C.; Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, March 11, 1980, at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C., February 21, 1980.

Charles H. Atherton,

Secretary,

[FR Doc. 80-6267 Filed 2-28-80; 8:45 am]
BILLING CODE 6330-01-M

COMMITTEE FOR THE PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1980 commodities to be produced by and a service to be provided by workshops

for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 2, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested parties an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to Procurement List 1980 November 27, 1979 (44 FR 67925):

Class 7510

Envelope, Transparent
7510–00–782–6274
7510–00–782–6275
7510–00–782–6276

SIC 7349

Janitorial Service
Federal Center
Corps of Engineers
Walla Walla, WA

C. W. Fletcher,

Executive Director.

[FR Doc. 80–6358 Filed 2–28–80; 8:45 am]

BILLING CODE 6820–33–M

COMMODITY FUTURES TRADING COMMISSION

Proposed Futures Contract; Availability

The Commodity Futures Trading Commission ("Commission") is making available and requesting public comment on a sunflower seed futures contract submitted by the Chicago Board of Trade. Copies of this proposed contract will be available at the Commission's offices in Washington, New York, Chicago, Minneapolis, Kansas City and San Francisco. The Commission will also furnish copies upon request made to the Executive Secretariat.

Any person interested in expressing views on the terms and conditions of this proposed contract should send comments by March 31, 1980 to Ms. Jane Stuckey, Executive Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, DC, 20581. (202) 254–6314. Copies of all comments will be available for inspection at the Commission's Washington office.

Issued in Washington on February 26, 1980.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80–6388 Filed 2–28–80; 8:45 am]

BILLING CODE 6351–01–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 Monday, March 17, 1980 from 3:00 p.m. to 8:00 p.m. and Tuesday, March 18, 1980 from 9:00 a.m. to 5:00 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: Catherine Bolger, Office of the Secretary, Suite 300, 1111 18th Street, NW., Washington, D.C. 20207 (202) 634–7700.

SUPPLEMENTARY INFORMATION: The Toxicological Advisory Board is a newly-established 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 deems 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). The meeting on Monday will be devoted to a review of petroleum distillates and miscellaneous chemical compounds (such as ammonium chloride, carbon bisulfide, cyanoacrylate glues and perchloroethylene) for which labeling advice appears in the CPSC Labeling Guide.

On Tuesday morning the Board will review the labeling advice in the CPSC Labeling Guide for Petrochemicals, detergents and hydrogen peroxide. The afternoon sessions will be devoted to a review of the Board's previous work on the CPSC Labeling Guide.

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, March 7, 1980.

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 approximate 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: February 25, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80–6368 Filed 2–28–80; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Cancellation of Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*) notice is hereby provided that the meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) scheduled for March 5, 1980, at the headquarters of the IEA, 2 rue Andre Pascal, Paris, France, beginning at 9:30 a.m. has been cancelled.

Issued in Washington, D.C., February 27, 1980.

Craig S. Bamberger,

Assistant General Counsel, International Trade & Emergency Preparedness.

[FR Doc. 80–6638 Filed 2–28–80; 11:34 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Canadian Crude Oil Allocation Program, Supplemental Allocation Notice for the January 1 Through March 31, 1980, Allocation Period

In accordance with § 214.32(c) of the Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues a supplemental allocation notice to reflect the export levels of Canadian light crude oil and Canadian heavy crude oil for the month of March 1980.

Since October 1979, exports of crude oil from Canada have been authorized on a monthly basis instead of a quarterly basis. Consequently, the volumes listed in the Allocation Notice issued on December 29, 1979 (45 FR 1664, January 8, 1980), represented only volumes to be exported in January. Volumes listed in the Supplemental Notice issued on January 25, 1980 (45 FR 6987, January 31, 1980), represented only volumes to be exported in February. This Supplemental Notice lists only Canadian crude oil volumes which will be exported in the month of March.

The issuance of Canadian crude oil rights to refiners and other firms was formerly set forth in an Appendix to the Allocation Notice and to each Supplemental Allocation Notice. In view of the reductions in the light and heavy crude oil export levels and the lack of nominations from many refineries whose base period volumes would make them ineligible for allocations, the appendix is being eliminated, and the relevant information regarding current nominations and allocations is being incorporated into this Supplemental Notice.

The Canadian National Energy Board has formally advised ERA that the total volume of Canadian light crude oil authorized for export to the United States for the month of March 1980, and therefore subject to allocation under Part 214, will be 50 barrels/day (B/D), all of which is operationally constrained through the Union Oil pipeline from the Reagan field in Canada to the ICG Vista (Thunderbird) refinery (second priority) at Cut Bank, Montana. Pursuant to 10 CFR 214.35, ERA is continuing to give effect to the operational constraint regarding the Thunderbird refinery in the revised issuance of Canadian crude oil rights for the month of March.

The total volume of Canadian heavy crude oil authorized for export and subject to allocation under Part 214 will be 90,617 B/D for the month of March. The Canadian heavy crude oil rights were computed in accordance with the formula set forth in § 214.31(a)(3), the operation of which was fully described in the Allocation Notice issued on December 29, 1979, (45 FR 1664, January 8, 1980). Due to the relatively low export level for heavy crude oil for March, only first priority refineries are entitled to heavy crude oil allocations, pursuant to the first two steps specified in § 214.31(a)(3).

The allocation of heavy crude oil for the month of January 1980 for the Koch Pine Bend, Minnesota, refinery was calculated under § 214.31(a)(3)(iv), based on Koch's estimated non-Canadian crude oil runs to stills at the refinery in the preceding allocation period. Data on Koch's actual runs to stills for the preceding allocation period are now available, and we are revising the January heavy crude oil allocation to reflect this data. Because Koch's estimates were lower than the actual runs to stills for the period, Koch's January allocation of 77,471 B/D was 2,429 B/D greater than it should have been.

Therefore, we are adjusting the allocations of heavy crude oil for the month of March to correct the excess allocation assigned to Koch in January. Koch's allocation for March has been reduced by 2,429 B/D and second priority refineries nominating for heavy crude oil have been assigned rights pursuant to the formula in §214.31(a)(3) to provide them the additional volumes they would have received if Koch's January allocation had been correct. Ashland and Murphy's first priority refineries received their nominated volumes of heavy crude oil for January and therefore are not affected by this adjustment.

The issuance of Canadian heavy crude oil rights, expressed in B/D, for March 1980 to refiners and other firms is as follows:

	Refiner/refinery	Base period volumes [1] Canadian total	Base period volumes [1] Canadian heavy crude	Nomination	Allocation
Priority:					
II	Amoco—Whiting, IN	26,751	1,191	10,000	[2] 408
I	Ashland—St. Paul Park, MN	44,707	4,803	31,000	12,787
I	Koch—Pine Bend, MN	74,383	68,692	95,000	[3] 67,401
II	Marathon—Detroit, MI	10,301	142	10,000	[2] 162
II	Mobil—Buffalo, NY	24,995	0	6,036	[2] 399
II	Mobil—Ferndale, WA	45,444	0	10,975	[2] 725
II	Mobil—Joliet, IL	14,606	12,474	12,989	[2] 34
I	Murphy—Superior, WS	25,625	5,372	8,000	8,000
II	Sohio—Toledo, OH	29,182	0	10,000	[2] 466
II	Total—Alma, MI	9,727	6,707	8,000	[2] 48
II	Union—Lemont, IL	11,711	0	20,000	[2] 187
Total Priority I					88,188
Total Priority II					2,429
Total I and II					90,617

[1] Base Period Volume for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period (November 1, 1974, through October 31, 1975) on a barrels per day basis. For the Base Period Volumes of all priority refineries, see Allocation Notice issued December 29, 1979, (45 FR 1664, January 8, 1980).

[2] Adjustment to January allocation.

[3] As adjusted.

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before 30 days from the publication of this Notice.

Issued in Washington, D.C., on February 22, 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-6288 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-01-M

Justin Glober, d.b.a. Glover's Texaco; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (EPA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Glover's Texco, 901 W. Okmulgee, Muskogee, Oklahoma 74401. This Proposed Remedial Order charges Glover's Texaco with failure to either post the maximum lawful selling price or certification in violation of 10 CFR § 212.129(b), with failure to properly maintain required records a violation of 10 CFR § 210.92 and 212.93, and with pricing violations in the amount of $2,549.75, connected with the sale of certain grades of gasoline at prices in excess of the maximum lawful selling price for those grades of gasoline in violation of 10 CFR § 212.93.

A copy of the Proposed Remedial Order, with confidential information

deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235, phone 214/767–7745. On or before March 17, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearing and Appeals, 2000 M Street, N. W., Washington, D. C. 20461, in accordance with 10 CFR § 105.193.

Issued in Dallas, Texas on the 15th day of February, 1980.

Wayne T. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 80–6289 Filed 2–28–80; 8:45 am]

BILLING CODE 6450–01–M

Pan American Liquids Service Co. and Desertaire Oil & Gas Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective Date: February 19, 1980. Comments by: March 31, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [phone] 214/767–7745.

SUPPLEMENTARY INFORMATION: On February 19, 1980, the Office of Enforcement of the ERA executed a Consent Order with Pan American Liquid Service Company and Desertaire Oil and Gas Company (herein referred to as "Pan American") of El Paso, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Pan American, with its home office located in El Paso, Texas, is a firm engaged in the reselling and retailing of propane and butane, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Pan American, the Office of Enforcement, ERA, and Pan American entered into a Consent Order, the significant terms of which are as follows:

1. The alleged violations arose from the DOE's examination of Pan American's sales of propane and butane to various classes of purchaser during the period November 1, 1973 through December 31, 1973.

2. The alleged violation of 10 CFR 212.93 (6 CFR 150.359 prior to January 15, 1974) was, apparently, the result of Pan American's practice of pricing its product according to the prevailing market price rather than according to DOE pricing regulations.

3. Pan American agrees to refund to the DOE $24,000, including interest, in 24 monthly payments of $1,000 each.

4. The provisions of 10 CFR 205.199J including the publication of this Notice are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Pan American agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transaction specified in I.1. above, the sume of $24,000 on or before 25 months from date of execution of the Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Pan American Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on March 31, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 20th day of February, 1980.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 80–6286 Filed 2–28–80; 8:45 am]

BILLING CODE 6450–01–M

Panhandle Eastern Pipe Line Co. Through Its Subsidiary Century Refining Co.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: January 29, 1980. Comments by: March 31, 1980.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374–5932.

SUPPLEMENTARY INFORMATION: On January 29, 1980, the Office of Enforcement of the ERA executed a proposed Consent Order with Panhandle Eastern Pipe Line Company (Panhandle) through its subsidiary Century Refining Company (Century) of Kansas City, Missouri. Under 10 C.F.R. § 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Panhandle, through Century, with its home office located in Kansas City, Missouri, is engaged in the recovery and sale of condensate, and is subject to the Mandatory Petroleum and Allocation and Price Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Century, the ERA Office of Enforcement and Panhandle, through Century, entered into a Consent Order, the significant terms of which are as follows:

1. The Office of Enforcement has examined Century's books and records and reviewed all pertinent matters relating to Century's compliance with the DOE petroleum price regulations in effect during the period from September 1, 1973 through December 31, 1979. All matters pertaining to compliance with the DOE petroleum price regulations and prices charged by Century in sales of crude oil in the form of condensate recovered from gas pipelines during the period September 1, 1973 through December 31, 1979 are resolved by this Consent Order.

2. Panhandle shall, within 30 days after this Consent Order becomes effective, deliver or cause to be delivered by Century $2,700,000 which includes interest, as specified in the Consent Order.

3. Execution of the Consent Order constitutes neither an admission by Century nor a finding by DOE that Century has violated any statutes or applicable regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration or the Department of Energy.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Century agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the ERA Office of Enforcement, arising out of the transactions specified in I.1. above, the sum of $2,700,000 plus interest within 30 days after the Consent Order becomes effective. Refunded overcharge including interest will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, overcharges may have been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (entitlements) Program 10 C.F.R. § 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(a).

III. Submission of Written Comments

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim within 30 days after publication of this notice to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Panhandle Consent Order." We will consider all comments we receive on or before March 31, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205(f).

Issued in Kansas City, MO on the 11th day of February, 1980.

William D. Miller,

District Manager, Central Enforcement District, Economic Regulatory Administration.

[FR Doc. 80–6287 Filed 2–28–80; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders by the Office of Hearings and Appeals; January 21 Through January 25, 1980

Notice is hereby given that during the period January 21 through January 25, 1980, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

February 25, 1980.

Burns Brothers, Inc., Portland, Oreg.; BEE–0063

Burns Brothers, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211. The exception request, if granted, would permit Burns Brothers to receive an increased allocation of motor gasoline for the purpose of blending and marketing gasohol. On January 24, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted in part.

Consumers Service Stations, Inc., Tulsa, Okla.; Gasohol; regohol BEE–0259

Consumers Service Stations, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211. The exception request, if granted, would permit Consumers to receive an increase in its base period allocation of motor gasoline for the express purpose of blending gasohol and regohol. On January 21, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Hampton Roads Oil Co., Norfolk, Va.; Motor Gasoline DEE–7453

Hampton Roads Oil Company (Hampton) filed an Application for Exception from the provisions of 10 CFR 211. The exception request, if granted, would permit Hampton to receive an increased allocation of unleaded motor gasoline for the purpose of blending Gasohol. On January 22, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted in part.

Henry Engineering, Gaines County, Tex.; DEE–2175

Henry Engineering filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the E. H. Jones Estate lease located in Gaines County, Texas, at upper tier ceiling prices. On January 24, 1980, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

J. W. Downey, Maryville, Tenn.; Gasohol BEE–0298

J. W. Downey filed an Application for Exception from the provisions of 10 CFR Part 211. The exception request, if granted, would increase the firm's allocation of unleaded motor gasoline so that it could blend and sell gasohol. On January 22, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

PedCo, Cincinnati, Ohio; Gasohol BEE–0145

PedCo filed an Application for Exception from the provisions of 10 CFR Part 211. The exception request, if granted, would permit PedCo to purchase 17,500 gallons of gasohol per month to conduct a gasohol testing program. On January 22, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case No. and Location

Brace's Service Stat., BEE–0393; Wellsville, MO
Brighton Auto Body, DEE–7235; Brighton, MA
Callan & Co., DEE–7157; Blythe, CA
Colstrip Town Pump, DEE–5883; Wash., DC
Cone Oil Co., Inc., BEE–0545; Wash., DC
Duncan Oil Co., DXE–6624; Xenia, OH
Staggers Oil Co., DEE–7104; Marshall, TX

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in a increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case No. and Location

Beacon Oil Co., DEE–7635; Wash., DC
Dave's Gen. Store, DEE–6437; Andover, ME
Foust Oil Co., DEE–3089; Mebane, NC
Fredette Chevrolet, DEE–7307; Procotor, VT
Glenn & Joe's Shell, DEE–4788; Phoenix, AZ
Joe Maider's Mobil, DEE–7792; Plainville, MA
Joe's Auto Service, DEE–7627; St. Cloud, FL
John Siciliana, DEE–5973; Anaheim, CA
Ken's Lakeside Gulf, DEE–6833; Meredith, NH
Read, Martin, Frandsen & Associates, DEE–6691; Reno, NV
T. C. Treakele & John A. Christopher, Inc., DEE–5393; Irvington, VA

[FR Doc. 80–6284 Filed 2–28–80; 8:45 am]

BILLING CODE 6450–01–M

Objection to Proposed Remedial Orders Filed With the Office of Hearings and Appeals; Week of January 21 Through January 25, 1980

Notice is hereby given that during the week of January 21 through January 25, 1980, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before March 20, 1980, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). Within 30 days of the publication of this notice, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown. All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy,

Washington, D.C. 20461. Issued in Washington, D.C.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

February 25, 1980.

Atwood Gulf, Pampa, Tex., motor gasoline, BRO-0947.

On January 24, 1980, Atwood Gulf located at 613 W. Brown St., Pampa, Texas 79065 filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on January 3, 1980. In the PRO the Southwest District found that during September 21, 1979 to October 23, 1979, Atwood Gulf charged prices for certain grades of motor gasoline which exceeded to maximum lawful selling price for those grades of gasoline in violation of 10 CFR Section 212.93. According to the PRO the Atwood Gulf violation resulted in $336.60 of overcharges.

[FR Doc. 80-6285 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Continental Resources Co.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order—Second Notice.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that a Consent Order was entered into between the Office of Enforcement, ERA and Continental Resources Company (formerly Florida Gas Company) during the month of December 1979.

A Notice of Action Taken and opportunity for comment on this Consent Order was published in 45 FR 2734 (January 14, 1980). Although written comments by potential claimants and interested parties were solicited, none were received during the 30 day period following publication.

Based upon the terms and conditions specified in the executed Consent Order, Continental Resources Company shall deliver a certified check in the sum of no less than four and one-half (4½) million dollars, made payable to the U.S. Department of Energy. Delivery shall be to the Assistent Administrator for Enforcement, ERA, Room 5302, 2000 M Street, N.W., Washington, D.C. 20461. The Assistant Administrator for Enforcement shall direct that these monies be distributed in a just and equitable manner in accordance with applicable laws and regulations.

For purposes of effecting the remedial terms and conditions specified in the Consent Order, the executed Consent Order will become effective March 10, 1980.

For further information regarding this Consent Order, please contact James C. Easterday, District Manager of Enforcement, Southeast District, Economic Regulatory Administration, 1655 Peachtree Street, N.E., Atlanta, Georgia 30309, telephone number (404) 881-2661.

Issued in Atlanta, Georgia, on the 19th day of February 1980.

James C. Easterday,

District Manager.

Concurrence:

Leonard F. Bittner,

Chief Enforcement Counsel.

[FR Doc. 80-6458 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-TA-80-01]

The Hop Corp.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to the HOP Corporation a Proposed Decision and Order with regard to an application for incentive prices pursuant to 10 CFR 212.78(a)(2) of the Tertiary Enhanced Recovery Program. Under the provisions of 10 CFR 205.98, such a 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 comments 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: Chief, Branch of Crude Oil Production.

A copy of the text of the Proposed Decision and Order together with a copy of HOPCO's application is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, and in the Department of Energy Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue, Washington, D.C., between the hours of 8:00 and 4:30 p.m., Monday through Friday (except Federal holidays).

Issued in Washington, D.C., on February 22nd, 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-6459 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-TA-80-1]

Designation of Additional Allowed Expenses for Kern River Heavy Oil Process Project; Proposed Decision and Order

I. Introduction

On August 28, 1979, the HOP Corporation (HOPCO) of Houston, Texas, a subsidiary of the Barber Oil Corporation, submitted an application for an order designating additional allowed expenses pursuant to 10 CFR 212.78, which incorporates the Economic Regulatory Administration's Tertiary Incentive Program. The requested allowed expenses are in addition to those authorized by self-certification under 10 CFR 212.78(d)(2). Supplemental information in regard to its application was received from HOPCO on October 16, 1979.

II. Background

On August 21, 1979, the Economic Regulatory Administration (ERA) amended 10 CFR 212.78 to establish the Tertiary Incentive Program. In general, this program permits producers which are engaged in enhanced oil recovery (EOR) projects to recover a portion of the costs associated with such projects.

Section 212.78(d)(2) provides that producers which are engaged in certain EOR projects may participate in the Tertiary Incentive Program if they certify to ERA that they meet the requirements for treatment as a qualified producer with respect to a particular project. These requirements are (1) that the producer has an interest in the property on which the project is located, (2) that the producer contributes to the project, and (3) that the project employs a self-certifiable EOR technique. A self-certifiable EOR technique is any of the following EOR techniques: (1) Miscible fluid displacement, (2) conventional steam drive injection, (3) unconventional steam drive injection, (4) microemulsion flooding, (5) in situ combustion, (6) polymer augmented waterflooding, (7) cyclic steam injection, (8) alkaline flooding, (9) immiscible non-hydrocarbon gas displacement, or (10) enhanced heavy oil recovery technique.

Section 212.83(c) sets forth definitions for each of these EOR techniques.

A producer that has certified itself as a qualified producer with respect to a particular project may recover any "allowed expenses" associated with that project as soon as any such expense has been paid and reported to ERA pursuant to § 212.78(h)(2)(i). However, before recovery of such expenses, the producer must file an initial report with respect to that project pursuant to § 212.78(h)(3). The regulations provide that no more than twenty million dollars may be recovered with respect to any property.

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 either in the Appendix to § 212.78 or in an order issued pursuant to either § 212.78(e)(2) or § 212.78(e)(3). The Appendix to § 212.78 sets forth a list of expenses for each self-certifiable EOR technique except enhanced heavy oil recovery. The list for each particular self-certifiable EOR technique was adopted on the basis of ERA's determination that the recovery of the expenses on that list in conjunction with the recovery of environmental expenses and engineering and laboratory expenses would provide an effective incentive, in most cases, for that particular technique. A list was not developed for enhanced heavy oil recovery since the variety of techniques used to improve the recovery of heavy oil made such a list impractical.

Section 212.78(e)(3) permits ERA to issue an order approving allowed expenses for a project that employs a self-certifiable EOR technique, in addition to those expenses listed for that particular technique in the Appendix to § 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)(3), the producer must demonstrate that it is employing an EOR technique which involves high levels of risks and costs and that the offset of certain costs is necessary to make the use of that technique an attractive investment opportunity. While the Guidelines address only the situation where a producer employing a self-certified EOR technique other than enhanced heavy oil recovery seeks the recoupment of expenses in addition to those listed in the Appendix to § 212.78, we believe that it is reasonable to require producers engaged in enhanced heavy oil recovery to make the same showing. Since no additional expenses for enhanced heavy oil recovery are listed in the Appendix, each requested additional expense must be examined individually. To the extent that the applicant can demonstrate that its enhanced heavy oil recovery project is similar to another self-certifiable EOR technique, the applicant should be permitted to recoup the expenses specified for that EOR technique in the Appendix.

With one exception, the Appendix to § 212.78 sets forth a list of expenses for each self-certifiable EOR technique which a producer may recover upon becoming a qualified producer. The one exception, which is directly related to our consideration of HOPCO's application, is for enhanced heavy oil recovery. A list of allowed expenses was not developed for enhanced heavy oil recovery, because the variety of such techniques made such a list impractical. Accordingly, the only manner in which a producer proposing an enhanced heavy oil recovery project may recover additional allowed expenses is by the issuance of an order pursuant to § 212.78(e)(3).

We would like to emphasize that the Tertiary Incentive Program has been established to encourage the production of incremental crude oil through the utilization of admittedly expensive processes. In our Notice of Proposed Rulemaking on the Tertiary Enhanced Recovery Program issued March 22, 1979 (44 FR 18,677), we announced our determination that certain EOR techniques involve such substantial preproduction expenses and such a high risk of failure that a general finding could be made that projects employing such techniques are not an attractive investment opportunity.

III. Findings and Analysis

On August 28, 1979, HOPCO certified to ERA that it has an interest in the Helm and Smith Master Lease in the Kern River Field, California and that it contributed to the operation on that property of a project (Kern River Project) which employs an enhanced heavy oil technique. Thus, HOPCO is a qualified producer with respect to the Kern River Project.

The EOR technique which the Kern River Project employs for the enhanced recovery of heavy oil may be characterized as a variation of the cyclic steam injection technique. Into the horizontal, radially arranged wells drilled from a 25 foot diameter cavern at the base of a sixty-inch borehole, steam will be injected in a sequential pattern. Following a period of steam injection into each radial, the steam injection will be terminated into that radial and the zone treated will be left to "soak" while steam is injected into another radial, in a sequence pattern to be determined by experimentation. After "soaking", each radial "well" will be produced. An initial total injection-soak-production cycle utilizing all the radials emanating from any one borehole is estimated to take about nine months. Subsequent cycles could take up to eighteen months to complete. Thus, the steam injection-steam soak-oil recovery sequence is substantially the same as in the typical cyclic steam injection technique. Accordingly, we are herein approving the designation of those additional expenses listed for the typical cyclic steam injection technique in the Appendix to § 212.78.

In other respects, however, the EOR technique employed by the Kern River Project departs substantially from the typical cyclic steam injection technique, both as to the configuration of the recovery mechanism and as to the type and severity of the technical risks confronted by the Kern River Project.

Special risks are associated with both the construction phase of the project and the operation of the installed configuration. High temperature and temperature variation risks figure largely in predicting the likelihood of technical failure. At different times in the injection-soak-production cycle, temperatures in the boreholes, chambers, and laterals will vary from ambient to 350° F. The risks relating to this temperature variation are many.

The metal borehole lining (casing) cemented to the borehole must maintain its thrust and not collapse when heat-up begins. Failure of the borehole to remain open during the life of the project would terminate operations. On an order of magnitude basis, these risks differ from those confronted in a "typical" steam cycling installation by virtue of the greater dimensions of the borehole (60 inch diameter as compared to a typical 7 inch diameter).

The 25 foot diameter chamber of reinforced concrete also raises the issue of potential failure of the expansion joint system to accommodate the temperature extremes. In the laterals wells differential expansion and contraction of the casing and tubing will occur, and the risks of failure are enhanced by the fact that the tubing therein is hung horizontally rather than vertically. The 1200 to 1400 feet horizontal wells radiating from each borehole puts greater expansion-contraction stresses on the cavern and cavern walls. Because the boreholes are sunk into unconsolidated material, special precautions will be taken at the

Kern River Project because of the greater potential of cave-ins.

During project operations, there will be a need for entry into the boreholes and subterranean caverns. The high temperature environment presents a special group of risks to both personnel and equipment.

Unique risks will also be confronted in drilling the 600–700 foot laterals. Such laterals are traditional in coal seams, but experience there is not directly transferrable to the unconsolidated materials of the project reservoir.

Once the Kern River Project is in operation, the distribution of steam through the reservoir will, because it is injected vertically from the horizontal wells, encounter currently unknown problems of channels, faults, or other reservoir features causing unequal distribution of steam. Dissipation of steam outside the boundaries of a single radial system may be encountered. some of this heat dissipation may be partially offset through the synergistic effect of multiple unit installations. One of the elements bearing on the commercial success (or failure) of the project is the achievement of significant energy economies in multiple unit installations.

Because the liquid flow during productin is vertical rather than horizontal, as in traditional steam drive installations, sand particle entrainment with the liquid flow presents production risks which are not fully predictable.

The onset of any one or combination of these construction, production, operations risks will increase capital requirements or reduce oil recovery, or both. ERA has determined that the installation of HOPCO's patented heavy oil process project in the Kern River Field will be attended by extraordinary risks. These risks have been taken into account in determining whether the project is an attractive investment opportunity without the authorization of additional cost recovery. In view of the extraordinary risks associated with this technique, it is our opinion that the Kern River Project will not be an attractive investment opportunity without the recovery of additional expenses.

Our analysis of the economic data submitted by HOPCO indicates that without the recovery of the additional expenses associated with HOPCO's substantial modification of the typical cyclic steam injection technique, there would be no economic incentive to initiate the Kern River Project. In view of the experimental nature of this project and the extraordinary risks involved, we believe that the limited designation of additional allowed expenses specified herein is sufficient to make the project an "attractive investment opportunity." Accordingly, the ERA is proposing to designate the following additional allowed expenses:

1. Those expenses listed under "Conventional Steam Drive and Cyclic Steam Injection" in the Appendix to 10 CFR 212.78;

2. Tangible drilling costs for the boreholes and the laterals;

3. Intangible drilling costs for the boreholes and the laterals;

4. The cost of purchasing or constructing and installing surface and subterranean facilities for the recovery of crude oil and vapors; and

5. The cost of hydrocarbon fuel for the initial charge of steam necessary to bring the reservoir to commercial production in each unit of the project.

IV. Comment Procedures

10 CFR 205.98 requires that this Proposed Decision and Order to be published in the **Federal Register** and sets forth the procedures for objection or comment. Objections or comments must be received by the designated office in 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 GA–152, James Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Public Affairs Office, Room B–110, 2000 M Street, NW., 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. With respect to the Kern River Heavy Oil Process Project located on the Helm and Smith Master Lease in the Kern River Field, California, the following expenses shall be designated allowed expenses:

a. Those expenses listed under "Conventional Steam Drive and Cyclic Steam Injection" in the Appendix to § 212.78.

b. Tangible drilling costs for the boreholes and the laterals.

c. Intangible drilling costs for the boreholes and the laterals.

d. The cost of purchasing or constructing and installing surface and subterranean facilities for the recovery of crude oil and vapors.

e. The cost of hydrocarbon fuel for the initial charge of steam necessary to bring the reservoir to commercial production in each unit of the project.

In all other respects, HOPCO's application for the designation of additional allowed expenses is hereby denied.

2. This designation is based on the presumed validity of statements, assertions, and documentary materials submitted by HOPCO. It is further based on our understanding that all actual and projected costs reported by HOPCO represent fair and reasonable market price valuations for the expenditures involved, that all actual and projected production figures have been derived from reliable records or made on the basis of generally acceptable engineering practice, and that every effort has been made to insure that all cost, revenue and production estimates are reasonably accurate. The order may be revoked or modified upon a determination that the factual basis underlying the order is incorrect.

3. Pursuant to this order, any qualified producer with respect to this project may recover all allowed costs specified herein which were paid and incurred since August 21, 1979, so long as such producer pursues the heavy oil process project on the property, as described in this Decision and Order.

Issued in Washington, D.C., on February 22, 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-6460 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. SA79-29]

Arkansas Louisiana Gas Co.; Compliance Tariff Filing

February 21, 1980.

On February 8, 1980, Arkansas Louisiana Gas Company ("Arkla") filed with the Federal Energy Regulatory Commission the following tariff sheets in Arkla's FERC Gas Tariff, First Revised Volume No. 1:

5th Revised Sheet No. 3A
Original Sheet No. 3E
Original Sheet No. 3F
Original Sheet No. 3G
Original Sheet No. 3H
Original Sheet No. 3I
Original Sheet No. 3J

Arkla states that these tariff sheets are filed in compliance with the Order of January 25, 1980 in Docket No. SA 79–29.

Any person desiring to be heard or to make any protest with reference to said filing should on or before March 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in

accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6429 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-237]

Arkansas Power & Light Co.; Filing

February 22, 1980.

Take notice that on February 12, 1980, Arkansas Power & Light Company (Arkansas) submitted for filing the Fourth Amendment to the Agreement for Electric Service between Arkansas and Arkansas Electric Cooperative Corporation dated July 26, 1977, which has been filed with the Commission under Docket No. ER77-535. The Fourth Amendment to the Agreement for Electric Service provides for the addition of one point of delivery which is as follows:

Gurdon I.P. (L.V.)—AECC No. 29-432 for the South Central Arkansas Electric Cooperative Corporation with an effective date of June 1, 1980. In order to provide this point of delivery, it will be necessary for the Company to install approximately forty feet of 13.8 Kv conductor at an estimated cost of $400,000.

Arkansas states that this Amendment also provides for the transfer of the Gillet point of delivery for the Riceland Electric Cooperative Corporation to the Deluce point of delivery, AECC No. 30-036, effective June 1, 1980.

Arkansas further states that this Amendment also provides for the increase in capacity made available at four points of delivery.

Arkansas indicates that this Amendment provides for the abandonment of four points of delivery.

Arkansas further indicates that this Amendment provides for a change in name of the Gurdon North (AECC No. 29-431) point of delivery to Gurdon North (H.V.).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6430 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-80]

Ashland Exploration, Inc.; Application for Waiver, or, in the Alternative, Adjustment of Regulations Under the Natural Gas Policy Act

February 21, 1980.

Take notice that Ashland Exploration, Inc., P.O. Box 391, Ashland, Kentucky 41101 (Applicant) on February 6, 1980, filed an application under § 1.41 of the Commission's regulations for waiver or, alternatively, adjustment of § 154.94(h)(2) of the Commission's regulations.

More specifically, Applicant requests a one-time waiver of the notice requirement of § 154.94(h)(2), for the period July 26 to March 7, 1979, and asserts that strict application of that section will subject it to special and substantial hardship and serious inequity. Applicant further asserts that it has already given notice under section 4(d) of the Natural Gas Act of its intent to collect prices under section 108 of the Natural Gas Policy Act of 1978 (NGPA).

In the alternative, and in the event its waiver request is denied, Applicant requests that § 154.94(h)(2)(iii) should be retroactively rescinded. Applicant asserts that filings made with the Commission for interim collections provide ample and adequate notice of any intended rate change under the Natural Gas Act, as recognized in § 154.94(i)(1).

Finally, and also in the alternative if all other relief is denied, Applicant requests that the thirty day notice requirement of section 4(d) of the Natural Gas Act be waived, thereby allowing its notice of rate change filing to be effective on February 6, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6431 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. EL79-26 and ER79-600]

Central Power & Light Co.; Filing

February 21, 1980.

The filing company submits the following:

Take notice that on January 14, 1980, Central Power and Light Company submitted for filing certain data pursuant to the Commission's order dated October 12, 1979 in the above styled proceeding.

Copies of this filing have been mailed to the City of Brownsville.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before March 10, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6434 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-234]

Columbia Gas Transmission Corp.; Application

February 22, 1980.

Take notice that on February 11, 1980, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle

Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP80-234 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Penn Fuel Gas, Inc. (Penn Fuel), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated, Penn Fuel has entered into a storage agreement with National Gas Storage Corporation (National Storage) under which National Storage has agreed to store an annual top quanity of 850,000 Mcf of gas for Penn Fuel. National Fuel Gas Supply Corporation (National Supply) has agreed to transport gas for Penn Fuel's account to and from National Storage, according to Applicant.

Applicant states that in order to take advantage of these transportation and storage services, Penn Fuel has requested Applicant to deliver a portion of Penn Fuel's CDS rate schedule entitlement to National Supply for transportation and redelivery to National Storage and to transport storage withdrawal volumes delivered by National Supply to Applicant for delivery to existing points of delivery from Applicant to Penn Fuel.

Applicant proposes to transport natural gas for Penn Fuel from an existing point of interconnection between Applicant and National Supply located near Emporium in Cameron County, Pennsylvania, during the summmer injection period. The gas so received would be redelivered to existing points of delivery from Applicant to Penn Fuel during the winter withdrawal period (October 1 through April 30) it is stated. Applicant proposes to perform the transportation service on a best-efforts basis for a period of five years from the date of initial delivery.

It is stated that of the total volumes of gas received for transportation during the winter withdrawal period by Applicant from National Supply for Penn Fuel's account, Applicant would charge 20.36 cents per Mcf and would retain for company-use and unaccounted-for gas 2.51 percent of such gas.

According to Applicant, no construction is necessary to effect the transportation requested herein inasmuch as all receipts and deliveries would be made through existing facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6432 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. RP73-65, RM79-14]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 21, 1980.

Take notice that Columbia Gas Transmission Corporation (Columbia) on February 15, 1980, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, to be effective as follows:

December 1, 1979

Substitute Eleventh Revised Sheet No. 64
Substitute Twenty-sixth Revised Sheet No. 64A
Substitute Seventeenth Revised Sheet No. 64B
Substitute Second Revised Sheet No. 64C
Original Sheet No. 64C1

January 1, 1980

Twelfth Revised Sheet No. 64

March 1, 1980

Thirteenth Revised Sheet No. 64

Columbia states that such revised tariff sheets are being filed pursuant to Section 282.601 of the Commission's Regulations and following discussions with the Commission Staff. Columbia further states that this filing reflects no change in its sales rate levels as originally filed to become effective January 1, 1980 and March 1, 1980.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules and Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before March 7, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6433 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85

[Docket No. ER80-240]

Delmarva Power & Light Co., Cancellation

February 22, 1980.

Take notice that on February 14, 1980, Delmarva Power & Light Company (Delmarva) tendered for filing a notice of cancellation cancelling the following rate schedules:

Delmarva Power & Light Company, Rate Schedule FPC No. 42
Delmarva Power & Light Company of Maryland, Rate Schedule FPC No. 12
Delmarva Power & Light Company of Virginia, Rate Schedule FPC No. 6

Delmarva requests an effective date of December 31, 1976 for each of the above-named utilities.

Delmarva requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules

of Practice and Procedue (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6435 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[NO. 153]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

February 21, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kansas Corporation Commission

1. Control Number (FERC/State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCs area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-14509/K-79-1042
2. 15-007-00000-0000
3. 108 000 000
4. Andover Oil Company
5. Blanche Sterling No. 3
6. Hardtner
7. Barber KS
8. 5.0 million cubic feet
9. February 4, 1980
10. Cities Service Gas Co

1. 80-14510/K-79/1043
2. 15-007-00000-0000
3. 108 000 000
4. Andover Oil Company
5. Blanch Sterling No. 1
6. Hardtner
7. Barber KS
8. 5.0 million cubic feet
9. February 4, 1980
10. Cities Service Gas Co

1. 80-14511/K-79-1076
2. 15-033-20222-0000
3. 103 000 000
4. Energy Reserves Group Inc
5. Woolfolk #1
6. Tuttle Northeast
7. Comanche KS
8. 143.0 million cubic feet
9. February 4, 1980
10. Northern Natural Gas Company

1. 80-14512/K-79-1159
2. 15-093-20591-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. M. Graber #1-2
6. Panoma Council grove
7. Kearny KS
8. 86.0 million cubic feet
9. February 4, 1980
10.

1. 80-12365/K-78-0047
2. 15-019-21071-0000
3. 102 000 000
4. Ramoil
5. Rogers B #1
6. Oliver Ext
7. Chautauqua KS
8. 730.0 million cubic feet
9. June 4, 1979 (Revised)
10. Gas Associated Systems Inc

1. 80-12366/K-78-0033
2. 15-035-21725-0000
3. 102 000 000
4. Petroleum Enterprises
5. Collinson B #3
6. Posey
7. Cowley KS
8. 27.5 million cubic feet
9. June 4, 1979 (Revised)
10. Colonial Corp

1. 80-12367/K-78-0036
2. 15-035-21724-0000
3. 102 000 000
4. Petroleum Enterprises
5. Grover Collinson #7
6. Posey
7. Cowley KS
8. 58.4 million cubic feet
9. June 4, 1979 (Revised)
10. Colonial Corp

Montana Board of Oil and Gas Conservation

1. Control Number (FERC/State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-14513/7-79-231
2. 25-071-21149-0000
3. 108 000 000
4. Midlands Gas Corporation
5. 2052 Archie Dunbar #1-20
6. Bowdoin
7. Phillips MT
8. 8.0 million cubic feet
9. February 4, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80-14514/8-79-248
2. 25-071-21324-0000
3. 108 000 000
4. Midlands Gas Corporation
5. 3361 33-36-31
6. Bowdoin
7. Phillips MT
8. 22.0 million cubic feet
9. February 4, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80-14515/12-79-321
2. 25-071-21588-0000
3. 102 000 000
4. Midlands Gas Corporation
5. 2070 1-20 Compton
6. Bowdoin
7. Phillips MT
8. 42.0 million cubic feet
9. February 4, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80-14516/12-79-325
2. 25-071-21636-0000
3. 102 000 000
4. Midlands Gas Corporation
5. 0360 Hellie #1
6. Bowdoin
7. Phillips MT
8. 129.0 million cubic feet
9. February 4, 1980
10. Kansas-Nebraska Natural Gas Company

Nebraska Oil and Gas Conservation Commission

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-14508
2. 26-033-21903-0000
3. 103 000 000
4. Marathon Oil Company
5. Olson #1
6. West Sidney
7. Cheyenne NB
8. 25.0 million cubic feet
9. February 4, 1980
10. Kansas-Nebraska Natural Gas Company

Ohio Department of Natural Resources, Division of Oil and Gas

1. Control Number (FERC/State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-14469
2. 34-133-21951-0014
3. 103 000 000
4. Nucorp Energy Company
5. Jones Well #4
6.
7. Portage OH
8. 14.0 million cubic feet
9. February 1, 1980
10. Anchor Hocking Corporation

1. 80-14470
2. 34-127-24363-0014
3. 103 000 000
4. Quaker State Oil Refining Corp
5. Adcock #4-T-4 80211-4
6.
7. Perry OH
8. 9.1 million cubic feet
9. February 1, 1980
10. Foraker Gas Company

1. 80-14471

2. 34–089–23711–0014
3. 103 000 000
4. Partners Oil Company
5. #3–79B J D Schooler
6.
7. Licking OH
8. 100.0 million cubic feet
9. February 1, 1980
10. National Gas & Oil Corp

Texas Railroad Commission, Oil and Gas Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–14555/00001
2. 42–401–00000–0000
3. 102 000 000
4. Grace Petroleum Corporation
5. J P Cowley No. 1
6. Beckville-West
7. Rusk, TX
8. 182.5 million cubic feet
9. February 5, 1980
10. Arkansas Louisiana Gas Company

1. 80–14556/000981
2. 42–163–00000–0000
3. 103 000 000
4. W C Miller
5. W P Cordova No. 1
6. Doering Ranch (San Miguel Lo)
7. Frio, TX
8. 240.0 million cubic feet
9. February 5, 1980
10. Texas Gas Corp.

1. 80–14557/002062
2. 42–079–30988–0000
3. 103 000 000
4. Monsanto Company
5. Reed No. 5 62260
6. Levelland
7. Cochran, TX
8. 14.5 million cubic feet
9. February 5, 1980
10. Cities Service Gas Company

1. 80–14558/002078
2. 42–249–30871–0000
3. 103 000 000
4. Lifestyle Energy Corporation
5. Janssen No. 1 77026
6. Quinto Creek (Koehler)
7. Jim Wells, TX
8. 219.0 million cubic feet
9. February 5, 1980
10. United Gas Pipeline Company

1. 80–14559/002164
2. 42–393–30659–0000
3. 103 000 000
4. J M Huber Corporation
5. Hodges F No. 42–1
6. Hodges (Des Moines)
7. Roberts, TX
8. 45.0 million cubic feet
9. February 5, 1980
10. Phillips Petroleum Company

1. 80–14560/002165
2. 42–393–30660–0000
3. 103 000 000
4. J M Huber Corporation
5. Hodges C No. 41–2
6. Hodges (Des Moines)
7. Roberts, TX
8. 50.0 million cubic feet
9. February 5, 1980
10. Phillips Petroleum Company

1. 80–14561/002168
2. 42–393–30629–0000
3. 103 000 000
4. J M Huber Corporation
5. Feeney-Coffee No. 1
6. Shreikey (Morrow)
7. Roberts, TX
8. 90.0 million cubic feet
9. February 5, 1980
10. Transwestern Pipelines Company

1. 80–14562/002169
2. 42–393–30640–0000
3. 103 000 000
4. J M Huber Corporation
5. Hodges A No. 205–2
6. Hodges (Des Moines)
7. Roberts, TX
8. 27.0 million cubic feet
9. February 5, 1980
10. Phillips Petroleum Company

1. 80–14563/02535
2. 42–483–26096–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Hall B No. 1
6. Panhandle East
7. Wheeler, TX
8. 31.4 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14564/03270
2. 42–483–26161–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Magnola A No. 3
6. Panhandle East
7. Wheeler, TX
8. 29.4 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14565/03304
2. 42–483–33400–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Gooch A No. 1
6. Panhandle East
7. Wheeler, TX
8. 16.8 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14566/04652
2. 42–481–31513–0000
3. 103 000 000
4. Cobra Oil and Gas Corporation
5. Guy Stovall No. 1 (#76467)
6. Golden Rod (Frio 4200)
7. Wharton, TX
8. 90.0 million cubic feet
9. February 5, 1980
10. Texas Eastern Transmission Corporation

1. 80–14567
2. 42–219–00000–0000
3. 103 000 000
4. El Ran Inc
5. Davis 3 RRC No. 616781
6. Levelland
7. Hockley, TX
8. 9.5 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14568/005819
2. 42–227–31147–0000
3. 103 000 000
4. Continental Oil Company
5. H R Clay A (18992) #58
6. Howard-Glasscock/Glorietal
7. Howard, TX
8. .7 million cubic feet
9. February 5, 1980
10. Phillips Petroleum Company

1. 80–14569/005830
2. 42–135–32179–0000
3. 103 000 000
4. Continental Oil Company
5. H S Foster B (16912) #4
6. Cowden South
7. Ector, TX
8. 3.6 million cubic feet
9. February 5, 1980
10. Phillips Petroleum Company

1. 80–14570/005831
2. 42–135–32760–0000
3. 103 000 000
4. Continental Oil Company
5. H S Foster C (18248) #8
6. Cowden South
7. Ector, TX
8. 1.0 million cubic feet
9. February 5, 1980
10. Phillips Petroleum Company

1. 80–14571/005832
2. 42–475–31715–0000
3. 103 000 000
4. Continental Oil Company
5. Ned Wilson 133 (24900) #6
6. Rhoda Walker/5900 Canyon
7. Ward, TX
8. 3.3 million cubic feet
9. February 5, 1980
10. Clajon Gath Company

1. 80–14572/05861
2. 42–135–32837–0000
3. 103 000 000
4. Continental Oil Company
5. H S Foster A (16054) #15
6. Cowden South
7. Ector TX
8. 7.3 million cubic feet
9. February 5, 1980
10. Phillips Pet Co

1. 80–14573/05878
2. 42–079–30558–0000
3. 103 000 000
4. Continental Oil Company
5. Conoco-Dean Unit (60106) #114
6. Slaughter/San Andres
7. Cochran TX
8. 2.2 million cubic feet
9. February 5, 1980
10. Amoco Production Co

1. 80–14574/05885
2. 42–079–30561–0000
3. 103 000 000
4. Continental Oil Company
5. Conoco-Dean Unit (60106) #111
6. Slaughter/San Andres
7. Cochran TX
8. 3.7 million cubic feet
9. February 5, 1980
10. Amoco Production Co

1. 80–14575/05893
2. 42–135–32951–0000

3. 103 000 000
4. Continental Oil Company
5. Wight Unit No 127
6. Cowden North
7. Ector TX
8. 7.3 million cubic feet
9. February 5, 1980
10. Amoco Production Co

1. 80–14576/05896
2. 42–079–30806–0000
3. 103 000 000
4. Continental Oil Company
5. Conoco-Dean Unit (60106) #123
6. Slaughter/San Andres
7. Cochran TX
8. 2.2 million cubic feet
9. February 5, 1980
10. Amoco Production Co

1. 80–14577/05898
2. 42–079–30557–0000
3. 103 000 000
4. Continental Oil Company
5. Conoco-Dean Unit (60106) #115
6. Slaughter/San Andres
7. Cochran TX
8. 1.8 million cubic feet
9. February 5, 1980
10. Amoco Production Co

1. 80–14578/05908
2. 42–135–30542–0000
3. 103 000 000
4. Continental Oil Company
5. West Flowers Unit (11787) #59
6. Flowers W/Canyon Sand
7. Stonewall TX
8. .7 million cubic feet
9. February 5, 1980
10. Cities Service Co

1. 80–14579/05914
2. 42–151–30771–0000
3. 103 000 000
4. Continental Oil Company
5. J B Terrell A (13657) #7
6. Round Top/Canyon Sand
7. Fisher TX
8. 43.8 million cubic feet
9. February 5, 1980
10. Lone Star Gas Co

1. 80–14580/05915
2. 42–151–30829–0000
3. 103 000 000
4. Continental Oil Company
5. Lucie Mae Wilson (01915) #19
6. Round Top/Canyon Sand
7. Fisher TX
8. 9.5 million cubic feet
9. February 5, 1980
10. Lone Star Gas Co

1. 80–14581/05916
2. 42–151–30787–0000
3. 103 000 000
4. Continental Oil Company
5. Lucie Mae Wilson (01915) #18
6. Round Top/Canyon Sand
7. Fisher TX
8. 17.5 million cubic feet
9. February 5, 1980
10. Lone Star Gas Co

1. 80–14582/05919
2. 42–151–30885–0000
3. 103 000 000
4. Continental Oil Company
5. J B Terrell A (13657) #11
6. Round Top/Canyon Sand
7. Fisher TX
8. 63.5 million cubic feet
9. February 5, 1980
10. Lone Star Gas Co

1. 80–14583/05920
2. 42–151–30888–0000
3. 103 000 000
4. Continental Oil Company
5. J B Terrell A (13657) #10
6. Round Top/Canyon Sand
7. Fisher TX
8. 21.9 million cubic feet
9. February 5, 1980
10. Lone Star Gas Co

1. 80–14584/05921
2. 42–151–30906–0000
3. 103 000 000
4. Continental Oil Company
5. J B Terrell A (13657) #13
6. Round Top/Canyon Sand
7. Fisher, TX
8. 13.1 million cubic feet
9. February 5, 1980
10. Lone Star Gas Co

1. 80–14585/05938
2. 42–109–31357–0000
3. 103 000 000
4. Continental Oil Company
5. G E Ramsey 22 (24217) #5
6. Ford West (4100)
7. Culberson, TX
8. 6.2 million cubic feet
9. February 8, 1980
10. El Paso Natural Gas Co

1. 80–14586/05949
2. 42–151–30899–0000
3. 103 000 000
4. Continental Oil Company
5. J B Terrell A (13657) #14
6. Round Top/Canyon Sand
7. Fisher, TX
8. 21.9 million cubic feet
9. February 5, 1980
10. Lone Star Gas Co

1. 80–14587/05965
2. 42–427–00000–0000
3. 108 000 000
4. Continental Oil Company
5. T B Slick Est–A No 144 75131
6. Rincon (Vicksburg 5900)
7. Starr, TX
8. 6.2 million cubic feet
9. February 5, 1980
10. Tennessee Gas Pipeline Co

1. 80–14588/05970
2. 42–079–30495–0000
3. 103 000 000
4. Continental Oil Company
5. Conoco Dean Unit (60106) #105
6. Slaughter/San Andres
7. Cochran, TX
8. 16.4 million cubic feet
9. February 5, 1980
10. Amoco Production Co

1. 80–14589/05980
2. 42–079–30474–0000
3. 103 000 000
4. Continental Oil Company
5. Conoco-Dean Unit (60106) #103
6. Slaughter/San Andres
7. Cochran, TX
8. 11.7 million cubic feet
9. February 5, 1980
10. Amoco Production Co

1. 80–14590/05985
2. 42–135–32756–0000
3. 103 000 000
4. Continental Oil Company
5. H S Foster A (16154) #14
6. Cowden South
7. Ector, TX
8. 7.3 million cubic feet
9. February 5, 1980
10. Phillips Pet Co

1. 80–14591/05986
2. 42–135–32182–0000
3. 103 000 000
4. Continental Oil Company
5. TXL 13 (16796) #5
6. Cowden South
7. Ector, TX
8. 3.6 million cubic feet
9. February 5, 1980
10. Phillips Pet Co

1. 80–14592/05988
2. 42–115–30618–0000
3. 103 000 000
4. Continental Oil Company
5. East Ackerly Dean Unit (60887) #66
6. Ackerly Dean Sand
7. Dawson, TX
8. 54.7 million cubic feet
9. February 5, 1980
10. Texaco Inc

1. 80–14593/06005
2. 42–109–31356–0000
3. 103 000 000
4. Continental Oil Company
5. G E Ramsey 22 (24217) #4
6. Ford West
7. Culberson, TX
8. 1.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14594/06502
2. 42–457–30146–0000
3. 103 000 000
4. V F Dullnig
5. Mixon Gas Unit O/A No 1
6. Sugar Creek
7. Tyler, TX
8. 1350.0 million cubic feet
9. February 5, 1980
10. United Gas Pipeline

1. 80–14595/07622
2. 42–167–00000–0000
3. 103 000 000
4. Mosbacher Production Co
5. State Tract 163 #1 76922
6. Stephenson Point (F–11–A)
7. Galveston, TX
8. 216.0 million cubic feet
9. February 5, 1980
10. Transcontinental Gas Pipe Line Corp

1. 80–14596/07713
2. 42–469–31072–0000
3. 103 000 000
4. HNG Oil Company
5. Norton-Musselman #3 ID #74948
6. Salem (2500)
7. Victoria, TX
8. 63.0 million cubic feet
9. February 5, 1980
10. Texas Eastern Transmission Corp

1. 80–14597/09115
2. 42–443–30209–0000
3. 103 000 000
4. Mobil Oil Corporation
5. Banner Estate No 5
6. Brown Bassett (Ellenburger)

7. Terrell, TX
8. 1369.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14598/09116
2. 42–365–30811–0000
3. 103 000 000
4. Mobil Qil Corporation
5. Selman Unit A Well No 1 (80293)
6. Beckville West (Cotton Valley)
7. Panola, TX
8. 495.0 million cubic feet
9. February 5, 1980
10.

1. 80–14599/09133
2. 42–227–31728–0000
3. 103 000 000
4. Exxon Corporation
5. Douthit Unit #132
6. Howard-Glasscock
7. Howard, TX
8. 1.0 million cubic feet
9. February 5, 1980
10. Phillips Petroleum Company

1. 80–14600/09144
2. 42–079–30787–0000
3. 103 000 000
4. Layton Enterprises Inc
5. Ainsworth No 1
6. Bledsoe (San Andres)
7. Cochran, TX
8. 36.5 million cubic feet
9. February 5, 1980
10. Cities Service Company

1. 80–14601/09152
2. 42–249–30998–0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Jones O #1
6. Alice North (4800)
7. Jim Wells, TX
8. 110.0 million cubic feet
9. February 5, 1980
10. Nue Wells Pipe Line Co

1. 80–14602/09210
2. 42–475–31798–0000
3. 103 000 000
4. Gulf Oil Corporation
5. Hutchings Stock Assn Well No 1018
6. Wildcat
7. Ward, TX
8. 93.0 million cubic feet
9. February 5, 1980
10. Cabot Corporation

1. 80–14603/09232
2. 42–235–31278–0000
3. 103 000 000
4. Tucker Drilling Company Inc
5. Frank Lindley 1–60
6. Christi (Canyon 6800)
7. Irion, TX
8. .0 million cubic feet
9. February 5, 1980
10. CRA Inc

1. 80–14604/09713
2. 42–227–31726–0000
3. 103 000 000
4. Exxon Corporation
5. Douthit Unit #708
6. Howard-Glasscock
7. Howard, TX
8. 1.0 million cubic feet
9. February 5, 1980
10. Phillips Petroleum Company

1. 80–14605/10574
2. 42–371–32501–0000
3. 103 000 000
4. Gulf Oil Corp
5. Nora Boatman et al A No 1
6. U S M (Queen)
7. Pecos, TX
8. 2.0 million cubic feet
9. February 5, 1980
10.

1. 80–14606/10684
2. 42–313–30207–0000
3. 103 000 000
4. Tamarack Petroleum Company Inc
5. Burke Gas Unit #1 77361
6. Connor (Glen Rose)
7. Madison, TX
8. 305.0 million cubic feet
9. February 5, 1980
10. Lone Star Gas Company

1. 80–14607/10797
2. 42–475–31004–0000
3. 103 000 000
4. HNG Oil Company
5. Middleton 124 #C–5 ID #20729
6. Rhoda Walker (Canyon 5900)
7. Ward, TX
8. 3.0 million cubic feet
9. February 5, 1980
10. Delhi Gas Pipeline Corp

1. 79–14846/02275
2. 42–455–00000
3. 102 103 Revised
4. HNG Oil Company
5. Kenley #1 ID #76502
6. Apple Springs (Glen Rose)
7. Trinity, TX
8. 540.0 million cubic feet
9. July 31, 1979
10.

1. 79–14847/02276
2. 42–455–30291
3. 102 103 Revised
4. HNG Oil Company
5. Kenley #2 ID #76433
6. Apple Springs (Glen Rose)
7. Trinity, TX
8. 540.0 million cubic feet
9. July 31, 1979
10.

1. 79–14854/02786
2. 42–455–30293
3. 102 103 Revised
4. HNG Oil Company
5. Richards Mary E #1 ID–80700
6. Apple Springs (Glen Rose)
7. Trinity, TX
8. 134.0 million cubic feet
9. July 31, 1979
10.

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–14501/COA–4698–79
2. 05–067–06225–0000–2
3. 103 000 000
4. Transocean Oil Inc
5. Southern Ute Indian #1–12–D (MV)
6. Ignacio—Blanco (Mesa-Verde)
7. La Plata, CO
8. 100.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corporation

1. 80–14502/COA–4698–79
2. 05–067–06225–0000–1
3. 102 000 000
4. Transocean Oil Inc
5. Southern Ute Indian #1–12 (Dakota)
6. Ignacio-Blanco (Dakota)
7. La Plata, CO
8. 100.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corporation

1. 80–14503/COA–4698–79
2. 05–067–06225–0000–1
3. 103 000 000
4. Transocean Oil Inc
5. Southern Ute Indian #1–12 (Dakota)
6. Ignacio-Blanco (Dakota)
7. La Plata, CO
8. 100.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corporation

1. 80–14504/COA–4700–79
2. 05–067–06189–0000–0
3. 103 000 000
4. Joseph E Gould
5. Ute "D" #8
6. Ignacio-Blanco
7. La Plata County, CO
8. .0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corporation

1. 80–14523/COA–4527–79
2. 05–067–06147–0000–0
3. 103 000 000
4. Jerome P McHugh
5. Ute #3A
6. Blanco Mesaverde
7. La Plata, CO
8. 15.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14533/COA–4646–79A
2. 05–067–06257–0000–0
3. 103 000 000
4. Murchison Brothers
5. Block 10 Well 8–31
6. Ignacio-Blanco
7. La Plata, CO
8. 207.9 million cubic feet
9. February 5, 1980
10. Western Slope Gas Co

1. 80–14534/COA–4646–79B
2. 05–067–06257–0000–0
3. 103 000 000
4. Murchison Brothers
5. Block 10 Well 8–31
6. Ignacio-Blanco
7. La Plata, CO
8. .0 million cubic feet
9. February 5, 1980
10. Western Slope Gas Co

1. 80–14535/COA–4647–79A
2. 05–067–06258–0000–0
3. 103 000 000
4. Murchison Brothers
5. Block 10 Well 9–31
6. Ignacio-Blanco
7. La Plata, CO
8. .0 million cubic feet

9. February 5, 1980
10. Western Slope Gas Co
1. 80–14536/COA–4647–79B
2. 05–067–06258–0000–0
3. 103 000 000
4. Murchison Brothers
5. Block 10 Well 9–31
6. Ignacio-Blanco
7. La Plata, CO
8. .0 million cubic feet
9. February 5, 1980
10. Western Slope Gas Co
1. 80–14468/NM–495–79
2. 30–039–21512–0000–0
3. 103 000 000
4. Consolidated Oil & Gas Inc
5. Hoyt No 3–A
6. Blanco Mesaverde
7. Rio Arriba, NM
8. 101.8 million cubic feet
9. February 4, 1980
10. Northwest Pipeline Corporation
1. 80–14472/NM–2375–79
2. 30–045–06791–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Filan #2
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 19.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14473/NM–2690–79
2. 30–015–04330–0000–0
3. 108 000 000
4. Windfohr Oil Company
5. Jackson B #10
6. Grayburg Jackson Queen Grb SA
7. Eddy, NM
8. 1.0 million cubic feet
9. February 5, 1980
10. Continental Oil Company
1. 80–14474/NM–2713–79
2. 30–045–00000–0000–0
3. 108 000 000
4. Husky Oil Company
5. Schwerdtfeger #11
6. West Kutz Pictured Cliffs
7. San Juan, NM
8. 21.5 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14475/NM–2717–79
2. 30–045–22745–0000–0
3. 108 000 000
4. Dietrich Exploration Company Inc
5. Federal 5
6. WAW Pictured Cliffs
7. San Juan County, NM
8. 5.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14476/NM–2719–79
2. 30–045–22139–0000–0
3. 108 000 000
4. Dietrich Exploration Company Inc
5. Federal 3
6. WAW Pictured Cliffs
7. San Juan, NM
8. 12.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14477/NM–03472–79
2. 30–045–22154–0000–0
3. 108 000 000
4. Amoco Production Company
5. Leeper Gas Com C#1
6. Blanco-Pictured Cliffs
7. San Juan, NM
8. 17.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14478/NM–3493–79
2. 30–045–11714–0000–0
3. 108 000 000
4. Amoco Production Company
5. Gallegos Canyon Unit #234
6. Basin-Dakota
7. San Juan, NM
8. 21.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14479/NM–03519–79
2. 30–045–08234–0000–0
3. 108 000 000
4. Amoco Production Company
5. Gallegos Canyon Unit #109
6. Basin-Dakota
7. San Juan, NM
8. 20.0 million cubic feet
9. February 5, 1980
10. Amoco Gas Company
1. 80–14480/NM–03527–79
2. 30–045–07269–0000–0
3. 108 000 000
4. Amoco Production Company
5. Gallegos Canyon Unit #155
6. Basin-Dakota
7. San Juan, NM
8. 20.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14481/NM–03528–79
2. 30–045–11622–0000–0
3. 108 000 000
4. Amoco Production Company
5. Gallegos Canyon Unit #223
6. Basin Dakota
7. San Juan, NM
8. 21.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14482/NM–3856–79
2. 30–045–11996–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. San Jacinto #5
6. Aztec Pictured Cliffs Gas
7. San Juan, NM
8. 21.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14483/NM–3893–79
2. 30–039–07197–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. San Juan 28–6 Unit #38
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 20.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14484/NM–4039–79–2
2. 30–015–22584–0000–0
3. 102 000 000
4. Phoenix Resources Company
5. Gardner Draw Unit No 3
6. Gardner Draw
7. Eddy, NM
8. .0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Company
1. 80–14485/NM–4060–79
2. 30–039–20789–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Canyon Largo Unit #227
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 20.8 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14486/NM–4074–79
2. 30–039–06988–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Rincon Unit #120
6. South Blanco Pictured Cliffs Gas
7. Rio Arriba, NM
8. 20.8 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14487/NM–4089–79
2. 30–045–21216–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Huerfano Unit #234
6. Angels Peak-Gallup Gas
7. San Juan, NM
8. 18.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14488/NM–4091–79
2. 30–045–21222–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Huerfano Unit #242
6. Angels Peak-Gallup Gas
7. San Juan, NM
8. 20.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14489/NM–4189–79
2. 30–025–26184–0000–0
3. 102 000 000
4. Inexco Oil Company
5. Federal Com 7–2 Well
6. West Tonto Penn
7. Lea, NM
8. 900.0 million cubic feet
9. February 5, 1980
10. Llano Inc
1. 80–14490/NM–4293–79
2. 30–045–09202–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Payne #7
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 21.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14491/NM–4350–79
2. 30–043–20352–0000–0
3. 103 000 000
4. Chace Oil Company Inc
5. Chace Apache 54–7
6. Chacon Dakota Associated
7. Sandoval NM
8. 96.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company
1. 80–14492/NM–4405–79

2. 30–045–21088–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Vanderwart A #7
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 16.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14493/NM–4439–79
2. 30–015–22713–0000–0
3. 103 000 000
4. Yates Petroleum Corporation
5. Federal CR No 4 Sec 33–17S–25E
6. Richard Knob Atoka-Morrow
7. Eddy NM
8. .0 million cubic feet
9. February 5, 1980
10. Transwestern Pipeline Company

1. 80–14494/NM–4686–79
2. 30–045–23409–0000–0
3. 103 000 000
4. J G Merrion & R L Bayless
5. Southland #1
6. Waw Fruitland Pic Cliffs
7. San Juan NM
8. 16.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14495/NM–4687–79
2. 30–043–20291–0000–0
3. 103 000 000
4. J G Merrion & R L Bayless
5. Jicarilla 429–3
6. Ballard Pictured Cliffs
7. Sandoval NM
8. 11.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14496/NM–4688–79
2. 30–045–23596–0000–0
3. 103 000 000
4. J G Merrion & R L Bayless
5. Southland #3
6. Waw Fruitland Pic Cliffs
7. San Juan NM
8. 16.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14497/NM–4689–79
2. 30–039–20681–0000–0
3. 108 000 000
4. Conoco Inc
5. Conoco 29–4 No 3
6. East San Juan-undesignated Gallup
7. Rio Arriba NM
8. 7.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80–14498/NM–4690–79
2. 30–039–20809–0000–0
3. 108 000 000
4. Conoco Inc
5. Conoco 29–4 No 7
6. East San Juan—Gobernador P C
7. Rio Arriba NM
8. 7.8 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80–14499/NM–4692–79
2. 30–039–21524–0000–0
3. 108 000 000
4. Conoco Inc
5. Conoco 29–4 No 6
6. East San Juan—Gobernador Pictured
7. Rio Arriba NM
8. 8.4 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80–14500/NM–4696–79
2. 30–039–22034–0000–0
3. 103 000 000
4. Arco Oil and Gas Company
5. Jicarilla #103
6. W Lindrith
7. Rio Arriba NM
8. 84.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14505/NM–4703–79
2. 30–045–12078–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Russell #6 PC
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 15.3 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14506/NM–4704–79
2. 30–045–21134–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Sunray #4
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 20.1 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14507/NM–4707–79
2. 30–045–09854–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Atlantic C #6
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 18.3 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14517/NM–4442–79
2. 30–025–02460–0000–0
3. 108 000 000
4. Phillips Petroleum Co
5. Cruces #4
6. Lynch-Yates
7. Lea NM
8. 1.4 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14518/NM–4503–79
2. 30–015–22602–0000–0
3. 102 000 000
4. Amoco Production Co
5. Greenwood Unit #11
6. Shugart-Silurian-Devonian
7. Eddy NM
8. 525.0 million cubic feet
9. February 5, 1980
10. Gas Co of New Mexico

1. 80–14519/NM–4504–79
2. 30–015–22601–0000–0
3. 102 000 000
4. Amoco Production Co
5. Greenwood Unit #10
6. Shugart-Penn
7. Eddy NM
8. 1138.0 million cubic feet
9. February 5, 1980
10. Gas Co of New Mexico

1. 80–14520/NM–4505–79
2. 30–015–22603–0000–0
3. 102 000 000
4. Amoco Production Co
5. Greenwood Unit #12
6. Shugart-Silurian-Devonian
7. Eddy NM
8. 1460.0 million cubic feet
9. February 5, 1980
10. Gas Co of New Mexico

1. 80–14521/NM–4525–79
2. 30–045–06614–0000–0
3. 108 000 000
4. Energy Reserves Group Inc
5. E H Pipkin #11
6. Basin Dakota
7. San Juan NM
8. 10.0 million cubic feet
9. February 5, 1980
10. Southern Union Gathering Co

1. 80–14522/NM–4526–79
2. 30–045–06645–0000–0
3. 108 000 000
4. Energy Reserves Group Inc
5. E H Pipkin #3
6. Fulcher Kutz PC
7. San Juan NM
8. 7.0 million cubic feet
9. February 5, 1980
10. Southern Union Gathering Co

1. 80–14524/NM–4563–79
2. 30–045–60069–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Moore #4
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 20.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14525/NM–4633–79
2. 30–045–23273–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 32–9 Unit #90
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 140.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14526/NM–4634–79
2. 30–045–23277–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 32–9 Unit #92
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 200.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14527/NM–4636–79
2. 30–045–23274–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 32–9 Unit #99
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 150.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Company

1. 80–14528/NM–4642–79
2. 30–025–25886–0000–0
3. 102 000 000
4. Union Oil Co of California
5. Laguna Deep Unit Federal #1
6. Wildcat

7. Lea NM
8. 548.0 million cubic feet
9. February 5, 1980
10. Llano Inc

1. 80–14529/NM–4642–79
2. 30–025–25886–0000–0
3. 103 000 000
4. Union Oil Co of California
5. Laguna Deep Unit Federal #1
6. Wildcat
7. Lea NM
8. 548.0 million cubic feet
9. February 5, 1980
10. Llano Inc

1. 80–14530/NM–4643–79
2. 30–005–20162–0000–0
3. 108 000 000
4. Arco Oil and Gas Co
5. Winkler Federal Well #9
6. Cato
7. Chaves NM
8. 1.8 million cubic feet
9. February 5, 1980
10. Cities Service Co

1. 80–14531/NM–4644–79
2. 30–005–20139–0000–0
3. 108 000 000
4. Arco Oil and Gas Co
5. Winkler Federal Well #2
6. Cato
7. Chaves NM
8. .5 million cubic feet
9. February 5, 1980
10. Cities Service Co

1. 80–14532/NM–4645–79
2. 30–015–22682–0000–0
3. 103 000 000
4. Perry R Bass
5. Big Eddy Unit No 66
6. Undesignated Morrow
7. Eddy County NM
8. 219.0 million cubic feet
9. February 5, 1980
10. Natural Gas Pipeline Co of America

1. 80–14537/NM–4649–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Conoco Inc
5. Stevens B No 1
6. NMFU-JALMAT Tansill Yates 7 Rivers
7. Lea NM
8. 5.9 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co (C–4037)

1. 80–14538/NM–4650–79
2. 30–039–21784–0000–0
3. 103 000 000
4. Northwest Pipeline Corp
5. San Juan 29–5 #93
6. Gobernador Pictured Cliffs
7. Rio Arriba NM
8. 55.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp El Paso Natural Gas Co

1. 80–14539/NM–4651–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Conoco Inc
5. Elliot A–15 No 4
6. NMFU–Drinkard
7. Lea NM
8. 17.3 million cubic feet
9. February 5, 1980
10. Getty Oil Co (C–112)

1. 80–14540/NM–4652–79
2. 30–045–23477–0000–0
3. 103 000 000
4. Tenneco Oil Co
5. Wilch #4
6. Basin Dakota
7. San Juan NM
8. 500.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14541/NM–4653–79
2. 30–045–23486–0000–0
3. 103 000 000
4. Tenneco Oil Co
5. Neal Com #1
6. Basin Dakota
7. San Juan NM
8. 500.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14542/NM–4658–79
2. 30–045–23433–0000–0
3. 103 000 000
4. Tenneco Oil Co
5. Case A #3
6. Basin Dakota
7. San Juan NM
8. 200.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14543/NM–4662–79
2. 30–039–21782–0000–0
3. 103 000 000
4. Northwest Pipeline Corp
5. San Juan 29–5 #81
6. Undesignated Pictured Cliffs
7. Rio Arriba NM
8. 73.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80–14544/NM–4663–79
2. 30–039–21801–0000–0
3. 103 000 000
4. Northwest Pipeline Corp
5. San Juan 29–5 #94
6. Gobernador
7. Rio Arriba NM
8. 37.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80–14545/NM–4664–79
2. 30–039–21783–0000–0
3. 103 000 000
4. Northwest Pipeline Corp
5. Gobernador #3
6. Blanco Pictured Cliffs
7. Rio Arriba NM
8. 62.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80–14546/NM–4665–79
2. 30–039–21791–0000–0
3. 103 000 000
4. Northwest Pipeline Corp
5. San Juan 30–5 #63
6. Blanco Pictured Cliffs
7. Rio Arriba NM
8. 29.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80–14547/NM–4666–79
2. 30–039–21805–0000–0
3. 103 000 000
4. Northwest Pipeline Corp
5. San Juan 29–5 #87
6. Gobernador Pictured Cliffs
7. Rio Arriba NM
8. 58.0 million cubic feet
9. February 5, 1980
10. Northwest Pipeline Corp

1. 80–14548/NM–4667–79
2. 30–015–22437–0000–0
3. 103 000 000
4. Getty Oil Co
5. Federal 34 Well No 1
6. Carlsbad South
7. Eddy NM
8. 146.0 million cubic feet
9. February 5, 1980
10. Transwestern Pipeline Co

1. 80–14549/NM–4669–79
2. 30–045–23173–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Neil #16
6. Blanco Pictured Cliffs
7. San Juan NM
8. 110.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14550/NM–4670–79
2. 30–045–23171–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Barret #6
6. Blanco Pictured Cliffs
7. San Juan NM
8. 120.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14551/NM–4671–79
2. 30–039–22083–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Carson #2
6. Basin Dakota
7. Rio Arriba NM
8. 40.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14552/NM–4676–79
2. 30–039–21884–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 28–6 Unit #222
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 70.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14553/NM–4682–79
2. 30–045–23498–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Mudge #52
6. Aztec Pictured Cliffs
7. San Juan NM
8. 20.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

1. 80–14554/NM–4683–79
2. 30–045–23159–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Mudge #45
6. Blanco Pictured Cliffs
7. San Juan NM
8. 90.0 million cubic feet
9. February 5, 1980
10. El Paso Natural Gas Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the commission on or before March 17, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6438 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI73-676, etc.]

Florida Exploration Co., formerly Continental Exploration Co., (Successor-in-Interest to Florida Exploration Co., Formerly Florida Gas Exploration Co.; Application for a Certificate of Public Convenience and Necessity and Request for Redesignation of Rate Schedules

February 21, 1980.

On January 25, 1980, Florida Exploration Company (Exploration), formerly Continental Exploration Company (CEC), successor-in-interest to Florida Exploration Company (FEC), formerly Florida Gas Exploration Company (FGEX), filed an application for a certificate of public convenience and necessity authorizing it to continue the sales previously rendered by FEC and for the redesignation of FEC's FERC Gas Rate Schedules as those of Exploration.

On November 28, 1979, FEC's parent, Continental Resources Company (CRC), and its subsidiaries, including FEC, undertook a corporate reorganization for income tax proposes. In such reorganization FEC merged with and into CRC and transferred its assets, with certain limited exceptions, to CRC. Immediately thereafter, CRC changed its name to Resources Liquidating Corporation (RLC). From November 28, 1979, through December 28, 1979, the assets and obligations of RLC, including the exploration assets were assigned to RLC's parent corporations, the Continental Group, Inc. and Exploration, formerly Continental Exploration Company (CED) in liquidation of their respective ownership of RLC. On December 20, 1979 RLC made a broad assignment of the remaining assets to Exploration and RLC was subsequently dissolved. As a result of the above-described tax reorganizations, Exploration has acquired the assess and obligations, including therein the FERC certificate obligations of FEC formerly FGEX. As a result of the above-described tax reorganization Exploration stands in the same position as FEC did prior to said tax reorganization.

The related rate schedules and purchasers are listed on the Appendix below.

Any person desiring to be heard or to make any protest with reference to said application, on or before March 3, 1980, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Appendix

New: Florida Exploration Co.[1] rate schedule Nos.	Certificate docket Nos.	Old: Florida Exploration Co.[2] rate schedule Nos.	Purchaser
1 (operator), et al	CI73-676	1 (operator), et al	Florida Gas Transmission Co.
2	CI72-605	2	Tennessee Gas Pipe Line Co.
3 et al	CI73-7	3 et al	Florida Gas Transmission Co.
5 (operator), et al	CI74-422	5 (operator), et al	Southern Natural Gas Co.
6 (operator), et al	CI74-509	6 (operator), et al	Florida Gas Transmission Co.
7	CI75-244	7	Florida Gas Transmission Co.
9	CI76-192	9	Transcontinental Gas Pipeline Corp.
10	CI76-305	10	Florida Gas Transmission Co.
12	CI76-616	12	Transcontinental Gas Pipeline Corp.
13	CI77-50	13	Florida Gas Transmission Co.
14	CI77-49	14	Transcontinental Gas Pipeline Corp.
15	CI77-55	15	Transcontinental Gas Pipeline Corp.
16	CI77-61	16	Transcontinental Gas Pipeline Corp.
17	CI77-333	17	Florida Gas Transmission Co.
18 (operator), et al	CI77-359	18 (operator), et al	United Gas Pipe Line Co.
19	CI77-495	19	Florida Gas Transmission Co.
20	CI77-496	20	Florida Gas Transmission Co.
21	CI77-663	21	Florida Gas Transmission Co.
22	CI77-664	22	Florida Gas Transmission Co.
23	CI77-666	23	Florida Gas Transmission Co.
24	CI77-668	24	Florida Gas Transmission Co.
25	CI77-667	25	Florida Gas Transmission Co.
26	CI77-665	26	Florida Gas Transmission Co.
27	CI77-835	27	Trunkline Gas Co.
28	CI77-843	28	Transcontinental Gas Pipeline Corp.
29	CI78-10	29	Transcontinental Gas Pipeline Corp.
30	CI78-518	30	Florida Gas Transmission Co.
31	CI78-774	31	Florida Gas Transmission Co.
32	CI78-1016	32	Florida Gas Transmission Co.
33	CI78-510	33	Texas Eastern Transmission Corp.
34	CI78-1142	34	Florida Gas Transmission Co.
35	CI78-1143	35	Florida Gas Transmission Co.
36	CI78-1247	36	Florida Gas Transmission Co.
37	CI79-38	37	Transcontinental Gas Pipeline Corp.
38	CI79-645	38	Florida Gas Transmission Co.

[1] Formerly Continental Exploration Co.
[2] Formerly Florida Gas Exploration Co.

[FR Doc. 80-6462 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. ER78-379, ER78-380, ER78-381, ER78-382 and ER78-383]

Indiana and Michigan Electric Co.; Filing

February 21, 1980.

The filing Company submits the following:

Take notice that on January 11, 1980, the Indiana and Michigan Electric Company (I&M) tendered for filing revisions to the various rate schedules contained in the above docket numbers. These revisions are intended to reflect (1) the various items on which then Presiding Administrative Law Judge Kanell granted summary disposition by order of April 12, 1979, and (2) the items on which I&M's concessions in this proceeding are a matter of record.

I&M requests that the Commission waive any and all requirements of the Commission's Rules of Practice and Procedure with which I&M has not already complied.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before March 10, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6436 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-28]

Iowa Electric Light & Power Co.; Application

February 22, 1980.

Take notice that on February 12, 1980, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act with the Federal Energy Regulatory Commission seeking authority to issue and sell 500,000 shares of Common Stock.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 55 counties in the State of Iowa.

The Common Stock is to be issued pursuant to the Company's Dividend Reinvestment and Stock Purchase Plan. This Plan has been in effect since 1977 and the shares proposed to be sold are supplemental to the 300,000 shares initially authorized. The Common Stock is subject to the prior rights and preferences of the existing outstanding classes of Cumulative Preferred Stock and to the prior rights and preferences of the existing outstanding classes of Cumulative Preferred Stock. The price to the Company for the Common Stock will be determined in accordance with terms of the Plan.

According to the Applicant, the purpose for which the Common Stock is to be issued is for the Company's continuing construction program and for other corporate purposes.

Any person desiring to be heard or to make protest with reference to this Application should on or before March 12, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6437 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3017]

Richard K. Mathews; Application for Short-Form License (Minor)

February 21, 1980.

Take notice that on December 28, 1979, Richard K. Mathews filed an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for a proposed water power project to be known as the Jetty Lake Project No. 3017. The project would be located on Jetty Lake, a natural lake located in the Borough of Sitka near Port Alexander, Alaska.

Purpose of the Project—The project would provide power for a salmon hatchery, a carpentry and boat shop, a greenhouse, and dwellings.

Project Description—The project would consist of: (1) a 14-inch-high timber dam at the outlet of Jetty Lake; (2) Jetty Lake with a surface area of 109.86 acres at elevation 286 feet (Mean Lower Low Water); an 8-inch-diameter polyethylene penstock, 674 feet in length, which would convey water from the lake to the powerhouse; (4) a wood-frame powerhouse containing a single 50-kW generating unit; and (5) a short transmission line to the hatchery and other nearby buildings. The project would occupy 110.3 acres of land within the Tongass National Forest.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 24, 1980, either the competing application itself or a notice of intent to file competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 22, 1980. A notice of intent must conform with the requirements of 18 C.F.R. 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 C.F.R., 4.33(a) and (d), (*as amended,* 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the

Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the commission's Rules. Any comments, protest, or petition to intervene must be filed on or before April 24, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D. C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6439 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-227]

Michigan Wisconsin Pipe Line Co. Application

February 22, 1980.

Take notice that on February 4, 1980, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP80-227 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide gas transportation service for Columbia Gas Transmission Corporation (Columbia Gas), all as more fully set forth in the Application which is on file with the Commission and open to public inspection.

It is stated that Applicant and Columbia Gas have entered into a transportation agreement dated January 11, 1980, which states that Applicant would take receipt of up to 3,600 Mcf of natural gas per day (the contract demand) for the account of Columbia Gas on the production platform of Block 327, Eugene Island area, offshore Louisiana; would provide transportation onshore of such volumes; and would make redeliveries of equivalent volumes to Columbia Gulf Transmission Company (Columbia Gulf), at an interconnection of the facilities of Applicant and Columbia Gulf at Applicant's Patterson compressor station in St. Mary Parish, Louisiana. Applicant states that redeliveries would be reduced by 1.0 percent of the quantity transported to compensate it for its compressor fuel usage. Applicant further states that the term of the agreement is for fifteen years, to commence at the date of initial deliveries.

Applicant states that, as consideration for Applicant's providing said transportation service, Columbia Gas has agreed to pay it a monthly transportation charge equal to the contract demand multiplied by a demand charge of $6.80 per Mcf of natural gas. Applicant further states that the facilities connecting Block 327 to its existing offshore pipeline system have been placed in service and are presently available to provide the proposed transportation service.

It is asserted that of the recoverable reserves developed in Block 327, Columbia has acquired the right to purchase the reserves attributable to OXY Petroleum, Inc. and to Aminoil USA, Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless other wise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6441 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-17]

Mississippi River Transmission Corp.; Further Notice of Third-Party Protest [1]

Issued February 21, 1980.

Take further notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B,[2] and "Order on Rehearing of Order No. 23-B," [3] the staff of the Commission on January 17, 1980 protested the assertion by the Mississippi River Transmission Corporation (Mississippi) and the Gulf Oil Corporation (Gulf) that the Gulf Rate Schedule No. 22 contract constitutes contractual authority for Gulf to charge and collect a price in excess of the maximum lawful price of Section 104 of the Natural Gas Policy Act of 1978 (NGPA).

Any person, other than Mississippi and Gulf, desiring to be heard or to make any response with respect to this protest should file with the Commission, on or before March 7, 1980, a petition to intervene in accordance with 18 CFR § 1.8. Gulf need not file for intervention because under 18 CFR § 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6440 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP72-195]

Mountain Fuel Resources, Inc.; Petition To Amend

February 22, 1980.

Take notice that on February 11, 1980, Mountain Fuel Resources, Inc. (Petitioner), Suite 1540, 36 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP72-195 a petition to amend the order of July 17, 1972,[1] issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to

[1] The term "third-party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

[2] "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 21, 1979.

[3] Docket No. RM79-22, issued August 6, 1979.

[1] This proceeding was commenced before the Federal Power Commission. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

authorize the construction and operation of a second compressor at the existing Rabbit Mountain Compressor Station located in Rio Blanco County, Colorado, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated Petitioner has available to its system a supply of pipeline quality natural gas under a gas purchase agreement with Mountain Fuel Supply Company (Mountain Fuel) dated February 14, 1977, as amended January 26, 1979, which it desires to attach to its interstate pipeline system. The gas is located in the Lower Horse Draw area of Rio Blanco County, Colorado, it is asserted. Petitioner states that six new wells would be connected to Petitioner's gathering system and they would have an estimated deliverability of 3,650 Mcf of gas per day and estimated reserves of 8,140,000 Mcf of gas. It is stated that at present all of the wells are shut-in pending construction of additional compression and Mountain Fuel has requested that Petitioner connect these wells immediately.

In addition to allowing it the ability to accept a new source of supply of natural gas into its system, petitioner states the proposed compresor installation would also be used in parallel with the existing Rabbit Mountain compressor for increased efficiency and operating reliability.

Petitioner states the facilities required to attach the new supply of natural gas would cost approximately $456,862. The cost of the facilities, according to Petitioner, would be financed by funds on hand, supplemented if required by short-term borrowing.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6442 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-30]

Mountain Fuel Supply Co.; Third-Party Protest

Issued February 21, 1980.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B [1] and Order on Rehearing of Order No. 23-B,[2] the staff of the Commission has filed a protest on January 11, 1980, to the assertion by Mountain Fuel Supply Company (Mountain Fuel) and certain producers, found in Mountain Fuel's amended evidentiary submission filed on December 7, 1979, that contracts identified in the protest constitute contractual authority to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978.

Staff has stated that the language of the contracts contained in the Appendix to this notice does not constitute authority for the producer to increase prices to the extent claimed by Mountain Fuel in its amended evidentiary submission.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the Commission on or before March 7, 1980, a petition to intervene in accordance with 18 CFR § 1.8. The seller need not file for intervention, as the seller is automatically joined as a party under 18 CFR 154.94(j)(4)(ii).

Kenneth F. Plumb,

Secretary.

Appendix

Producer	Rate Schedule No. or Contract Date
Amoco Production Company	772
Belco Petroleum Corporation	2-20-61
Champlin Petroleum Company	109
Champlin Petroleum Company	6-18-79
Chevron Oil Company	100
Mesa Petroleum Company	99
Marathon Oil Company	146
Marathon Oil Company	137
American Quasar Petroleum	10-10-75
American Quasar Petroleum	4-21-78
Phillips Petroleum Company	623
Mapco, Inc.	7-21-78
Champlin Petroleum Company	5-1-79
Michigan Wisconsin Pipeline Co.	12-15-79
Yates Petroleum Corporation	11-19-78

[1] "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 21, 1979.

[2] Docket No. RM79-22, issued August 6, 1979.

[FR Doc. 80-6443 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RM79-3]

Natural Gas Policy Act of 1978; Receipt of Application for Approval of Alternative Filing Requirements: State of Colorado, Oil and Gas Conservation Commission

Issued: February 21, 1980.

Take notice that on January 14, 1980, the State of Colorado, Oil and Gas Conservation Commission filed with the Federal Energy Regulatory Commission (Commission) an Application for Approval of Alternative Filing Requirements under 18 CFR § 274.207.

Under the Commission's regulations implementing the Natural Gas Policy Act of 1978 (NGPA), the applicant for a new onshore production well determination must include in his application the appropriate geological evidence and engineering data that the new onshore well is necessary to effectively and efficiently drain a portion of the reservoir covered by the proration unit which cannot be effectively and efficiently drained by any existing well within the proration unit. 18 CFR § 274.204(f). Colorado proposed to submit blanket geological evidence and engineering data for all the additional gas wells to be drilled into the Spindle Field from the Sussex and Shannon reservoirs, and all wells to be drilled on pooled or communitized 320-acre tracts for production of gas from the Sussex reservoir in the Hambert Field. Colorado submits that the requirement under § 274.204 will then be satisfied for all wells in the area.

Copies of this application are on file with the Commission and are available for public inspection in the Office of Public Information, Room 1000. Any interested person may file written comments regarding this application with the Commission 15 days from the date of issuance, March 7, 1980. It is reasonable and consistent with the public interest to allow this shortened period for comments. All comments filed

by this date will be considered prior to Commission action on the application.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6444 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-449]

Northwest Pipeline Corp. Complainant vs Mountain Fuel Supply Co., Defendant; Request for Order To Show Cause

February 22, 1980.

Take notice that on September 28, 1979, Northwest Pipeline Corporation (Complainant), P.O. Box 1526, Salt lake City, Utah 84110, filed in Docket No. CP78-449 a complaint pursuant to Section 1.6 of the Commission's Rules of Practice and Procedure, requesting the Commission to issue an order directing Mountain Fuel Supply Company (Mountain Fuel) to show cause why certain facilities being constructed by Mountain Fuel should not be found, based upon their intended use, to be subject to the Commission's jurisdiction, all as more fully set forth in the complaint on file with the Commission and open to public inspection.

It is stated that by a letter dated September 10, 1979, Mountain Fuel informed the Commission of its intent to construct facilities to circumvent the transportation service provided by Complainant and certificated in the instant docket. Complainant states that such construction is not warranted by the circumstances and that the construction can not be accomplished without Commission authorization.

It is stated that Complainant and Mountain Fuel are each entitled to 50 percent of the production from the Hogback Ridge #20-1 well in the South Lake area of Rich County, Utah, and that by an order issued December 28, 1978, Complainant was authorized to construct facilities to attach the gas from the Hogback Ridge well and to transport Mountain Fuel's portion of this gas to an interconnection between their systems in Sweetwater County, Wyoming.

Complainant states previously encountered delivery problems have been corrected and that the take-or-pay obligations which caused volumes tendered, which could not be taken, to be paid for are no longe being accrued and that delivery of paid for volumes is now being made. It is further stated that the recoverable reserves from the Hogback Ridge well are estimated to be depleted in six to nine months.

Complainant states that Mountain Fuel's proposal is to build, at a cost of over $11 million, 65 miles of 12 and 20-inch pipeline from south lake to its main transmission line near the Wyoming-Utah border. Complainant disputes Mountain Fuel's assetion that the pipeline, which is presently under construction, is a "wholly intrastate pipeline." It contends that the gas would be commingled with interstate supplies, that the line can be easily utilized for attaching gas from an adjacent state (Wyoming), and that the line would be used to divert gas currently being transported in interstate commerce without abandonment authorization or a certificate amendment. It is further stated that Mountain Fuel has indicated it would use the pipeline to transport gas from areas in Wyoming.

Complainant, therefore, requests that the Commission investigate Mountain Fuel's actions in relation to the certificate authorization granted in the instant docket.

Any person desiring to be heard or to make any protest with reference to said complaint should on or before March 21, 1980, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6445 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-37 (DCA80-1)]

Northwest Pipeline Corp.; Change in Rates Pursuant To Demand Charge Credit Adjustment

February 22, 1980.

Take notice that Northwest Pipeline Corporation ("Northwest"), on February 15, 1980 tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, filed pursuant to the Commission's Order issued March 29, 1974, at Docket No. RP74-72 and Article 13.7 of Northwest's FERC Gas Tariff, Original Volume No. 1. The change in rates will result in .000¢ per therm for Rate Schedules ODL-1, DS-1 and PL-1. As more fully explained in the instant filing, the demand charge credit adjustment reflected on Northwest's Statement of Rates is zero.

Northwest is currently filing a notice of change in rates applicable to Article 16, Purchased Gas Cost Adjustment Provision contained in its Original Volume No. 1 Tariff. Both rate adjustments are reflected on the tendered Twenty-sixth Revised Sheet No. 10 which is proposed to become effective April 1, 1980.

Northwest also included with its filing an Alternate Twenty-sixth Revised Sheet No. 10 which incorporated the base tariff rates in settlement of Docket No. RP79-57. Northwest requested that such tariff sheet be accepted for filing and made effective on April 1, 1980 if the Commission approved its motion to place settlement rates into effect prior to April 1, 1980 as more fully explained in the instant filing.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the FERC, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1980. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6446 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-37 (PGA80-3 and IPR80-2)]

Northwest Pipeline Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

February 22, 1980.

Take notice that Northwest Pipeline Corporation, on February 15, 1980, tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in its FERC Gas Tariff, Original Volume No. 1. Such change in

rates is for the purpose of (1) reflecting changes in Northwest's cost of purchased gas which will become effective during the period April 1, 1980 through September 30, 1980, applied to volumes purchased for the twelve (12)-month period ending December 31, 1979, and its change in unrecovered purchased gas costs since Northwest's prior semiannual PGAC filing dated August 16, 1979; and (2) crediting to storage gas purchasers of Jackson Prairie storage and Clay Basin Storage withdrawal volumes under Rate Schedule SGS–1 and WS–1 respectively through additional special surcharges, the difference between the estimated cost of purchased gas included in Northwest's sales rates during the withdrawal season.

Northwest has reflected in the instant notice of change in rates adjustments to eliminate the six-month surcharges applicable to the deferred billing procedure under Rate Schedule LS–1 as approved by Commission Order dated June 15, 1979 for the increased demand and capacity billing determinants for the period July 16, 1979 through September 30, 1979.

The current PGAC adjustment, for which notice is given herein, aggregates to an increase of 8.240¢ per therm in all rate schedules affected by and subject to the PGAC, except for Rate Schedules SGS–1 and WS–1 which remain unchanged. The annualized change in Northwest's purchased gas cost aggregates an increase of $272,824,998. Northwest proposes to recover, through a surcharge, the adjusted balance of $54,011,253 in its FERC Account No. 191, as of December 31, 1979. The proposed change in rates from the PGAC and the other changes proposed by Northwest would result in a net increase in its annual revenues from jurisdictional sales and service of $319,186,635.

Northwest has also included as part of the instant filing Alternate Twenty-sixth Revised Sheet No. 10 and Alternate First Revised Sheet No. 10–A which reflects changes necessary to incorporate the base tariff rates in settlement of Docket No. RP79–57. Such settlement base tariff rates are set forth in the Stipulation and Agreement in settlement of rate proceeding in Docket No. RP79–57 ("Agreement") and reflects Northwest's presently approved rate level. Northwest is concurrently filing with the Commission the Agreement and a motion to place the settlement base tariff rates into effect on April 1, 1980.

Northwest is concurrently filing a notice of change in rates applicable to the currently effective Section 13.7, Change in Rates to Reflect Curtailment Credits, contained in its Original Volume No. 1 Tariff. In accordance with Article 13.7 contained in the aforementioned tariff, the current rate adjustment under the Demand Charge Credit Adjustment provision is to become effective on Northwest's PGAC adjustment date. Accordingly, both rate adjustments are reflected on the tendered Twenty-sixth Revised Sheet No. 10 and First Revised Sheet No. 10–A, which are proposed to become effective on April 1, 1980. Northwest also tendered for filing and acceptance First Revised Sheet No. 10–B which set forth revised projected incremental pricing surcharges to become effective April 1, 1980 as part of the instant filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1980. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–6447 Filed 2–28–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER80–239]

Ohio Power Co.; Proposed Changes in Rates and Charges

February 22, 1980.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on February 14, 1980, tendered for filing on behalf of its affiliate Ohio Power Company (Ohio Power), Modification No. 11 dated December 15, 1979 to the Interconnection Agreement dated December 1, 1963 between Ohio Power Company and Columbus & Southern Ohio Electric Company designated Ohio Power Rate Schedule FERC No. 32.

Section 1 of Modification No. 11 provides for an increase in the demand charge for Short Term Power from $0.70 to $0.85 per kilowatt per week and Section 2 in the transmission charge for third party Short Term transaction from $0.175 to $0.24/kW-week. Section 3 provides for an increase in the demand charge for Limited Term Power from $3.75 to $4.50 per kilowatt per month and Section 4 of Modification No. 11 provides for an increase in the transmission charge for third party Limited Term transactions from $0.75 per kilowatt per month to $1.00 per kilowatt per month, both schedules proposed to become effective April 10, 1980.

Applicant states that since the use of Short Term Power and Limited Term Power Service cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification. Applicant's Exhibit which is included with the filing of this Modification, demonstrates that the increase in revenues, which would have resulted had the modification been in effect during the twelve-month period ending December 1979 would have been (a) for purchases $205,000.00 (i.e., from $4,650,013.44 to $4,855,013.44 and (b) for flow-through $88,834.00 (i.e., from $793,167.00 to $882,001).

Copies of the filing were served upon the Columbus & Southern Ohio Electric Company and Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–6448 Filed 2–28–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ES80–29]

Pacific Power & Light Co.; Application

February 21, 1980.

Take notice that on February 14, 1980, Pacific Power & Light Company (Applicant), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Energy Regulatory

Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to issue to holders of record of its Common Stock, Preferred Stock, Serial Preferred Stock and No Par Serial Preferred Stock up to 3,000,000 shares of its authorized but unissued shares of Common Stock of the par value of $3.25 per share pursuant to Applicant's Dividend Reinvestment and Stock Purchase Plan, and exempting the issuance thereof from the competitive bidding requirements of Section 34.1a of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to this application should, on or before March 13, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6449 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. RM79-34, ST79-1, etc.]

Transportation Certificates for Natural Gas Displacement of Fuel Oil and Delhi Gas Pipeline Corp., et al.; Self-Implementing Transactions

February 25, 1980.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's regulations. A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's regulations.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's regulations and Section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's regulations. Any interested person may file a complaint concerning such transactions pursuant to § 284.205(d) of the Commission regulations.

Kenneth F. Plumb

Secretary.

Docket No.	Transporter/Seller	Date filed	Part 284 subpart
ST79-1	Delhi Gas Pipeline Corp.	4/9/79	C
ST79-2	Delhi Gas Pipeline Corp.	4/30/79	D
ST79-3	Delhi Gas Pipeline Corp.	6/12/79	B
ST79-4	Odessa Natural Corp.	5/23/79	E
ST79-5	Nueces Co	6/15/79	D
ST79-6	Nueces Co	6/14/79	D
ST79-7	Warrior Drilling & Engineering Co.	6/27/79	C
ST79-8	Producer's Gas Co	7/10/79	D
ST79-9	Producer's Gas Co	7/10/79	D
ST79-10	Producer's Gas Co	7/10/79	D
ST79-11	Producer's Gas Co	7/10/79	D
ST79-12	Producer's Gas Co	7/10/79	D
ST79-13	Hydrocarbon Transfer & Advance Transport.	6/12/79	D
ST79-14	Esperanza Transmission Co.	6/21/79	E
ST79-15	Nue-Wells Pipe Line Co.	7/25/79	D
ST79-16	Delhi Gas Pipeline Corp.	7/27/79	D
ST79-17	Delhi Gas Pipeline Corp.	8/1/79	B
ST79-18	Delhi Gas Pipeline Corp.	8/14/79	D
ST79-19	Southwestern Gas Pipe Line, Inc.	9/5/79	D
ST79-20	ONG Western, Inc	9/10/79	D
ST79-21	ONG Western, Inc	9/7/79	D
ST79-22	Louisiana Intrastate Gas Corp.	9/28/79	D
ST79-23	Louisiana Interstate Gas Corp.	9/28/79	D
ST79-24	Louisiana Intrastate Gas Corp.	9/28/79	D
ST79-25	Transcontinental Gas Pipe Line Corp.	9/28/79	D
ST79-26	Louisiana Resources Co.	9/28/79	D
ST79-27	Louisiana Gas Intrastate, Inc.	9/26/79	D
ST79-28	Louisiana Gas Intrastate, Inc.	7/13/79	D
ST79-29	Louisiana Gas Intrastate, Inc.	7/16/79	D
ST79-30	Oasis Pipe Line Co	2/22/79	E
ST79-31	Intratex Gas Co	2/22/79	E
ST79-32	FRM, Inc	10/11/79	C
ST79-33	Delhi Gas Pipeline Corp.	6/18/79	B
ST79-34	Houston Pipe Line Co.	6/28/79	B
ST79-35	Houston Pipe Line Co.	6/5/79	D
ST79-36	Houston Pipe Line Co.	6/5/79	D
ST79-37	Oasis Pipe Line Co	9/10/79	C
ST79-38	Oasis Pipe Line Co	7/2/79	C
ST79-39	Houston Pipe Line Co.	9/10/79	C
ST79-40	Delhi Gas Pipeline Corp.	6/12/79	C
ST79-41	Delhi Gas Pipeline Corp.	8/27/79	C
ST79-42	Lone Star Gas Co	9/5/79	C
ST79-43	Transcontinental Gas Pipe Line Corp.	5/24/79	B
ST79-44	Michigan Wisconsin Pipe Line Co.	9/7/79	B
ST79-46	Northern Natural Gas Co.	9/25/79	B
ST79-48	Panhandle Eastern Pipe Line Co.	7/16/79	F
ST79-49	Texas Eastern Transmission Corp.	8/13/79	B
ST79-51	Panhandle Eastern Pipe Line Co.	8/2/79	F
ST79-52	Colorado Interstate Gas Co.	9/28/79	B
ST79-53	Transcontinental Gas Pipe Line Corp.	8/24/79	B
ST79-54	Transcontinental Gas Pipe Line Corp.	8/13/79	B
ST79-55	South Texas Natural Gas Gathering Co.	6/28/79	F
ST79-57	Panhandle Eastern Pipe Line Co.	8/27/79	B
ST79-58	Texas Eastern Gas Pipe Line Co.	8/31/79	B
ST79-59	Columbia Gas Transmission Corp.	9/25/79	B
ST79-60	Columbia Gas Transmission Corp.	9/25/79	B
ST79-61	Panhandle Eastern Pipe Line Co.	7/13/79	B
ST79-62	Transcontinental Gas Pipe Line Corp.	7/3/79	B
ST79-63	Transcontinental Gas Pipe Line Corp.	7/3/79	B
ST79-64	Transcontinental Gas Pipe Line Corp.	7/3/79	B
ST79-65	Transcontinental Gas Pipe Line Corp.	7/3/79	B
ST79-66	Transcontinental Gas Pipe Line Corp.	7/3/79	B
ST79-67	Tennessee Gas Pipe Line Co.	7/26/79	B
ST79-71	Algonquin Gas Transmission Co.	8/22/79	B
ST79-72	Algonquin Gas Transmission Co.	8/20/79	B
ST79-73	Natural Gas Pipe Line Co. of America.	7/31/79	B
ST79-74	Oasis Pipe Line Co	8/28/79	C
ST79-75	Houston Pipe Line Co.	8/28/79	B
ST79-78	Lo-Vaca Gathering Co.	7/9/79	C
ST79-79	Lo-Vaca Gathering Co.	3/29/79	C
ST79-80	Columbia Gas Transmission Corp.	8/22/79	B
ST79-81	Columbia Gas Transmission Corp.	7/6/79	F
ST79-82	Texas Transmission Corp.	9/14/79	B
ST79-83	Northern Natural Gas Co.	3/12/79	B
ST79-84	Northern Natural Gas Co.	3/12/79	B
ST79-85	Northern Natural Gas Co.	3/12/79	B
ST79-86	Northern Natural Gas Co.	3/12/79	A
ST79-87	Panhandle Eastern Pipe Line Co.	5/21/79	B, D
ST79-88	Panhandle Eastern Pipe Line Co.	9/27/79	B
ST79-89	Panhandle Eastern Pipe Line Co.	5/21/79	B
ST79-90	Panhandle Eastern Pipe Line Co.	5/21/79	B
ST79-91	Panhandle Eastern Pipe Line Co.	5/21/79	B
ST79-92	Texas Eastern Transmission Co.	6/28/79	F
ST79-93	Kansas-Nebraska Natural Gas Co.	7/16/79	F
ST79-94	United Gas Pipe Line Co.	7/9/79	F
ST79-95	Tennessee Gas Pipeline Co.	6/28/79	F
ST79-96	South Texas Natural Gas Gathering Co.	6/28/79	B
ST79-97	Channel Industries Gas Co.	6/12/79	B

Docket No.	Transporter/Seller	Date filed	Part 284 subpart
ST79-98	Transcontinental Gas Pipe Line Corp.	6/29/79	B
ST79-99	Columbia Gas Transmission Corp.	7/27/79	B
ST79-100	Houston Pipe Line Co.	7/9/79	B
ST79-101	Oasis Pipe Line Co	5/7/79	B
ST79-102	Northwest Pipe Line Corp.	3/21/79	B
ST79-103	Houston Pipe Line Co.	3/2/79	B
ST79-104	Transcontinental Gas Pipe Line Corp.	5/2/79	F
ST79-105	Esperanza Transmission Co.	7/31/79	C
ST79-106	Intrastate Gathering Corp.	9/19/79	C
ST79-107	Houston Pipe Line Co.	7/16/79	B
ST79-108	Transcontinental Gas Pipe Line Corp.	7/16/79	F
ST79-109	Lo-Vaca Gathering Co.	8/28/79	B
ST79-110	Texas Eastern Transmission Corp.	8/28/79	B
ST80-1	East Texas Industrial Gas Co.	10/1/79	D
ST80-2	Nueces Co	10/10/79	D
ST80-3	Transok Pipeline Co	10/22/79	D
ST80-4	Nueces Co	10/29/79	B
ST80-5	ONG Western Transmission Inc.	10/16/79	D
ST80-6	Producers Gas Co	11/9/79	C
ST80-7	Southwestern Gas Pipeline, Inc.	11/9/79	C
ST80-8	J. W. Operating Co	10/30/79	D
ST80-9	Dow Pipeline Co	11/2/79	C
ST80-10	Delhi Gas Pipeline Corp.	11/5/79	C
ST80-11	Oasis Pipe Line Co	10/1/79	C
ST80-12	Lo-Vaca Gathering Co.	11/16/79	C
ST80-13	Tenngasco, Inc.	9/27/79	C
ST80-14	Montana Power Co	11/13/79	F
ST80-15	Columbia Gas Transmission Corp.	11/7/79	B
ST80-16	United Gas Pipe Line Co.	11/21/79	F
ST80-33	Natural Gas Pipeline Co. of America.	10/25/79	B
ST80-35	Panhandle Estern Pipeline Co.	11/8/79	B
ST80-36	El Paso Natural Gas Co.	10/19/79	F
ST80-37	South Texas Natural Gas Gathering Co.	10/15/79	B
ST80-38	Transcontinental Gas Pipe Line Corp.	11/8/79	F
ST80-39	Channel Industries Gas Co.	10/31/79	D
ST80-40	Tenngasco Inc.	10/31/79	D
ST80-42	Lo-Vaca Gathering Co.	11/23/79	C
ST80-43	Northern Natural Gas Co.	11/23/79	B
ST80-44	Panhandle Eastern Pipeline Co.	10/31/79	B
ST80-45	Trunkline Co	11/13/79	B
ST80-46	Texas Eastern Transmission Corp.	11/29/79	B
ST80-47	Texas Eastern Transmission Corp.	11/29/79	F
ST80-49	Montana Dakota Utilities Co.	11/6/79	B
ST80-50	Oasis Pipe Line Co	11/26/79	C
ST80-51	Algonquin Gas Transmission Co.	12/5/79	B
ST80-52	Lo-Vaca Gathering Co.	11/13/79	C
ST80-53	Southern Natural Gas Co.	11/30/79	B
ST80-54	Columbia Gulf Transmission Co.	12/13/79	B
ST80-55	Sea Robin Pipeline Co.	12/3/79	B
ST80-56	Texas Gas Transmission Corp.	11/5/79	F
ST80-57	Northern Natural Gas Co.	11/23/79	B
ST80-58	Northern Natural Gas Co.	11/23/79	B
ST80-59	Oasis Pipe Line Co	11/26/79	C
ST80-60	Texas Eastern Transmission Corp.	11/30/79	B
ST80-61	ONG Western Transmission, Inc.	12/17/79	D
ST80-62	Delhi Gas Pipeline Corp.	12/19/79	C
ST80-63	Alagasco	1/2/80	D
ST80-64	Phillips Petroleum Co	12/4/79	C
ST80-65	Mountain Fuel Supply Co.	12/7/79	B
ST80-66	Texas Sea Rim Pipeline.	12/10/79	C
ST80-67	Trunkline Gas Co	12/7/79	F
ST80-68	Transcontinental Gas Pipe Line Corp.	11/8/79	F
ST80-69	Great Lakes Gas Transmission Co.	10/1/79	B
ST80-70	Florida Gas Transmission.	12/13/79	F
ST80-71	Columbia Gas Transmission Corp.	12/14/79	B
ST80-73	Tennessee Gas Pipe Line Co.	12/14/79	F
ST80-74	Panhandle Eastern Pipeline Co.	11/8/79	B
ST80-75	United Gas Transmission Co.	11/21/79	C
ST80-76	El Paso Natural Gas Co.	12/18/79	B
ST80-77	El Paso Natural Gas Co.	12/7/79	B
ST80-78	Delhi Gas Pipeline Corp.	12/3/79	C, D
ST80-79	Lo-Vaca Gathering Co.	12/11/79	C
ST80-80	Columbia Gas Transmission Corp.	11/19/79	B
ST80-81	Northwest Pipeline Corp.	12/10/79	B
ST80-82	El Paso Natural Gas Co.	12/7/79	B
ST80-83	Transwestern Pipeline Co.	12/28/79	B
ST80-85	Montana Dakota Utilities.	12/31/79	B
ST80-88	Houston Pipeline Co	12/20/79	C
ST80-89	El Paso Natural Gas Co.	1/4/80	F
ST80-91	Panhandle Eastern Pipeline Co.	1/4/80	F
ST80-92	Algonquin Gas Transmission Co.	1/4/80	B
ST80-93	Tennessee Gas Pipe Line Co.	1/4/80	B
ST80-94	Big Sandy Gas Corp.	12/12/79	C
ST80-96	Transcontinental Gas Pipe Line Corp.	11/8/79	F
ST80-97	Transcontinental Gas Pipe Line Corp.	11/8/79	F
ST80-98	Texas Eastern Transmission Corp.	10/5/79	F
ST80-99	National Fuel Gas Supply Corp.	10/5/79	F

[FR Doc. 80-6463 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 2929, etc.]

Pennsylvania Hydroelectric Development Corp., et al.; Competing Applications for a Preliminary Permit

February 21, 1980.

Take notice that four competing applications have been filed for a preliminary permit for a proposed water power project to be known as the Francis E. Walter Project, located on the Lehigh River in Carbon and Luzerne Counties, Pennsylvania. The applicants are the Pennsylvania Hydroelectric Development Corporation, application filed May 8, 1979 and designated Project No. 2929; the Borough of Weatherly, Pennsylvania, application filed September 12, 1979 and designated Project No. 2969; the Borough of Lehighton, Pennsylvania, application filed November 5, 1979 and designated Project No. 2995; and the Delaware River Basin Commission jointly with the Pennsylvania Department of Environmental Resources, application filed November 23, 1979 and designated Project No. 3004. The applications were filed under the Federal Power Act, 16 U.S.C. §§ 791(a)–825r. The project would utilize federal lands and a federal dam under the jurisdication of the United States Army Corps of Engineers.

Correspondence with Applicants: Correspondence with the Pennsylvania Hydroelectric Development Corporation should be directed to Lawrence Gleeson, President, Pennsylvania Hydroelectric Development Corporation, c/o Marc S. Cornblatt, Esquire, Mesirov, Gelman, Jaffe & Cramer, 123 South Broad Street, Philadelphia, Pennsylvania 19101. Correspondence with the Borough of Weatherly should be directed to Ms. Beverly Knepper, Borough Manager, Borough of Weatherly, 10 Wilbur Street Weatherly, Pennsylvania 18255. Correspondence with the Borough of Lehighton should be directed to Mr. Mort Smedley, Borough Manager, Borough of Lehighton, Municipal Building, Lehighton, Pennsylvania 18235. Correspondence with the Delaware River Basin Commission and the Pennsylvania Department of Environmental Resources should be directed to Gerald M. Hansler, Executive Director, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628 and Clifford Jones, Secretary, Department of Environmental Resources, P.O. Box 2063, Harrisburg, Pennsylvania 17120.

Proposed Scope and Cost of Studies Under Permit: Each of the applicants seeks issuance of preliminary permit for a period of three years. Pennsylvania Hydroelectric Development Corporation (Project No. 2929) states that during the permit period it would perform all necessary surveys, updating of current and projected water withdrawals, and foundation explorations, and would prepare suitable drawings, maps, and preliminary development plans. The Company estimates that the studies to be conducted under the permit would cost $30,000. The Borough of Weatherly (Project No. 2969) states that during the permit period it would perform surveys, environmental assessment studies, subsurface explorations, and market studies, as well as develop preliminary plans. The Borough estimates that the studies to be conducted under the

permit would cost at least $50,000. The Borough of Lehighton (Project No. 2995) states that during the first part of the permit period it would investigate project financial feasibility, environmental effects of project construction and operation, and project power potential. If the results of these studies are favorable the Borough of Lehighton would proceed with geotechnical investigations, subsurface explorations, and a topographic survey of the proposed reregulating dam and reservoir site. The Borough estimates that the studies to be conducted under the permit would cost $175,000. The Delaware River Basin Commission and Pennsylvania Department of Environmental Resources (Project No. 3004) state that during the permit period they would conduct surveys, and engineering feasibility study, an economic and environmental assessment of the proposed project, and a marketing study, and develop preliminary plans. These applicants estimate that the studies to be conducted under the permit would cost at least $50,000.

Descripton of Francis E. Walter Dam: Each applicant proposes to utilize the U.S. Army Corps of Engineers' existing Francis E. Walter Dam and Reservoir, a facility of the Lehigh River Flood Control Project. The dam is an earthfill structure with a top elevation of 1474 feet msl. At the normal reservoir water surfact of 1300 feet msl. the dam provides 108,000 acre feet of flood control storage.

The Corps of Engineers has received congressional authorization to raise the existing dam 29 feet to 1503 feet msl. This modification would convert the Corps' facility to a multi-purpose develoment, providing approximately 70,000 acre-feet long term storage (at the normal resevoir water surface of 1425 feet msl) for water supply and recreational use while maintaining the present 108,000 acre-feet flood control storage. The modification would increase the normal pool size from 80 to 1295 acres. The Corps has completed a preliminary investiagation of the modification.

Project Description: As proposed by each applicant, the project would consist of: (1) A powerhouse to be constructed at the end of an existing outlet tunnel; and (2) appurtenant facilities. Under the Borough Lehighton's proposal (Project No. 2995), the project would also include a reregulating dam 30 feet high and 300 to 400 feet long, located 1.3 miles downstream of the powerhouse and creating a 34 acre reservoir with a total storage capacity of 600 acre-feet.

The Pennsylvania Hydroelectric Development Corporation (Project No 2929) estimates that the project would have an installed capacity of between 2,400 kW and 10,500 kW and an average annual output of between 15,000 MWh and 64,000 MWh. The Borough of Weatherly (Project No. 2969) estimates that the project would have an installed capacity of between 2,000 kW and 10,000 kW and an average annual output of between 16,000 MWh and 72,000 MWh. The Borough of Lehighton (Project No. 2995) estimates that the project would have an installed capacity of between 9,000 kW and 15,000 kW, and an average annual output of between 24,000 MWh and 64,000 MWh. The Delaware River Basin Commission and the Pennsylvania Department of Environmental Resources (Project No. 3004) estimate that the project would have an installed capacity of between 2,000 kW and 10,000 kW and an average annual output of between 15,000 MWh and 60,000 MWh.

Any licensee for the project would have to secure the necessary water rights to operate the project from the Corps of Engineers.

Purpose of Project: The Pennsylvania Hydroelectric Development Corporation (Project No. 2929) would sell the project energy to public utilities. The Boroughs of Weatherly (Project No 2969) and Lehighton (Project No. 2995) would use the project energy to displace power purchased from Pennsylvania Electric Power and Light Company for their borough customers. The Borough of Weatherly would sell any excess power to (or exchange it with) electric utility preference customers in the area; the Borough of Lehighton would sell any axcess power to (or exchange it with) the Pennsylvania Electric Power and Light Company. The Delaware River Basin Commission and the Pennsylvania Department of Environmental Resources (Project No. 3004) will conduct a study to determine the market for the power. Possible purchasers include public institutions, electric cooperatives, municipalities, public utilities, and industrial users.

Purpose of Preliminary Permit: A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments: Federal, state, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit (a copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments before the date specified, it will be presumed to have no comments.

Competing Applications: The applications filed for Project Nos. 2929, 2969, 2995, and 3004 are in competition with each other. Anyone desiring to file an application in competition with these applications must submit to the Commission, on or before April 25, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 25, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (*as amended,* 44 *FR* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (*as amended,* 44 *FR* 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene: Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be filed on or before April 25, 1980. The Commission's address is: 825 N. Capitol Street, NE., Washington, D.C. 20426.

Previous Public Notice: Public notice of the Pennsylvania Hydroelectric Development Corporation's application for Project No. 2929 was given on September 25, 1979. This second public

notice of that application is being given to permit an easier comparison of that application with Project Nos. 2969, 2995, and 3004. The date by which comments, protests and petitions to intervene were due under that earlier notice are superseded by those contained in this notice. Comments, protests and petitions to intervene that have already been filed by agencies or individuals on the basis of the earlier notice will be considered as though they had been filed in response to this notice. Additional comments may be filed, if desired, on the basis of this notice.

The applications are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6450 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-238]

Public Service Co.; Filing

February 22, 1980.

The filing Company submits the following:

Take notice that the Public Service Company of Oklahoma (PSO) on February 14, 1980, tendered for filing its request for a change in the rates of the Markham Ferry Coordinating Agreement identified as Rate schedule FERC No. 208 for calendar year 1980. The agreement coordinates the operations through the interchange and sale of electric power and energy between Public Service Company and the Grand River Dam Authority of Oklahoma (Authority).

The filing contends that the agreement provides for annual review of the capacity and energy rates charged by the parties to reflect changes in production and investment costs. The filing revises the capacity and energy charge rates to reflect those costs as of December 31, 1979.

Public Service Company requests that the Commission waive its rules on notice requirements in order that the proposed rate schedule can become effective on January 1, 1980.

According to Public Service Company, the Oklahoma Corporation Commission and the Authority have been served a copy of the filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 14, 1980. Protests will be considered by the Commission in determning the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6451 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-23]

Texas Gas Transmission Corp.; Protest To Charge and Collect NGPA Price

February 21, 1980.

Take notice that on January 25, 1980, Texas Gas Transmission Corporation (Texas Gas) filed pursuant to § 154.94(i)(3) of the Commission's regulations (18 CFR Part 154) a protest to the contractual authority of Caribbean Oil & Gas Corporation (Caribbean) to collect the price stated in Section 103 of the Natural Gas Policy Act of 1978 (NGPA) for gas produced from its State Lease 4469 No. 1 Well, under Texas Gas Contract No. 236, only insofar as to that interest which Caribbean acquired from Warren American Oil Company by assignment dated February 15, 1979.

Texas Gas asserts that the above referenced contract does not authorize the collection of the maximum lawful price, under Section 103 of the NGPA.

Any person desiring to be heard or to make any response concerning the protest filed in this docket should on or before March 7, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken herein but will not serve to make the protestants parties to this proceeding. Any party wishing to become a party in any hearing herein, must file a petition to intervene in accordance with the Commission's rules. After that date, these protests will be forwarded to the Commission's Chief Administrative Law Judge for disposition in accordance with Order 23-B (44 FR 38834, July 3, 1979).

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6452 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. ER80-153 and ER79-528]

Union Light, Heat & Power Co.; Order Accepting for Filing and Suspending Proposed Rates, Granting Intervention, Granting Request for Consolidation, and Establishing Procedures

February 20, 1980.

On December 28, 1979, Union Light, Heat and Power Company (Union Light) filed a proposed rate increase for the City of Williamstown, Kentucky, its only wholesale customer. The proposed rates would result in an increase of $97,923 (10.6 percent) for the twelve month period ending January 31, 1981.[1] Union Light is a wholly-owned distribution subsidiary of Cincinnati Gas & Electric Company (CG&E). The proposed rates would pass through an increase in wholesale rates filed by its corporate parent in Docket No. ER79-528[2] Union Light requests an effective date of February 19, 1980.

Notice of the filing was issued on January 3, 1980, with comments due by January 23, 1980. On January 23, 1980, Williamstown filed a petition to intervene, requesting a five-month rate suspension, a hearing, and consolidation of this proceeding with Docket No. ER79-528. On February 5, 1980, Union Light submitted an answer to Williamstown's petition.

The proposed increase represents a pass through of wholesale rates under adjudication in Docket No. ER79-528. Williamstown questions Union Light's allocation method, claiming that it may conflict with the method used in Union Light's last retail rate proceeding. We shall order that a hearing be convened for the purpose of resolving this issue. Williamstown also questions the reasonableness of CG&E's proposed increase to Union. Accordingly, we will grant Williamstown intervention in the ER79-528 proceeding. Williamstown's request for consolidation of the two

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[1] The proposed rate schedule is designated as: *Union Light, Heat and Power Company;* 5th Revised Sheet No. 4, Under FPC Electric Tariff, Original Volume No. 1 (Supersedes 4th Revised Sheet No. 4).

[2] By order issued September 14, 1979, in Docket No. ER79-528, CG&E's proposed increase in rates to wholesale customers including Union Light, was set for hearing and suspended for five months, to become effective February 19, 1980, subject to refund. On February 11, 1980, CG&E filed a settlement agreement in the ER79-528 proceeding.

dockets will be granted as this is the most expeditious way to resolve these two related proceedings.

The rate increase in Docket No. ER79–528 will be collected by CG&E subject to refund after the suspension period ends. Union Light's request for waiver of Section 35.3 of the Commission's Regulations will be denied. We shall accept for filing and order a one-day suspension of Union Light's proposed rates. Union Light is directed to file a compliance report at the conclusion of proceedings in Docket No. ER79–528 to reflect any changes in CG&E's wholesale rates and to pass through immediately the refunds made to Union Light by CG&E, in accordance with § 35.19a of the Commission's regulations.

The provisions of § 35.13 of the Commission's regulations which require the submission of statements A through O shall be waived with exception of statement M. While cost support was submitted for rates in Docket No. ER79–528 on which Union Light's proposed rates are based, the method of allocation of increased purchased power costs to Williamstown was not an issue in the ER79–528 proceeding. We believe a hearing on this issue is appropriate. Accordingly, Union Light is directed to submit testimony and a Statement M to serve as its case-in-chief for hearing purposes.

Union Light's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Therefore, we will accept Union Light's filing, and suspend it for one day, to become effective on February 28, 1980, subject to refund. Williamstown is permitted to intervene in this proceeding.

The Commission Orders

(A) The provisions of § 35.13 of the Commission's regulations which require submission of statements A through L and O are hereby waived. Within 30 days of the date of this order, Union Light shall file testimony and its Statement M in compliance with § 35.13 of our regulations.

(B) Union Light's request for waiver of the notice requirements of § 35.3 is hereby denied.

(C) Union Light's proposed rates are hereby accepted for filing and suspended for one day, to become effective February 28, 1980, subject to refund pending the outcome of these proceedings as consolidated herein.

(D) Williamstown's request for consolidation of this proceeding with Docket No. ER79–528 is hereby granted.

(E) At the conclusion of proceeding in Docket No. ER79–528, Union Light shall file a compliance report to reflect any change in the rates charged to Union Light by CG&E and immediately pass through any refunds made to Union Light by CG&E, pursuant to § 35.19a of the Commission's regulations.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and by the Federal Power Act, specifically Sections 205 and 206, and by the Commission's rules of practice and procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I (1979)), a public hearing shall be held concerning the justness and reasonableness of Union Light's proposed allocation methodology.

(G) Williamstown is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to the matters affecting asserted rights and interests specifically set forth in its petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order entered in this proceeding.

(H) The Commission staff will serve top sheets in this proceeding by April 21, 1980.

(I) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a formal settlement conference to be held within 10 days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule upon all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's rules of practice and procedure.

(J) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6453 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-233]

United Gas Pipe Line Co.; Application

February 22, 1980.

Take notice that on February 8, 1980, United Gas Pipe Line Company Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80–233 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the activation of a farm tap located in Red River Parish, Louisiana, to enable United to provide rural gas service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to activate a farm tap on its existing Clarence-Bistineau 24-inch lateral line located in Red River Parish, Louisiana, to enable Louisiana Gas Service Company (Louisiana Gas) to provide service for the residence of James H. Young, Jr., a right-of-way grantor.

To implement the proposed farm tap service, no increase in Applicant's allocation to Louisiana Gas hereunder would be required, it is stated.

It is indicated no new facilities would be required to provide the subject right-of-way service as such tap was installed on the Clarence-Bistineau line at the time of its construction.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6454 Filed 2-28-80; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1423-5]

Administrator's Toxic Substances Advisory Committee

AGENCY: Environmental Protection Agency.

ACTION: Notice of Public Meeting.

SUMMARY: There will be a meeting of the Administrator's Toxic Substances Advisory Committee from 9:00 a.m. to 4:30 p.m. on Wednesday, March 19, 1980, and 8:30 a.m. to 4:30 p.m. on Thursday, March 20, 1980. The meeting will be held in Rooms 3906–3908, Waterside Mall, EPA, 401 M Street, SW, Washington, D.C. and will be open to the public.

FOR FURTHER INFORMATION CONTACT: Ms. Marsha Ramsay, Executive Secretary, Administrator's Toxic Substances Advisory Committee, Office of Pesticides and Toxic Substances (TS/793), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Telephone: (202) 426–1800 or 426–1129.

SUPPLEMENTAL INFORMATION: The purpose of this meeting is to discuss matters related to EPA's implementation of the Toxic Substances Control Act (P.L. 94–569), the agenda includes a discussion of the Committee's report on the implementation of TSCA in its first three years, and recommendations for the future; Study Group sessions on Premanufacture Notification/Testing for new chemicals, Section 6, and Information gathering, Public Participation, and International issues; EPA internal procedures with regard to rulemaking; economic analysis for testing and controlling toxic substances; and ATSAC administrative business.

The meeting will be open to the public and time will be set aside for public comments. Any member of the public wishing to present an oral or written statement should contact Ms. Marsha Ramsay at the address or phone number listed above.

Dated: February 22, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-6347 Filed 2-28-80; 8:45 am]

BILLING CODE 6560-01-M

[Dockets Nos. 495 and 496; Consolidated With Docket No. 415 et al.; FRL 1423-8]

Intent To Hold a Hearing (Section 6(b)(2) FIFRA) To Determine Whether or not Certain Uses of 2,4,5-T and Silvex Should Be Canceled; Filing of Written Responses to Statement of Issues

Notice is hereby given, pursuant to section 164.8 of the rules of practice (40 CFR 164.8) issued under Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.), that written responses to one or both of the notices of intent to hold hearing and statement of issues, filed on December 3, 1979, by Steven D. Jellinek, Assistant Administrator for Pesticides and Toxic Substances (44 FR 72316—2,4,5-T and 44 FR 72328—silvex), including the position and interest of such persons have been filed by the following named parties pursuant to sec. 164.24 (40 CFR 164.24):

American Council on Science and Health
Hawaii Sugar Planters' Association
American Sugar Cane League
The American Farm Bureau Federal
National Council for Environmental Balance, Inc. (NCEB)
Florida Sugar Cane League, Inc.
Union Carbide Agricultural Products Co., Inc.
Vertac Chemical Corporation
Environmental Defense Fund
The State of Mississippi (Dept. of Agriculture & Commerce)
NCH Corporation
W. R. Grace & Company

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the dockets of these proceedings on file with the Hearing Clerk (A–110), United States Environmental Protection Agency, Room 3708, 401 M Street, S.W., Washington, D.C. 20460 (202/755–5476).

Edward B. Finch,

Administrative Law Judge.

February 25, 1980.

[FR Doc. 80-6346 Filed 2-28-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-50458; FRL 1424-3]

ICI Americas, Inc.; Experimental Use Permit for Permethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to ICI Americas, Inc., for use of the insecticide permethrin on livestock to evaluate control of various insects.

FOR FURTHER INFORMATION CONTACT: Mr. Franklin D. R. Gee, Product Manager (PM–17), Room E–341, (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, (202–426–9417).

SUPPLEMENTARY INFORMATION: ICI Americas, Inc. has been issued experimental use permit No. 10182–EUP–17. This permit allows the use of 72.0 pounds of the insecticide permethrin on cattle, hogs, horses, poultry, and livestock premises to evaluate control of various insects.

A total of 10,000 sq. ft. per livestock premise is involved; the program is authorized only in the States of Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wisconsin. The experimental use permit is effective from January 25, 1980 to January 25, 1981. This experimental use permit is being issued with the limitation that all the animals will be destroyed or used for research purposes only.

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, DC 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended, (7 U.S.C. 136))

Dated: February 22, 1980.

Herbert S. Harrison,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-6351 Filed 2-28-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-50459; FRL 1424-4]

ICI Americas, Inc.; Experimental Use Permit for Permethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to ICI, Americas Inc. for use of the insecticide permethrin on celery to evaluate control of various insects.

FOR FURTHER INFORMATION CONTACT: Mr. Franklin D. R. Gee, Product Manager (PM-17), Rm. E-341 (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202-426-9417).

SUPPLEMENTARY INFORMATION: ICI Americas, Inc. has been issued experimental use permit No. 10182-EUP-9. This permit allows the use of the remaining supply of the 12,000 pounds of the insecticide permethrin previously authorized to be used to evaluate control of various weeds. This program was authorized in a previous experimental use permit.

A total of 6,000 acres are involved; the program is authorized only in the State of Florida. This experimental use permit is effective from January 28, 1980 to January 28, 1981. A temporary tolerance for residues of the active ingredient in or on celery has been established.

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street S.W., Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended (7 U.S.C. 136))

Dated: February 22, 1980.

Herbert S. Harrison,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-6352 Filed 2-28-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-50450; FRL 1424-6]

Monsanto Co.; Experimental Use Permit for Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has issued an experimental use permit to Monsanto Co. for the limited use of the herbicide glyphosate in irrigation and drainage systems, including small water impounds to evaluate control of aquatic weeds.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Room E-359 (PM-25), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460, 202-755-2196

SUPPLEMENTARY INFORMATION: Monsanto Company, Washington, D.C. 20036, has been issued experimental use permit No. 524-EUP-29. This permit allows the use of 2,361.8 pounds of the herbicide glyphosate in irrigation systems, drainage systems, and small water impoundments such as farm ponds to evaluate control of aquatic weeds.

A total of 1,200 acres are involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. This experimental use permit is effective from January 1, 1980, to January 1, 1981.

Temporary tolerances for residues of the active ingredient in or on the crop groupings cucurbits; forage legumes; fruiting vegetables; and the individual raw agricultural commodity, hops; and fish have been established. A food additive regulation for residues of the active ingredient for water (potable) has been established (21 CFR 193.235).

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street S.W., Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended (7 U.S.C. 136)).

Dated: February 22, 1980.

Herbert S. Harrison,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-6354 Filed 2-28-80; 8:45 am]

BILLING CODE 6560-01-M

[80P-5; FRL 1424-5]

Pennwalt Corp.; Filing of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pennwalt Corp. has submitted a pesticide petition proposing to amend 40 CFR 180.371 by establishing tolerances for residues of thiophanate-methyl on celery, onions, and pecans under the Federal Food, Drug, and Cosmetic Act.

COMMENTS: Comments submitted should bear a notation indicating the petition number "OF2293". Written comments filed in connection with this notice will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Jacoby, Product Manager (PM-21), Rm. E-301, (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St, SW, Washington, D.C. 20460, (202-755-2196).

SUPPLEMENTARY INFORMATION: Pennwalt Corp., P.O. Box C, King of Prussia, PA 19406, has submitted a pesticide petition (OF2293) proposing that 40 CFR 180.371 be amended by establishing a tolerance for the combined residues of the fungicide thiophanate-methyl [dimethyl [[1,2-phenylene)bis(iminocarbonothioyl)]bis-[carbamate]], its oxygen analogue dimethyl-4,4'-O-phenylene bis (allophanate), and its benzimidazole-containing metabolites (calculated as thiophanate-methyl) in or on the raw agricultural commodities celery and onions (green and dry bulb) at 3 parts per million (ppm) and on pecans at 0.2 ppm. The proposed analytical method for determining residues is ultraviolet spectrophotometry for thiophanate-methyl and MBC and high pressure liquid chromatography for allophanate. This action is being taken under section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135))

Dated: February 22, 1980.

Herbert S. Harrison,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-6353 Filed 2-28-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51023 FRL 1424-1]

Polymer of Fumaric Acid, Isophthalic Acid, Adipic Acid, Neopentyl Glycol, Diethylene Glycol, and Propylene Glycol; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. Section 5(d)(2) requires EPA to publish in the **Federal Register** within 5 working days, after receipt, certain information about each PMN the Agency receives. This Notice announces receipt of a PMN on the chemical substance polymer of fumaric acid, isophthalic acid, adipic acid, neopentyl glycol, diethylene glycol, and propylene glycol and provides a summary of certain information provided in the PMN.

DATE: Written comments by March 22, 1980.

ADDRESS: Written comments to: Documents Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Wilson, Premanufacturing Review Divisions (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-426-3980.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import. A "new chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for a commercial purpose became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** of January 10, 1979 (44 FR 2242). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description on any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifyng the submitter and complying with other applicable procedures.

Once received, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance, to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under seciton 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, EPA is issuing the PMN set forth below.

PMN 80-19.

Close of Review Period. April 21, 1980.

Manufacturer's Identity. Claimed confidential.

Specific Chemical Identity. Polymer of fumaric acid, isophthalic acid, adipic acid, neopentyl glycol, diethylene glycol, and propylene glycol.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the application.

Use. Cured, thermosetting, cross-linked polyester plastic for industrial articles.

Physical/Chemical Properties

Acid value	16-22.
Viscosity at 66 NV in styrene	600-800 cps.
Solubility	Virtually insoluble in water.
Vapor pressure	Negligible.
Description	Soft plastic solid at ambient temperature.

Occupational Exposure. The polyester resin will be manufactured in totally enclosed systems equipped with reflux columns vented thru an incinerator. The only byproduct is water. The operators will be provided with protective clothing—face mask or goggles (as required) and gloves while charging the monomers to the reactor. The operator will be exposed to the resin, in-process, for 2-3 minutes approximately once each hour, for sampling.

Production Estimates

First year	400,000-500,000 lbs.
Second year	450,000-550,000 lbs.
Third year	500,000-600,000 lbs.

Interested persons may, on or before March 22, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51023]". Comments received may be seen in the above office

between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 22, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

[FR Doc. 80-6349 Filed 2-28-80; 8:45 am]

BILLING CODE 6560-01-M

[80T-23; FRL 1423-6]

N-(3,5-Dibromo-4-Hydroxyphenyl) Benzenesulfonamide; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. Section 5(d)(2) requires EPA to publish in the **Federal Register** within 5 working days, after receipt, certain information about each PMN the Agency receives. This Notice announces receipt of a PMN on the chemical substance N-(3,5-dibromo-4-hydroxyphenyl) benzenesulfonamide and provides a summary of certain information provided in the PMN.

DATE: Written comments by April 4, 1980.

ADDRESS: Written comments to: Documents Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Morris, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202-426-8493.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemcial substance to submit a PMN to EPA at least 90 days before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for a commercial purpose became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** of January 10, 1979 (44 FR 2242). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of may 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with this PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

Once received, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, EPA is issuing the PMN set forth below.

PMN-80-29.

Close of Review Period. May 4, 1980.

Manufacturer's Identity. Claimed confidential.

Specific Chemical Identity. N-(3,5-dibromo-4-hydroxyphenyl) benzenesulfonamide.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the application.

Use. Claimed confidential.

	Results
Physical/Chemical Tests:	
Solubilities	Water <0.01 pct. Dimethyl sulfoxide ≥10 pct. Acetone ≥10 pct. Corn Oil <0.1 pct. Octanol ≥1.0 pct.
Melting point	168° C.
Octanol/water partition coefficient.	2500.
Environmental Tests:	
COD	1.1 g/g.
TOD	1.2 g/g.
Secondary waste treatment compatibility study.	A saturated solution (43 ppm) did not affect microbiological carbon metabolism.
Acute effects on 5 aquatic species.	A saturated solution (43 ppm) had no effect on the 5 aquatic species.
Germination effects on 3 plant species.	A saturated solution (43 ppm) inhabited germination of radish and ryegrass seeds, but not lettuce seeds. A one-tenth saturated solution (4.3 ppm) had no effect on the germination of the 3 plant species.

Exposure

	Exposure route(s)	Maximum number persons exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacture	Dermal and inhalation.	30	1	25	0-1	1-10
Processing	Dermal and inhalation.	20	0.1	100	0-1	0-1

Disposal from Manufacture and Processing.

Media	Chemical substance released (kg/yr)
Air	Less than 10.
Land	None.
Water	Less than 10.

Incinerators operating above 1600°F burn solid and liquid wastes.

Toxicology Tests	Results
Acute oral LD_{50}	Greater than 3000 mg/kg.
Acute dermal LD_{50}	Greater than 1000 mg/kg.
Skin irritation	Slight. Repeated 10-day skin application—slight skin irritant.
Skin sensitization	No evidence of sensitization.
Eye irritation	Slight to Moderate.
Repeated 13-day feeding study 0.1% and 1% in diet.	No effect on weight gain, behavior, hematologic determinations, serum clinical chemistry determinations, organ weights, and gross and histopathological changes.

Interested persons may, on or before April 4, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[8 0T–23]". Comments received may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 22, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

[FR Doc. 80-6348 Filed 2-28-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51024; FRL 1424-2]

1-p-(Nitrobenzoyl-1-(4'Carboxypyridyl) Hydrazide Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

EFFECTIVE DATE: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. Section 5(d)(2) requires EPA to publish in the **Federal Register** within 5 working days, after receipt, certain information about each PMN the Agency receives. This Notice announces receipt of a PMN on the chemical substance 1-p-(Nitrobenzoyl-1-(4'carboxypyridyl) hydrazide and provides a summary of certain information provided in the PMN.

DATE: Written comments by March 22, 1980.

ADDRESS: Written comments to: Documents Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202–755–8050.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Wilson, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202–426–3980.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for a commercial purpose became effective on July 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** of January 10, 1979 (44 FR 2242). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under Section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable precedures.

Once received, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report ot EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, EPA is issuing the PMN set forth below.

PMN 80–18.

Close of Review Period. April 21, 1980.

Manufacturer's Identity. Claimed confidential. The submitter has total annual sales of between $100,000,000 and $499,999,999 and intends to produce the new chemical substance at a plant in the middle Atlantic region of the country

whose three-digit Standard Industrial Classification Code is 289, "Industrial Organic Chemicals".

Specific Chemical Identity. 1-p-(Nitrobenzoyl-1-(4' carboxypyridyl) hydrazide.

Use. Claimed confidential. The manufacturer indicates that the substance will be used in an open use that will release more than 50 kilograms (kg), but less than 5,000 kg, of the substance to the environment per year. The manufacturer further states that the use will involve exposure to chemical and non-chemical industry employees once a week, or less, with potential skin and eye contact. The use, it also states, will involve exposure for commercial employees as part of an article with an average frequency of more than once a week; the potential is for skin contact. It claims that there will be release to the environment in the form of disposal as solid waste.

Data. No test data were submitted with the application.

Interested persons may, on or before March 22, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51024]". Comments received may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)).

Date: February 22, 1980.

John P. Dekany,

Deputy Assistant Administrator for Chemical Control.

[FR Doc. 80–6350 Filed 2–28–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1424–7]

Receipt of Submission for Approval of the NPDES State Pretreatment Program From the State of Wisconsin

On June 26, 1978, the United States Environmental Protection Agency (U.S. EPA) promulgated the general Pretreatment Regulations (40 CFR, 403). These regulations, mandated by the Clean Water Act of 1977 (Pub. L. 95–217), govern the control of industrial wastes introduced into Publicly Owned Treatment Works (POTWs), commonly referred to as municipal sewage treatment plants. The objectives of the regulations are to: 1) Prevent introduction of pollutants into POTWs which will interfere with plant operations and/or disposal or use of municipal sludges; 2) Prevent introduction of pollutants into POTWs which will pass through treatment works in unacceptable amounts to receiving waters or municipal sludges; and, 3) Improve the feasibility of recycling and reclaiming municipal and industrial wastewaters and sludges.

One of the keystones of the industrial waste control programs, as set forth in the general Pretreatment Regulations, is the establishment of Pretreatment Programs as a supplement to the existing State National Pollutant Discharge Elimination System (NPDES) permit program. In order to be approved, a request for State Pretreatment Program approval must demonstrate that the State has legal authority, procedures, available funding and qualified personnel to implement a State Pretreatment Program specified in § 403.10 of the Regulations. The State of Wisconsin received NPDES permit authority on February 4, 1974. Generally, local Pretreatment Programs will be the primary vehicle for administering, applying and enforcing Federal Pretreatment Standards for Industrial Users of POTWs. States will be required to apply and enforce Pretreatment Standards directly against industries that discharge to POTWs where local programs are not required or have not been developed.

In a January 9, 1980, letter, Mr. Anthony S. Earl, Secretary, State of Wisconsin Department of Natural Resources, requested approval of the State of Wisconsin Pretreatment Program, and submitted a signed statement from the Wisconsin Attorney General that the State of Wisconsin has the necessary authority together with a signed revision to the NPDES Memorandum of Agreement, worked out with the Regional Office, and a description of how the State proposes to operate the program. U.S. EPA Regional Counsel has reviewed the Attorney General Statement and has determined that the State of Wisconsin has legal authority to implement an NPDES Pretreatment Program.

Prior to making a final recommendation to the Administrator of U.S. EPA, the Regional Administrator of Region V is providing opportunity for public comment on the State's request. Any interested person may comment by writing to the U.S. EPA, Region V Office. All comment should be made in writing within 30 days of the date of this public notice. All comments and objections which are received by the U.S. EPA in the Chicago Regional Office within the 30-day comment period ending on March 31, 1980, will be considered by the Administrator in his decision on the approval of the State's Pretreatment Program.

Such comments will be made available to the public for inspection and copying. If there is sufficient public interest, a public hearing will be held, and the time and place of the hearing will be public noticed. The State's request may be inspected and copied (@ 20 cents/page) at the following locations:

U.S. EPA, Region V, Permit Branch, 13th Floor, 230 South Dearborn Street, Chicago, Illinois 60604.
Wisconsin Department of Natural Resources, Northwest District, Spooner, Wisconsin 54801.
Wisconsin Department of Natural Resources, Lake Michigan District, 812 South Fifk Street, Green Bay, Wisconsin 54303.
Wisconsin Department of Natural Resources, 101 South Webster Street, Madison, Wisconsin 53701.
Wisconsin Department of Natural Resources, North Central District, 232 Schiek Plaza, Rhinelander, Wisconsin 54501.
Wisconsin Department of Natural Resources, Southern District, Wakanda Dirve, Waunakee, Wisconsin 53711.
Wisconsin Department of Natural Resources, West Central District, 1300 West Clairemont Avenue, Eau Claire, Wisconsin 54701.
Wisconsin Department of Natural Resources, Southeast District, 9722 Watertown Plank Road, Milwaukee, Wisconsin 53226.

Copies of this notice are available upon request. All comments, objections and requests should be sent to:

U.S. EPA, Region V, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604, ATTN: Public Notice Clerk, Telephone No. (312) 353–2105.

Dated: February 21, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80–6474 Filed 2–28–80; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–614–DR]

Arizona Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Arizona (FEMA–614–DR), dated February 19, 1980, and related determinations.

DATED: February 19, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634–7825.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of February 19, 1980, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Arizona resulting from severe storms and flooding, beginning on or about February 13, 1980, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Arizona.

The time period prescribed for the implementation of Section 313 (a), Priority to Certain Applications for Public facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Energency Management Agency Delegation of Authority, I hereby appoint Joe D. Winkle of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Arizona to have been affected adversely by this declared major disaster.

The following Counties for Individual Assistance only:

Gila
Maricopa
Yavapai

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80–6270 Filed 2–28–80; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–614–DR]

Arizona; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Arizona (FEMA–614–DR), dated February 19, 1980, and related determinations.

DATED: February 20, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 634–7845.

NOTICE: The Notice of a major disaster for the State of Arizona dated February 19, 1980, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 19, 1980.

The following Counties for Public Assistance in addition to Individual Assistance:

Gila
Maricopa
Yavapai

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80–6271 Filed 2–28–80; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–3078–EM]

California; Amendment to Notice of Emergency Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of California (FEMA–3078–EM), dated February 1, 1980, and related determinations.

DATED: February 20, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634–7848.

NOTICE: The Notice of a emergency declaration for the State of California dated February 1, 1980, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of February 1, 1980.

Reclamation districts to be specified at a later date within Contra Costa and San Joaquin Counties and limited to emergency assistance to protect the fresh water intake system for Contra Costa County.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80–6272 Filed 2–28–80; 8:45 am]

BILLING CODE 6718–02 M

FEDERAL HOME LOAN BANK BOARD

[No. AC–73; Date: Feb. 26, 1980]

City Federal Savings & Loan Association, Elizabeth, N.J.; Final Action Approval of Conversion Application

Notice is hereby given that on February 14, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80–100 approved the application of City Federal Savings and Loan Association, Elizabeth, New Jersey, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W. Washington, D.C. 20522 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, New York, 10048.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80–6388 Filed 2–28–80; 8:45 am]

BILLING CODE 6720–01–M

[No. AC–74; Date: Feb. 26, 1980]

First Federal Savings & Loan Association of Brookhaven, Brookhaven, Miss.; Final Action Approval of Conversion Application

Notice is hereby given that on February 14, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80–100 approved the application of First Federal Savings and Loan Association of Brookhaven, Brookhaven, Mississippi, for permission to convert to the stock form of

organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W. Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas, 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-6385 Filed 2-28-80; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-75; Date: Feb. 26, 1980]

Freedom Federal Savings & Loan Association, Tampa, Fla.; Final Action Approval of Conversion Application

Notice is hereby given that on February 14, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80-98 approved the application of Freedom Federal Savings and Loan Association, Tampa, Florida, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street, N.W., P.O. Box 56527, Atlanta, Georgia, 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-6384 Filed 2-28-80; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-76; Date: Feb. 26, 1980]

United Federal Savings & Loan Association of Rocky Mount, Rocky Mount, N.C.; Final Action Approval of Conversion Application

Notice is hereby given that on February 14, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80-99 approved the application of United Federal Savings and Loan Association of Rocky Mount, Rocky Mount, North Carolina, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W. Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street, N.W., P.O. Box 56527, Atlanta, Georgia, 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-6387 Filed 2-28-80; 8:45 am]

BILLING CODE 6720-01-M

[80-40]

Preemption of State Usury Laws; Document Classification; Correction

For a document correcting the classification of a document from a Notice to a Rule (45 FR 6165, January 25, 1980) see FR Doc. 80-6489 appearing in the Rules section of this issue.

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of 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 hearings 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 March 21, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Manufacturers Hanover Corporation, New York, New York (second mortgage lending and insurance activities; Maryland): to engage through its subsidiary Ritter Finance Incorporated of Maryland in second mortgage lending, and to sell credit life insurance directly related to such extensions of credit. These activities would be conducted from the offices of Ritter Finance Incorporated of Maryland located in and serving the following counties as well as portions of contiguous counties: Allegheny and Somerset Counties, Maryland.

B. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

NCNB Corporation, Charlotte, North Carolina (mortgage banking; Florida): to engage, through its subsidiary, NCNB Mortgage Corporation; in making, acquiring, and servicing loans and other extensions of credit secured by real estate and in making commercial construction loans. These activities would be conducted from an office in Miami, Florida, serving Dade, Broward, and Palm Beach Counties, Florida.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 21, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-6299 Filed 2-28-80; 8:45 am]

BILLING CODE 6210-01-M

First Union Bancorporation; Acquisition of Bank

First Union Bancorporation, St. Louis, Missouri, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of First Bank of Commerce, Columbia, Missouri. The factors that are considered in acting on the application are set forth in § 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 the Reserve Bank to be received not later than March 21, 1980. 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, February 22, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-6300 Filed 2-28-80; 8:45 am]

BILLING CODE 6210-01-M

Marshall & Ilsley Corp.; Acquisition of a Bank

Marshall & Ilsley Corporation, Milwaukee, Wisconsin, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3) to acquire 90 percent or more of the voting shares of the banking subsidiaries of Affiliated Bank Corporation, Madison, Wisconsin: Affiliated Bank of Madison, Madison, Wisconsin; Affiliated Bank of Hilldale, Madison, Wisconsin; Affiliated Bank of Jamestown, Madison, Wisconsin; Affiliated Bank of Cambridge, Cambridge, Wisconsin, Affiliated Bank of Middleton, Middleton, Wisconsin. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Marshall & Ilsley Corporation, Milwaukee, Wisconsin, has also 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 voting shares of Affiliated Leasing Corporation, Madison, Wisconsin.

Applicant states that the proposed subsidiary would engage in equipment lease financing activities. These activities would be performed from offices of Applicant's subsidiary in Madison, Wisconsin, and the geographic area to be served is Dane County. Such activities have been specified by the Board in section 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 Chicago.

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 March 21, 1980.

Board of Governors of the Federal Reserve System, February 22, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-6302 Filed 2-28-80; 8:45 am]

BILLING CODE 6210-01-M

M. W. Reed Banco, Inc.; Formation of Bank Holding Company

M. W. Reed Banco, Inc., Iowa Falls, Iowa, has applied for the Board's approval under § 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 of Stege Insurance Agency, Inc., Fonda, Iowa, which currently owns 84 per cent of The First National Bank of Fonda, Fonda, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

M. W. Reed Banco, Inc., Iowa Falls, Iowa, has also 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 voting shares of Stege Insurance Agency, Inc., Fonda, Iowa.

Applicant states that the proposed subsidiary would engage in the sale of general insurance in a town with a population less than 5,000. These activities would be performed from offices of Applicant's subsidiary in Fonda, Iowa, and the geographic areas to be served are the counties of Fonda and Pocahantas, Iowa. Such activities have been specified by the Board in section 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 Chicago.

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 March 20 1980.

Board of Governors of the Federal Reserve System, February 22, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-6297 Filed 2-28-80; 8:45 am]

BILLING CODE 6210-01-M

MPSBankcorp, Inc.; Formation of Bank Holding Company

MPSBancorp, Inc., Mount Prospect, Illinois, has applied for the Board's approval under § 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 percent (less directors' qualifying shares) of the voting shares of Mount Prospect State Bank, Mount Prospect, Illinois. The factors that are considered in acting on the application are set forth in § 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 March 20, 1980. 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, February 22, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-6296 Filed 2-28-80; 8:45 am]

BILLING CODE 6210-01-M

Trust Co. of Georgia; Acquisition of Bank

Trust Company of Georgia, Atlanta, Georgia, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 80 per cent or more of the voting shares of The Commercial Bank, Bowdon, Georgia. The factors that are considered in acting on the application are set forth in § 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 March 21, 1980. 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, February 22, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-6301 Filed 2-28-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 79-0429/CP]

Canned Peaches Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a temporary permit has been issued to California Canners and Growers to market test a new style of canned peaches designated as "chunky." The temporary permit is to permit the applicant to measure consumer acceptance of the food.

DATES: This permit is effective on the date the new food is introduced into or caused to be introduced into interstate commerce, but no later than May 29, 1980; the permit is effective for 15 months, but will terminate either on the effective date of an affirmative order ruling on Libby, McNeill and Libby's petition of June 6, 1977, proposing amendment of the standards of identity and quality for canned peaches or 30 days after a negative ruling on the proposal, if such a ruling is made before the permit expires.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of foods varying from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to California Canners and Growers, San Francisco, CA 94106. This permit covers limited interstate marketing tests of canned peaches that deviate from the standard of identity prescribed in § 145.170(a) (21 CFR 145.170(a)), in that the standard does not provide for the optional style of chunky peaches (units ½ inch or greater in the smallest dimension and 1¾ inches or less in the largest dimension). At least 75 percent of the drained weight of the contents of the container will conform to the foregoing size specifications. The permit provides for the temporary marketing of 25,000 cases of twenty-four #303 cans and 16,000 cases of six #10 cans of the product to be distributed in the States of California, Connecticut, Maine, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

The test product will be packed at the California Canners and Growers plant located in Sunnyvale, CA. The product will be packed in heavy syrup prepared from ingredients (water, corn syrup, and sugar syrup) that are already provided for in the standard.

The principal display panel of the label will state the product name as "Chunky Peaches." Wherever the name of the food appears on the label, he words "in heavy syrup" will appear in letters not less than one-half the size of those used in the name of the food. The ingredients used will be stated on the label as required by the applicable sections of Part 101 (21 CFR Part 101). This permit is effective beginning on the date the new food is introduced or caused to be introduced into interstate commerce, but no later than May 29, 1980. However, this permit as issued to California Canners and Growers may terminate sooner depending upon the final action taken on the Libby, McNeill and Libby, Inc., petition proposing to amend the standards of identity and quality for canned peaches. If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after the negative ruling on the proposal.

Dated: February 22, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-6282 Filed 2-28-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79-0447/CP]

Canned Pears Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a temporary permit has been issued to the California canners and Growers to market test a new style of canned pears designated as "chunky." The temporary permit is to permit the applicant to measure consumer acceptance of the food.

DATES: This permit is effective on the date the new food is introduced into or caused to be introduced into interstate commerce, but no later than May 29, 1980; the permit is effective for 15 months, but will terminate either on the effective date of an affirmative order ruling on a proposal published in the **Federal Register** of June 1, 1979 (44 FR 31699), to amend the standards of identity and quality for canned pears or 30 days after a negative ruling on the proposal, if such a ruling is made before the permit expires.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of foods varying from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been

issued to the California Canners and Growers, San Francisco, CA 94106. This permit covers limited interstate marketing tests of canned pears that deviate from the standard of identity prescribed in § 145.175(a) (21 CFR 145.175(a)), in that the standard does not provide for the optional style of chunky pears (units ½ inch or greater in the smallest dimension and 1¾ inches or less in the largest dimension). At least 75 percent of the drained weight of the contents of the container will conform to the foregoing size specifications. The permit provides for the temporary marketing of 25,000 cases of twenty-four #303 cans and 6,000 cases of six #10 cans of the product to be distributed in the States of California, Connecticut, Maine, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

The test product will be packed at the California Canners and Growers plant located in Sunnyvale, CA. The product will be packed in heavy syrup prepared from ingredients (water, corn syrup, and sugar syrup) that are already provided for in the standard.

The principal display panel of the label will state the product name as "Chunky Pears." Wherever the name of the food appears on the label, the words "in heavy syrup" will appear in letters not less than one-half the size of those used in the name of the food. The ingredients used will be stated on the label as required by the applicable sections of Part 101 (21 CFR Part 101). This permit is effective beginning on the date the new food is introduced or caused to be introduced into interstate commerce, but not later than May 29, 1980. However, this permit as issued to California Canners and Growers may be terminated sooner, depending on the final action on the proposal to amend the standards of identity and quality for canned pears published in the **Federal Register** of June 1, 1979 (44 FR 31669). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. if the proposal is rejeced, the permit will expire 30 days after the negative ruling on the proposal.

Dated: February 22, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-6281 Filed 2-28-80; 8:45 am]

BILLING CODE 4110-03-M

Health Care Financing Administration

National Professional Standards Review Council; Request for Nomination of Members

The terms of three members of the National Professional Standards Review Council will expire as of June 30, 1980. The purpose of this notice is to solicit suggestions for qualified individuals to fill the vacancies on the Council.

The National Professional Standards Review Council was established in 1973 under section 1163 of the Social Security Act (42 U.S.C. section 1320c–12). The Council is composed of eleven physicians. The physicians must be of recognized standing and distinction in the appraisal of medical practice and not otherwise in the employ of the United States. A majority of the Council's members must be recommended by national organizations recognized by the Secretary as representing practicing physicians; however, its membership includes physicians recommended by consumer groups and other health care interests. Members are appointed for 3 years and are eligible for reappointment.

In order to achieve a balance of expertise on the Council, we are particularly interested in practicing physicians experienced in the areas of health finance, specialized medical review methodologies such as ancillaries review, and preventative health.

Send nominations and curriculum vitae by March 28, 1980 to: Cleo E. Hancock, Staff Director, National Professional Standards Review Council, Room 5334, Switzer Building, 330 C Street, SW., Washington, D.C. 20201, telephone: (202) 245–0347.

Nominations must state that the nominee is aware of the nomination and is willing to serve as a member of the Council.

Thank you for your assistance and prompt attention.

Dated: February 25, 1980.

Leonard D. Schaeffer,

Administrator.

[FR Doc. 80-6337 Filed 2-28-80; 8:45 am]

BILLING CODE 4110-35-M

Food and Drug Administration

[FDA 225-80-8000]

Exported Dry Milk Products; Memorandum of Understanding With the Department of Primary Industry, Australia

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the Department of Primary Industry, Australia. The purpose of the memorandum of understanding is to expedite entry of Australian dry milk products at U.S. ports and to give assurance that they meet certain standards.

DATE: The agreement became effective January 27, 1980.

FOR FURTHER INFORMATION CONTACT: Gary Dykstra, Regulatory Operations Section (HFC–22), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3470.

SUPPLEMENTARY INFORMATION: Pursuant to the notice published in the **Federal Register** of October 3, 1974 (39 FR 35697) stating that future memoranda of understanding and agreements between FDA and others would be published in the **Federal Register**, the agency is publishing the following memorandum of understanding.

Memorandum of Understanding Between the Food and Drug Administration, U.S. Department of Health, Education, and Welfare and the Department of Primary Industry, Australia Covering Dry Milk Products Exported From Australia to the United States of America

I. *Objectives.* The goals of the Food and Drug Administration (FDA) and the Australian Department of Primary Industry (DPI) in entering into this Memorandum of Understanding (MOU) are to:

1. Expedite the entry of Australian dry milk products at U.S. ports by minimizing the need for extensive FDA sampling of DPI certified dry milk products from Australia.

2. Give assurance that Australian dry milk products exported to the U.S. are free from contamination or underprocessing in accordance with the standards set out in this MOU.

II. *Definitions.* For purposes of this Memorandum, both parties accept the following definitions:

Dry milk products: Dry milk products include dry whole milk, nonfat dry milk, lowfat dry milk, dry cream, dry whey, dry buttermilk, casein, caseinates and coprecipitates. Products marked "FOR NON-EDIBLE USE ONLY" are excluded from this definition.

Lot: A lot is a quantity of dry milk product produced by one manufacturer during a discrete period of time, not exceeding one day, in one continuous process using a single processing line.

packaged in identical containers which are identified by a code or mark traceable to the manufacturer.

Pencillin negative: The lot of dry milk product is pencillin negative when the samples from that lot, taken in accordance with Section IV "SAMPLING" of this MOU, or units composited from those samples in accordance with that section, are reported as pencillin G not detectable, when tested by one of the methods described in Attachment A, "Analytical Methods".

Phosphatase negative: The lot of dry milk product is phosphatase negative when the samples from that lot, taken in accordance with Section IV "SAMPLING" of this MOU, or units composited from those samples in accordance with that section, are reported as phosphatase not detectable when tested by one of the methods described in Attachment A, "ANALYTICAL METHODS".

Salmonella negative: The lot of dry milk product is *Salmonella* negative when the samples from that lot taken in accordance with Section IV "Sampling" of this MOU, or units composited from those samples in accordance with that section, are reported as *Salmonella* not detectable, when tested by one of the methods described in Attachment A, "Analytical Methods".

III. *Obligations of Participants.*

A. Department of Primary Industry, Australia. The Department of Primary Industry (DPI) is responsible to the Government of the Common-wealth of Australia for the administration of the Exports (Dairy Produce) Regulations. In fulfilling its responsibilities under those Regulations, DPI directs its activities towards the reputation of the dairy exports from the Common-wealth of Australia by ensuring that dairy foods are safe and wholesome and that such products are honestly and informatively labeled. This is accomplished by inspecting the processed products before distribution and by collecting and examining samples to assure compliance with these Regulations. To carry out these responsibilities as they relate to exports of dry milk products and in fulfillment of commitments under this Memorandum of Understanding:

1. The Department of Primary Industry has furnished the Food and Drug Administration with copies of the current regulations and procedures used to assure that dry milk products are sanitary. The DPI will supply the FDA with copies of any future changes as they become effective.

2. The Department of Primary Industry has informed FDA of the sampling and testing procedures involved in the microbiological/chemical testing of dry milk products manufactured in export establishments in Australia registered under the Exports (Dairy Produce) Regulations as these procedures operate on and from January 1, 1978. DPI will inform the FDA of any modifications initiated in the Australian analytical regime.

3. The Department of Primary Industry will furnish to the Food and Drug Administration, on request, a full description of the manufacturing process and quality controls used in respect to any particular lot to assure that the production of the dry milk product concerned is sanitary.

4. The Department of Primary Industry will inspect each lot of dry milk product produced in Australia and offered for certification and exportation to the United States of America to assure that the lot is penicillin negative, phosphatase negative, and *Salmonella* negative.

5. The Department of Primary Industry will issue a separate certificate for only those lots which meet the criteria in 4 above. Any lot offered for certification which fails to meet such criteria shall be denied export to the United States of America.

6. The Department of Primary Industry will require all packages in each lot exported to the United States of America to be identified by a lot number.

7. The Department of Primary Industry will include in the certificate for each lot exported to the United States of America the following information:

a. Lot identification, including name and address of manufacturer;

b. Number and size of containers in the lot;

c. Information that the product described is negative for penicillin, phosphatase and *Salmonella* in accordance with the requirements of this MOU.

d. Date of certificate; and,

e. Name and stamp, or seal of authorizing official.

The validated certificate will accompany the shipping manifest.

B. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare. The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare is charged by the Government of the United States of America with the enforcement of the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act. In fulfilling its responsibilities under the Acts, FDA directs its activities toward the protection of the public health of the United States of America by ensuring that foods are safe and wholesome and that products are honestly and informatively labeled. This is accomplished by inspecting the processing and distribution of foods and by collecting and examining samples to assure compliance with these Acts. To carry out these responsibilities as they relate to imported dry milk products and in fulfillment of its Memorandum of Understanding commitment:

1. The Food and Drug Administration acknowledges that the Department of Primary Industry has informed FDA of the sampling and testing procedures involved in the microbiological testing of dry milk products manufactured in export establishments in Australia registered under the Exports (Dairy Produce) Regulations as these procedures operate on and from January 1, 1978.

2. The Food and Drug Administration will sample dry milk products certified under this Memorandum of Understanding to assure that the exporting country and the exported products comply with specifications set forth in this Memorandum. On commencement of this MOU, the intensity of sampling of lots of DMP from Australia, will not exceed the highest rate of lot sampling applied to any other country entering into an MOU. The intensity of sampling may be reduced on gaining confidence in the compliance of the products to these specifications. The FDA may also check for other attributes to make sure the products also comply with the other requirements of the Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act.

3. The Food and Drug Administration will share any information obtained through its audit sampling with the Department of Primary Industry through the Australian Embassy.

4. The Food and Drug Administration will promptly notify the Australian Embassy of any detention of dry milk products covered by the Memorandum and of any modifications in the Acts or the regulations which pertain to the dry milk products.

5. The Food and Drug Administration will share expertise and will provide consultative assistance to the exporting country when necessary to assure the safety of the dry milk products exported to the United States of America.

IV. *Sampling.* Subsamples will be collected as follows: Using aseptic sampling techniques, 30 subsamples, each containing approximately 100 grams, will be randomly collected from each lot. If the lot contains packaged units weighing approximately 225 grams (about 8 ounces) or less, but more than

100 grams, 30 of these units will be randomly collected unopened, from the lot.

V. *Analytical Methdology.* The methodology used in analyzing samples collected for the purpose of this MOU shall be acceptable to both the U.S. Food and Drug Administration and the Australian Department of Primary Industry. The analytical methods currently in use are listed in Attachment A.

VI. *Administrative Procedures.*

1. Activation of MOU. This Memorandum of Understanding will become effective 60 days after signature by the parties and will remain in effect pending revocation by either party.

2. Modification of MOU. Changes in this Memorandum of Understanding may be proposed by either of the parties. When the proposed changes are acceptable to both parties, they will be incorporated into the Memorandum.

3. Termination of MOU. This Memorandum of Understanding may be revoked by either party. The Memorandum of Understanding will cease to operate 60 days after Notice of Intent to Revoke has been given by one party to the other.

The terms of the Memorandum of Understanding would continue to apply in respect to dry milk products manufactured prior to the date of the Notice of Intent to Revoke.

4. Publication of MOU. Upon its effective date, the Memorandum of Understanding will be published in the **Federal Register.** A copy will be available for public review at the Office of the Hearing Clerk, Room 4–65, 5600 Fishers Lane, Rockville, MD 20857.

Attachment A—Analytical Methods

The subsamples of dry milk products will be aseptically reconstituted. The 25 gram portions taken from each of the 30 subsamples collected from a lot of dry milk product may be composited up to an amount of 400 grams in each composite. The composites or individual 25 gram portions shall be reconstituted in an amount of diluent at least eight and no more than ten times the weight of the product.

1. *Penicillin.* Reconstituted dry milk products will be tested for penicillin residues by either of the following methods:

(a) The *S. lutea,* cylinder method as described in *Methods of Analysis—AOAC,* Twelfth Edition, Section 42.252 et seq., p. 812–813; changes in Official Methods of Analysis made by the Nineteenth Annual Meeting, Oct. 18–21, 1976/Third Supplement to 12th Edition, Journal of AOAC, Volume 60, March 77, pp. 484–485, Section 42(4).

(B) The *B. stearothermophilus,* variety calidolactis, disk assay method described in the Australian Standard Method of Microbiological Examination of Dairy Products and for Dairy Purposes, AS 1095.1.3, clause 3.3.2.

While the Department of Primary Industry may choose to use either of these methods for certification of lots, FDA will continue to use the *S. lutea* cylinder method in its regulatory enforcement to assure that imported dry milk products are free of detectable penicillin residues.

2. *Phosphatase.* Reconstituted dry milk products will be tested for phosphatase activity by either of the following methods:

(A) Scharer Rapid Method for Phosphatase Analysis, described in *Standard Methods for the Examination of Dairy Products,* Fourteenth Edition, 1978, Section 18.4; or,

(B) Aschaffenberg and Mullen Method, described in the Australian Standard Method of Microbiological Examination of Dairy Products and for Dairy Purposes, AS 1095.1.3, clause 3.2.6.

3. *Salmonella.* Reconstituted dry milk products will be analyzed for presence of *Salmonella* according to either of the methods contained in:

(A) *Bacteriological Analytical Manual,* Fifth Edition, 1978, Chapter VI—Isolation and Identification of *Salmonella.*

and

(B) *Methods of Analysis—AOAC,* Twelfth Edition, 1975, Chapter 46, Microbiological Methods, Section 46.013, et seq. (Note: Both (A) and (B) give methods based upon 100 gram samples. For this MOU, 30/25 gram samples will be used.); or,

(C) *Standards Association of Australia* viz AS 1095.3.8 (1976) Methods of Microbiological Examination of Dairy Products and for Dairy Purposes.

Attachment B—References of Analytical Methods Cited in This MOU

1. *Australian Standard,* AS 1095 (1976): Methods of Microbiological Examination of Dairy Products and for Dairy Purposes, Standards Association of Australia, Standards House, 80 Arthur Street, North Sydney, N.S.W. Australia.

2. *Bacteriological Analytical Manual,* Fifth Edition, 1978. The Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

3. *Methods of Analysis—AOAC,* Twelfth Edition, 1975. Changes in Official Methods of Analysis made at the Nineteenth Annual Meeting, Oct. 18–21, 1976/Third Supplement to 12th Edition, Journal AOAC, Volume 60, March 77, pp. 484–485, Section 42(4). The Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

4. *Standard Methods for the Examination of Dairy Products,* Fourteenth Edition, 1978, Section 18.4. American Public Health Association, 1015 Eighteenth Street, N.W., Washington, D.C. 20036.

In witness whereof, the Agencies have executed this Memorandum of Understanding covering dry milk products.

For the Department of Primary Industry:

s/ R. S. Swift
Title: Minister (Commercial), Embassy of Australia
Country: Australia
Date: November 28, 1979.

For the Food and Drug Administration:

s/ Joseph P. Hile,
Title: Associate Commissioner for Regulatory Affairs
Country: United States of America
Date: November 23, 1979.

Effective date. This Memorandum of Understanding became effective January 27, 1980.

Dated: February 22, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-6127 Filed 2-28-80; 8:45 am]
BILLING CODE 4110-03-M

[Docket No. 78P-0406]

Metrologic Instruments, Inc.; Approval of Variance for a Metroscan II Laser Bar Code Reader

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that a variance from the performance standard for laser products has been approved by the Bureau of Radiological Health for a Metroscan II bar code reader, which is designed to produce a narrow scanned laser light beam used to read an identification bar code on books. The reader is designed for use in libraries in an automated system for the distribution and inventory control of books.

DATES: The variance became effective January 15, 1980 and ends January 15, 1985.

ADDRESS: Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Glenn E. Conklin, Bureau of Radiological Health (HFX–460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3426.

SUPPLEMENTARY INFORMATION: Under the provisions of § 1010.4 (21 CFR 1010.4), Metrologic Instruments, Inc., 143 Harding Ave., Bellmawr, NJ 08030, has been granted a variance from § 1040.10(f)(6) (21 CFR 1040.10(f)(6)) of the performance standard for laser products. The variance permits the manufacturer to market its laser bar code reader known as the Metroscan II Model SH 100 scanning head without an otherwise required beam attenuator because suitable means of radiation protection will be provided by constraints on the physical and optical design and by warnings in the user manual and on the product. The product shall bear the Variance Number 78P–0406.

By letter of January 15, 1980, the Director of the Bureau of Radiological Health approved the requested variance, which terminates on January 15, 1985.

In accordance with § 1010.4 (21 CFR 1010.4), the application and all correspondence (including the written notice of approval) on this application, except for information regarded as confidential under section 360A(e) of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263i(e)), have been placed on public display in the office of the Hearing Clerk, Food and Drug Administration and may be seen from 9 a.m. to 4 p.m., Monday through Friday.

Dated: February 21, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–5981 Filed 2–28–80; 8:45 am]

BILLING CODE 4110–03–M

Health Services Administration

Program Grants for Black Lung Clinics; Announcement of Competitive Grant Applications

The Bureau of Community Health Services (BCHS), Health Services Administration, announces that competitive applications for projects under Program Grants for Black Lung Clinics are now being accepted under the grant program established by section 427(a) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 937(a)). There will be one funding cycle during fiscal year 1980.

Section 427(a) of the Federal Mine Safety and Health Act of 1977 authorizes project grants to provide diagnostic and treatment services to active and inactive coal miners who have respiratory impairments.

Regulations governing Program Grants for Black Lung Clinics are set forth in 42 CFR Part 55a. A Notice of Proposed Rulemaking (NPRM) to revise Part 55a was published in the **Federal Register** on February 12, 1980 (45 FR 9298).

Scope of this program announcement: This announcement identifies the general program objectives, funding priorities, eligibility requirements, and application procedures for Program Grants for Black Lung Clinics for fiscal year 1980.

A. Program Purposes: "Black lung" is an occupationally related term encompassing several medically defined respiratory impairments affecting persons who have worked in coal mining, coal processing, or coal transportation. This program provides grant assistance to public and nonprofit private entities for the construction, purchase, and operation of clinical facilities for the analysis, examination, and treatment of respiratory and pulmonary impairments in coal miners. The major functions of these clinics are to provide services to minimize the effects of respiratory and pulmonary impairments in coal miners and to perform examinations in connection with Department of Labor black lung disability benefits claims.

B. Eligible Applicants: Any public or nonprofit private entity may apply for a grant to carry out area or statewide clinical services for the analysis, examination, and treatment of miners' occupational respiratory and pulmonary diseases.

C. Available Funds: Approximately $7.26 million is expected to be available in fiscal year 1980 for grants for black lung clinics.

D. Program Objectives: Clinics must now, or with grant assistance, be able to:

(1) Provide for the following services:

(a) Primary care;

(b) Patient and family education and counseling;

(c) Outreach;

(d) Patient care coordination, including individual patient care plans for all patients;

(e) Antismoking advice; and

(f) Other symptomatic treatments.

(2) Meet all criteria for approval and designation by the Department of Labor under 20 CFR Part 725 to perform disability examinations and provide treatment under the Federal Mine Safety and Health Act of 1977.

(3) Provide services in areas where a significant population of coal miners with pneumoconiosis is located. The Department of Health, Education, and Welfare (HEW) Regional Offices (see item H of this notice) will be able to advise prospective applicants about the location of these populations.

E. The Application Process:

(1) *A–95 Clearinghouse Agency(s) Project Notification and Review.* in compliance with HEW's implementation of Office of Management and Budget Circular No. A–95, Revised, applicants who request grant support must, prior to submission of an application, notify the appropriate A–95 Clearinghouse Agency(s). The A–95 Clearinghouse Agency(s) must be notified at least 60 days before the deadline (May 30, 1980) for receipt of applications by HEW. Applications will not be formally reviewed without clearinghouse comments (which should be included with the application) or verification that no comments were made within the period available to the clearinghouse for comment.

(2) *Health Systems Agency Review.* Applications must be submitted simultaneously to the Health Systems Agency and to HEW. Simultaneous submission is permitted by § 122.408(b)(1) of 42 CFR.

(3) *Application Consideration.* Applications which are late, incomplete, or otherwise do not conform to the requirements in this announcement will not be accepted for review. All acceptable applications will be subject to a competitive review and evaluation in accordance with an established, objective review process.

Once the Secretary has decided to disapprove an application, or if funds are not available to support all approved applications, the affected applicants will be so notified.

F. Criteria for Review and Evaluation of Applications: Priority will be given to applicants according to:

(1) The number of miners to be served and their needs;

(2) The quality and breadth of services to be provided;

(3) The degree to which other resources are committed to the program;

(4) The applicant's ability to manage the proposed program, including its experience with the delivery of medical services by clinical facilities; and

(5) The applicant's ability to make immediate and effective use of the grant funds.

Generally, the initial grant and any subsequent continuation applications and awards will be for 1 year at a time.

The procedures and criteria for the approval of applications in the NPRM, published in the **Federal Register** on February 12, 1980, (45 FR 9298) are applicable to this cycle. They are

subject to the qualification that they reflect preliminary policies until final regulations are published. Policies reflected in the final regulations may require revisions in applications.

G. Closing Dates for Receipt of Applications: The closing date for receipt of applications under this announcement is May 30, 1980. An application will be considered to have arrived by the closing date if: (1) It is in the appropriate HEW Regional Office (see item H, below) on or before the announced closing date; or (2) it is postmarked at least 2 days prior to the announced closing date.

Applications may be mailed or hand delivered. Hand-delivered applications will be accepted during the usual working hours of 8:30 a.m. to 5:00 p.m.

H. Where to Obtain and Submit Application Forms: Application kits, including all necessary forms, instructions, and information may be obtained from, and completed applications should be returned to, the appropriate HEW Regional Office, as listed below.

Dated: February 22, 1980.

John H. Kelso,

Deputy Administrator, Health Services Administration.

Public Health Service

Regional Health Administrators

Edward J. Montminy, Regional Health Administrator, PHS—Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203 (617) 223–6827

C. Robert Dean, M.D. (acting), Regional Health Administrator, PHS—Region II, 26 Federal Plaza, New York, New York 10007 (212) 464–2560

H. McDonald Rimple, M.D., M.P.H., Regional Health Administrator, PHS—Region III, P.O. Box 13716, Philadelphia, Pennsylvania 19101 (215) 596–6637

George A. Reich, M.D., Regional Health Administrator, PHS—Region IV, 101 Marietta Tower, Suite 1007, Atlanta, Georgia 30323 (404) 221–2316

E. Frank Ellis, M.D., Regional Health Administrator, PHS—Region V, 300 South Wacker Drive, Chicago, Illinois 60606 (312) 353–1385

James A. Buford, Regional Health Administrator, PHS—Region VI, 1200 Main Tower Building, Dallas, Texas 75202 (214) 767–3879

Youn Bock Rhee, Regional Health Administrator, PHS—Region VII, 601 East 12th Street, Kansas City, Missouri 64106 (816) 374–3291

Hilary H. Connor, M.D., Regional Health Administrator, PHS—Region VIII, 19th and Stout Streets, Denver, Colorado 80294 (303) 837–4461

Sheridan L. Weinstein, M.D., Regional Health Administrator, PHS—Region IX, 50 United Nations Plaza, San Francisco, California 94102 (415) 556–5810

Dorothy H. Mann, Regional Health Administrator, PHS—Region X, 1321 Second Avenue, Seattle, Washington, 98101 (206) 442–0430

[FR Doc. 80-6290 Filed 2-28-80; 8:45 am]

BILLING CODE 4110-84-M

Office of Education

Advisory Council on Developing Institutions; Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), that the next meeting of the Advisory Council on Developing Institutions will be held March 20 and 21, 1980, from 8:30 a.m. to 4:30 p.m. in the Board Room of the Administration Building Annex on the corner of Palmetto and Pine Streets on the campus of Xavier University of Louisiana in New Orleans.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (P.L. 92–463). The Council shall assist the Commissioner in identifying developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under section 304(a) of that Title.

The meeting of the Council shall be open to the public.

The Proposed agenda includes:

(1) Up-dating of the Title III application/award process.

(2) Site visits to seven institutions in New Orleans who have received or are current recipients of Title III funds. There are: Delgado College, Dillard University, Loyola University, Our Lady of Holy Cross, Southern University in New Orleans, St. Mary's Dominican, Xavier University of Louisiana.

(3) Introduction of the seven Title III Coordinators from the seven grantee institutions.

(4) Other administrative matters and related business.

Records shall be kept in the form of the Council's Annual Report. Copies of the Annual Report will be available to the public at a later date at the Office of the Executive Director of the Advisory Council on Developing Institutions located in Room #3905, ROB–3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed at Washington, D.C. on February 26, 1980.

Paul H. Carnell,

Executive Director.

[FR. Doc. 80-6336 Filed 2-28-80; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Federal Coal Management Program Briefings and Planning Workshops

SUMMARY: The Eastern States Office and Office of Coal Management, Bureau of Land Management, U.S. Department of the Interior, will hold a series of workshops to be conducted in three states during March 1980 to acquaint elected officials, the coal industry and the public with details of the new Federal coal management program.

DATES: The opening session is scheduled for March 17, 1980, in Evansville, Indiana. See supplementary information below for full schedule of dates and city location.

ADDRESS: Any suggestions or remarks should be sent to Director, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304.

FOR FURTHER INFORMATION CONTACT: Rob Cervantes—(703) 235–2866.

SUPPLEMENTAL INFORMATION: The sessions are intended to increase understanding, by the mining industry and the public, of the new Federal Coal Management Program implemented by Secretary of the Interior Cecil D. Andrus on June 4, 1979. The program initiates, for the first time since 1971, competitive leasing of Federal coal to assure adequate coal production to meet U.S. energy needs. The schedule includes:

Evansville, Indiana—March 17, 1980—covering the Eastern Interior coal region.—Location: Sheraton Inn, 5701 Highway 41 North, Evansville, Indiana 47711.

Wheeling, West Virginia—March 19, 1980—covering the Northern and Central Appalachian coal regions.—Location: Ramada Inn, R.D. 1, Triadelphia, West Virginia.

Lexington, Kentucky—March 21, 1980—covering the Northern and Central Appalachian coal regions.—Location: Hilton Inn, 1938 Stanton Way, Lexington, Kentucky 40505.

The workshops will be comprehensive and address key aspects of the new program. Topics will include identification of potential coal lands, methods of coal leasing, planning processes, and coal economic evaluations. All sessions begin at 8:30 a.m. and are open to the public.

Each of the one-day workshops will conclude with an open forum, offering opportunities for the attendees to discuss the program with officials involved in the development and operation of the program.

Roger L. Hildebeidel,

Director, Eastern States.

[FR Doc. 80-6193 Filed 2-28-80; 8:45 am]

BILLING CODE 4310-84-M

Idaho; Wilderness Inventory Decision

The **Federal Register** of January 4, 1980, announced the intended final decision for intensive wilderness inventory for inventory units in the Challis Planning area of the Salmon BLM District.

One protest to the intended final decision was received, opposing the identification of four units as Wilderness Study Areas. After evaluation of the protest, the decision remains unchanged, the four units as follows contain wilderness characteristics and are identified as Wilderness Study Areas:

		Acres
46-11	Corral-Horse Basin	51,500
46-13	Boulder Creek [1]	2,573
46-14	Jerry Peak	48,000
46-14a	Jerry Peak West	15,000

[1] Unit contiguous to Forest Service RARE II lands.

Remaining intensive inventory units in the Challis area are dropped from further wilderness consideration.

This final decision upon publication in the **Federal Register** is subject to appeal under Title 43, Code of Federal Regulations, Part 4.

For further information contact: District Manager, Salmon District Office, P.O. Box 430, Salmon, ID 83467. State Director, Idaho State Office, Box 042, Federal Building, 550 W. Fort Street, Boise, ID 83724.

Dated: February 22, 1980.

B. Buffington,

State Director.

[FR Doc. 80-6211 Filed 2-28-80; 8:45 am]

BILLING CODE 4310-84-M

Status of Wilderness Review of Public Land

Correction

In FR Doc. 80-4610, appearing at page 9798 in the issue of Wednesday, February 13, 1980 make the following correction:

On page 9799, in the table at the bottom of the second and third column, the fourth state listed in the "State:" column, now reading "Indiana" should read "Idaho".

BILLING CODE 1505-01-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: Woodland Park Zoological Garden, Seattle, Washington 98103.

The applicant requests a permit to import as a gift two captive-bred Asian elephants *(elephus maximus)* from the Bankok Zoo, Thailand for enhancement of propagation and survival.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO) Washington, D.C. 20240.

This application has been assigned file number PRT 2-6343. Interested persons may comment on this application on or before March 31, 1980 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: February 26, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80-6455 Filed 2-28-80; 8:45 am]

BILLING CODE 4310-55-M

Endangered and Threatened Species Permit; Receipt of Application

Applicant: Regional Director, Region 2, U.S. Fish & Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

The applicant requests a permit to continue ongoing programs and to import, export and re-export salvaged specimens of all endangered and threatened species of sea turtles for the purposes of scientific research and enhancement of propagation and survival. All work will be designed to minimize risk of injury or death to the animals.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1770. Interested persons may comment on this application on or before March 31, 1980 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: February 26, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80-6456 Filed 2-28-80; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Appalachian National Scenic Trail Advisory Council; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the New England Region of the Appalachian National Scenic Trail Advisory Council will be held at Kent School in Kent, Connecticut on March 28 from 9:00 a.m. to 5:00 p.m. The agenda of the meeting will include the Trail protection program, planning and management of the Trail.

The Council has been re-established by Pub. L. 95-248 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to administration of the Appalachian National Scenic Trail. The Council was originally established by Pub. L. 90-543.

The meeting will be open to the public, although space will be limited. Persons will be accommodated on a first-come, first-served basis. Any person may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who will wish to submit written statements may contact David A. Richie, Project Manager, Appalachian Trail Project Office, Harpers Ferry, West Virginia, 25425, at Area Code (304) 535-2346.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the above address. Copies of the minutes will also be available from the Appalachian Trail Office, National Park Service, 15 State Street, Boston, Massachusetts 02109; from Room 3120, Interior Building, 18th and C Streets, NW., Washington, D.C. and at the headquarters of the Appalachian Trail Conference, Washington Street, Harpers Ferry, West Virginia.

Dated: February 25, 1980.

David A. Richie,

Project Manager.

[FR Doc. 80-6421 Filed 2-28-80; 8:45 am]

BILLING CODE 4310-70-M

Indiana Dunes National Lakeshore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, as amended by Pub. L. 94-409, 90 Stat. 1247, that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held on Friday, March 21, 1980, at 10:00 a.m., CST, at the Tremont/Furnessville Visitor Center, U.S. 12 and Kemil Road, Chesterton, Indiana.

The Commission was established by Pub. L. 89-761, 80 Stat. 1309, 16 U.S.C. 460u-7, as amended, to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Dr. Albert Sawyer (Chairman)
Mrs. Anna R. Carlson
Mr. John A. Hillenbrand II
Mr. James L. Kintzele
Mr. William L. Lieber
Mr. John R. Schnurlein
Mr. Norman E. Tufford

Matters to be discussed at this meeting include:

1. Status of land acquisition.
2. Discussion of Commission's role and plans for working with the Lakeshore in the implementation of its General Management Plan.
3. Discussion of Commission's role on environmental matters of concern to the Lakeshore.
4. Evacuation measures to be considered in the event of toxic chemical or radioactive spills at the Lakeshore.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, 1100 North Mineral Springs Road, Porter, Indiana 46304, telephone 219-926-7561.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at 1100 North Mineral Springs Road, Porter, Indiana.

Dated: February 19, 1980.

Randall R. Pope,

Acting Regional Director, Midwest Region.

[FR Doc. 80-6422 Filed 2-28-80; 8:45 am]

BILLING CODE 4310-70-M

Proposed Feral Burro Management Program, Availability of Review of Alternatives—Finding of No Significant Impact; Bandelier National Monument, N. Mex.

An Amended Environmental Assessment of the alternatives being considered for the management of a feral burro population within Bandelier National Monument, New Mexico, was made available for a 30-day public review period on January 4, 1980. From the approximately 370 Federal, State, and local Government agencies, and interested individuals and organizations that received the document for review, 17 responses were received, of which only 1 advocated that no action should be taken.

As a result of the public review, completed research, and National Park Service policy and legislative mandates for the preservation and protection of Bandelier National Monument, the National Park Service has prepared a review of the alternatives and selected a plan of action for feral burro management. The selected alternative includes the following:

1. Manage the feral burro population by direct reduction by shooting.
2. Manage the feral burro population by exclusion by fencing.

The National Park Service, based on the review of the alternatives, has concluded the proposed actions do not represent a major Federal action significantly affecting the environment and therefore will not prepare and environmental statement on the feral burro management program.

Copies of the Review of Alternatives/Finding of No Significant Impact are available at the following locations:

Southwest Regional Office, National Park Service, Post Office Box 728, 1100 Old Santa Fe Trail, Santa Fe, New Mexico 87501.

Bandelier National Monument, Los Alamos, New Mexico 87544.

Copies of the Review of Alternatives/Finding of No Significant Impact have been sent to all who received the Amended Environmental Assessment. Anyone wishing to submit comments on the selected alternative should address them to the Superintendent, Bandelier National Monument, Los Alamos, New Mexico 87544, prior to March 7, 1980.

The National Park Service intends to proceed with implementation of the feral burro management program unless evidence is received during the review period which would substantially alter the conclusions outlined in the Review of Alternatives/Finding of No Significant Impact.

Dated: February 26, 1980.

William J. Whalen,

Director, National Park Service.

[FR Doc. 80-6420 Filed 2-28-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Application No. MC-1507]

A.A.A. Trucking Corp. et al.; Released Rate Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. MC-1507.

SUMMARY: A.A.A. Trucking Corporation, A-P-A Transport, Baron Motor Carriers, Inc., Fowler & Williams, Inc. and Herman Forwarding Company seek to amend Released Rates Order Nos. MC-815 and MC-855. These orders presently authorize the applicants to establish and maintain minimum charges based on released value, on drugs, medicines, chemicals, toilet preparations and other articles in tariffs issued by Middle Atlantic Conference, Agent. The proposed amendment would change the released valuation and measure of settlement from 50 cents per pound to 110 cents per pound per distribution package. It would further amend the orders to allow the applicants to annually adjust the released value to reflect changes in the national producer price index.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. J. P. Connor, Practitioner for Applicants, Middle Atlantic Conference, 6410 Kennilworth Ave., Riverdale, MD 20840.

FOR FURTHER INFORMATION CONTACT: Mr. Max Pieper, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423 Tel. (202) 275-7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730, formerly Sections 20(11) and 219 of the Interstate Commerce Act.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-6361 Filed 2-28-80; 8:45 am]

BILLING CODE 7035-01-M

Finance Application

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission on or before March 31, 1980. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

Agatha L. Mergenovich,

Secretary.

MC–F–14182. Authority sought for purchase by KSS TRANSPORTATION CORP., P.O. Box 3052, Route 1 and Adams Station, North Brunswick, New Jersey, 08902, of a portion of the operating rights of NATIONWIDE CARRIERS, INC., Maple Plain, Minnesota. Applicant's Attorney: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, Illinois, 60603. Operating rights sought to be purchased: *Paper and paper products,* from Plymouth, North Carolina to all points in DE, ME, MD, NH, NY, NJ, PA, and VT, with no transportation for compensation on return except as otherwise authorized; *compressed wood logs,* from Plymouth, North Carolina, to points in DE, MD, NJ, and NY, with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitation in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. Approval of this application will not result in duplication of authority. Approval will result in dual operations. Application will be filed for temporary authority under Section 210 (b).

MC F–14188F. Authority sought for lease by SYSTEM 99, a corporation, 8201 Edgewater Drive, Oakland, CA of a portion of the operating rights of STRICKLAND TRANSPORTATION CO., INC., of 11353 Reed Hartman Hwy., Cincinnati, Ohio, 45241 and for acquisition of control of such rights by M. D. Gilardy, L. A. Dore, Jr. and E. R. Preston, all of 8201 Edgewater Drive, Oakland, CA 94621, Transferee's attorney, William E. Gore, Jr., 8201 Edgewater Drive, Oakland, CA 94621, Transferor's attorney, Milton H. Bortz, of 11353 Reed Hartman Hwy., Cincinnati, OH 45246. Operating rights sought to be leased: General commodities, with exceptions, over regular routes (1) between Ft. Worth, TX and Amarillo, TX, serving all intermediate points, (2) between Fort Sill, OK, and Wichita Falls, TX, (3) between Wichita Falls, TX and San Antonio, TX, (4) between Wichita Falls, TX and Sheppard Field, TX (5) between Wichita Falls, TX and Wichita Falls Airport, TX, and (6) between Paris, TX and Lawton, OK, as an alternate route serving Lawton for the purpose of combining or tacking only, with no service at intermediate points on routes (2) through (6). Transferee is authorized to operate pursuant to Certificate MC 98327 and Subs as a common carrier of general commodities in the states of NM, TX, WA, OR, ID, CA, NV, AZ.

MC F–14128, filed June 20, 1979. Applicant: WOEMPNER, GARY R., d.b.a. ACE VAN & STORAGE CO., INC., 3685 Duwamish Avenue S., Seattle, Washington 98134. Representative: Frank R. Kitchell, Graham & Dunn, 34th Floor, Rainier Bank Tower, 1301 Fifth Avenue, Seattle, Washington 98101. Authority sought to acquire control of Certificate MC 19203, standing in the name of Perry Moving & Storage, Inc., 9629 32nd Avenue Court S., Tacoma, Washington 98409, through acquisition of stock. Certificate MC 19203 authorizes: transport of household goods as contract carrier over irregular routes, between Seattle, WA and points within 25 miles of Seattle, and between such points and points in WA, OR and ID. Intrastate service is authorized by and registered with the Washington Utilities & Transportation Commission under Permit No. CC–2300. Application for temporary authority under section 210A(b) has not been filed. (Hearing site: Seattle, WA.)

MC F–14073F, filed June 17, 1979. Authority sought for control by TRANSPORTATION CONSULTANTS, INC., P.O. Box 487, 5950 Fisher Road, East Syracuse, NY 13057 of the operating authority of SCOTHOLM TRANSPORTATION CORP., P.O. Box 487, 5950 Fisher Road, East Syracuse, NY 13057 through acquisition of the stock of Scotholm Transportation Corp. and control of such rights by Frederick J. Durkin and John C. Durkin, Jr., through the transaction. Representative: Michael R. Werner, Esq., P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Motor common carrier operating rights sought to be controlled: Under MC 147122. Irregular routes: Frozen foodstuffs and commodities exempt from regulation under 49 USC 10526 (a) (b) (formerly Section 203(b)(6) of the Interstate Commerce Act) in mixed loads with frozen foodstuffs, between the facilities of Empire Freezers of Syracuse, Inc. in Syracuse, NY on the one hand, and, on the other, points in ME, NH, VT, RI, MA, CT, NY, NJ, PA, DE, MD, VA, WV, OH, MI and DC. Application has not been filed for temporary authority under Section 210a(b).

MC F–14203, filed October 30, 1980. Applicant (Transferee): WHITE TRANSPORTATION COMPANY, P.O. Box 43564, St. Paul, MN 55164. Applicant (Transferors): MINNESOTA-WISCONSIN TRUCK LINES, INC., G.M.W., INC., GENESIS II, INC., P.O. Box 43947, St. Paul, MN 55164. Representatives: William S. Rosen, 630 Osborn Building, St. Paul, MN 55102, Delwin P. Peterson, 444 Lafayette Road, St. Paul, MN 55101. Authority sought for merger of G.M.W., Inc., Minnesota-Wisconsin Truck Lines, Inc., and Genesis II, Inc., P.O. Box 43947, St. Paul, MN 55164, into Witte Transportation Company, P.O. Box 43564, St. Paul, MN 55164, and control through management of the operating rights involved by William L. Alvey, P.O. Box 43947, St. Paul, MN 55164, and control through ownership of the operating rights involved by Space Center, Inc. and Logistiks, Inc., 444 Lafayette Road, St. Paul, MN 55101. Applicant's Representatives: William S. Rosen, 630 Osborn Building, St. Paul, MN 55101, and Delwin P. Peterson, 444 Lafayette Road, St. Paul, MN 55101. Operating rights sought to be merged are: continue in MC 8964, MC 119914 (Sub-2, 16, 20, 21).

[FR Doc. 80-6217 Filed 2-28-80; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Applications for Relief (Formerly Fourth Section Applications)

February 26, 1980.

These applications for long-and-short-haul relief have been filed with the ICC.

Protests are due at the ICC on or before March 17, 1980.

No. 43799, Flota Mercante Gran Centroamericana, S.A., Flomerca Line, No. 1, joint water-rail container rates on

general commodities from Ports and inland points in Central America, via interchange at Houston, TX and New Orleans, LA, to Pacific Coast points at Los Angeles, Oakland, Richmond, Sacramento, San Francisco and Stockton, CA. Rates are published to become effective March 22, 1980 in Tariff ICC FLMU 701 of Flota Mercante Gran Centroamericana, S.A., Flomerca Line. Grounds for relief—water competition.

No. 43800, Southern Freight Association, Agent, No. A6356, rates on unmanufactured tobacco, in carloads, between points in Southern Territory on the Southern Railway Company, Norfolk and Western Railroad, Florida East Coast Railway Company, Illinois Central Gulf Railroad Company, St. Louis-San Francisco Railway Company, The Chesapeake and Ohio Railway Company, and Norfolk, Franklin and Danville Railway Company. Rates are published to become effective April 1, 1980 in Supplement 159 to Tariff ICC SFA 4968 of Southern Freight Association, Agent. Grounds for relief—short-line distance formula and grouping.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-6360 Filed 2-28-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29149]

Northmont Industries, Inc., Lease of Everett Railroad Co.; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts the lease of the Everett Railroad Company by Northmont Industries, Inc. from the requirements of 49 U.S.C. 11343–11347 which requires prior consideration and approval of the transaction by the Commission.

DATE: Effective February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg (202) 275–7246.

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 29, 1979, Northmont Industries, Inc. (Northmont) filed a petition for exemption under 49 U.S.C. 10505 requesting that its proposed lease and management of the Everett Railroad Company (Everett) be exempted from the requirements of obtaining prior Commission approval under 49 U.S.C. 11343–11347. In response to the petition, we published a notice in the **Federal Register** on November 8, 1979, 44 FR 64953 (1979) requesting comments on the proposed exemption. No comments were received.

Rail Exemption Authority

Northmont seeks exemption of the transaction from 49 U.S.C. 11343–11347 under 49 U.S.C. 10505. This section provides that the Commission can exempt a transaction after an opportunity for a proceeding if it is limited in scope, not necessary to carry out the national transportation policy, would be an unreasonable burden, and would serve little or no useful purpose.

Limited Scope

Northmont is the sole stockholder of Mercersburg Railway, Inc. (Mercersburg). Mercersburg operates 13.6 miles of main line and 1.07 miles of siding and track yard for a total of 14.67. Everett operates a total of 5.59 miles of track for an aggregate total of 20.26 miles of track for both railroads. The annual operating revenues of both railroads for year 1978 were $89,673. There are no connections or parallel operations between the lines of railroad. It is thus apparent that the transaction is of limited scope.

Since the proposed transaction is of limited scope, we may now proceed to consider the other criteria.

Necessity To Carry Out the National Transportation Policy

The transportation policy stated at 49 U.S.C. 10101 requires us to provide impartial regulation of modes of transportation subject to Subtitle IV. Impartial regulation is achieved through: (1) Recognizing and preserving the inherent advantage of each mode; (2) Promoting safe, adequate, economical, and efficient transportation; (3) Encouraging sound economic conditions in transportation, including sound economic conditions among carriers; (4) Encouraging the establishment and maintenance of reasonable rates for transportation without unreasonable discrimination or unfair or destructive competitive practices; (5) Cooperating with each State on transportation matters; and (6) Encouraging fair wages and working conditions in the transportation industry.

Regulation of the transaction is not necessary to carry out the goals of the National Transportation Policy. It will not affect the considerations of the transportation policy since a five year lease of Everett will be the only change resulting from the transaction.

Unreasonable Burden on a Person

The Commission pursuant to *Railroad Acquisition, Control Merger, Consolidation, Coordination Project, Trackage Rights, and Lease Procedures,* 49 CFR Part 1111, (1978) (*Consolidation Procedures*), requires a complete application to be filed in order for a decision to be reached within the time constraints of 49 U.S.C. 11345. The submission of the material necessary to comply with the *Consolidation Procedures* will be a time consuming task requiring the dedication of financial resources. To establish such a record in this transaction would require Northmont to submit a complete application under the requirements imposed by 49 U.S.C. 11344 and would place an unreasonable burden upon them. Our granting of the petition will allow Northmont to avoid the burden of complying with the *Consolidation Procedures.*

Little or No Useful Public Purpose

In determining whether or not to approve a rail transaction, the Commission decides if it is in the public interest. In reaching this determination we rely upon the applications submitted pursuant to the *Consolidation Procedures* and any comments by the parties. Here we have received no comments which is an indication of the limited scope of the transaction and that little or no useful purpose would be served by requiring the filing of an application.

Conclusion

We conclude that exemption of the lease by Northmont or Everett from 49 U.S.C. 11343–11347 meets the statutory requirements of 49 U.S.C. 10505. The power to exempt from regulation enables the Commission and railroads to commit their limited resources in areas where they are most needed. In enacting 49 U.S.C. 10505, Congress clearly intended us to exempt certain limited transactions from our regulatory power. This is one such transaction.

We find: 1. The application of the requirements of 49 U.S.C. 11343–11347 for the lease of the Everett Railroad Company by Northmont Industries, Inc., is of a limited scope and (a) is not necessary to carry out the transportation policy of section 10101, (b) would be an unreasonable burden on the parties, and (c) would serve little or no useful purpose.

2. This decision is not a major Federal action significantly affecting energy consumption of the quality of the human environment.

It is ordered: 1. Everett Railroad Company and Northmont Industries, Inc., are exempted under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 11343–11347 for the limited purpose of the temporary lease of Everett by Northmont, subject to the conditions imposed for the protection of employees

imposed in *Mendocino Coast Ry., Inc-Lease and Operate,* 354 I.C.C. 732 (1978), as reopened on January 23, 1979.

2. If Northmont leases Everett, Northmont shall submit, within 60 days of the consummation of the lease, three copies of a sworn statement showing all general entries required to record the transaction.

3. Public notice of our action shall be given to the general public by delivery of the copy of this decision to the Director, Federal Register, for publication therein.

4. This exemption will continue in effect for 90 days from the effective date of this decision. Northmont and Everett must consummate this lease during that time in order to take advantage of the exemption which we have granted.

5. This decision shall be effective on February 29, 1980.

Dated: February 6, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-6363 Filed 2-28-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other ares (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20013.

Signed at Washington, D.C., this 25th day of February 1980.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week Ending March 1, 1980

Name of Applicant, Location of Enterprise and Principal Product or Activity

Phillips Meats and Seafoods, Inc., Panama City, Florida; Wholesale and retail sales of meats and seafoods.

Van Wyck International Corporation, Robeson Park, Castile, NY; Manufacture of electrical household appliances and electric fans.

[FR Doc. 80-6335 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State of Pennsylvania

This notice announces the beginning of a new Extended Benefit Period in the State of Pennsylvania, effective on February 24, 1980.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the nation, to furnish up to 13 weeks of additional benefits to eligible individuals who have exhausted their rights to regular benefits under permanent State and Federal unemployment compensation laws. Part 615 of Title 20, Code of Federal Regulations, implements the statute (20 CFR Part 615).

In accordance with section 203(e) of the Act, the Pennsylvania unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines, in accordance with 20 CFR 615.12(e), that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment under the State unemployment compensation law equalled or exceeded the State trigger rate. 20 CFR 615.12(b) or (c). The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "On" Indicator

The head of the employment security agency of the State of Pennsylvania has determined that, for the period consisting of the week ending on February 9, 1980, and the immediately preceding 12 weeks, the rate of insured unemployment in the State equalled or exceeded the State trigger rate.

Therefore, an Extended Benefit Period commenced in that State with the week beginning on February 24, 1980.

Information for Claimants

The duration of Extended Benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to Extended Benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to Extended Benefits in the State of Pennsylvania, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest local office of the State Department of Labor and Industry in their locality.

Signed at Washington, D.C., on February 25, 1980.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 80-6389 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-30-M

Office of the Labor-Management Services Administration

Airline Deregulation Labor-Management Advisory Committee; Meeting

The Airline Deregulation Labor-Management Advisory Committee was established June 5, 1979, after consultation with the General Services Administration and the Office of Management and Budget in line with Section 43(d)(3) of the Airline Deregulation Act of 1978. (Pub. L. 95-504).

Notice is hereby given that the Airline Deregulation Labor-Management Advisory Committee will meet at 10:00 a.m., on March 20, 1980, in Room S-2508, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. Items to be discussed are, generally, the status of the employee protection provisions of the Deregulation Act and other current appropriate topics. The public is invited to attend. The following is the membership of the committee:

Management and Labor

Mr. John Bidlake, Continental Airlines; Mr. Frank O'Connell, Transport Workers Union
Mr. Wayne Chapman, USAir; Mr. William F. Genoese, Airline and Aerospace Employees—IBT Local 732
Mr. Daniel T. Desmond, American Airlines; Mr. William Gill, Flight Engineers International Assoc.
Mr. Ernest Garb, Seaboard World Airlines; Wyatt Johnson, Esq., Air Line Employee Assoc.
Mr. Gene Krop, United Air Lines; Mr. Allen W. McCauley, Brotherhood of Railway and Airline Clerks
Mr. John S. MacDonald, Eastern Airlines; Ms. Linda Puchala, Association of Flight Attendants
Mr. Al Philipps, Pan American World Airways; Capt. Gerry A. Pryde, Air Line Pilots Assoc.
Raymond J. Rasenberger, Esquire, Republic Airlines; Mr. William L. Scheri, International Association of Machinists and Aerospace Workers
John Riley, Esquire, TransAmerica Airlines; Mr. Arthur Teolis, Independent Federation of Flight Attendants, Association of Professional Flight Attendants, Independent Union of Flight Attendants, Southwest Flight Attendants Association

For additional information contact: Thomas H. Roadley, U.S. Department of Labor, Room N-5639, 200 Constitution Avenue, N.W., Washington, D.C. 20216 (202) 633-0104.

Official records of the meeting will be available for public inspection at the U.S. Department of Labor, Room N-5639, 200 Constitution Avenue, N.W., Washington, D.C., 20216.

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

R. C. DeMarco,

Deputy Assistant Secretary of Labor, Labor-Management Services Administration.

[FR Doc. 80-6393 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-6778]

Anchor Motor Freight, Inc., Baltimore, Md.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 15, 1980, in response to a worker petition received on January 9, 1980, which was filed on behalf of workers and former workers transporting automobiles at Anchor Motor Freight, Incorporated, Baltimore, Maryland.

The Baltimore, Maryland terminal of Anchor Motor Freight, Incorporated is engaged in providing the service of transporting automobiles.

Thus, workers of Anchor Motor Freight, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Anchor Motor Freight, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Anchor Motor Freight, Incorporated and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in transporting automobiles at Anchor Motor Freight, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Anchor Motor Freight, Incorporated. All employee benefits are provided and maintained by Anchor Motor Freight, Incorporated. Workers are not, at any time, under employment or supervision by customers of Anchor Motor Freight, Incorporated. Thus, Anchor Motor Freight, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Anchor Motor Freight, Incorporated, Baltimore, Maryland are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of February 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-6395 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6573]

ATP Processors, Ltd. Paterson, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 10, 1979 in response to a worker petition received on December 4, 1979 which was filed on behalf of workers and former workers producing printed textiles at ATP Processors, Ltd. Paterson, New Jersey. The investigation revealed that ATP Processors, Ltd. produces dyed, printed and finished fabric.

Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of dyed, printed and finished fabric did not exceed 2.1 percent of domestic production during the period 1974–1978.

A Department survey of ATP's customers revealed that most customers relied entirely on domestic supplies of dyed, printed, or finished fabric. None of the surveyed customers increased purchases of imported fabric.

Conclusion

After careful review, I determine that all workers of ATP Processors, Ltd., Paterson, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of February 1980.

James T. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-6396 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6612]

Barlar, Inc., New York, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 13, 1979 in response to a worker petition received on December 7, 1979 which was filed by the International Production Services and Sales Employees Union on behalf of workers and former workers and former workers producing elastic at Barlar, Inc., New York, New York. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of elastic narrow fabrics, as a percentage of apparent U.S. shipments, have not exceeded above 1.1 percent in the period 1974–1978. the Department conducted a survey of cutomers which purchased elastic and non-elastic webbing from Barlar, Inc. None of the customers surveyed reported purchases of imported webbing in 1978 or 1979.

Conclusion

After careful review, I determine that all workers of Barlar, Incorporated, New York, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of February 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-6397 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6643]

Barringer Knitting Mills, Inc., Leaderman Division, East Newark, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 20, 1979 in response to a worker petition received on December 18, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' sportswear at Barringer Knitting Mills, Incorporated, Leaderman Division, East Newark, New Jersey. The investigation revealed that the plant produces primarily ladies' skirts and pants. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of women's misses' and children's skirts and slacks and shorts decreased absolutely in the January–September period of 1979 compared to the same period of 1978.

The Office of Trade Adjustment Assistance conducted a survey of major customers of Barringer Knitting Mills, Incorporated. Most customers responding to the survey reported that they either reduced purchases of imported ladies' skirts and pants in 1979 compared to 1978 or did not purchase any imported skirts and pants in 1978 or 1979. Those customers who reduced purchases from Barringer from 1978 to 1979 and increased purchases of imported pants and skirts during this time period did not represent a significant proportion of the Leaderman Division's sales.

Conclusion

After careful review, I determine that all workers of Barringer Knitting Mills, Incorporated, Leaderman Division, East Newark, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-6398 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5979 etc.]

Chrysler Corp., et al; Amended Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of TA-W-5979 Hamtramck Assembly, Hamtramck, Michigan; TA-W-5980 Jefferson Assembly, Detroit, Michigan; TA-W-5981 Missouri Truck Assembly, Fenton, Missouri; TA-W-5982 St. Louis Assembly, Fenton, Missouri; TA-W-5983 Warren Truck Assembly, Warren, Michigan; TA-W-5984 Detroit Forge, Detroit, Michigan; TA-W-5985 Mound Road Engine, Detroit, Michigan; TA-W-5986 Twinsburg Stamping, Twinsburg, Ohio; TA-W-5987 Eight Mile Stamping & Outer Drive Stamping, Detroit, Michigan; TA-W-5988 Mack Avenue Stamping, Detroit, Michigan; TA-W-5989 Detroit Trim, Detroit, Michigan; TA-W-5990 McGraw Glass, Detroit, Michigan; TA-W-5991 New Castle Machine & Forge, New Castle, Indiana; TA-W-5992 Trenton Engine Chemical Division, Trenton, Michigan; TA-W-5993 Fostoria Foundry, Fostoria, Ohio; TA-W-5994 Indianapolis Foundry, Indianapolis, Indiana; TA-W-5995 New Process Gear Plant, East Syracuse, New York; TA-W-5996 Introl Division, Ann Arbor, Michigan; TA-W-5997 Kokomo Transmission, Kokomo, Indiana; TA-W-5998 Warren Stamping, Warren, Michigan; TA-W-5999 Eldon Avenue Axle, Detroit, Michigan; TA-W-6000 Kokomo Casting, Kokomo, Indiana; TA-W-6001 Amplex-Van Wert Plant, Van Wert, Ohio; TA-W-6002 Toledo Machining, Perrysburg, Ohio; TA-W-6003 Huntsville Electronics Division, Huntsville, Alabama; TA-W-6004 Huber Foundry, Detroit, Michigan; TA-W-6037 Newark Assembly, Newark, Delaware; TA-W-6038 Lynch Road Assembly, Detroit, Michigan; TA-W-6039 Indianapolis Electrical, Indianapolis, Indiana; TA-W-6040 Sterling Stamping, Sterling Heights, Michigan, Amended Determinations Regard Eligibility to Apply for Worker Adjustment Assistance.

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Notice of Revised Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance on December 26, 1979 (45 FR 1163); three Certifications Regarding Eligibility to Apply for Worker Adjustment Assistance issued on November 6, 1979 (44 FR 65488-90); and one Notice of Determinations issued on November 16, 1979, applicable to all workers at certain Chrysler plants (44 FR 67242).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certifications. The new information revealed that many workers at the Jefferson Assembly Plant of the Chrysler Corporation, Detroit, Michigan, were laid off between January 1, 1979, through May 1, 1979. The intent of the certification was to include these layoffs not covered by the original impact date of May 1, 1979. Production of general utility vehicles and pick-up trucks at the Jefferson Assembly Plant, Detroit, Michigan, declined in the third and fourth quarters of the 1979 model year compared to the immediately preceding quarters.

The Notice of Revised Determinations applicable to the Chrysler Corporation is hereby amended to include a January 1, 1979, impact date for workers at the Jefferson Assembly Plant of Chrysler Corporation, Detroit, Michigan:

All workers of the Jefferson Assembly Plant, Detroit, Michigan, of the Chrysler Corporation who became totally or partially separated from employment on or after January 1, 1979, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-6399 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6601]

Cleve-Tenn Industries, Inc. (Formerly Monroe Manufacturing); Newark, N.J.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 11, 1979 in response to a worker petition received on December 3, 1979 which was filed on behalf of workers and former workers producing men's and boys' coats at Monroe Manufacturing, Newark, New Jersey. The investigation revealed that the plant produces men's and boys' cloth outer coats and jackets, and that the name of the firm was changed to Cleve-Tenn Industries, Incorporated in September 1979. It is concluded that all of the requirements have been met.

U.S. imports men's and boys' nontailored outer jackets increased in 1978 compared to 1977.

The Department conducted a survey of customers of the subject firm's manufacturers. The survey revealed that some customers increased purchases of imported men's and boys' outer jackets and coats while decreasing purchases from the manufacturers in 1978 compared to 1977 and in 1979 compared to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and boys' cloth outer coats and jackets produced at Cleve-Tenn Industries, Incorporated (formerly Monroe Manufacturing), Newark, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Cleve-Tenn Industries, Incorporated, Newark, New Jersey who became totally or partially separated from employment on or after November 27, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-6400 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6657]

Dinny Frocks, Inc., and Morrell Dress Co., Inc., New York, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 26, 1979 in response to a worker petition received on December 13, 1979 which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing women's dresses at Dinny Frocks, Incorporated, New York City, New York. The petition includes an affiliate of Dinny Frocks, Incorporated, Morrell Dress Company, Incorporated, which is located at the address on the petition. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that U.S. imports of women's and misses' dresses decreased absolutely in the first nine months of 1979 compared to the same period of 1978.

A survey of the major customers of Dinny Frocks, Incorporated revealed that customers which purchased imported women's dresses did not decrease purchases from Dinny Frocks, Incorporated from 1978 to 1979.

Conclusion

After careful review, I determine that all workers of Dinny Frocks, Incorporated and Morrell Dress Company, Incorporated, New York City, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of February 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-6401 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6712]

Essex Group, Inc., Fort Wayne, Ind.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 7, 1980 in response to a worker petition received on January 7, 1980 which was filed in part on behalf of workers at the Fort Wayne, Indiana corporate offices of Essex Group, Incorporated.

The petitioners requested withdrawal of the petition insofar as it related to the operations and employees of the Fort Wayne, Indiana corporate offices of Essex Group, Incorporated. On the basis of this request, continuing the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 15th day of February 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-6402 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6635]

Ford Motor Co., Buffalo, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 18, 1979 in response to a worker petition received on December 13, 1979 which was filed on behalf of workers and former workers producing automobile bodies at the Buffalo, New York Stamping Plant of Ford Motor Company. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Ford Motor Company's Buffalo Stamping Plant produces stampings for use in the manufacture of Ford automobiles and trucks. Since the stampings are specifically designed for Ford automobiles and trucks and cannot be used in the manufacture of other models without design changes, the only imports of stampings "like or directly competitive" with stampings produced at the Buffalo Stamping Plant would be imports of similar stampings by the Ford Motor Company for use in the manufacture of Ford automobiles and trucks. Ford does not import automotive stampings.

The automotive stampings produced at the Buffalo plant are used in the assembly of various Ford automobiles and trucks. Workers at the Buffalo plant may be certified if a significant proportion of the plant's output is used in the production of Ford automobiles or trucks which are determined to be importantly impacted by increased imports of like or directly competitive products. Investigations regarding workers producing Ford automobiles and trucks are currently in progress (TA-W-6946-6958). Further consideration will be given to workers at the Buffalo Stamping plant when a determination is made regarding the above investigations.

Conclusion

After careful review, I determine that all workers of the Buffalo, New York Stamping Plant of the Ford Motor Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-6403 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6723]

Ford Motor Co., Indianapolis, Ind.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was

initiated on January 8, 1980 in response to a worker petition received on December 17, 1979 which was filed on behalf of workers and former workers producing steering columns, steering gears and cold heading bolts at the Indianapolis, Indiana plant of the Ford Motor Company.

The petitioner requested withdrawal of the petition in a letter. On the basis of this request, continuing this investigation would serve no purpose. Consequently the investigation has been terminated.

Signed at Washington, D.C., this 22nd day of February 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-6404 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6636]

General Electric Co., Battery Business Department, Gainesville, Fla.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 18, 1979 in response to a worker petition received on December 10, 1979 which was filed by the International Brotherhood of Electrical Workers on behalf of workers and former workers producing nickel cadmium and sealed lead acid battery cells at General Electric Company, Battery Business Department, Gainesville, Florida. The investigation revealed that the plant produces primarily rechargeable nickel cadmium battery cells. It is concluded that all of the requirements have been met.

U.S. imports of storage batteries (rechargeable) increased absolutely in each year between 1975 and 1978 compared to the preceding year and in the January through September period of 1979 compared to the same period in 1978. U.S. imports of storage batteries (rechargeable) increased relative to domestic production in 1977 and 1978 compared to the preceding year.

A Departmental survey was conducted with customers who decreased their purchases of batteries from General Electric in 1979 compared to 1978. These customers represented a substantial portion of General Electric's battery sales in 1979. The survey revealed that, in the aggregate, customers responding to the survey increased their reliance on imported nickel cadmium batteries from 1978 to 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with rechargeable nickel cadmium battery cells produced at General Electric Company, Battery Business Department, Gainesville, Florida contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of General Electric Company, Battery Business Department, Gainesville, Florida who became totally or partially separated from employment on or after September 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of February 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-6405 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6645]

Gregory & Goldberg, Inc., New York, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 20, 1979 in response to a worker petition received on December 10, 1979 which was filed on behalf of workers and former workers producing ladies' sportswear at Gregory and Goldberg, Incorporated, New York, New York. The investigation revealed that Gregory and Goldberg produced primarily ladies' blouses. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely in each year from 1975 through 1978 compared to the preceding year. U.S. imports increased relative to domestic production in 1978 compared to 1977.

The Office of Trade Adjustment Assistance conducted a survey of a random sample of Gregory and Goldberg's customers. The survey revealed that imported women's blouses gained a strong penetration into the domestic blouse market that was serviced by Gregory and Goldberg. Survey respondents, in aggregate, reported an increased reliance on foreign sources to meet their demand for women's blouses in 1979 compared to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive ladies' blouses produced at Gregory and Goldberg, Incorporated, New York, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Gregory and Goldberg, Incorporated, New York, New York who became totally or partially separated from employment on or after December 5, 1978 and before April 30, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-6406 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6761]

Ideal Sportswear, Inc., Brooklyn, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment

assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 10, 1980 in response to a worker petition received on December 27, 1979 which was filed on behalf of workers and former workers producing dresses at Ideal Sportswear, Incorporated, Hyde Park, New York. The investigation revealed that Ideal Sportswear, Incorporated is located in Brooklyn, New York. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of women's and misses' dresses decreased absolutely in the first three quarters of 1979 compared to the same period of 1978. The ratio of imports to domestic production of women's and misses' dresses was below 5 percent in 1977 and 1978.

A survey was conducted with the manufacturers from whom Ideal Sportswear, Incorporated received contract work. The survey revealed that the manufacturers do not purchase imported dresses and do not employ foreign contractors to produce dresses. A survey of the major customers of the manufacturers revealed that imports declined as a percentage of the customers' total purchases of dresses from 1977 to 1978 and in the first six months of 1979 compared to the same period of 1978.

A random sample of the manufacturers' customers was also conducted. The survey revealed that imported dresses represented a constant and a small proportion of the customers' total dress demand during the first eight months of 1979 compared to the same period of 1978.

Conclusion

After careful review, I determine that all workers of Ideal Sportswear, Incorporated, Brooklyn, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-6407 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 10, 1980.

Interested persons are invited to submit written comments regarding the

subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 10, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 19th day of February 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: (Union/workers or former workers or—	Location	Date received	Date of petition	Petition No.	Articles produced
Allegheny Ludlum Steel Corp., Wallingford Plant (USWA).	Wallingford, Conn	1/29/80	1/11/80	TA-W-7,121	Cold rolled stainless strip.
Allegheny Ludlum Steel Corp., Tubular Products Division (USWA).	Wallingford, Conn	1/29/80	1/11/80	TA-W-7,122	Welded tubing.
Bryan Manufacturing Company (Essex Group, Inc.) (United Brotherhood of Carpenters and Joiners of America).	Monticello, Ind	2/1/80	1/28/80	TA-W-7,123	Automotive wiring harness.
Buffalo Molded Plastics Industries, Inc. of N.J	Somerspoint, N.J	1/29/80	1/10/80	TA-W-7,124	Record changer components, dust covers, indoor antenna parts.
Clayton Shoe Co. (workers)	Corning, Ark	1/29/80	1/24/80	TA-W-7,125	Women's shoes and boots.
Commercial Carriers, Inc. (company)	Atlanta, Ga	2/6/80	2/4/80	TA-W-7,126	Automobile transportation.
Keolyn Plastics, Inc. (company)	Mount Prospect, Ill	1/29/80	1/22/80	TA-W-7,127	Custom molded parts for industry plastics.
Sullcraft Industries (company)	Dushore, Pa	2/11/80	2/8/80	TA-W-7,128	Boy's pajamas, men's pajamas and robes.
Milender & Sons Inc. (company)	Boston, Mass	2/7/80	1/31/80	TA-W-7,129	Administrative and Sales Office.
Leather Corporation of America (company)	Boston, Mass	2/7/80	1/31/80	TA-W-7,130	Finished leather for shoes and handbags.
The Dickey Grabler Co. (UAW)	Cleveland, Ohio	2/7/80	1/11/80	TA-W-7,131	Metal stampings for casket handles.
April Fashions, Inc. (workers)	Brooklyn, N.Y	2/5/80	1/28/80	TA-W-7,132	Sewing of dresses.
Goodyear Tire & Rubber Company (union)	Union City, Tenn	1/30/80	1/24/80	TA-W-7,133	Original and replacement auto tires.
Springhill Manuf. Co. (ACTWU)	Springhill, La	2/4/80	1/29/80	TA-W-7,134	Men's and boys shirts.
Airco Carbon-Graphite (USWA)	Punxsutawney, Pa	2/7/80	2/4/80	TA-W-7,135	Carbon rod-light cutting rod.
Becker-Miller Construction Company (UMWA)	Beckley, W. Va	2/7/80	2/4/80	TA-W-7,136	Builds facilities for coal mining plants.
Freeman Branch Mining (Freeman Strip Mine)	McDowell County, W. Va	2/7/80	2/1/80	TA-W-7,137	Low-volatile metallurgical coal.
CTS of Elkhart (UAW)	Elkhart, Ind	2/7/80	1/31/80	TA-W-7,138	Electronic and electromechanical components.
Canron Corporation, Star Fran and Steel Division.	Tacoma, Wash	2/14/80	2/1/80	TA-W-7,139	Large steel fabrication (cranes, bridges, etc.).
Kanawha Coal Company, Madison Mine, No. 1.	Ashford, W. Va	2/5/80	1/29/80	TA-W-7,140	Metallurgical coal.
Kanawha Coal Company, Madison Mine No. 1A.	Ashford, W. Va	2/5/80	1/29/80	TA-W-7,141	Metallurgical coal.
Kanawha Coal Company, Madison Mine, No. 2.	Ashford, W. Va	2/5/80	1/29/80	TA-W-7,142	Metallurgical coal.
Kanawha Coal Company, Preparation Plant (workers).	Ashford, W. Va	2/5/80	1/29/80	TA-W-7,143	Cleaning coal.
U.S. Steel Corporation, Gary No. 14 Mine (UMWA).	Munson, W. Va	2/5/80	1/29/80	TA-W-7,144	Metallurgical coal.
Penmar, Inc. (workers)	New York, N.Y	1/31/80	1/29/80	TA-W-7,145	Cut and sew operation.
Lilliput (workers)	Hackensack, N.J	2/5/80	2/1/80	TA-W-7,146	Contracted sewing for children's snow suits and jackets.
Henry L. Hanson, Inc. (workers)	Worchester, Mass	2/8/80	2/4/80	TA-W-7,147	Taps, screw extractors, drill, bits.
Webster-Wilcox Corp. (USAW)	Meriden, Conn	2/5/80	1/28/80	TA-W-7,148	Pewter, silver plated and some sterling.
Cassens Transport Company (workers)	Detroit, Mich	1/29/80	1/20/80	TA-W-7,149	Transportation of automotive products.
Sil-O-Ette Sales Corporation (workers)	Jamaica, N.Y	2/8/80	1/31/80	TA-W-7,150	Briefs and girdles.
William H. Haskell Mfg. Company (USWA)	Pawtucket, R.I	2/8/80	2/4/80	TA-W-7,151	Heavy nuts and bolts fasteners.
Production Finishing Corporation (UAW)	Wyandotte, Mich	2/8/80	2/4/80	TA-W-7,152	Grind surfaces of steel.
Bohme and Blinkmann, Incorporated	Cleveland, Ohio	2/4/80	2/1/80	TA-W-7,153	Hot metal composition (linotype and monotype, etc.).
Ex-Cell-O Corporation (workers)	Detroit, Mich	2/5/80	1/30/80	TA-W-7,154	Horizontal precision boring machines and vertical turning machines.
Arvin Industries, Inc. (workers)	Franklin, Ind	2/1/80	1/24/80	TA-W-7,155	Automotive exhaust systems.
International Packings Corporation (workers)	Scottsburg, Ind	2/5/80	1/24/80	TA-W-7,156	Rubber seals for automobile.
Superior Shake (workers)	Concrete, Wash	2/5/80	1/28/80	TA-W-7,157	Produces cedar shakes.
Chicago Pneumatic Tool Company, Equipment Division (workers).	Solon, Oh	2/5/80	1/29/80	TA-W-7,158	Single screw and conical air compressors.
Festus Flying Service, Inc. (workers)	Festus, Mich	2/8/80	2/2/80	TA-W-7,159	Transport automobile parts and accessories by air.
Active Tool and Mfg. Co. (workers)	Detroit, Mich	2/5/80	1/29/80	TA-W-7,160	Sheet metal dies for autos.
Mary Taylor, Inc. (ILGWU)	New York, N.Y	2/5/80	2/1/80	TA-W-7,161	Ladies, sportwear—skirts.
Interstate United Corp. (union)	Newark, N.J	1/9/80	1/7/80	TA-W-7,162	Cafeteria workers at Chrysler plant.
Cabot Corporation Dixon Plant (workers)	Big Springs, Tex	2/15/80	2/11/80	TA-W-7,163	Carbon black for use in production of auto tires.
United Truck Service (union)	Kokomo, Ind	2/15/80	2/8/80	TA-W-7,164	Truck/transports auto parts and finished products.
General Electric Co., Wiring Device Department (IUE).	Providence, R.I	12/21/79	12/14/79	TA-W-7,165	Electrical wiring devices.
General Electric Co., Wire Device Department (IUE).	Providence, R.I	12/21/79	12/11/79	TA-W-7,166	Electrical wiring devices.
General Electric Co., Wiring Device Department (IUE).	Providence, R.I	12/10/79	12/10/79	TA-W-7,167	Dimmer switches and starters.
Schlitz Brewery (Teamsters)	Baldwinsville, N.Y	1/14/80	2/11/80	TA-W-7,168	Beer.
J. F. McElwain Co., B Factory (Shoe Wkrs. Union).	Manchester, N.H	2/5/80	2/1/80	TA-W-7,169	Men's and women's welt shoes.
Ford Motor Company (UAW)	Indianapolis, Ind	2/5/80	1/30/80	TA-W-7,170	Steering columns and steering gears and cold heading bolts.

[FR Doc. 80-6394 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6436]

Kaiser International Shipping Corp., Oakland, Calif.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on November 21, 1979 in response to a worker petition received on November 6, 1979 which was filed on behalf of workers and former workers of the Kaiser International Shipping Corporation, Oakland, California. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increase of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Kasier International Shipping Corporation, (KISC) is a wholly owned subsidiary of the Kasier Steel Corporation, a producer of carbon steel products. KISC is common carrier engaged in the ocean transportation of bulk materials some of which are utilized by the parent company in the production of steel. The petitioners claim that imports of steel, through the adverse effect of the imported steel on the activities of the Kasier Steel Corporation, contributed to layoffs at KISC. Since KISC workers do not produce an article within the meaning of Section 222(3) of the Trade Act, they may be certified only if their separation was importantly caused by a reduced demand for their services from either the parent firm or from a firm related to KISC by ownership or control. In either case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely impacted by imports.

Workers engaged in employment related to the majority of the Kaiser Steel Corporation's total production of steel were denied eligibility to apply for adjustment assistance in February 1980 (TA-W-6377). Only those workers engaged in the production of continuous weld pipe were certified eligible to apply for adjustment assistance (TA-W-6377). Continuous weld pipe accounted for a small percentage of the company's total production.

Conclusion

After careful review, I determine that all workers of the Kaiser International Shipping Corporation in Oakland, California are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of February 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-6406 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6377]

Kaiser Steel Corp., Steel Manufacturing Division, Fontana, Calif.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistant

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certifications of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on November 15, 1979 in response to a worker petition received on October 31, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing plate, hot and cold rolled sheet and strip, galvanized sheet, continuous weld pipe, electric weld pipe, and basic steel at the Steel Manufacturing Division of the Kaiser Steel Corporation in Fontana, California. The investigation revealed that the above products are produced from carbon steel.

All employees of the Kaiser Steel Corporation, Fontana, California engaged in employment related to the production of pipe, plate, galvanized sheet and cold rolled sheet were

previously certified eligible to apply for adjustment assistance on May 12, 1977 (TA–W–1266). This certification expired on May 12, 1979.

With respect to workers producing continuous weld pipe, it is concluded that all of the requirements have been met.

Imports of welded pipe increased both absolutely and relative to shipments of domestic producers in 1978 compared to 1977 and increased absolutely in the first three quarters of 1979 compared to the like 1978 period.

The Department conducted a survey fo some of the customers of continuous weld pipe of the Fontana plant. Several of the respondents, who accounted for a significant percentage of the plant's total decline in sales of continuous weld pipe in 1979 compared to 1978, reported increased purchases from foreign producers in 1979 compared to 1978. Some respondents also reported that they expect to increase their reliance on imported pipe in the near future.

With respect to workers producing hot and cold rolled carbon steel strip and sheet, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of carbon steel hot rolled sheet and strip and carbon steel cold rolled sheet and strip declined both absolutely and relative to shipments by domestic producers in 1978 compared to 1977 and in the first three quarters of 1979 compared to the like 1978 period.

With respect to workers producing plate, galvanized sheet and electric weld pipe, without regard to whether any of the other criteria have been met, the following criterion has not been met.

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales and production of plate, electric weld pipe and galvanized sheet at the Fontana plant increased in the first 10 months of 1979 compared to the same period in 1978.

The basic steel produced at the Fontana plant is all used internally in the production of finished steel products.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the continuous weld pipe produced at the Steel Manufacturing Division of the Kaiser Steel Corporation in Fontana, California contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Steel Manufacturing Division of the Kaiser Steel Corporation in Fontana, California engaged in employment related to the production of continuous weld pipe who became totally or partially separated from employment on or after May 12, 1979 and on or before January 31, 1980 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of February 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80–6409 Filed 2–28–80; 8:45 am]

BILLING CODE 4510–28–M

[TA–W– 6422, 6435, and 6437]

Kaiser Steel Corp., et. al.; Negative Determinations, Regarding Eligibility To Apply For Worker Adjustment Assistance

In the matter of TA–W–6422–6435, & 6437, Kaiser Steel Corporation; General Offices, Oakland, California; Fabricated Products Sales Office, El Monte, California; Fabricated Products Sales Office, Oakland, California; Fabricated Products Sales Office, Houston, Texas; Manufactured Products Sales Office, Oakland, California; Steel Mill Products Sales Office, Los Angeles, California; Steel Mill Products Sales Office, Oakland, California; Steel Mill Products Sales Office, Houston Texas; Steel Mill Products Sales Representative, Phoenix, Arizona; Steel Mill Products Sales Representative, Fresno, California; Steel Mill Products Sales Representative, Sacramento, California; Steel Mill Products Sales Representative, Oak Brook, Illinois; Steel Mill Products Sales Representative, Portland, Ontario; Steel Mill Products Sales Representative, Sandy, Utah; Steel Mill Products Sales Representative, Seattle, Washington, Negative Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on November 21, 1979 in response to a worker petition received on November 6, 1979 which was filed on behalf of workers and former workers of the Kaiser Steel Corporation engaged in administration and sales functions at the following locations:

TA–W, Facility, and Location

6437, General Offices, Oakland, CA
6422, Fabricated Products Sales Office, El Monte, CA
6423, Fabricated Products Sales Office, Oakland, CA
6424, Fabricated Products Sales Office, Houston, TX
6425, Manufactured Products Sales Office, Oakland, CA
6426, Steel Mill Products Sales Office, Los Angeles, CA
6427, Steel Mill Products Sales Office, Oakland, CA
6428, Steel Mill Products Sales Office, Houston, TX
6429, Steel Mill Products Sales Representative, Phoenix, AZ
6430, Steel Mill Products Sales Representative, Fresno, CA
6431, Steel Mill Products Sales Representative, Sacramento, CA
6432, Steel Mill Products Sales Representative, Oak Brook, IL
6433, Steel Mill Products Sales Representative, Portland, OR
6434, Steel Mill Products Sales Representative, Sandy, UT
6435, Steel Mill Products Sales Representative, Seattle, WA

In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separation, or threat thereof, and to the absolute decline in sales or production.

The petitioners claim that imports of steel, through the adverse effect of the imported steel on the activities of the Kaiser Steel Corporation, contributed to layoffs at the general offices and at the sales offices. A finding of import injury could be made with respect to workers engaged in administration and sales if a significant percentage of the Kaiser Steel Corporation's total production of finished steel products was found to have been adversely affected by imports.

Workers engaged in employment related to the production of the majority of the company's total output of steel were denied eligibility to apply for adjustment assistance benefits in February 1980 (TA–W–6377). Only those

workers enagaged in employment related to the production of continuous weld pipe, which accounts for an insignificant percentage of the company's total production, were certified eligible to apply for adjustment assistance benefits.

Company production of fabricated steel products increased in 1978 compared to 1977 and continued to increase in the first ten months of 1979 compared to the like 1978 period.

There have not been any layoffs of employees in the Fabricated Products Sales Office in the last year.

Conclusion

After careful review, I determine that all workers of the Kaiser Steel Corporation at the facilities and locations listed below are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

TA-W, Facility, and Location

6437, General Offices, Oakland, CA
6422, Fabricated Products Sales Office, El Monte, CA
6423, Fabricated Products Sales Office, Oakland, CA
6424, Fabricated Products Sales Office, Houston, TX
6425, Manufactured Products Sales Office, Oakland, CA
6426, Steel Mill Products Sales Office, Los Angeles, CA
6427, Steel Mill Products Sales Office, Oakland, CA
6428, Steel Mill Products Sales Office, Houston, TX
6429, Steel Mill Products Sales Representative, Phoenix, AZ
6430, Steel Mill Products Sales Representative, Fresno, CA
6431, Steel Mill Products Sales Representative, Sacramento, CA
6432, Steel Mill Products Sales Representative, Oak Brook, IL
6433, Steel Mill Products Sales Representative, Portland, OR
6434, Steel Mill Products Sales Representative, Sandy, UT
6435, Steel Mill Products Sales Representative, Seattle, WA

Signed at Washington, D.C., this 15th day of February 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-6410 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6647]

Loco Originals, New York, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 20, 1979 in response to a worker petition received on December 10, 1979 which was filed on behalf of workers and former workers producing blouses and skirts at Loco Originals, New York, New York. The investigation revealed that the firm produces primarily ladies' blouses and knit tops. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely in each year from 1975 through 1978 compared to the preceding year. U.S. imports increased relative to domestic production in 1978 compared to 1977.

The Office of Trade Adjustment Assistance conducted a survey of retail customers of Loco Originals. The survey revealed that some customers decreased purchases of ladies' blouses and knit tops from Loco Originals and increased their purchases of imported blouses and tops in the first half of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' blouses, knit tops and skirts produced at Loco Originals, New York, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Loco Originals, New York, New York who became totally or partially separated from employment on or after December 4, 1978 and before September 30, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-6411 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6694]

Lunar Fashions, Hoboken, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 4, 1980 in response to a worker petition received on December 26, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats at Lunar Fashions, Hoboken, New Jersey. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Lunar Fashions is a sewing contractor and performed contract work for one manufacturer during the period under investigation. A Department survey revealed that this manufacturer, which accounted for 100 percent of the company's business, did not employ any foreign contractors, nor did the manufacturer import any coats during the past three years. The survey also revealed that the manufacturer's sales increased in 1979 compared to 1978.

Imports of women's, misses', and children's coats declined in the period January-September 1979 compared to the same period in 1978.

Conclusion

After careful review, I determine that all workers of Lunar Fashions, Hoboken, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-6412 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6648]

National Steel Corp., Weirton Steel Division, Weirton, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 20, 1979 in response to a worker petition received on December 17, 1979 which was filed by the Independent Steelworkers Union on behalf of workers and former workers producing steel products at National Steel Corporation, Weirton Steel Division, Weirton, West Virginia. The investigation revealed that the subject firm produces hot and cold rolled steel, galvanized and weirzen steel, and tin plate at an integrated operation located in Weirton, West Virginia and Steubenville, Ohio. In the following determinations, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of tin plate and tin free steel decreased absolutely and relative to domestic production in 1978 compared with 1977 and during the first nine months of 1979 compared with the same period of 1978.

U.S. imports of metallic coated steel sheets which includes galvanized and weirzin steel, decreased absolutely and relative to domestic production during the first nine months of 1979 compared with the same period in 1978.

U.S. imports of hot rolled sheet and strip decreased absolutely and relative to domestic production during 1978 compared with 1977 and decreased during the first nine months of 1979 compared with the same period of 1978.

U.S. imports of cold rolled carbon steel sheet and strip decreased absolutely and relative to domestic production during 1978 compared with 1977 and during the first nine months of 1979 compared with 1978.

Division total production increased in terms of quantity and value in 1978 compared with 1977 and in 1979 compared with 1978.

Division total sales increased in terms of quantity and value in 1978 compared with 1977. Total sales increased in terms of value in 1979 compared with 1978.

Conclusion

After careful review, I determine that all workers of National Steel Corporation, Weirton Steel Division, Weirton, West Virginia and Steubenville, Ohio are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-6413 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6640]

Rapco Leather Co., Milwaukee, Wis.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 18, 1979 in response to a worker petition received on December 12, 1979 which was filed by the Leather Workers Union on behalf of workers and former workers producing sole leather at Rapco Leather Company, Milwaukee, Wisconsin. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of sole leather declined in quantity both absolutely and relative to domestic production in January-September 1979 compared to January-September 1978. U.S. imports of non-leather bottoming materials for footwear declined in quantity absolutely and relative to domestic production in January-September 1979 compared to the same period of 1978.

The Department conducted a survey of customers of Rapco Leather Company. None of the customers surveyed purchased imported bottoming materials for footwear in 1978 and 1979.

Conclusion

After careful review, I determine that all workers of Rapco Leather Company, Milwaukee, Wisconsin are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-6414 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6630]

Raybestos-Manhattan, Inc., Stratford, Conn.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 13, 1979 in response to a worker petition received on December 10, 1979 which was filed on behalf of workers and former workers producing automatic transmission friction materials at Raybestos-Manhattan, Incorporated, Stratford, Connecticut. The investigation revealed that the Stratford plant produces asbestos friction materials which include brake shoes and linings, disc brakes, clutch facings and gasket material as well as automatic transmission friction parts. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that most customers who responded to a survey conducted by the Department did not increase purchases of imported asbestos friction materials while reducing purchases from the Stratford plant of Raybestos-Manhattan, Incorporated. Only one customer, representing an insignificant porportion of the plant's sales, decreased its purchases from the Stratford plant in 1979 compared with 1978 while increasing purchases of imported asbestos friction materials.

Imported automobiles are not like or directly competitive with friction parts for automatic transmissions (drive-plates), clutch facings, brake linings and shoes, disc brakes and heat resistant gasket sheet material produced by Raybestos-Manhattan, Incorporated.

Conclusion

After careful review, I determine that all workers of the Stratford, Connecticut plant of Raybestos-Manhattan, Incorporated are denied eligibility to apply for adjustment assistance under Title II, Chaper 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-6415 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6362, 6402, 6403, 6404]

Republic Steel Corp.; Central Alloy District, Basic Steel Plant, Canton, Ohio, Massillon, Ohio; and Enduro Division, Massillon, Ohio, South Plant, Canton, Ohio; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Investigations were initiated on November 13 and 19, 1979 in response to worker petitions received on November 2 and 8, 1979 which were filed by the United Steelworkers of America on behalf of workers and former workers producing carbon, alloy and stainless steel products at the Canton and Massillon, Ohio plants of the Central Alloy District, and at the Canton, and Massillon, Ohio plants of the Enduro Division of Republic Steel Corporation. In the following determinations, with respect to the specified facilities and products, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Central Alloy District

The Central Alloy District produces raw carbon, alloy and stainless steel at its Basic Steel plant in Canton, Ohio (TA-W-6362). Hot rolled carbon, alloy, and stainless steel bar is produced at both the Basic Steel plant in Canton and the Massillon plant (TA-W-6403). Both plants ship semi-finished steel and bars to the Enduro Division (TA-W-6402 and 6404) and the Union Drawn Division (TA-W-6473). Data on shipments to trade were combined for the District.

Carbon Steel

U.S. imports of hot rolled carbon steel bars decreased absolutely and relative to domestic shipments from 1977 to 1978, and decreased absolutely and relatively during the first three quarters of 1979 compared with the same period in 1978.

Alloy Steel

U.S. imports of hot and cold rolled alloy steel bars decreased absolutely and relative to domestic shipments during the first three quarters of 1979 compared with the same period in 1978.

The Central Alloy District's shipments to trade of hot rolled alloy steel bars increased from 1977 to 1978, and increased absolutely during the first eleven months of 1979 compared with the same period in 1978.

Production of raw alloy steel at Central Alloy District's Basic Steel plant in Canton, Ohio increased from 1977 to 1978, and increased during the first eleven months of 1979 compared with the same period in 1978.

Stainless Steel

U.S. imports of stainless steel hot and cold finished bars decreased absolutely and relative to domestic shipments during the first three quarters of 1979 compared with the same period in 1978.

The Central Alloy District's shipments to trade of hot rolled stainless steel bars increased absolutely during the first eleven months of 1979 compared with the same period in 1978, and increased in each of the first three quarters of 1979 compared with the previous quarter and compared with the like quarter of the previous year.

Production of raw stainless steel at the Central Alloy District's Basic Steel plant in Canton, Ohio increased during the first eleven months of 1979 compared with the same period in 1978.

Enduro Division

The Enduro Division produces and ships to trade stainless steel plate and sheet, and special metals at its Canton South plant (TA-W-6404). The Enduro Massillon plant (TA-W-6402) finishes stainless steel plate, sheet, strip, and special metals for shipment to trade.

U.S. imports of stainless steel plate decreased absolutely and relative to domestic shipments during the first three quarters of 1979 compared with the same period in 1978.

U.S. imports of stainless steel hot and cold rolled sheet decreased absolutely and relative to domestic shipments during the first three quarters of 1979 compared with the same period in 1978.

U.S. imports of stainless steel hot and cold rolled strip decreased absolutely and relative to domestic shipments during the first three quarters of 1979 compared with the same period in 1978.

U.S. imports of stainless steel and tool steel (which include special metals) decreased absolutely and relative to domestic shipments during the first three quarters of 1979 compared with the same period in 1978.

TA-W-6402 Enduro Massillon

Enduro Massillon shipments to trade of stainless steel plate, sheet, strip, and special metals increased from 1977 to 1978, and increased during the first eleven months of 1979 compared with 1978.

TA-W-6404 Canton South

The Canton South plant's shipments to trade of stainless steel plate and sheet, and special metals increased from 1977 to 1978, and increased during the first eleven months of 1979 compared with the same period in 1978.

Conclusion

After careful review, I determine that all workers of the Canton, and Massillon, Ohio plants of the Central Alloy District, and of the Canton, and Massillon, Ohio plants of the Enduro Division of Republic Steel Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-6416 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6649]

Southern Cafeteria Operating Co., Inc., Lafayette, Ala.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on december 20, 1979, in response to a worker petition received on December 4, 1979, which was filed on behalf of workers and former workers preparing and serving food at the Playtex Cafeteria, Lafayette, Alabama. The investigation revealed that the correct name of the firm is Southern Cafeteria Operating Company, Incorporated, a firm providing food services to the Playtex Corporation, Lafayette, Alabama.

Southern Cafeteria Operating Company, Incorporated is engaged in providing the service of preparing and serving food.

Thus, workers of Southern Cafeteria Operating Company, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Southern Cafeteria Operating Company, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Southern Cafeteria Operating Company, Incorporated and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in preparing and serving food at Southern Cafeteria Operating Company, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Southern Cafeteria Operating Company, Incorporated. All employee benefits are provided and maintained by Southern Cafeteria Operating Company, Incorporated. Workers are not, at any time, under employment or supervision by customers of Southern Cafeteria Operating Company, Incorporated. Thus, Southern Cafeteria Operating Company, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

Conclusion

After careful review, I determine that all workers of Southern Cafeteria Operating Company, Incorporated, Lafayette, Alabama are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-6417 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

Steel Tripartite Committee Working Group on Modernization and Capital Formation; Meeting

The Steel Tripartite Committee was established under the Federal Advisory Committee Act, 5 U.S.C. Appr. (1976), to advise the Secretary of Labor and the Secretary of Commerce on international and domestic issues affecting the U.S. steel industry, labor, and the public.

Notice is hereby given that the Steel Tripartite Committee's Working Group on Modernization and Capital Formation will meet at 3:00 P.M. on March 14, 1980, in room 4121, U.S. Department of Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C.

Discussion will center around a staff review of recent industry estimates of the capital required for the modernization of the domestic steel industry.

For additional information contact: Mr. Joseph S. Papovich, Executive Secretary, Steel Tripartite Committee, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, D.C. 20210, telephone (202) 523-6227.

Official records of the meeting will be available for public inspection at Room S5315, U.S. Department of Labor, Washington, D.C. 20210.

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

Herbert N. Blackman,

Associate Deputy Under Secretary for International Affairs, U.S. Department of Labor.

[FR Doc. 80-6391 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6755]

Universal Sportswear, Elizabeth, N.J.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 10, 1980 in response to a worker petition received on December 20, 1979 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's outerwear at Universal Sportswear, Elizabeth, New Jersey. It is concluded that all of the requirments have been met.

U.S. imports of men's and boys' non tailored outer jackets increased absolutely and relative to domestic production in 1978 when compared to 1977.

A Departmental survey was conducted of coat manufacturers from whom Universal received contract work in 1978 and 1979. The major manufacturer providing work to Universal Sportswear decreased its contracts with Universal and increased its imports of men's coats and jackets in 1979 compared to 1978. A survey of this manufacturer's customers revealed that several customers reduced their orders of coats from the manufacturer and increased orders of coats from foreign sources in 1979 compared to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and boys' coats and jackets produced at Universal Sportswear, Elizabeth, New Jersey contributed importantly to the decline in sales or production and to the

total or partial separation or workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Universal Sportswear, Elizabeth, New Jersey who became totally or partially separated from employment on or after February 24, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of February 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-6418 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-28-M

LEGAL SERVICES CORPORATION

Grants and Contracts

February 25, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 95-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Assistance of North Dakota, Inc. in Bismarck, North Dakota, to serve Divide, Grant, McLean, Nelson, Pembina, Sheridan, Walsh, and Williams Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Chicago Regional Office, Legal Services Corporation, 310 South Michigan Avenue, 24th Floor, Chicago, IL 60604.

Dan J. Bradley,

President.

[FR Doc. 80-6276 Filed 2-28-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

February 25, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

North Dakota Legal Services, Inc., in New Town, North Dakota, to serve McKenzie County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Chicago Regional Office, Legal Services Corporation, 310 South Michigan Avenue, 24th Floor, Chicago, IL 60604.

Dan J. Bradley,

President.

[FR Doc. 80-6277 Filed 2-28-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

February 25, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant applicant submitted by:

West Central Illinois Legal Assistance in Galesburg, Illinois, to serve Stark County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Chicago Regional Office, Legal Services Corporation, 310 South Michigan Avenue, 24th Floor, Chicago, IL 60604.

Dan J. Bradley,

President.

[FR Doc. 80-6278 Filed 2-28-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

February 25, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Prairie State Legal Services, Inc. in Rockford, Illinois, to serve Henry, Iroquois, Kankakee, Marshall, Mercer, Putnam, and Woodford Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Chicago Regional Office, Legal Services Corporation, 310 South Michigan Avenue, 24th Floor, Chicago, IL 60604.

Dan J. Bradley,

President.

[FR Doc. 80-6279 Filed 2-28-80; 8:45 am]

BILLING CODE 6820-35-M

MERIT SYSTEMS PROTECTION BOARD

Notice of Opportunity for Federal Employees To File Amicus Brief in Board Proceedings in Disciplinary Cases Based on Off-Duty Conduct

AGENCY: Merit Systems Protection Board.

ACTION: Notice of Opportunity to file amicus brief in Board proceedings.

SUMMARY: The Merit Systems Protection Board on its own motion has reopened the cases of *Moses Gamble, Jr.* v. *United States Postal Service, Joseph A. Monterosso* v. *Department of Treasury,* and *Elijah Merritt* v. *United States Department of Justice.* These cases have been reopened to determine the effect that 5 U.S.C. § 2302(b)(10) has on the "for the efficiency of the service" standard where disciplinary action is taken against an employee as a result of off-duty misconduct.

Under § 2302(b)(10) it is a prohibited personnel practice to: discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an agency from taking into account in determining suitability or fitness any conviction of the employee

or applicant for any crime under the laws of any State, of the District of Columbia, or of the United States.

Amicus briefs will be considered by the Board, if received in the office of the Secretary at the address below on or before March 21, 1980.

ADDRESS: Office of the Secretary, 1717 H Street, N.W., Room 220, Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT: Donald L. Cox, Deputy General Counsel (202) 653–7165.

Ruth T. Prokop,

Chairwoman.

February 22, 1980.

[FR Doc. 80–6116 Filed 2–28–80; 8:45 am]

BILLING CODE 6325–20–M

MINIMUM WAGE STUDY COMMISSION

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the re-scheduling of the following meeting:

Name: Minimum Wage Study Commission
Date: March 18, 1980 (charged from March 11, 1980)
Time: 10:30 a.m.
Place: 1430 K St. NW., Suite 1102, Washington, DC

Original notice of the March 11 date appeared in the **Federal Register**, January 25, 1980. A second notice of the March 11 date appeared in the **Federal Register**, February 22, 1980.

Proposed Agenda

1. Pending Business
2. Staff reports on inflation and demographics
3. New Business

Next meeting of the Commission will be Tuesday, April 8, 1980.

All communications regarding this Commission should be addressed to: Mr. Louis E. McConnell, Executive Director, 1430 K St. NW., Washington, DC 20005, telephone (202) 376–2450.

Louis E. McConnell,

Executive Director.

[FR Doc. 80–6390 Filed 2–28–80; 8:45 am]

BILLING CODE 4510–23–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80–15)]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

The Informal Advisory Subcommittee on Aeronautical Propulsion Technology of the NAC Aeronautics Advisory Committee will meet March 18–19, 1980, in Room 225 of the Headquarters Building, NASA Langley Research Center, Hampton, Virginia. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including Subcommittee members and participants).

The Subcommittee was established to assist the NASA in identifying and examining advanced propulsion technology requirements for future aeronautical vehicles, and to recommend program additions, deletions or changes in scope or emphasis which may be found necessary to support the overall NASA aeronautical research and technology objectives. The Chairperson is Dr. Maurice Shank and there are five members on the Subcommittee. Following is the approved agenda for the meeting:

Agenda

March 18, 1980

8:30 a.m.—Introductory Remarks.
9:15 a.m.—Discussion of R&T Base Program Expansion.
10:30 a.m.—Review of Facility Plans.
1:00 p.m.—Propulsion/Airframe Integration.
2:30 p.m.—High Pressure Facility Status and Program Plans.
4:00 p.m.—Advanced Instrumentation Requirements.
5:00 p.m.—Stall Recovery Program Plans.

March 19, 1980

8:30 a.m.—Review of Hypersonics Program.
10:00 a.m.—Fuels Program Update.
11:30 a.m.—Committee Discussion and Formulation of Recommendations.
3:00 p.m.—Adjourn.

For further information please contact Dr. Raymond Colladay, Executive Secretary of the Subcommittee, Code RTP–6, NASA Headquarters, Washington, DC 20546. Telephone 202/755–3273.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

February 22, 1980.

[FR Doc. 80–6289 Filed 2–28–80; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR–35, issued to Boston Edison Company (the licensee), which revised the Technical Specifications for operation of the Pilgrim Nuclear Power Station Unit No. 1 (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

This amendment changes the Technical Specifications to make provisions for Multiple Control Rod Removal during Refueling Operations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated November 21, 1979 as supplemented December 7, 1979, (2) Amendment No. 41 to License No. DPR–35, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 22nd day of February 1980.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 80–6321 Filed 2–28–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-293]

Boston Edison Co. (Pilgrim Nuclear Power Station); Confirmatory Order

I

Boston Edison Company (the licensee) is the holder of Facility Operating License No. DPR-35 which authorizes the Licensee to operate the Pilgrim Nuclear Power Station at power levels not in excess of 1998 megawatts thermal (rated power). The facility is a boiling water reactor located at the Licensee's site in Plymouth, Massachusetts.

II

Over the past eleven years the subject of anticipated transients without scram (ATWS) events and the manner in which they should be considered in the design of nuclear power plants has been discussed extensively between the Nuclear Regulatory Commission (NRC) Staff and the nuclear industry.

In April 1978, the Staff published a report on, "Anticipated Transients Without Scram for Light-Water Reactors", NUREG-0460, Volumes 1 and 2, which summarized technical considerations related to ATWS and made recommendations.

Following additional investigations by the Staff and by the ACRS, the Staff issued Volume 3 of NUREG-0460, in December 1978.

Although final determination of all the design changes to nuclear power plants which may be necessary to respond to ATWS events has not yet been reached, the Staff has concluded that the addition of a Recirculation Pump Trip (RPT) in boiling water reactors (BWRs) would significantly limit the immediate consequences of an ATWS event. Therefore, letters dated January 9, 1979 were sent to the BWR licensees who did not have installed RPTs. These letters: described the reasons for requiring an RPT at this time; described two alternative ways to provide an acceptable RPT; and requested that licensees provide an RPT implementation schedule which would provide for installation within two years.

III

Because an RPT provides considerable additional assurance that a BWR can safely respond to an ATWS event, I have determined that installation of an RPT by BWR licensees should be completed as soon as practicable and in no event later than December 31, 1980. In response to the letter of January 9, 1979, and additional discussions with the Staff, the licensee committed, by letter dated April 10, 1979, to installation of an RPT before reactor operation during calendar year 1981. I have determined that this commitment should be formalized by Order requiring that RPT installation be completed no later than December 31, 1980.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, IT IS HEREBY ORDERED THAT: The licensee shall, by December 31, 1980, install a recirculation pump trip, or in the alternative, place and maintain its facility in a cold shutdown or refueling mode of operation.

V

Any person who has an interest affected by this Order may request a hearing within twenty (20) days of the date of the Order. Any request for a hearing will not stay the effectiveness of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. If a hearing is requested by a person whose interest may be affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

In light of the Licensee's expressed willingness to install an RPT, if a hearing is held concerning this Order the issue to be considered at the hearing shall be: whether RPT installation should be implemented as prescribed in this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective date: February 21, 1980. Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Acting Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 80-6324 Filed 2-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-265]

Commonwealth Edison Co. (Quad Cities Unit No. 2); Confirmatory Order

I

Commonwealth Edison Company (the licensee) is the holder of Facility Operating License No. DPR-30 which authorizes the Licensee to operate Quad Cities Unit No. 2 at power levels not in excess of 2511 megawatts thermal (rated power). The facility is a boiling water reactor located at the Licensee's site in Rock Island County, Illinois.

II

Over the past eleven years the subject of anticipated transients without scram (ATWS) events and the manner in which they should be considered in the design of nuclear power plants has been discussed extensively between the Nuclear Regulatory Commission (NRC) Staff and the nuclear industry.

In April 1978, the Staff published a report on, "Anticipated Transients Without Scram for Light-Water Reactors", NUREG-0460, Volumes 1 and 2, which summarized technical considerations related to ATWS and made recommendations.

Following additional investigations by the Staff and by the ACRS, the Staff issued Volume 3 of NUREG-0460, in December 1978.

Although final determination of all the design changes to nuclear power plants which may be necessary to respond to ATWS events has not yet been reached, the Staff has concluded that the addition of a Recirculation Pump Trip (RPT) in boiling water reactors (BWRs) would significantly limit the immediate consequences of an ATWS event. Therefore, letters dated January 9, 1979 were sent to the BWR licensees who did not have installed RPTs. These letters: described the reasons for requiring an RPT at this time; described two alternative ways to provide an acceptable RPT; and requested that licensees provide an RPT implementation schedule which would provide for installation within two years.

III

Because an RPT provides considerable additional assurance that a BWR can safely respond to an ATWS event, I have determined that installation of an RPT by BWR licensees should be completed as soon as practicable and in no event later than December 31, 1980. In response to the letter of January 9, 1979, and additional discussions with the Staff, the licensee committed, by letter dated March 29 and November 30, 1979, and February 4, 1980, to installation of an RPT before reactor operation during calendar year 1981. I have determined that this commitment should be formalized by Order requiring that RPT installation be completed no later than December 31, 1980.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the

Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that:

The licensee shall, by December 31, 1980, install a recirculation pump trip, or in the alternative, place and maintain its facility in a cold shutdown or refueling mode of operation.

V

Any person who has an interest affected by this Order may request a hearing within twenty (20) days of the date of the Order. Any request for a hearing will not stay the effectiveness of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regualtory Commission, Washington, D.C. 20555. If a hearing is requested by a person whose interest may be affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

In light of the Licensee's expressed willingness to install an RPT, if a hearing is held concerning this Order the issue to be considered at the hearing shall be: whether RPT installation should be implemented as prescribed in this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective date: February 21, 1980, Bethesda, Maryland.

For the Nuclear Regualtory Commission.

Darrell G. Eisenhut,

Acting Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 80-2328 Filed 2-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-254]

Commonwealth Edison Co. (Quad Cities Unit No. 1); Confirmatory Order

I

Commonwealth Edison Company (the licensee) is the holder of Facility Operating License No. DPR-29 which authorizes the Licensee to operate Quad Cities Unit No. 1 at power levels not in excess of 2511 megawatts thermal (rated power). The facility is a boiling water reactor located at the Licensee's site in Rock Island County, Illinois.

II

Over the past eleven years the subject of anticipated transients without scram (ATWS) events and the manner in which they should be considered in the design of nuclear power plants has been discussed extensively between the Nuclear Regulatory Commission (NRC) Staff and the nuclear industry.

In April 1978, the Staff published a report on, "Anticipated Transients Without Scram for Light-Water Reactors", NUREG-0460, Volumes 1 and 2, which summarized technical considerations related to ATWS and made recommendations.

Following additional investigations by the Staff and by the ACRS, the Staff issued Volume 3 of NUREG-0460, in December 1978.

Although final determination of all the design changes to nuclear power plants which may be necessary to respond to ATWS events has not yet been reached, the Staff has concluded that the addition of a Recirculation Pump Trip (RPT) in boiling water reactors (BWRs) would significantly limit the immediate consequences of an ATWS event. Therefore, letters dated January 9, 1979 were sent to the BWR licensees who did not have installed RPTs. These letters: described the reasons for requiring an RPT at this time; described two alternative ways to provide an acceptable RPT; and requested that licensees provide an RPT implementation schedule which would provide for installation within two years.

III

Because an RPT provides considerable additional assurance that a BWR can safely respond to an ATWS event, I have determined that installation of an RPT by BWR licensees should be completed as soon as practicable and in no event later than December 31, 1980. In response to the letter of January 9, 1979, and additional discussions with the Staff, the licensee committed, by letter dated March 29 and November 30, 1979, and February 4, 1980, to installation of an RPT before reactor operation during calendar year 1981. I have determined that this commitment should be formalized by Order requiring that RPT installation be completed no later than December 31, 1980.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that: The licensee shall, by December 31, 1980, install a recirculation pump trip, or in the alternative, place and maintain its facility in a cold shutdown or refueling mode of operation.

V

Any person who has an interest affected by this Order may request a hearing within twenty (20) days of the date of the Order. Any request for a hearing will not stay the effectiveness of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. If a hearing is requested by a person whose interest may be affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

In light of the Licensee's expressed willingness to install an RPT, if a hearing is held concerning this Order the issue to be considered at the hearing shall be: whether RPT installation should be implemented as prescribed in this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective date: February 21, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Acting Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 80-6329 Filed 2-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-10]

Commonwealth Edison Co. (Dresden Unit No. 1); Confirmatory Order

I

Commonwealth Edison Company (the licensee) is the holder of Facility Operating License No. DPR-2 which authorizes the Licensee to operate Dresden Unit No. 1 at power levels not in excess of 700 megawatts thermal (rated power). The facility is a boiling water reactor located at the Licensee's site in Grundy County, Illinois.

II

Over the past eleven years the subject of anticipated transients without scram (ATWS) events and the manner in which they should be considered in the design of nuclear power plants has been discussed extensively between the Nuclear Regulation Commission (NRC) Staff and the nuclear industry.

In April 1978, the Staff published a report on, "Anticipated Transients Without Scram for Light-Water Reactors", NUREG-0460, Volumes 1 and 2, which summarized technical considerations related to ATWS and made recommendations.

Following additional investigations by the Staff and by the ACRS, the Staff issued Volume 3 of NUREG-0460, December 1978.

Although final determination of all the design changes to nuclear power plants which may be necessary to respond to ATWS events has not yet been reached, the Staff has concluded that the addition of a Recirculation Pump Trip (RPT) in boiling water reactors (BWRs) would significantly limit the immediate consequences of an ATWS event. Therefore, letters dated January 9, 1979 were sent to the BWR licensees who did not have installed RPTs. These letters: described the reasons for requiring an RPT at this time; described two alternative ways to provide an acceptable RPT; and requested that licensees provide an RPT implementation schedule which would provide for installation within two years.

III

Because an RPT provides considerable additional assurance that a BWR can safely respond to an ATWS event, I have determined that installation of an RPT by BWR licensees should be completed as soon as practicable and in no event later than December 31, 1980. In response to the letter of January 9, 1979, and additional discussions with the Staff, the licensee committed, by letters dated March 29 and November 30, 1979, and February 4, 1980, to installation of an RPT before reactor operation during calendar year 1981. I have determined that this commitment should be formalized by Order requiring that RPT installation be completed no later than December 31, 1980.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that: The licensee shall, by December 31, 1980, install recirculation pump trip, or in the alternative, maintain its facility in a cold shutdown or refueling mode of operation.

V

Any person who has an interest affected by this Order may request a hearing within twenty (20) days of the date of the Order. Any request for a hearing will not stay the effectiveness of this Order. Any request for a hearing will not stay the effectiveness of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. If a hearing is requested by a person whose interest may be affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

In light of the Licensee's expressed willingness to install an RPT, if a hearing is held concerning this Order the issue to be considered at the hearing shall be: whether RPT installation should be implemented as prescribed in this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective date: February 21, 1980. Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Acting Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 80-6333 Filed 2-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-237]

Commonwealth Edison Co. (Dresden Unit No. 2); Confirmatory Order

I

Commonwealth Edison Company (the licensee) is the holder of Facility Operating License No. DPR-19 which authorizes the Licensee to operate Dresden Unit No. 2 at power levels not in excess of 2537 megawatts thermal (rated power). The facility is a boiling water reactor located at the Licensee's site in Grundy County, Illinois.

II

Over the past eleven years the subject of anticipated transients without scram (ATWS) events and the manner in which they should be considered in the design of nuclear power plants has been discussed extensively between the Nuclear Regulatory Commission (NRC) Staff and the nuclear industry.

In April 1978, the Staff published a report on, "Anticipated Transients Without Scram for Light-Water Reactors", NUREG-0460, Volumes 1 and 2, which summarized technical considerations related to ATWS and made recommendations.

Following additional investigations by the Staff and by the ACRS, the Staff issued Volume 3 of NUREG-0460, in December 1978.

Although final determination of all the design changes to nuclear power plants which may be necessary to respond to ATWS events has not yet been reached, the Staff has concluded that the addition of a Recirculation Pump Trip (RPT) in boiling water reactors (BWRs) would significantly limit the immediate consequences of an ATWS event. Therefore, letters dated January 9, 1979 were sent to the BWR licensees who did not have installed RPTs. These letters: described the reasons for requiring an RPT at this time, described two alternative ways to provide an acceptable RPT, and requested that licensees provide an RPT implementation schedule which would provide for installation within two years.

III

Because an RPT provides considerable additional assurance that a BWR can safely respond to an ATWS event, I have determined that installation of an RPT by BWR licensees should be completed as soon as practicable and in no event later than December 31, 1980. In response to the letter of January 9, 1979, and additional discussions with the Staff, the licensee committed, by letters dated March 29 and November 30, 1979, and February 4, 1980, to installation of an RPT before reactor operation during calendar year 1981. I have determined that this commitment should be formalized by Order requiring that RPT installation be completed no later than December 31, 1980.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that: The licensee shall, by December 31, 1980, install a recirculation pump trip, or in the alternative, place and maintain its facility in a cold shutdown or refueling mode of operation.

V

Any person who has an interest affected by this Order may request a hearing within twenty (20) days of the date of the Order. Any request for a hearing will not stay the effectiveness of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D. C. 20555. If a hearing is requested by a person whose interest may be affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

In light of the Licensee's expressed willingness to install an RPT, if a hearing is held concerning this Order the issue to be considered at the hearing shall be: whether RPT installation should be implemented as prescribed in this Order.

Operation of the facility on terms consistent with this Order is not stayed

by the pendency of any proceedings on the Order.

Effective date: February 21, 1980. Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Acting Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 80-6332 Filed 2-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-249]

Commonwealth Edison Co. (Dresden Unit No. 3); Confirmatory Order

I

Commonwealth Edison Company (the licensee) is the holder of Facility Operating License No. DPR-25 which authorizes the Licensee to operate Dresden Unit No. 2 at power levels not in excess of 2527 megawatts thermal (rated power). The facility is a boiling water reactor located at the Licensee's site in Grundy County, Illinois.

II

Over the past eleven years the subject of anticipated transients without scram (ATWS) events and the manner in which they should be considered in the design of nuclear power plants has been discussed extensively between the Nuclear Regulatory Commission (NRC) Staff and the nuclear industry.

In April 1978, the Staff published a report on, "Anticipated Transients Without Scram for Light-Water Reactors", NUREG-0460, Volumes 1 and 2, which summarized technical considerations related to ATWS and made recommendations.

Following additional investigations by the Staff and by the ACRS, the Staff issued Volume 3 of NUREG-0460, in December 1978.

Although final determination of all the design changes to nuclear power plants which may be necessary to respond to ATWS events has not yet been reached, the Staff has concluded that the addition of a Recirculation Pump Trip (RPT) in boiling water reactors (BWRs) would significantly limit the immediate consequences of an ATWS event. Therefore letters dated January 9, 1979 were sent to the BWR licensees who did not have installed RPTs. These letters: described the reasons for requiring an RPT at this time; described two alternative ways to provide an acceptable RPT; and requested that licensees provide an RPT implementation schedule which would provide for installation within two years.

III

Because an RPT provides considerable additional assurance that a BWR can safely respond to an ATWS event, I have determined that installation of an RPT by BWR licensees should be completed as soon as practicable and in no event later than December 31, 1980. In response to the letter of January 9, 1979, and additional discussions with the Staff, the licensee committed, by letters dated March 29 and November 30, 1979, and February 4, 1980, to installation of an RPT before reactor operation during calendar year 1981. I have determined that this commitment should be formalized by Order requiring that RPT installation be completed no later than December 31, 1980.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that: The licensee shall, by December 31, 1980, install a recirculation pump trip, or in the alternative, place and maintain its facility in a cold shutdown or refueling mode of operation.

V

Any person who has an interest affected by this order may request a hearing within twenty (20) days of the date of the Order. Any request for a hearing will not stay the effectiveness of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. If a hearing is requested by a person whose interest may be affected by this order, the Commission will issue an Order designating the time and place of any such hearing.

In light of the Licensee's expressed willingness to install an RPT, if a hearing is held concerning this Order the issue to be considered at the hearing shall be: whether RPT installation should be implemented as prescribed in this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective date: February 21, 1980. Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Acting Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 80-6331 Filed 2-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co. (Big Rock Point); Confirmatory Order

I

Consumers Power Company (the licensee) is the holder of Facility Operating License No. DPR-6 which authorizes the Licensee to operate Big Rock Point at power levels not in excess of 240 megawatts thermal (rated power). The facility is a boiling water reactor located at the Licensee's site in Charlevoix County, Michigan.

II

Over the past eleven years the subject of anticipated transients without scram (ATWS) events and the manner in which they should be considered in the design of nuclear power plants has been discussed extensively between the Nuclear Regulatory Commission (NRC) Staff and the nuclear industry.

In April 1978, the Staff published a report on, "Anticipated Transients Without Scram for Light-Water Reactors", NUREG-0460, Volumes 1 and 2, which summarized technical considerations related to ATWS and made recommendations.

Following additional investigations by the Staff and by the ACRS, the Staff issued Volume 3 of NUREG-0460, in December 1978.

Although final determination of all the design changes to nuclear power plants which may be necessary to respond to ATWS events has not yet been reached, the Staff has concluded that the addition of a Recirculation Pump Trip (RPT) in boiling water reactors (BWRs) would significantly limit the immediate consequences of an ATWS event. Therefore, letters dated January 9, 1979 were sent to the BWR licensees who did not have installed RPTs. These letters: described the reasons for requiring an RPT at this time; described two alternative ways to provide an acceptable RPT, and requested that licensees provide an RPT implementation schedule which would provide for installation within two years.

III

Because an RPT provides considerable additional assurance that a BWR can safety respond to an ATWS

event, I have determined that installation of an RPT by BWR licensees should be completed as soon as practicable and in no event later than December 31, 1980. In response to the letter of January 9, 1979, and additional discussions with the Staff, the licensee committed, by letter dated February 5, 1980, to installation of an RPT before reactor operation during calendar year 1981. I have determined that this commitment should be formalized by Order requiring that RPT installation be completed no later than December 31, 1980.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that: The licensee shall, by December 31, 1980, install a recirculation pump trip, or in the alternative, place and maintain its facility in a cold shutdown or refueling mode of operation.

V

Any person who has an interest affected by this Order may request a hearing within twenty (20) days of the date of the Order. Any request for a hearing will not stay the effectiveness of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. If a hearing is requested by a person whose interest may be affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

In light of the Licensee's expressed willingness to install an RPT, if a hearing is held concerning this Order the issue to be considered at the hearing shall be: whether RPT installation should be implemented as prescribed in this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective date: February 21, 1980. Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Acting Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 80-6325 Filed 2-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-56 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment deletes a license condition on steam generator water rise rate and approves the use of quarter core flux maps for calibration of excore neutron flux detection systems.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated October 23, 1979 and March 15, 1979, (2) Amendment No. 24 to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of January, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-6319 Filed 2-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co. (Oyster Creek Nuclear Generating Station); Conversion to Full-Term Operating License Proceedings; Order Dismissing Proceeding

February 22, 1980.

On May 31, 1979, the Atomic Safety and Licensing Board issued a Memorandum and Order which approved the environmental technical specifications previously submitted for the Board's review and which indicated that the pending Motion to Terminate Hearing could now be considered except for one concern.

The Board asked that the NRC Staff advise it of the significance of the recent (May 2, 1979) loss of coolant inventory transient and consequent plant shutdown at Oyster Creek Nuclear Generating Station.

Thereafter, on June 8, 1979, the Staff provided the Board with a copy of the Restart Safety Evaluation Report (Restart SER) concerning the event which the Staff had issued on May 30, 1979. As indicated by the Restart SER, the Staff concluded the Oyster Creek core was undamaged and that with additional technical specifications imposed there was reasonable assurance plant operation could be resumed without undue risk to the health and safety of the public. The Licensee was authorized to resume operation on May 30, 1979. On September 25, 1979, the Staff again moved to terminate the proceeding. Having reviewed the information provided by the Staff, the Board has concluded it has no further questions to be addressed in this matter and the Staff requests that the proceeding be terminated should be granted.

The description of the abnormal occurrence event and the remedial actions taken by the Licensee and the Staff are summarized in the report published by the Commission in the **Federal Register** on August 30, 1979 (44 Fed. Reg. 50925-28).

The loss of feedwater transient at the Oyster Creek facility on May 2, 1979, resulted in a significant reduction in water inventory above the reactor core area as measured by one set of water level instruments (triple-low level) while the remaining two sets of level instrumentation in the reactor annulus

indicated water levels above any protective feature setpoint. The water level measured within the core shroud area fell below the triple-low level setpoint, a safety limit, of five feet six inches above the top of the fuel. Subsequent analyses by the licensee have conservatively determined that the minimum water level over the top of the fuel was one and one-half feet. Coolant sample analyses and offgas release rates support the conclusion that no fuel damage occurred.

After performing a thorough evaluation of the event to determine whether any fuel damage had occurred and discussing the evaluation with the Staff, the Licensee took the following actions:

1. The triple-low level was established as a Safety Limit for all modes of reactor operation;

2. A requirement was added to the Technical Specifications that the suction and discharge valves in at least two recirculation loops be open at all times. The procedures were changed to implement this requirement;

3. Operator training sessions were held, the event was thoroughly discussed and the revised procedures reviewed.

Following Staff review and preparation of the Safety Evaluation Report, the following three requirements were added to the Technical Specifications:

1. The triple-low level was made a Safety Limit for all mode-switch positions;

2. At least two recirculation loop discharge and suction valves must remain in the full open position;

3. The time duration of the low-low level signal was required to be not greater than that used in the safety analysis for the limiting loss-of-inventory transient.

It was concluded that no evidence of fuel damage was apparent and that the facility could be safely returned to operation.

The Joint Motion to terminate the proceeding is *granted.* All proceedings involving the application to convert the provisional operating license for this facility to a full-term operating license are terminated and the case is dismissed.

Dr. Hugh C. Paxton and Dr. Paul W. Purdom, Board Members, join in and concur with this Order.

It is so ordered.

Dated at Bethesda, Maryland, this 22nd day of February 1980.

For the Atomic Safety and Licensing Board.

Robert M. Lazo,

Chairman.

[FR Doc. 80-6318 Filed 2-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp. (Nine Mile Point Nuclear Station); Confirmatory Order

I

Niagara Mohawk Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-63 which authorizes the Licensee to operate the Nine Mile Point Nuclear Station at power levels not in excess of 1850 megawatts thermal (rated power). The facility is a boiling water reactor located at the Licensee's site in Oswego County, New York.

II

Over the past eleven years the subject of anticipated transients without scram (ATWS) events and the manner in which they should be considered in the design of nuclear power plants has been discussed extensively between the Nuclear Regulatory Commission (NRC) Staff and the nuclear industry.

In April 1978, the Staff published a report on, "Anticipated Transients Without Scram for Light-Water Reactors", NUREG-0460, Volumes 1 and 2, which summarized technical considerations related to ATWS and made recommendations.

Following additional investigations by the Staff and by the ACRS, the Staff issued Volume 3 of NUREG-0460, in December 1978.

Although final determination of all the design changes to nuclear power plants which may be necessary to respond to ATWS events has not yet been reached, the Staff has concluded that the addition of a Recirculation Pump Trip (RPT) in boiling water reactors (BWRs) would significantly limit the immediate consequences of an ATWS event. Therefore, letters dated January 9, 1979 were sent to the BWR licensees who did not have installed RPTs. These letters: described the reasons for requiring an RPT at this time; described two alternative ways to provide an acceptable RPT, and requested that licensees provide an RPT implementation schedule which would provide for installation within two years.

III

Because an RPT provides considerable additional assurance that a BWR can safely respond to an ATWS event, I have determined that installation of an RPT by BWR licensees should be completed as soon as practicable and in no event later than December 31, 1980. In response to the letter of January 9, 1979, and additional discussions with the Staff, the licensee committed, by letter dated December 21, 1979, to installation of an RPT before reactor operation during calendar year 1981. I have determined that this commitment should be formalized by Order requiring that RPT installation be completed no later than December 31, 1980.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that:

The licensee shall, by December 31, 1980, install a recirculation pump trip, or in the alternative, place and maintain its facility in a cold shutdown or refueling mode of operation.

V

Any person who has an interest affected by this Order may request a hearing within twenty (20) days of the date of the Order. Any request for a hearing will not stay the effectiveness of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. If a hearing is requested by a person whose interest may be affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

In light of the Licensee's expressed willingness to install an RPT, if a hearing is held concerning this Order the issue to be considered at the hearing shall be: whether RPT installation should be implemented as prescribed in this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective date: February 21, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Acting Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 80-6327 Filed 2-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-245]

Northeast Nuclear Energy Co. (Millstone Nuclear Power Station Unit No. 1); Confirmatory Order

I

Northeast Nuclear Energy Company (the licensee) is the holder of Facility Operating License No. DPR-21 which authorizes the Licensee to operate Millstone Nuclear Power Station Unit No. 1 at power levels not in excess of 2011 megawatts thermal (rated power). The facility is a boiling water reactor located at the Licensee's site in New London County, Connecticut.

II

Over the past eleven years the subject of anticipated transients without scram (ATWS) events and the manner in which they should be considered in the design of nuclear power plants has been discussed extensively between the Nuclear Regulatory Commission (NRC) Staff and the nuclear industry.

In April 1978, the Staff published a report on, "Anticipated Transients Without Scram for Light-Water Reactors", NUREG-0460, Volumes 1 and 2, which summarized technical considerations related to ATWS and made recommendations.

Following additional investigations by the Staff and by the ACRS, the Staff issued Volume 3 of NUREG-0460, in December 1978.

Although final determination of all the design changes to nuclear power plants which may be necessary to respond to ATWS events has not yet been reached, the Staff has concluded that the addition of a Recirculation Pump Trip (RPT) in boiling water reactors (BWRs) would significantly limit the immediate consequences of an ATWS event. Therefore, letters dated January 9, 1979 were sent to the BWR licensees who did not have installed RPTs. These letters: described the reasons for requiring an RPT at this time; described two alternative ways to provide an acceptable RPT, and requested that licensees provide an RPT implementation schedule which would provide for installation within two years.

III

Because an RPT provides considerable additional assurance that a BWR can safely respond to an ATWS event, I have determined that installation of an RPT by BWR licensees should be completed as soon as practicable and in no event later than December 31, 1980. In response to the letter of January 9, 1979, and additional discussions with the Staff, the licensee committed, by letter dated March 29, 1979, to installation of an RPT before reactor operation during calendar year 1981. I have determined that this commitment should be formalized by Order requiring that RPT installation be completed no later than December 31, 1980.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that:

The licensee shall, by December 31, 1980, install a recirculation pump trip, or in the alternative, place and maintain its facility in a cold shutdown or refueling mode of operation.

V

Any person who has an interest affected by this Order may request a hearing within twenty (20) days of the date of the Order. Any request for a hearing will not stay the effectiveness of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. If a hearing is requested by a person whose interest may be affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

In light of the Licensee's expressed willingness to install an RPT, if a hearing is held concerning this Order the issue to be considered at the hearing shall be: whether RPT installation should be implemented as prescribed in this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective date: February 21, 1980, Bethesda, Maryland.

For The Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Acting Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 80-6322 Filed 2-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-275 OL and 50-323 OL]

Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of February 25, 1980, oral argument on intervenors' exceptions related to earthquake issues will be heard at 9:30 a.m., Wednesday, April 2, 1980, in the Old County Courthouse, Room 302, Department Number 3, Palm and Osos Streets, San Luis Obispo, California 93401.

Dated: February 25, 1980.

For the Appeal Board.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 80-6323 Filed 2-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation (the licensee), which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment deletes the limiting conditions for operation and surveillance requirements relating to the protection of the aquatic ecology set forth in the Appendix B Environmental Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment is a ministerial action required as a matter of law and that an environmental impact assessment need not be prepared.

For further details with respect to this action, see (1) the application for amendment dated August 16, 1978, as supplemented February 23, 1979, (2) Amendment No. 56 to License No. DPR-28, and (3) the Commission's letter to the licensee dated February 22, 1980. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 22nd day of February 1980.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 80-6320 Filed 2-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station); Confirmatory Order

I

Vermont Yankee Nuclear Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-28 which authorizes the Licensee to operate Vermont Yankee Nuclear Power Station at power levels not in excess of 1593 megawatts thermal (rated power). The facility is a boiling water reactor located at the Licensee's site in Windham County, Vermont.

II

Over the past eleven years the subject of anticipated transients without scram (ATWS) events and the manner in which they should be considered in the design of nuclear power plants has been discussed extensively between the Nuclear Regulatory Commission (NRC) Staff and the nuclear industry.

In April 1978, the Staff published a report on, "Anticipated Transients Without Scram for Light-Water Reactors", NUREG-0460, Volumes 1 and 2, which summarized technical considerations related to ATWS and made recommendations.

Following additional investigations by the Staff and by the ACRS, the Staff issued Volume 3 of NUREG-0460, in December 1978.

Although final determination of all the design changes to nuclear power plants which may be necessary to respond to ATWS events has not yet been reached, the Staff has concluded that the addition of a Recirculation Pump Trip (RPT) in boiling water reactors (BWRs) would significantly limit the immediate consequences of an ATWS event. Therefore, letters dated January 9, 1979 were sent to the BWR licensees who did not have installed RPTs. These letters: described the reasons for requiring an RPT at this time, described two alternative ways to provide an acceptable RPT, and requested that licensees provide an RPT implementation schedule which would provide for installation within two years.

III

Because an RPT provides considerable additional assurance that a BWR can safely respond to an ATWS event, I have determined that installation of an RPT by BWR licensees should be completed as soon as practicable and in no event later than December 31, 1980. In response to the letter of January 9, 1979, and additional discussions with the Staff, the licensee committed, by letter dated February 4, 1980, to installation of an RPT before reactor operation during calendar year 1981. I have determined that this commitment should be formalized by Order requiring that RPT installation be completed no later than December 31, 1980.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that: The licensee shall, by December 31, 1980, install a recirculation pump trip, or in the alternative, place and maintain its facility in a cold shutdown or refueling mode of operation.

V

Any person who has an interest affected by this Order may request a hearing within twenty (20) days of the date of the Order. Any request for a hearing will not stay the effectiveness of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. If a hearing is requested by a person whose interest may be affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

In light of the Licensee's expressed willingness to install an RPT, if a hearing is held concerning this Order the issue to be considered at the hearing shall be: whether RPT installation should be implemented as prescribed in this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective date: February 21, 1980. Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Acting Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 80-6326 Filed 2-28-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Extension of Time for Public Comment on Proposed Amendment of Manual on Fund-Raising Within the Federal Service

AGENCY: Office of Personnel Management.

ACTION: Extension of comment period.

SUMMARY: The Office of Personnel Management is extending the comment period on the proposed amendment of the *Manual on Fund-Raising Within the Federal Service For Voluntary Health and Welfare Agencies,* published in the **Federal Register** on Tuesday, February 12, 1980 (45 FR 9418). This extension is being made to assure the fullest possible public participation in the process of changing Combined Federal Campaign procedures.

OLD COMMENT DATE: March 4, 1980.

NEW COMMENT DATE: March 24, 1980.

ADDRESS: Address written comments to Joseph Patti, Assistant to the Director, U.S. Office of Personnel Management, Room 5532, 1900 E Street, NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Walter Townsend, (202) 632-6898.

SUPPLEMENTARY INFORMATION: The period for submitting comments on the proposed amendment of the *Manual on Fund-Raising Within the Federal Service* is less than sixty days because of the need for Combined Federal Campaign (CFC) procedures to be settled and in place in time for the Fall, 1980 CFC arrangements, including the identification of participants, printing of materials, etc., to be started by early June, 1980.

In addition, the views and comments solicited during the development of the proposed changes from current CFC participants, all applicants within the last three years, the four major participating groups (United Way, Red Cross, International Service Agencies, and National Health Agencies), the CFC Policy Committee, field coordinating groups, and other interested parties; as well as the public hearings conducted on the Federal fund-raising program by the Civil Service Subcommittee of the House Committee on Post Office and Civil Service, have satisfied to a great

extent the opportunity for public participation in the changes.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 80-6427 Filed 2-28-80; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Intergovernmental Science, Engineering, and Technology Advisory Panel; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science, Engineering, and Technology Advisory Panel (ISETAP); Science and Technology Transfer Task Force

Date: Friday, March 14, 1980, 9:30 a.m.–4:00 p.m.

Place: National Science Foundation, Room 543, 1800 G St. N.W., Washington, D.C.

Type of Meeting: Open

Contact Person: Mr. Robert Goldman, Staff Director, ISETAP Science and Technology Transfer Task Force, Executive Office of the President, Office of Science and Technology Policy, 202-395–4596

Minutes of the meeting: Executive minutes of the meeting will be available from the office of Mr. Goldman.

Tentative Agenda

- Follow-up on January Panel Work Program Priorities
- Communication of Scientific and Technological Information to State and Local Governments
- Local Government Networks—Status of Review
- Status Report on Implementation of the President's Policy on State and Local Consultation in R&D Planning

William J. Montgomery,

Executive Officer, Office of Science and Technology Policy.

[FR Doc. 80-6481 Filed 2-28-80; 8:45 am]

BILLING CODE 3170-01-M

POSTAL RATE COMMISSION

[Docket No. A80–4; Order No. 317]

Mount Eden, California 94557, [Howard J. Grant, et al., Petitioner]; Order Extending Date for Intervention

February 25, 1980.

On January 29, 1980, the Commission received a letter from Howard J. Grant, concerning alleged Postal Service plans to consolidate the Mount Eden, California, post office. On February 19, 1980, the Commission issued a Notice and Order of Filing of Appeal setting the procedural schedule in this case. The original date for the filing of any petitions to intervene may not, in this docket, give all interested parties a chance to intervene; therefore, the date for intervention will be extended to February 29, 1980.

The Commission orders:

That the date for petitions to intervene in Docket No. A80–4, Mt. Eden, California, be changed to February 29, 1980.

By the Commission.

David F. Harris,

Secretary.

[FR Doc. 80-6386 Filed 2-28-80; 8:45 am]

BILLING CODE 7715-01-M

PRESIDENT'S ADVISORY COMMITTEE FOR WOMEN

Personnel and Possible Contractors Discussion; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended), notice is hereby given of a meeting of the President's Advisory Committee for Women.

Date, Time and Place: March 17, 1980.

Open Business Session: 8:30 a.m. to 4:30 p.m., Room C–5515, Seminar Room 6, Department of Labor, 200 Constitution Avenue NW., Washington, D.C.

Purpose: General Business Meeting.

Date, Time and Place: March 18, 1980.

Closed Business Session: 8:30 p.m. to 2:30 p.m., Room C–5515, Seminar Room 6, Department of Labor, 200 Constitution Avenue NW., Washington, D.C.

Purpose: Report from Consultant—To discuss personnel and possible contractors.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. During its closed session, the Administration Subcommittee will discuss personnel and possible contractors.

Dated: February 25, 1980.

Sarita G. Schotta,

Executive Director.

Preliminary Agenda

March 17 and 18, 1980, Washington, D.C.

Monday—March 17, 1980

Location: Department of Labor, Room C–5515, Seminar Room #6, 200 Constitution Avenue NW., Washington, D.C.

Open Session

8:30-9:00 a.m. Coffee and Rolls.

9:00-9:15 a.m. Opening—Lynda Johnson Robb, Chair.

9:15-10:30 a.m. Old Business—

- Minutes from October meeting.
- Staff update—Sarita Schotta.
- Report of staff activities.
- Continuing Committee.
- Mid-Decade Conference.
- ERA Update.

10:30-10:45 a.m. Break.

10:45-12:30 p.m. Subcommittee Meetings—To review and discuss Subcommittee presentation for afternoon session; review motions for presentation at general business session—

- Education.
- Employment/Work.
- Health.
- Welfare.

12:30–1:30 p.m. Lunch.

Monday—March 17, 1980

1:30-2:30 p.m. Subcommittee Reports before Full Committee; 15 minutes for each subcommittee—

- Education—Esta Landa, Chair.
- Employment—Jeffalyn Johnson, Chair.
- Health—Estelle Ramey, Chair.
- Welfare—Unita Blackwell, Chair.

2:30-4:30 p.m. General Business Session: New Business—

- Motions from Raleigh and Tampa Hearings.
- Committee discussion on new business.

4:30 p.m. Adjourn.

Closed Session

Tuesday—March 18, 1980

8:30-9:00 a.m. Coffee and Rolls.

9:00-10:30 a.m. Closed Business Session Report from Consultant.

10:30-10:45 a.m. Break.

Tuesday—March 18, 1980

10:45-12:00 noon May 1 and 2 PACFW Hearings: Marjorie Bell Chambers, Chair—

- Committee discussion of hearings.
- Local Contacts.
- Format.

12:00-1:30 p.m. Working Lunch.

1:30-2:30 p.m. Final Discussion on Hearings.

2:30 p.m. Closed/Adjourn.

[FR Doc. 80-6190 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-23-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21448; 70–6422]

Louisiana Power & Light Co.; Proposed Sale of Certain Electric Utility Facilities and Related Land

February 22, 1980.

Notice is hereby given that Louisiana Power and Light Company ("Louisiana"), 142 Delaronde Street, New Orleans, Louisiana 70174, and electric utility holding company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission designating Section 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 23, 24 and 44 promulgated thereunder as applicable to the

proposed transaction. All interested persons are referred to the declaration which is summarized below, for a complete statement of the proposed transaction.

Louisiana presently owns and operates a 115/34.5 KV substation at or near Taliskheek in the Parish (county) of St. Tammany, State of Louisiana ("Talisheek Substation"), from which Cajun Electric Power Cooperative, Inc., ("Cajun"), an electric cooperative corporation operating under the laws of the state of Louisiana, is served electricity at a voltage of 34.5 KV at Cajun's Talisheek delivery point. Cajun is the only customer served from the Talisheek Substation. In order to facilitate an orderly development of its facilities in that area, Cajun now desires to receive service at its Talisheek delivery point at transmission voltage (presently 115 KV). The delivery of power at transmission voltage to Cajun at its Talisheek delivery point would cause Louisiana to have surplus substation facilities at Talisheek for which it would have no immediate use.

Louisiana proposes, pursuant to a certain agreement ("Agreement") with Cajun, to sell to Cajun the existing substation equipment, exclusive of the metering panel used to register the power flow from Louisiana to Cajun, of the Talisheek Substation ("equipment") together with a portion of the substation site containing approximately 3.45 acres ("land"). All of the equipment is located on the land. The proposed sale is to be made for a total cash price of $395,097.94, consisting of $388,197.94 for the equipment, which is the depreciated current replacement cost thereof, and $6,900 for the land, which is the current appraised value thereof. Under the Agreement, Louisiana will have continued access to the metering panel which it is retaining. Additionally Cajun will reimburse and/or pay Louisiana for certain expenses in connection with the transaction.

The proposed tansaction will enable Louisiana to sell surplus equipment at a price equal to its depreciated current replacement cost and at the same time retain Cajun as a customer. Louisiana therefore considers that the proposed transaction is a desirable and advantageous one from its standpoint. Since Cajun is the only customer served from the Talisheek Substation and the equipment is to be used by Cajun for the transformation of electricity received by it from Louisiana at transmission voltage, Louisiana states that it would be useless and inappropriate to seek to obtain bids from any persons other than Cajun for the purchase of the equipment and the land.

The fees, commissions or expenses to be incurred in connection with the proposed transaction are estimated to total $10,500, including legal fees of $8,500, all of which, under the Agreement, are to be paid by Cajun. It is stated that no state commission, and no federal commission, other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 21, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issue of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rule 20(a) and 100 thereof or take such other action as to whether a hearing is ordered will receive any notices or orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Divison of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-6294 Filed 2-28-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16603; SR-NASD-79-15]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

February 22, 1980.

On December 7, 1979, the National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street Northwest, Washington, D.C. 20006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which eliminates the requirement that member firms which engage in options transactions solely for their own account must have a Registered Options Principal and provides procedures for member firms which engage in options transactions with the public to replace their sole Registered Options Principal.[1]

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. 34-16465, January 3, 1980) and by publication in the **Federal Register** (45 FR 2128, January 10, 1980). No public comments regarding the proposed rule changes were filed with the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association, and in particular, the requirements of Section 15A 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.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-6291 Filed 2-28-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16601; Feb. 22, 1980; File No. SR-PSE-79-16]

Pacific Stock Exchange Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29 (June 4, 1975), notice is hereby given that on February 6, 1980 the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE") hereby proposes to amend Options Floor Procedure Advices A-3 and B-6, and to adopt new Options

[1] On February 14, 1980, the NASD filed an amendment to the proposal to clarify that member firms which lose their sole Registered Options Principal will be permitted to effect closing transactions in discretionary accounts even though such transactions normally require prior or subsequent Registered Options Principal approval.

Floor Procedure Advices A–9, E–5, and G–10 (the "Procedures"). Summaries of the changes are set forth below:

Options Floor Procedure Advice A–3

Subject: Procedure for Entering Orders in the Book Under Certain Circumstances

This Advice has been amended to provide that cancel or replace orders which merely reduce the size of an order on the Order Book do not cause the order to lose its priority by reason of the change.

Options Floor Procedure Advice A–9

Subject: Discretionary Transactions (Floor Brokers)

This Advice is new and is intended to state explicitly that giving "not held" orders to buy and sell options of the same series for the same person concurrently will be interpreted as a grant of discretion to a Floor Broker. Use of such discretion by a Floor Broker is prohibited by Rule VI, Section 64.

Options Floor Procedure Advice B–6

Subject: Market Maker's Use of Floor Brokers to Effect Transactions for the Market Maker's Account

This Advice has been amended to clarify the procedure for preparation of order tickets when a Market Maker uses a Floor Broker to execute an order. The order ticket in ordinary situations should be prepared by the Market Maker. In a situation where verbal instructions must be given, a Floor Broker must leave the trading crowd to write up an order ticket.

Options Floor Procedure Advice E–5

Subject: Procedures for Complaints Originating From the Options Floor

This Advice is new and is intended to set forth a procedure for the handling of complaints from members originating on the Options Floor. Pursuant to the Advice, the Surveillance Department will investigate all complaints and make recommendations to the Compliance Department and the Options Floor Trading Committee.

Options Floor Procedure Advice G–10

Subject: *Public Outcry/OBO Awareness*

This Advice is new and states that bidding and offering, to be effective, must be in a tone loud enough to be heard by members in the trading crowd and the Order Book Official in attendance. The purpose of the Advice is to interpret the term "public outcry" and to put members on notice that failure to conduct transactions in a loud enough tone may be deemed conduct inconsistent with just and equitable principles of trade.

Exchange's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule changes are as follows:

The purpose of the amendments to or adoptions of, the Procedures is generally to further promote the orderly conduct of business on the Options Floor by interpreting the requirements of the PSE rules governing options trading.

The proposed changes are intended to foster just and equitable principles of trade by ensuring that members on the Floor are aware of Exchange rules governing trading in listed options and that they fully understand the procedures applicable thereto.

Comments have neither been solicited nor received from members on the proposed rule change.

The proposed rule changes do not impose a burden upon competition.

The foregoing rule changes have become effective, pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule changes if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 21, 1980.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

February 22, 1980.

[FR Doc. 80-6293 Filed 2-28-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21451; 70-6414]

Southern Co. et al.; Supplemental Notice correcting Amounts of Short-Term Borrowing for Which Authorization Is Sought

February 22, 1980.

In the matter of The Southern Company, P.O. Box 720071, Atlanta, Georgia 30346; Georgia Power Company, P.O. Box 4545, Atlanta Georgia 30302; Gulf Power Company, P.O. Box 1151, Pensacola, Florida 32520; Mississippi Power Company, P.O. Box 4079, Gulfport, Mississippi 39501.

By a release dated February 14, 1980 in the matter (HCAR No. 21436), notice was given that The Southern Company ("Southern"), a registered holding company, and three of its electric utility subsidiary companies, Georgia Power Company ("Georgia"), Gulf Power Company ("Gulf") and Mississippi Power Company ("Mississippi") had filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935, requesting authorization to issue and sell notes to banks and commercial paper to dealers from time to time through March 31, 1981 in the following maximum aggregate principal amounts at any one time outstanding:

Southern, $100,000.
Georgia, 615,000.
Gulf, 104,000.
Mississippi, 65,000.

The amounts stated in the release of February 14, 1980 are incorrect; the actual amounts for which authorization is sought are as follows:

Southern, $100,000,000.
Georgia, 615,000,000.
Gulf, 104,000,000.
Mississippi, 65,000,000.

In all other respects the notice of February 14, 1980 is correct. Interested persons are given until March 27, 1980 to request a hearing on the proposed transactions. For a more complete statement of the proposed transaction interested persons are referred to the notice of February 14, 1980.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-6292 Filed 2-28-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11057; 812-4596]

Transamerica Cash Reserve, Inc.; Granting Exemptions

February 22, 1980.

Notice is hereby given that Transamerica Cash Reserve, Inc. ("Applicant") 1150 South Olive Street, Los Angeles, California 90051, filed an application on January 22, 1980, and an amendment thereto on February 5, 1980, requesting an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") exempting the Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent, necessary to permit Applicant to compute its net asset value per share according to the amortized cost method of valuing portfolio securities. All interested parties are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that it has filed a Form N–1 to register under the Act as a no-load, open-end, diversified, management investment company and that it will be a "money market" fund, designed as an investment vehicle for investors with temporary or short-term cash reserves. Applicant further represents that its investment objective will be to provide high current income while preserving capital and maintaining liquidity. Applicant states that it will invest in high-quality money market instruments consisting of (i) obligations issued by or guaranteed as to principal and interest by the U.S. Government, its agencies, or instrumentalities; (ii) time deposits, certificates of deposit, bankers' acceptances, and other short-term obligations of banks, domestic or Canadian, including foreign branches of domestic banks, having total assets in excess of $1 billion as of the date of their most recently published financial statements; (iii) certificates of deposit and other short-term obligations, including time deposits, of domestic mutual savings banks and savings and loan associations having total assets in excess of $1 billion as of the date of their most recently published financial statements; (iv) short-term obligations which at the time of investment are (a) rated in the highest category by Standard Poor's Corporation or by Moody's Investors Service, Inc., or (b) if not rated in the highest category, issued by a company which at the date of investment has any outstanding debt securities rated at least A by Standard & Poor's or A by Moody's; (v) other nonconvertible corporate debt securities, including bonds and debentures, which at the time of purchase have one year or less remaining to maturity and are rated at least A by Standard & Poor's or A by Moody's; (vi) securities issued or guaranteed by the Government of Canada, a Province of Canada, or their instrumentalities or political subdivisions; (vii) repurchase agreements with any securities dealer or member bank of the Federal Reserve System; (viii) reverse repurchase agreements which involve the sale of any of the above securities held by the Applicant with an agreement to repurchase the securities at an agreed upon price, date, and interest payment; and (ix) securities offered on a delayed delivery (including a when issued) basis, that is, delivery and payment for the securities is scheduled to take place after a typical settlement date. Applicant states that Transamerica Investment Management Co. will act as manager and investment adviser to Applicant. Applicant states that the minimum initial investment in the applicant is $5,000; the minimum subsequent investment is $200.

Rule 22c–1 adopted under the Act provides, in part, that no registered investment company 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 sell such security. Rule 2a–4 adopted under the Act provides, in pertinent part, 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 provides that portfolio securities for which market quotations are readily available shall be valued at current market value, and other securities shall be valued at fair value as determined in good faith by the board of directors. Section 2(a)(41) defines, in pertinent part, the term "value" in a similar manner.

In Investment Company Act Release No. 9786, dated May 31, 1977, the Commission expressed the 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 with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis.

Section 6(c) of the Act provides, in pertinent part, that the Commission, upon application, may conditionally exempt any person, securities or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules adopted 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.

Applicant maintains that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act because, among other things, Applicant's shareholders would have the convenience of determining the value of their holdings by knowing the number of shares they hold so that the task of maintaining an investment record would be simplified, and absent unusual circumstances, it is asserted that amortized cost valuation will represent the fair value of Applicant's portfolio investments.

Applicant requests that the Commission grant an order exempting it from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to utilize the amortized cost valuation method to value its portfolio securities to the extent necessary to maintain its $1.00 price per share.

In making the foregoing request, Applicant has agreed to the following conditions being imposed on the granting of such order:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant'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 Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included with the procedures to be adopted by Applicant's board of directors shall be the following:

(a) Review by the 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, as determined by using available market quotations, from Applicant's $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 exceeds ½ of 1%, the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from Applicant'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; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share: *Provided, however,* That Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year (the securities underlying repurchase agreements are not included in this restriction), or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

4. Applicant 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 Applicant will record, maintain and preserve in the minutes of the board of directors' meetings for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above. 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. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which the Applicant's board of directors determines 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 the borad of directors.

6. Applicant 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 March 17, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter 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 Applicant at the address stated above. Proof of such service (by affidavit, or in 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, incuding the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-6295 Filed 2-28-80; 8:45 am]

BILLING CODE 8010-01-M

[1] Applicant states that to fulfill this condition, it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value, which may include among others (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes or 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, Applicant 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 is reasonably practicable.

DEPARTMENT OF STATE

Determination

Pursuant to the authority vested in me by Section 533(b) of the Foreign Assistance Act of 1961, as amended (the Act), and by Executive Order 12163, I hereby determine that the furnishing of economic support fund assistance to Zambia would further the national interests of the United States.

This determination shall be reported to the Congress, as required by law.

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

Dated: January 27, 1980.

Cyrus R. Vance,

Secretary.

[FR Doc. 80-6469 Filed 2-28-80; 8:45 am]

BILLING CODE 4710-02-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 42
Friday, February 29, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-272; Amdt. 1]

CIVIL AERONAUTICS BOARD.

Notice of addition and closure of items to the February 28, 1980 meeting agenda.

TIME AND DATE: 9 a.m., February 28, 1980.

PLACE: Room 1027 (Open), Room 1011 (Closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

26. Docket 37052, Petition of Transamerica Airlines, Inc. for reconsideration of Order 79-12-27, December 7, 1979, granting Icelandair an exemption to operate nonstop service between U.S. points and Luxembourg. (BIA)
27. Negotiations with the Kingdom of the Netherlands. (BIA)

STATUS: Open (Items 1-24), Closed (Items 25-27).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION:

Item 26

This request is necessary because prompt Board action is required in order to provide the petitioner with a timely response to its petition. Accordingly, the following Members have voted that Item 26 be added to the February 28, 1980 meeting and that no earlier announcement of this addition was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Public disclosure, particularly to foreign governments, of opinions, evaluations, and strategies discussed in connection with this item could seriously compromise the United States Government's ability to achieve future bilaterial understandings which would be in the best interests of the United States. Accordingly, the following Members have voted that public observation of this meeting would reveal matters which, if prematurely disclosed, could significantly frustrate future agency action within the meaning of the exemption provided under 5 U.S.C. 552(c)(9) and 14 CFR 310b.5(9)(B) and that the meeting on this item should be closed:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Item 27

There are upcoming negotiations with the Netherlands and in order to formulate a coordinated U.S. Government position, the Board Members have voted that agency business requires that the Board meet on this item on less than seven days' notice because staff work was not completed at this time and that no earlier announcement of the meeting was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

This memo concerns the Board's recommendation for the forthcoming consultations with the Government of the Netherlands. Public disclosure, particularly to foreign governments, of opinions, evaluations, and strategies of the consultations could seriously compromise the ability of the United States Delegation to achieve an agreement that would be in the best interest of the United States. Accordingly, we believe that public observation of any meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(b) and 14 CFR section 3106.5(i)(2), and that any meeting on this item should be closed:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.
Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, and Mr. Stephen H. Lachter.
Managing Director.—Mr. Cressworth Lander.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.
Bureau of International Aviation.—Mr. Daniel M. Kasper, Mr. Anthony M. Largay, Mr. Ivars V. Mellups, Mr. Donald L. Litton, Mr. Vance Fort, Ms. Christine Pfirrman, Mr. Peter H. Rosenow, and Mr. Parlen L. McKenna.
Office of the General Counsel.—Ms. Mary McInnis Schuman, Mr. Michael Schopf, and Mr. Peter B. Schwarzkopf.
Office of Economic Analysis.—Mr. Robert H. Frank and Mr. David Sibley.
Bureau of Consumer Protection.—Mr. Reuben B. Robertson, Mr. John T. Golden, Ms. Eleanor R. Minsky, and Ms. Patricia J. Kennedy.
Office of the Secretary.—Mrs. Phyllis T. Kaylor and Ms. Deborah A. Lee.

General Counsel Certification

Item 26

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9((B) and 14 CFR section 310b.5(9)(B) and that the meeting may be closed to public observation.

Mary McInnis Schuman,
General Counsel.

Item 27

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9((B) and 14 C.F.R. section 3106.5(i)(2) and that the meeting may be closed to public observation:

Mary McInnis Schuman,
General Counsel.

[S-410-80 Filed 2-27-80; 2:49 pm]

BILLING CODE 6320-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday March 4, 1980.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, DC. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the Public

1. Freedom of Information Act Appeal No. 79–12–FOIA–467, concerning a request for a copy of all the materials in an open age discrimination file.

2. Five proposed contracts for services needed in connection with court cases.

3. Report on Commission Operations by the Executive Director.

Closed to the Public

Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariart, at (202) 634–6748.

This Notice Issued February 27, 1980.

[S–411–80 Filed 2–27–80; 3:18 pm]

BILLING CODE 6570–06–M

3

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, February 28, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

CHANGES IN THE MEETING: Deletion of the following items.

Agenda, Item No., and Subject

General—3—Title: Notice of Proposed Rule Making to implement changes in the frequencies, operating procedures and other criteria relating to radiotelephony in the band 4000–23000 kHz in the maritime mobile service adopted at the World Maritime Administrative Radio Conference, Geneva, 1974. Summary: The FCC is proposing to finalize the frequencies now assigned in the temporary assignment plan and make changes which will re-define the classes of stations to separate radiotelegraphy and radiotelephony stations and define the radiotelephony stations by the frequency band assigned. There will be a temporary requirement for coast stations to submit utilization data on all frequencies assigned to assist us in evaluating the frequency assignments to satisfy the operational requirements of the maritime mobile service. (At the request of the Private Radio Bureau.)

Private Radio—2—Title: Eligibility of OAS for licensing in the General Mobile Radio Service. (At the request of the Private Radio Bureau.)

Common Carrier—4—Title: Docket No. 21039. Amendment of Part 21 (now Part 22) of the Rules to reflect the availability of land mobile channels in the 470–512 MHz band. Summary: Metropolitan RCC Corporation filed a Petition for Reconsideration of the Commission's October 16, 1978 order (69 FCC 2d 1555). The issues raised include: (1) Whether to increase the number of mobile units initially authorized to operate and whether to increase the maximum traffic loading permissible; (2) Whether to reinstate a time cutoff rule for filing applications; (3) Whether to modify some technical requirements previously adopted. (At the request of the Common Carrier Bureau.)

Broadcast—3—Title: Proposal to require commercial broadcast renewal applicants and noncommercial educational television applicants to consult with all significant elements in their communities. The Commission will consider a proposed amendment to the *Primer on Ascertainment of Community Problems by Commercial Broadcast Renewal Applicants* and the *Primer on Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants.* The proposal recommended amending language appearing in the *Primers* to indicate that commercial rqdio and television renewal applicants and noncommercial television applicants have a responsibility to insure that all significant elements which are readily accessible within their communties are ascertained whether or not they are one of the nineteen categories on the checklist. As to other elements which may be significant in a community but not readily accessible, it was proposed that they too should be ascertained if their existence were brought to the attention of the applicant. (At the request of the Broadcast Bureau.)

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632–7260.

Issued: February 26, 1980.

[S–6712–01 Filed 2–27–80; 2:45 pm]

BILLING CODE 6712–01–M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (45 FR 12353, February 25, 1980).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 27, 1980, 10 a.m.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CAG–24.—TC80–37, Inter-City Minnesota Pipeline, Ltd., Inc.

Kenneth F. Plumb,

Secretary.

[S–405–80 Filed 2–27–80; 10:15 am]

BILLING CODE 6450–85–M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (45 FR 12353, February 25, 1980).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 27, 1980, 10 a.m.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CAG–23.—TC78–123, et al., Northwest Alaskan Pipeline Company, et al.

Kenneth F. Plumb,

Secretary.

[S–406–80 Filed 2–27–80; 10:15 am]

BILLING CODE 6450–85–M

6

FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: 2:30 p.m., Wednesday, March 5, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed amendments to Regulations D (Reserves of Member Banks) and Q (Interest on Deposits) to apply Federal Reserve reserve requirements to deposits of agencies and branches of foreign banks. (Proposed earlier for public comment; docket no. R–0238)

2. Proposed amendment to Regulation T (Credit by Brokers and Dealers) to allow broker-dealers to extend credit on mutual fund shares. (Proposed earlier for public comment; docket no. R–0158)

3. Any agenda items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph M. Coyne, Assistant to the Board; (202) 452–3204.

Dated: February 26, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S–407–80 Filed 2–27–80; 10:15 am]

BILLING CODE 6210–01–M

7

POSTAL RATE COMMISSION.

TIME AND DATE: 3 p.m., Wednesday, February 27, 1980.

PLACE: Conference Room, Room 500, 2000 L St. NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Docket No. MC78–2 (Third-class carrier presort)

2. Docket No. MC78–3 (E–COM)

[Closed pursuant to 5 U.S.C. § 552b(c) (10)]

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, Telephone (202) 254–5614.

[S–408–80 Filed 2–27–80; 12:08 pm]

BILLING CODE 7715–01–M

federal register

Friday
February 29, 1980

Part II

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications an supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage & Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

New Jersey.—NJ80–3017.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their date of publication in the **Federal Register** are listed with each State.

Arkansas:	
AR79–4056	Mar. 30, 1979.
Illinois:	
IL79–2027	May 4, 1979.
IL79–2051	June 15, 1979.
IL79–2052	Aug. 24, 1979.
IL79–2036	May 11, 1979.
IL79–2070	Sept. 7, 1979.
Michigan:	
MI79–2014	May 4, 1979.
MI79–2015	May 4, 1979.
MI79–2016	May 4, 1979.
MI79–2017	May 4, 1979.
MI79–2019	May 4, 1979.
Missouri:	
MO79–4072	Aug. 3, 1979.
Montana:	
MT79–5106	July 27, 1979.
North Carolina:	
NC80–1023	Jan. 4, 1980.
Oklahoma:	
OK79–4074	Aug. 3, 1979.
OK79–4076	Aug. 17, 1979.
Puerto Rico:	
PR78–3093	Nov. 3, 1978.
PR78–3092	Nov. 3, 1978.
PR78–3019	Mar. 31, 1978.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedes decision numbers are in parenthesis following the numbers of the decisions being superseded.

New York:	
NY79–2015 (NY80–3009)	July 6, 1979.
NY79–2091 (NY80–3009)	Nov. 13, 1979.
North Carolina:	
NC77–1095 (NC80–1058)	July 29, 1977.
NC80–1027 (NC80–1059)	Jan. 4, 1980.
Ohio:	
OH77–2067 (OH80–1059)	May 6, 1977.
South Carolina:	
SC80–1011 (SC80–1057)	Jan. 4, 1980.

Cancellation of General Wage Determinations Decision

The general wage decision listed below is cancelled. A new decision for the County that has been covered by the cancelled decision is published in this edition of the **Federal Register**. Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.7(b)(2), the incorporation of the cancelled decision in contract specifications, the opening of bids for which is within ten (10) days of this notice, need not be affected.

NC–1020 Wilkes County, North Carolina—Building.

Signed at Washington, D.C., this 22nd day of February 1980.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

NEW DECISION

STATE: New Jersey
COUNTY: Monmouth
DECISION NO.: NJ80-3017
DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$12.445		.655		.02
Carpenters	7.82				
Cement Masons	7.62				
Electricians	6.36				
Insulation Mechanics	7.50				
Laborers	5.03				
Painters	8.50				
Plumbers	8.00				
Roofers	9.02				
Soft Floor Layers	6.60				
Truck Drivers	5.00				
Power Equipment Operators:					
Bulldozers	6.25				
Loaders	6.25				

MODIFICATIONS P. 1

DECISION NO. AR79-4056 - Mod. 43
(44 FR 19108 - March 30, 1979)
Garland, Hot Springs and Clark Counties, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$12.05	.55	$1.00		.02
Bricklayers; Stonemasons:					
Garland and Clark Cos.	10.00		.35		
Hot Springs County	10.00	.65	.35		.04
Electricians:					
Electricians	12.17		3%		1/4%
Cable Splicers	12.295		3%		1/4%
Line Construction:					
Linemen	12.17		3%		1/2%
Cable Splicers	12.295		3%		1/2%
Plasterers	10.85				.02
Plumbers; Pipefitters:					
Zone A	11.25	.60	.60		.10
Zone B	11.90	.60	.60		.10
Zone C	12.45	.60	.60		.10
Roofers	9.71		.30		
Tile Layers:					
Garland and Clark Cos.	9.80		.35		
Omit:					
Elevator Constructors:					
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers-Probationary	50%JR				

2-21-80
Army

DECISION NO. AR79-4056 Mod. # 3

Garland, Hot Springs and Clark

COUNTY (S) Arkansas

MODIFICATION IS ISSUED TO REFLECT THE CURRENT NEGOTIATED RATES, AND THERE IS NO CHANGE IN RATES FROM UNION TO NON-UNION.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IL79-2027 - MOD. #4 (44 FR 26413 - May 4, 1979) Adams, Brown & Pike Cos., Illinois					
Change:					
Electricians	$12.54	.50	3%+1.00		1%
DECISION NO. IL79-2051 - MOD. #3 (44 FR 34737 - June 15, 1979) Cook County, Illinois					
Change:					
Bricklayers & Stonemasons	13.00	.90	1.05		.05
Marble Setters	14.21	.90			
Tile Setters	12.65	.67	.71		
Tile Setters' Finishers	11.15	.71	.62		
Pointers, Caulkers and Cleaners	12.85	1.35	.95		
DECISION NO. IL79-2052 - MOD. #2 (44 FR 49829 - August 24, 1979) Dupage, Grundy, Kane, Kendall, Lake, McHenry & Will Counties, Illinois					
Change:					
Bricklayers & Stonemasons: Dupage County: North of Butterfield Rd; Argonne Vicinity (National Accl. Lab) AEC Plant	13.00	.90	1.05		.07

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IL79-2052 - (Cont'd)					
South of Butterfield Rd.; from East to West	13.00	.90	1.05		.07
Northern Kane, Bounded on the South by St. Charles, Campton & Virgil Twps.; West by the Dekalb Co. Line, East by Cook County Line, McHenry County	13.00	.90	1.05		.04
Southern Kane & Kendall Counties	13.00	.90	1.05		.04
Lake County	13.00	.90	1.05		.07
Will & Grundy Counties	13.22	.90	.90		.01
Carpenters:					
Carpenters, Soft Floor Layers, Millwrights, Piledrivermen Kane, Kendall & McHenry Counties	12.74	.90	1.15		
Cement Masons:					
Will & Grundy Counties	12.55	.85	1.56		.05
Electricians:					
Lake County	14.74	.65	3%+1.10		1%
Ironworkers:					
Kane County; Kendall (N. ½ Cook, Including Bristol & Yorkville) Co.; McHenry (S. E. ½ of Co., & the Remainder of Dupage County	15.25	.75	.525		.08
Plasterers:					
Dupage County	12.16	.90	1.05		
Marble, Tile & Terrazzo Workers:					
Dupage, Kane, Lake, & Will Cos.:					
Marble Setters	14.21	.90			
Tile Setters	12.65	.67	.71		
Tile Setters Finishers	11.15	.71	.62		

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IL79-2036 - MOD. #5 (44 FR 27864 - May 11, 1979) Peoria & Tazewell Cos., Illinois					
Change:					
Bricklayers & Stonemasons	$ 12.40	.70	1.16		.01
Carpenters:					
Residential Exclude Townhouses, Housing Development Apartments or Condominiums					
Peoria Co.:					
Chillicothe & Vicinity	11.13	.90	.85		.03
Millwrights	12.53	.90	.85		.03
Commercial:					
Peoria County	12.17	.60	1.00		.05
DECISION NO. IL79-2070 - MOD. #2 (44 FR 52540 - September 7, 1979) Clark, Clay, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Jasper, Lawrence, Richland, Wabash, & Wayne Counties, Illinois					
Change:					
Electricians:					
Remainder of Counties	$ 13.30	.50	3%+.50		.01

DECISION NO. LA80-4014 - MOD. #2 (45 FR 6294 - January 25, 1980) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Power Equipment Ops. (Building Construction):					
Zone 1 - Group 1	$ 8.19	.65	.78		.05
Group 2	8.88	.65	.78		.05
Group 3	8.97	.65	.78		.05
Group 4	9.29	.65	.78		.05
Group 5	10.77	.65	.78		.05
Zones 2, 3 & 4 - Group 1	8.25	.65	.72		.05
Group 2	9.07	.65	.72		.05
Group 3	9.15	.65	.72		.05
Group 4	9.54	.65	.72		.05
Group 5	11.27	.65	.72		.05
Glaziers	11.65				.02
OMIT:					
Power Equipment Ops. (Building Construction):					
Zone 1 - Group 6	10.77	.65	.78		.02
Zones 2, 3 & 4 - Group 6	11.27	.65	.72		.02
Roofers:					
Zone 2 - Preparers remove old roofing, place, stock or move materials, tools or equipment for the journeymen	4.40	.40			

DECISION NO. MI79-2014 - Mod. #2
(44FR26442 - May 4, 1979)

Marquette County, Michigan	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS	13.065	1.28	1.30	2.00	.03
PAINTERS:					
Brush & Glaziers	9.50	.60			.05
ROOFERS	11.05	.70	.50		
SHEET METAL WORKERS	10.47	.70+.11	.99	1.50	.05
SPRINKLER FITTERS	13.33	.75	1.05		.08

DECISION NO. MI79-2015 - Mod. #3
(44FR26443 - May 4, 1979)

Allegan, Berrien, Calhoun, Clinton, Eaton, Ingham, Jackson & Kalamazoo Counties, Michigan	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS	13.065	1.28	1.30	2.00	.03
BRICKLAYERS & STONEMASONS:					
Allegan County (Casco, Clyde, Ganges & Lee Townships) and Berrien Co.	11.20	.95	.60		
Remainder of Allegan Co.	10.80	.75	.35		.04
IRONWORKERS:					
Clinton, Ingham & Jackson Counties:					
Structural & Ornamental	12.59	9%	17%	18%	.09
Fence Erectors	11.59	9%	17%	18%	.09
Reinforcing	11.94	.98+.25	15%	16%	.07
Remaining Counties	13.08	6%	8%		.10
PAINTERS:					
Allegan County (N.portion):					
Brush	9.55	.50	.25		.02
Spray	10.30	.50	.25		.02

MI79-2015(Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Allegan County (Casco, Clyde, Ganges & Lee Townships) & Berrien Co.	10.60	.95	.60		
PLUMBERS:					
Allegan County (N. Tier Townships)	13.44	.60+.15	1.05		
Allegan County (Remainder) & Kalamazoo County	13.27	.60	1.27		
Calhoun County and Bellevue, Olivet, Hastings & Charlotte in Eaton Co.	13.61	1.56	1.27		
Jackson County	13.05	.87+.30	1.10		.02
ROOFERS:					
Allegan County:					
Built-up	8.10	.70	.35	.95	
Slate & Tile	8.35	.70	.35	.95	
Calhoun & Kalamazoo Cos:					
Composition	11.30			.25	
Slate, Tile & Asbestos	11.55			.25	
SPRINKLER FITTERS	13.62	.75	1.05		.08

DECISION NO. MI79-2016 - Mod. #3
(44FR26450 - May 4, 1979)

Bay, Genesee, Huron, Iosco, Lapeer, Saginaw, St. Clair, Sanilac, Shiawassee and Tuscola Counties, Michigan	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE					
ASBESTOS WORKERS:					
St. Clair County	$13.85	1.61	1.69		.07
Remainder of Counties	12.60	1.05	1.78		
BOILERMAKERS	13.065	1.28	1.30	2.00	.03
ELECTRICIANS:					
Bay County; and the Southern ½ of Iosco County	13.45	0.60	3%+.50		¼ of 1%
Genesee, Lapeer and Shiawassee Counties	12.55	0.60	3%+1.50		.02
Remainder of Counties	14.40	1.65	3%+1.20		.05
IRONWORKERS:					
Structural & Ornamental	12.59	9%	17%	18%	.09
Fence Erectors	11.59	9%	17%	18%	.09
PLUMBERS & STEAMFITTERS:					
Bay, Iosco, N. ½ of Tuscola and the N.W. ½ of Huron (running from Port Austin S. to Sanilac County Line	13.93	0.95	0.70		
Genesee, Lapeer & Shiawassee Counties	13.61	1.05	1.45		.03
Remainder of Huron County; St. Clair & Sanilac Counties	12.00	1.25	1.60	1.90	.07
ROOFERS:					
Genesee, Lapeer & Shiawassee Counties:					
Composition	12.25	0.60	0.60		
Slate & Tile	12.70	0.60	0.60		
St. Clair, Sanilac & Huron Counties	9.45				
SPRINKLER FITTERS	13.62	0.75	1.05		.08
TRUCK DRIVERS:					
Under 8 Cubic Yards	8.75	b.28.00	b.37.00	.50	
8 Cubic Yards & Over	8.85	b.28.00	b.37.00	.50	
Euclid Type Equipment	9.05	b.28.00	b.37.00	.50	

DECISION NO. MI79-2017, Mod. #2
(44FR26455, May 4, 1979)

Genesee, Lapeer, Saginaw, St. Clair & Shiawassee Counties, Michigan	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS:					
St. Clair County	13.85	1.61	1.69		.07
Remainder of Counties	12.60	1.05	1.78		
BOILERMAKERS	13.065	1.28	1.30	2.00	.03
CARPENTERS:					
St. Clair County	12.78	1.00	11%	11%	.04
Remainder of Counties	8.37	.60	.80		.05
ELECTRICIANS:					
Saginaw County	8.71		3%+.15		½ of 1%
St. Clair County	14.40	1.65	3%+1.20		.05
IRONWORKERS:					
Structural & Ornamental	12.59	9%	17%	18%	.09
Fence Erectors	11.59	9%	17%	18%	.09
LABORERS:					
Genesee, Lapeer & Shiawassee Counties:					
Laborers	9.54	.65	.75		.04
Air, Gas & Electric Tool Operators	9.64	.65	.75		.04
Mortar Mixers	9.64	.65	.75		.04
Crock or Pipelayers	9.84	.65	.75		.04
St. Clair County:					
Laborers; Mason Tenders	11.13	.65	.35		.04
Mortar Mixers	11.25	.65	.35		.04
Air, Gas & Electric Tool Operators	11.38	.65	.35		.04
Crock or Pipelayers	11.48	.65	.35		.04
MARBLE, TILE & TERRAZZO WORKERS:					
Genesee, Lapeer & Shiawasee Counties	11.70	.80	1.30		
Saginaw County	12.20				
St. Clair County:					
Marble Masons	13.38	1.00	1.40		
Terrazzo Workers	12.42	1.00	1.40		
Tile Setters	12.88	1.00	1.40		
PAINTERS:					
St. Clair County	11.73	.55	.70		.01
Western ½ of Shiawassee Co.	12.00	.50	.40		.0025

MI79-2017

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Saginaw County	12.23	.88	.20		
Genesee & Shiawassee Cos.	11.18	.70	.75		.03
St. Clair County	9.30	1.30	1.10		
PLUMBERS:					
Genesee, Lapeer & Shiawassee Counties	13.61	1.05	1.45		.03
Saginaw County	11.73	1.09	1.29	1.25	.02
St. Clair County	12.00	1.25	1.60	1.90	.07
ROOFERS:					
Genesee, Lapeer & Shiawassee Counties	12.25	.60	.60		
St. Clair County	9.45				
SPRINKLER FITTERS	13.62	.75	1.05		.08
TRUCK DRIVERS:					
Saginaw County:					
Truck Drivers	8.75	28.00a	37.00a	.50	
8 Cubic Yards & Over	8.85	28.00a	37.00a	.50	
Euclid Type Equipment	9.05	28.00a	37.00a	.50	
St. Clair County:					
Truck Drivers	11.05	32.50a	37.00a		
Semi-Trucks	11.20	32.50a	37.00a		

DECISION NO. MI79-2019 - Mod. #3
(44FR26457 - May 4, 1979)
Macomb, Monroe, Oakland, Washtenaw & Wayne Counties, Michigan

CHANGE:					
ASBESTOS WORKERS:					
Monroe County	13.83	.55	1.40		
Townships of Bridgewater, Dexter, Freedom, Lima, Lyndon, Manchester, Sharon & Sylvan in Washtenaw Co.	12.60	1.05	1.78		
Remainder of Counties & the remainder of Washtenaw County	13.85	1.61	1.69		.07

MODIFICATIONS P. 11

DECISION NO. MI79-2019
Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS:					
Monroe County	13.575	1.075	1.00		.03
Remainder of Counties	13.065	1.28	1.30	2.00	.03
BRICKLAYERS & STONEMASONS:					
West of Hwy. #23 in Monroe County	12.09	1.06	.55		.05
Washtenaw County	15.47		1.30		
CARPENTERS:					
Washtenaw County	12.84	.60	.80		.05
CEMENT MASONS:					
South of Hwy. #151 in Monroe County	14.99	.60			.02
Washtenaw County	15.37		1.30		
ELECTRICIANS:					
Monroe County:					
Building	14.50	.85	3%+.75		.3%
Residential	8.94	.65	3%+.55		.1%
IRONWORKERS:					
Monroe County	13.45	1.06	1.48		.06
Remainder of Counties:					
Structural & Ornamental	12.59	9%	17%	18%	.09
Fence Erectors	11.59	9%	17%	18%	.09
Riggers & Machinery Erectors	11.00	1.54	2.39	18%	.06
LABORERS:					
Washtenaw County:					
Group 1	10.04	.65	.35	1.00	.04
Group 2	10.24	.65	.35	1.00	.04
Group 3	10.36	.65	.35	1.00	.04
Wayne, Oakland & Macomb Counties:					
Group 1	10.05	1.00	.95	1.10	.04
Group 2	10.13	1.00	.95	1.10	.04
Group 3	10.30	1.00	.95	1.10	.04
Group 4	10.28	1.00	.95	1.10	.04
Group 5	10.55	1.00	.95	1.10	.04
Group 6	10.38	1.00	.95	1.10	.04
Group 7	10.43	1.00	.95	1.10	.04
Group 8	10.80	1.00	.95	1.10	.04
MILLWRIGHTS:					
Washtenaw County	12.84	.60	.80		.05
MARBLE MASONS:					
Washtenaw County	15.47		1.30		
Remainder of Counties:					
Marble Masons	13.38	1.00	1.40		

MODIFICATIONS P. 12

DECISION NO. MI79-2019
Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & STEAMFITTERS:					
Monroe County	14.45	1.06	.80		.12
Remainder of Counties:					
Plumbers	12.00	1.25	1.60	1.90	.07
Pipefitters	12.46	1.25	1.60	2.00	.11
ROOFERS:					
Monroe County	12.98	1.06	1.50		.02
SHEET METAL WORKERS:					
Monroe County	13.155	1.20	1.57		.045
SOFT FLOOR LAYERS:					
Washtenaw County	12.84	.60	.80		.05
SPRINKLER FITTERS:					
Monroe County	13.62	.75	1.05		.08
Remainder of Counties	15.055	.80+.50	1.05		.10
TILE & TERRAZZO WORKERS:					
Washtenaw County	15.47		1.30		
Remainder of Counties:					
Terrazzo Workers	12.42	1.00	1.40		
Terrazzo Workers' Finishers	11.02	1.00	.50	1.00	
Tile Setters	12.88	1.00	1.40		
TRUCK DRIVERS:					
Underground Construction:					
Truck Drivers (except Dump Trucks of 8 cubic yds. capacity or over, Pole Trailers, Semis, Low Boys, Euclid, Double Bottom & Fuel Trucks	10.31	33.50a	37.00a		
Truck Drivers on Dump Trucks 8 cubic yds capacity or over, Pole Trailers, Semis & Fuel Trucks	10.40	33.50a	37.00a		
Low Boys, Euclid & Double Bottom Driver	10.64	33.50a	37.00a		

DECISION NO. MI79-2019
Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: Building, Residential & Heavy Construction:					
Class A	13.73	.95	1.50	11%	.05
Class B	13.50	.95	1.50	11%	.05
Class C	13.10	.95	1.50	11%	.05
Class D	12.86	.95	1.50	11%	.05
Class E	12.49	.95	1.50	11%	.05
Class F	10.77	.95	1.50	11%	.05
Class G	9.89	.95	1.50	11%	.05

DECISION #MO79-4072 - Mod.#2
(44 FR 45849 - August 3, 1979) Greene County, Missouri

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Marble masons, tile layers and terrazzo workers	$10.92		.30		

DECISION NO. MT79-5106-MOD. #3
(44 FR 44408 - July 27, 1979)
Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley Counties, Montana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
PAINTERS:					
Cascade, Glacier and Valley Counties:					
Brush	$10.62	.56	.40		1%
Paperhanger	11.12	.56	.40		1%
Brush on steel	11.12	.56	.40		1%
Spraying; Sandblasting	12.87	.56	.40		1%

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # NC80-1023-Mod.#1 (45 FR-1372-January 4,1980) Carteret, Craven, Jones, Lenoir, Onslow, and Pamlico Counties, North Carolina.					
Add:					
Painters	5.00				
Roofers	5.52				

MODIFICATIONS P. 16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #OK79-4074-Mod. #5 (44 FR 45864-August 3, 1979) Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Seminole and Pottawatomie Counties, Oklahoma					
Change:					
Bricklayers;Stonemasons: Lincoln, Pottawatomie and Seminole Counties	$11.30	.62	.75		.10
DECISION #OK79-4076-Mod. #4 (44 FR 48585-August 17, 1979) Latimer, Leflore, Haskell, Sequoyah and Pushmataha Counties, Oklahoma					
Change:					
Asbestos Workers	12.60	.55	.85		.015
Bricklayers;Stonemasons	12.25	.60	.40		.05
Glaziers	10.49	.70	.30		.01
Roofers	10.40	.60	.50		.04
Painters:					
Brush and Roller	10.20		.40	.20	.07
Highwork and Stage	10.70		.40	.20	.07
Sandblasting and Spray Painting	10.95		.40	.20	.07
Hot or Bituminous	11.60		.40	.20	.07
Sheet rock Power tools	10.70		.40	.20	.07

2/21/80

DECISION NO. OK79-4074 MOd. # 5

Addition: Cleveland Coals Canadian Creek, Kinfisher, Logan

COUNTY (S) McClain, Pittsburg, Haskell, Williamson, etc

MODIFICATION IS ISSUED TO REFLECT THE CURRENT NEGOTIATED RATES, AND THERE IS NO CHANGE IN RATES FROM UNION TO NON-UNION.

2/21/80

DECISION NO. OK79-4076 MOd. # 3

Lit mag, Fleer, Harmon, Ligneyt and Pinkett

COUNTY (S) Okfuskee

MODIFICATION IS ISSUED TO REFLECT THE CURRENT NEGOTIATED RATES, AND THERE IS NO CHANGE IN RATES FROM UNION TO NON-UNION.

MODIFICATIONS P. 17

DECISION NO. PR78-3093 - Mod. #2
(43 FR 51587 - November 3, 1978)
Puerto Rico, Island Wide

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Ironworkers, Reinforcing	3.10				
Laborers:					
Laborers	3.10				
Air Tool Operator	3.10				
Painters	3.10				
Tile Setters	3.10				

DECISION NO. PR78-3092 - Mod #2
(43 FR 51587 - November 3, 1978)
Puerto Rico, Island Wide

Change:					
Ironworkers, Reinforcing	3.10				
Laborers:					
Laborers	3.10				
Asphalt Rakers	3.10				
Power Equipment Operators:					
Drillers	3.10				
Gradall Driver	3.10				

DECISION NO. PR78-3019 - Mod #2
(43 FR 13738 - March 31, 1978)
Puerto Rico, Island Wide

Change:					
Bricklayers	3.10				
Cement Masons	3.10				
Electricians	3.10				
Ironworkers, Reinforcing	3.10				
Laborers, Unskilled	3.10				
Painter	3.10				
Plumbers	3.10				
Plasterers	3.10				
Tile and Terrazzo Workers	3.10				
Truck Drivers	3.10				

SUPERSEDEAS DECISION

STATE: North Carolina COUNTIES: *See below
DECISION NO.: NC80-1058 DATE: Date of Publication
Supersedes Decision No.: NC77-1095 dated July 29, 1977 in 42 FR-38835
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

*Counties: Cherokee, Clay, Graham, Macon, and Swain Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	6.00				
Carpenters	5.00				
Cement masons	5.00				
Drywall finisher	6.21				
Drywall hanger	6.11				
Electricians	4.25				
Laborers, unskilled	3.50				
Painters	4.50				
Plumbers	5.00				
Roofers	5.88				
Sheet metal workers	4.25				
Truck drivers	4.50				

SUPERSEDEAS DECISION

STATE: North Carolina COUNTIES: *See below
DECISION NUMBER: NC80-1059 DATE: Date of Publication
Supersedes Decision No.: NC80-1027 dated January 4, 1980 in 45 FR-1371
DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including 4 stories).

*Counties: Alleghany, Ashe, Avery, Mitchell, Surry, Watauga, Wilkes, and Yadkin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	6.80				
Air conditioning mechanic	4.85				
Bricklayers	5.75				
Carpenters	5.12				
Cement masons	5.00				
Electricians	5.59				
Ironworkers, structural & ornamental	5.50				
Laborers:					
Unskilled	3.78				
Mason tenders	4.27				
Lathers	6.50				
Painters, brush	5.09				
Plasterers	6.75				
Plumbers & pipefitters	6.00				
Roofers	4.00				
Sheet metal workers	4.00				
Tile setters	6.18				
Truck Drivers	3.78				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoes	5.00				
Cranes	5.50				
Loaders	5.02				
Motor graders	5.00				
Pavers	5.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: *SEE BELOW
DECISION NO.: OH80-2004 DATE: Date of Publication
Supersedes Decision No. OH77-2067, dated May 6, 1977 in 42 FR 23421
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories

*Delaware, Fairfield, Franklin, Licking, Madison, & Pickaway

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 6.57				
BRICKLAYERS	8.67				
CARPENTERS	6.40				
CEMENT MASONS	7.58				
DRYWALL FINISHERS	7.00				
DRYWALL HANGERS	6.00				
ELECTRICIANS	6.44				
INSULATORS	4.87				
LABORERS:					
Laborers	3.50				
Mason Tenders	5.20				
PAINTERS	5.19				
PLUMBERS	7.82				
ROOFERS	5.00				
SHEET METAL WORKERS	6.14				
SOFT FLOOR LAYERS	6.00				
TILE SETTERS	7.55				
TRUCK DRIVERS	5.52				
POWER EQUIPMENT OPERATORS:					
Backhoe	7.11				
Graders	7.05				
Bulldozers	7.20				
Cranes	6.50				
Front End Loaders	5.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: South Carolina COUNTIES: See below*
DECISION NUMBER: SC80-1057 DATE: Date of Publication
Supersedes Decision No. SC80-1011 dated January 4, 1980 in 45-FR 1375
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

*Chester, Chesterfield, Fairfield, Kershaw, Lancaster and York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning Mechanic	3.90				
Bricklayers	7.00				
Carpenters	5.00				
Carpet Layers	5.00				
Cement Masons	5.00				
Electricians	5.42				
Glaziers	4.95				
Laborers:					
Unskilled	3.25				
Mason Tenders	3.39				
Painters, Brush	5.00				
Plumbers & Pipefitters	5.95				
Roofers	5.00				
Sheet Metal Workers	4.50				
Soft Floor Layers	5.00				
Tile Setters	7.50				
Truck Drivers	3.35				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.68				
Bulldozers	5.00				
Loaders, front end	4.00				
Graders	4.25				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEADS DECISION

STATE: New York COUNTIES: Cattaraugus, Chautaugua & Erie
DECISION NO.: NY80-3009 DATE: Date of Publication
Supersedes Decision NO. NY79-3015 dated July 6, 1979 in 44 FR 39910
DESCRIPTION OF WORK: Building (excluding single family homes and apartments up to and inlcuding 4 stories), heavy and highway project construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	12.25	1.23	1.15		.06
Boilermakers	12.80	1.10	1.55		.03
Bricklayers:					
Area 1:					
Cattaraugus (Twp. of Perrysburg and Town of Gonawanda) and Erie Counties:					
Bricklayers, Stone Masons, Pointers, Caulkers and Cleaners	13.38	.65	1.65		
Marble Masons	13.095	.65	1.65		
Terrazzo Workers & Tile Setters	13.00	.65	1.65		
Area 2:					
Cattaraugus (excluding Twp. of Perrysburg and Town of Gonawanda) and Chautaugua Counties:					
Bricklayers, Cement Mason (building), Plasterers, Stone Masons, Tile and Terrazzo Workers	11.20	.70	1.10		.07
Carpenters:					
Area 1:					
Cattaraugus County (Twp. of Perrysburg & Village of Gonawanda):					
Carpenters, Millwrights, Piledrivermen and Dockbuilders	11.98	1.60	1.95		
Soft Floor Layers	11.98	1.60	1.95		
Carpenters and Piledrivermen, Heavy and Highway	8.30	1.60	1.95	a	.025
Area 2:					
Cattaraugus (remainder of county) and Chautaugua Counties:					
Carpenters, Building	9.87	.60	2.13	b	.02
Millwrights and Piledrivermen	10.12	.60	1.13	b	.02
Carpenters, Heavy & Highway	9.92	.70	1.23	a	.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 3:					
Erie County (Grand Island north of White Haven Rd. only)					
Carpenters, building	10.39	1.35	1.00		.025
Millwrights, building	10.49	1.35	1.00		.025
Carpenters & Pile-driver (Heavy and Highway)	8.72	1.35	1.00		.025
Area 4:					
Erie (remainder of county) County:					
Carpenters, Dockbuilders Driver Tenders, Millrights & Piledrivermen (Building, Heavy & Highway)	11.98	1.60	1.95		
Divers	18.62	1.60	1.85		
Cement Masons, Building, Heavy & Highway:					
Erie County:					
Cement Mason	13.58		1.75		
Machine operator	13.75		1.75		
Swing Scaffold	13.85		1.75		
Cattaraugus (Twp. of Perrysburg and Town of Gonawanda) County	12.88	.65	1.40		
Cement Masons, Heavy & Highway:					
Cattaraugus(excluding the Twp. of Perrysburg and the Village of Gonawanda) and Chautaugua Counties:	9.83	.70	1.10		.07
Electricians:					
Chautaugua (entire county), Cattaraugus (Twp. of Allegany, Carrolton, Cold Spring, Conewango, Dayton, Elko, Great Valley, Hinsdale,					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Humphrey, Ischua, Leon, Little Valley, Napoli, Olean, Portville, Red House, Randolph, Salamanca, South Valley)	12.92	.90	3%+.95		.½%
Erie (entire county), Cattaraugus (twps. of Ashford, East Otto, Ellicottville, Farmersville, Freedom, Franklinville, Lyndon, Machias, Mansfield, New Albion, Otto, Perrysburg & Persia)					
Electricians	13.49	1.05	3%+2.10		.05
Cable Splicers	13.99	1.05	3%+2.10		.05
Glaziers	11.54	1.70	.70		.25
Ironworkers:					
Chautaugua (Twps. of Stockton, Gerry, Poland, Carrol, Busti, Ellicott, Harmony, Ellery, Clymer, Sherman, Chautauga, French Creek, Mina, Ripley, Westfield, North Harmony, Kiantone and that portion of Portland west of a line from the southeast township corner extending through the village of Brockton to Lake Erie					
Structural, ornamental, Reinforcing, Machinery Movers, Rodmen, Riggers, Fence Erectors, and Stone					
Derrickmen	14.00	1.86	1.01		.15
Sheeter	14.75	1.86	1.01		.15
Sheeter, Bucker-up	14.25	1.86	1.01		.15

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cattaraugus (entire county) Chatauga (twps. Charlotte, Arkwright, Hanover, Villenova, Cheery Creek, Ellington, and that portion of Portland east of a line from the southeast township corner extending through the village of Brocton to Lake Erie in Chautauga County) Erie (except the northern half of Grand Island) Structural, Ornamental, Reinforcing, Machinery movers, Rodmen, Riggers, Fence Erectors, and Stone					
Derrickmen	12.33	1.34	1.87		
Sheeters	12.73	1.34	1.87		
Sheeter, Bucker-up	12.505	1.34	1.87		
Erie County (Northern half of Grand Island, the boundary of which shall be White Haven Road, from east River to West River): Structural, Ornamental Reinforcing, Fence, Erectors, Rodmen, Machinery Movers, Riggers stone Derrickmen	12.16	1.07	.92		
Sheeters	13.38	1.07	.92		
Lathers:					
Cattaraugus & Chautauga Counties	10.11	.55	.20		.01
Erie County	12.57		.10		.01
Lead Burners	10.75	.40	.25	c	.01
Marble, Tile & Terrazzo Workers' Finishers: Cattaraugus, Chataugua and Erie Counties	10.81	1.65	.40		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters: Cattaraugus (Twps. of Perrysburg, Persia, Otto, Dayton, East Otto, Ashford, Yorkshire & Machias), Chautaugua (Twps. of Dunkirk, Portland, Pomfret, Sheridan, Arkwright, Hanover, and Villanova), and Erie (excluding north or White Haven Rd. on Grand Island) Counties:					
Painters	11.605	1.275	.70		.10
Epoxy or Similar, Spray, Sandblasting, Bosun Chair, Swing and Scaffold, Taping, Hangers	11.855	1.275	.40		.11
Bridges 35 feet in Depth or from Road Level	13.27	1.275	.70		.10
Skeleton Steel, Radio-TV Towers, Flagpoles, Water Towers, Stacks	12.105	1.275	.40		.11
Cattaraugus (Twps, of Leon, Conewango, South Valley, Randolph, New Albion & Napoli) and Chautaugua (remainder of county) Counties:					
Brush	9.825	.725	.40		.01
Structural Steel, Bridges, Tanks and Stacks	10.125	.725	.40		.01
Spray, Steam cleaning, Sandblasting & Toxic Coatings	10.475	.725	.40		.01
Swing Scaffold, Bosun Chair, Paperhangers, and Taping	10.075	.725	.40		.01
Rollers	10.025	.725	.40		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cattaraugus County (remainder of county):					
Brush	8.35	.55	.85		.01
Ladder or Scaffold over 30 ft. 4 foot extension on Rollers, Taping (hand or machine)	8.60	.55	.85		.01
All Wallcovering and Paperhanging	8.70	.55	.85		.01
Spray, All application of All Toxic Coatings	9.00	.55	.85		.01
Steel above 20 feet	8.65	.55	.85		.01
Bridges	9.35	.55	.85		.01
Erie County (North or White Haven Road on Grand Island):					
Painters, brush	10.24	1.27	1.65		.01
Spray, Steel, Steeple, jacks, stage chair, & sandblasting	10.99	1.27	1.65		.01
Bridges-Crossing the Niagra River	11.905	1.27	1.65		.01
Plasterers:					
Erie County (except Tonawanda and Grand Island) Cattaraugus County (Twp of Perrysburg and Town of Gonawanda)	12.71				
Plumbers & Steamfitters:					
Cattaraugus (Twps. of Perrysburg, Dayton, Persia, Otto, Leon and Albion) County	13.32	.88	1.38		.07
Cattaraugus (Eastern ½ of County) County:					
Remodeling and New Construction not to exceed $15,000	6.00	.60	.80	.25+d	
Maintenance, Repair, Replacement and Renovation	9.00	.60	.80	.25+d	
All other Construction	12.50	.60	1.29	.25+d	
Chautauqua County (Twps. of French Creek, Clymer, Harmony, Busti, Kiantone, Carroll, Poland, Ellicott, North Harmony, Sherman, Nina, Ellery, Chautauqua, Gerry and Ellington)	12.50	.77	.55	.279	
Chautauqua County (remainder of County):					
Plumbers	13.32	.88	1.38		.07
Steamfitters	13.44	1.90	1.33		.15
Erie County:					
Plumbers	13.32	.88	1.38		.07
Steamfitters	13.44	1.90	1.33		.15
Roofers:					
Cattaraugus & Chautauqua Counties Erie County:	9.75	.50	.50		.02
Composition, damp waterproofers, sprayers, asphalt mastic, wood block floor workers, steep roofers and siders	12.36	.99	1.50		.02
Slate, precast tile roofers tile asbestos	12.51	.99	1.50		.02
Sheet Metal Workers:					
Cattaraugus and Chautauqua Counties	11.78	.65	3%+.50		.04
Erie County	13.25	1.33	1.16		.10
Sprinkler Fitters:					
Cattaraugus & Chautauqua Counties	13.54	.75	1.05		.08
Erie County	13.27	.75	1.05		.06
Truck Drivers, Building:					
Cattaraugus & Chautauqua Counties	7.35	.55	.60	e+f	
Truck Drivers, Building, Heavy & Highway:					
Erie County:					
All other truck drivers	11.12	.85	.775	g+h	
Euclid	11.37	.85	.775	g+h	
Dump	9.60	.50	.55		
Ready Mix	9.965	.50	.775		

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FOOTNOTES:

a. Holidays: Independence & Labor Days

b. All employees shall receive 8 hours pay for 6 hours work on Election day.

c. Holidays: New Year's, Memorial, Independence, Labor, Thanksgiving and Christmas Days, plus Washington's Birthday, Good Friday and Christmas Eve, provided the employee works the 30 full days during the 90 calendar days prior to the holiday and works the regular scheduled work day preceeding and following the holiday.

d. Holidays: Independence and Christmas Days.

e. Holidays: New Year's, Independence, Labor, Decoration, Thanksgiving & Christmas Day.

f. One week vacation for 1 year of service; 2 weeks of vacation after 2 years of service.

g. After one year, one week vacation; 2 years, 6 days vacation; 3 years, 7 days vacation; up to 2 weeks maximum vacation after completion of the 5th year, full vacation are earned by a driver who works 1040 hours or more in the calendar year, if an employee works less than 1040 hours in any calendar year, vacation will be prorated for either 1 or 2 weeks of vacation on the basis of using the number of hours worked as the numerator and 1040 as the denominator.

h. Holidays: New Year's, Memorial, Independence, Labor, Thanksgiving and Christmas Days, except where the employee is laid off 2 or more weeks prior to the holiday.

Unlisted classifications needed for work not included within the scope of the classidications listed may be added after award only as provided in the labor standards contract clauses (29 CFR. 5.5 (a) (1) (ii)).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers, Building:					
Cattaraugus (Twp. of Perrysburg and the Village of Gonawanda) County:					
Common Laborers	9.705	1.55	1.40		.10
Foundation Laborers over 9 ft. deep, Hod Carriers, Plasterers tenders, Plasterers scaffold Builders, pneumatic Gas-Electric tool operators	9.805	1.55	1.40		.10
Mortar mixers	9.855	1.55	1.40		.10
Tool operators over 8 feet deep	9.905	1.55	1.40		.10
Bottoman (caisson or cofferdam), plumbing laborers, wagon drill operators, swinging scaffold	9.955	1.55	1.40		.10
Cattaraugus (excluding Twp. of Perrysburg and the Village of Gonawanda) and Chautaugua Counties:					
Common Laborers & Flagmen	8.10	.60	.80	b	
Blasterers, Nozzlemen (gunite, seeding, sandblasting), Curb and Form Setters (steel stone and granite), pipelayers	8.35	.60	.80	b	
Work 40 feet and over	8.25	.60	.80	b	

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Laborers: Erie County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING					
Bottoman, blaster; plumbing laborer, wagon drill operator; swing scaffold	$9.955	1.55	1.40		.10
Pneumatic-gas-electric tool op.	9.805	1.55	1.40		.10
Tool operator (over 8 feet deep),	9.905	1.55	1.40		.10
Mortar mixer	9.855	1.55	1.40		.10
Foundation laborer (over 8 feet deep), hod carriers, plasterer tender, plasterer scaffold builder	9.805	1.55	1.40		.10
Laborer	9.705	1.55	1.40		.10
WRECKING					
Wagon drill operator	9.955	1.55	1.40		.10
Pneumatic gas-electric tool operators, steel burners	9.805	1.55	1.40		.10
Wrecking & topman	9.705	1.55	1.40		.10
OPEN CUT SEWER					
Blaster: Wagon drill op.	9.955	1.55	1.40		.10
Pneumatic gas electric tool op.	9.805	1.55	1.40		.10
Laborer: Top men	9.705	1.55	1.40		.10
CAISSON SHAFT COFFERDAMS (OPEN CUT)					
Blaster; Bottom men; wagon drill op.	9.955	1.55	1.40		.10
Pneumatic-gas-electric tool op.	9.805	1.55	1.40		.10
Top men	9.705	1.55	1.40		.10
SOFT GROUND TUNNEL OR JACKING					
Rodmen (reinforce); welder	9.55	1.55	1.40		.10
Lead miner	9.355	1.55	1.40		.10
Concrete form mover: Monkey hole man: Side miner	9.305	1.55	1.40		.10
Bottom shaft men	9.155	1.55	1.40		.10
Tunnel-shaft mucker: shaft miner	9.205	1.55	1.40		.10
Car pusher: Concrete placing crew bull gangs & track gang	9.105	1.55	1.40		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROCK TUNNEL					
Rodmen (reinforce); welder	9.555	1.55	1.40		.10
Lead heading rock drillers	9.355	1.55	1.40		.10
Concrete form mover: Side heading rock drillers	9.305	1.55	1.40		.10
Plug hole and roof bolt drillers: Mucking machine tender; tunnel & shaft mucker; shaft sinking drillers	9.205	1.55	1.40		.10
Bottom shaft man	9.155	1.55	1.40		.10
Car pushers: Bull & tack gangs; concrete placing crew	9.105	1.55	1.40		.10
Top man	8.955	1.55	1.40		.10
ASPHALT WORKERS AND CURB SETTERS					
Asphalt plant men, blacksmith	8.805	1.55	1.40		.10
Dumpers, gutterman, painters, & smoothers	9.13	1.55	1.40		.10
Rakers, screed man	9.24	1.55	1.40		.10
Stone, wood & brick pavers	9.23	1.55	1.40		.10
Shovelers	9.035	1.55	1.40		.10
Curb setter helper	9.205	1.55	1.40		.10
Curb setter & flag layers	9.89	1.55	1.40		.10
TUNNEL FREE AIR					
Blasters, steel erectors, piledrivers, Riggers	11.30	1.55	1.40		.13
Cement finisher, ironmen	11.05	1.55	1.40		.13
Tunnel worker, miners, drill runners, conveyormen, safety miners, maintenance men block layers, rodmen, caulker, power carriers, chuck tenders, track men, nippers, burners, brakemen, derail men, cable men, hosemen groutmen, gravelmen, form-men, bottom bell, top bell, signal men, form workers, movers, concrete workers, shaft men, tunnel laborers, caulkers	10.80	1.55	1.40		.13

DECISION NO. NY80-3009

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROCK TUNNEL					
Rodmen (reinforce); welder	9.555	1.55	1.40		.10
Lead heading rock drillers	9.355	1.55	1.40		.10
Concrete form mover: Side heading rock drillers	9.305	1.55	1.40		.10
Plug hole and roof bolt drillers: Mucking machine tender; tunnel & shaft mucker; shaft sinking drillers	9.205	1.55	1.40		.10
Bottom shaft man	9.155	1.55	1.40		.10
Car pushers: Bull & tack gangs; concrete placing crew	9.105	1.55	1.40		.10
Top man	8.955	1.55	1.40		.10
ASPHALT WORKERS AND CURB SETTERS					
Asphalt plant men, blacksmith	8.805	1.55	1.40		.10
Dumpers, gutterman, painters, & smoothers	9.13	1.55	1.40		.10
Rakers, screed man	9.24	1.55	1.40		.10
Stone, wood & brick pavers	9.23	1.55	1.40		.10
Shovelers	9.035	1.55	1.40		.10
Curb setter helper	9.205	1.55	1.40		.10
Curb setter & flag layers	9.89	1.55	1.40		.10
TUNNEL FREE AIR					
Blasters, steel erectors, piledrivers, Riggers	11.30	1.55	1.40		.13
Cement finisher, ironmen	11.05	1.55	1.40		.13
Tunnel worker, miners, drill runners, conveyormen, safety miners, maintenance men block layers, rodmen, caulker, power carriers, chuck tenders, track men, nippers, burners, brakemen, derail men, cable men, hosemen groutmen, gravelmen, form-men, bottom bell, top bell, signal men, form workers, movers, concrete workers, shaft men, tunnel laborers, caulkers	10.80	1.55	1.40		.13

DECISION NO. NY80-3009

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Mole nipper, power watchmen, top laborers	9.80+p	1.55	1.40		.13

FOOTNOTES:

p. If top laborer uses an air spade, jackhammer or pavement breaker he shall receive $3.00 per day in addition to the above rate.

TUNNEL - COMPRESSED AIR					
Bottom bell, top nipper	11.80	1.55	1.40		.13
Top bell, signal men, shaft men	10.80	1.55	1.40		.13
Top laborers, powder watchmen	9.80	1.55	1.40		.13
Blasters, mucking machine op.	12.80	1.55	1.40		.13
Outside man, lock tender, gauge tender, outside muck lock tender	11.30	1.55	1.40		.13
Mole nipper per working shaft up to & including 2 moles	12.05	1.55	1.40		.13
Miner, drill runners, ironmen, maintenance men, muck men, inside mucklock tender, pumpmen, electricians, cement finishers, rodmen, caulkers, carpenters, hydraulic men, shield drivers, monorail operators, motormen, conveyor men, safety miners, powdermen, pan men, riggers, chuck tenders, track men, nippers, brakemen, derail men, cable men, hose men, grout men, gravel men, form worker, concrete workers, tunnel laborer	12.30	1.55	1.40		.13
TUNNELS: PRESSURE					
26 lbs. up to but less than 31 lbs	11.80	1.55	1.40		.13
31 lbs. up to but less than 36 lbs.	12.30	1.55	1.40		.13
36 lbs. up to but less than 41 lbs	12.80	1.55	1.40		.13
41 lbs. or more	13.30	1.55	1.40		.13

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HEAVY AND HIGHWAY CONSTRUCTION					
CLASS A	9.205	1.55	1.40	a	.10
CLASS B	9.405	1.55	1.40	a	.10
CLASS C	9.605	1.55	1.40	a	.10
CLASS D	9.805	1.55	1.40	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helpers, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker powederman.

CLASS D
Blasters, form setter, stone or granite curb setters.

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Line Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead and Underground Distribution Work:					
Lineman and Technicians	11.00	1.40	3%+.75	k	
Cable Splicers	14.45	1.40	3%+.75	k	
Groundman Digging Machine Operator and Groundman Dynamite man	9.90	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	8.80	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer)	9.35	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	8.25	1.40	3%+.75	k	
All Overhead Transmission Line Work and Lighting for Athletic Fields:					
Lineman and Technician	12.50	1.40	3%+.75	k	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.25	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.00	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	10.625	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experinced	9.375	1.40	3%+.75	k	
Sub-Station, Switching Structures (when not part of the line), Trafic Signal, Street Lighting, and Electrical, Telephone or CATV Commercial Work:					
Lineman and Technicians	13.15	1.40	3%+.75	k	
Cable Splicers	14.465	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.52	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	11.1775	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	9.8625	1.40	3%+.75	k	

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Line Construction (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Digging Machine Operator, Groundman Dynamite Man	11.835	1.40	3%+.75	k	
Telephone and other Communication Systems, Both overhead and underground:					
Linemen and Installer Repairmen	8.34	.40	3%+.25	k	1%
Splicers	8.89	.40	3%+.25	k	1%
Groundman Digging Machine Operator	7.73	.40	3%+.25	k	1%
Groundman	5.72	.40	3%+.25	k	1%
Groundman Truck Driver	6.82	.40	3%+.25	k	1%
Groundman Dynamiteman	6.60	.40	3%+.25	k	1%

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

k. Paid Holidays: A through F, Washington's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided the employee works the day before and after the holiday.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$13.66	1.30	1.50	a	.16
GROUP II	12.575	1.30	1.50	a	.16
GROUP III	12.42	1.30	1.50	a	.16
GROUP IV	12.38	1.30	1.50	a	.16
GROUP V	12.295	1.30	1.50	a	.16
GROUP VI	9.49	1.30	1.50	a	.16
GROUP VII	11.985	1.30	1.50	a	.16
GROUP VIII	9.575	1.30	1.50	a	.16
GROUP IX	9.42	1.30	1.50	a	.16
GROUP X	11.525	1.30	1.50	a	.16
GROUP XI	12.14	1.30	1.50	a	.16
GROUP XII	9.645	1.30	1.50	a	.16
GROUP XIII	12.38	1.30	1.50	a	.16
GROUP XIV	9.275	1.30	1.50	a	.16
GROUP XV	13.075	1.30	1.50	a	.16
GROUP XVI	13.575	1.30	1.50	a	.16
GROUP XVII	14.075	1.30	1.50	a	.16

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BUILDING - POWER EQUIPMENT OPERATORS

GROUP I: Master Mechanic

GROUP II: All boom type equipment (100 ft or less), all pan and carry-all operators, archer hoist, back and pull hoe operator, blast or rotary drill (track or cat mounted), boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finish course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist (more than 1 drum in use), Peine crane, Shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine, Piledriving Machine operator, Scoopmobile

GROUP III: Back filling machine operator, kolman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor system (belt-crete or similar), hoisting engine op., house elevator (when used for hoisting), industrial tractor, locomotive op. (irrespective of power), push button hoist op., Strato tower, tractors (when using winch power)

GROUP V: Concrete mixer op. (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op. (asphalt spreader), finishing machine op.

GROUP VI: Air compressor operator (under 160 CFM), air compressor op. (over 160 CFM), generator, mechanical heater (when 3 are in a battery), power plant (in excess of 10KW), welding machine operator (to and including 3 machines)

GROUP VII: Bulldozer & tractor (50 h.p., drawbar or under) Jeep trencher, Mulchers, power brooms and rakes, seeders

GROUP VIII: Firemen

GROUP IX: Truck crane driver

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BUILDING - POWER EQUIPMENT OPERATORS CONT'D

GROUP X: Aggregate bin op., cement bin op., concrete mixer op. (under ½ c.y.), tractor machines

GROUP XI: Grout machine operator, heating boiler operator (used for temporary heat), lubrication unit on truck, pneumatic mixer operator

GROUP XII: Pump operator (4" or over), pump operator (2-3 in a battery)

GROUP XIII: Bulldozer (over 50 h.p.), Monorail

GROUP XIV: Oiler, mechanical heaters (when 1 or 2 are used), pump operators (one inch), pump operators (2 inches), pump operators (3 inches)

GROUP XV: Crane with boom over 100 feet

GROUP XVI: Crane with boom over 200 feet

GROUP XVII: Crane with boom over 300 feet

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Election Day.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	12.06	1.30	1.50	m	.16
CLASS II	11.83	1.30	1.50	m	.16
CLASS III	11.45	1.30	1.50	m	.16
CLASS IV	10.72	1.30	1.50	m	.16
CLASS V	9.38	1.30	1.50	m	.16
CLASS VI	9.00	1.30	1.50	m	.16
CLASS VII	8.27	1.30	1.50	m	.16
CLASS VIII	8.67	1.30	1.50	m	.16
CLASS IX	8.79	1.30	1.50	m	.16

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS I: Asphalt roller(except rubber tired),Automatic fine grade machine, backhoe (except tractor mounted, rubber tired), Black top plant (automated) blast or rotary drill (truck or cat mounted), cableway, caisson auger, central mix plant (automated), cherry picker - over 5 tons capacity, crane, derrick, dragline, dredge, dual drum paver, elevation grader (self-propelled or towed), excavator (all purpose - hydraulically operator), front end loader (4/c.y. and over), gradall, grader, head tower, hoist, 2 or 3 drum locomotive (irrespective of size or power), maintenance engineer, mine hoist, mucking machine, overhead crane, peins crane or similar type, piledriver, quarry master or equivalent, shovel, skimmer, slip form paver, tractor drawn belt-type loader, truck crane, tunnel shovel

CLASS II: Asphalt roller (rubber tired), asphalt spreader, automatic fine grade machine, backhoe (tractor mounted, rubber tired), back filling machine, belt placer, bending machine (pipe), bituminous spreader and mixer, blacktop plant (non automated), boom truck boring machine, cage hoist, central mix plant (non-automated), and all concrete batching plants, cherry picker 5 tons and under, concrete paver over 16S, concrete pump, crusher,dozer or push cat, drill rigs tractor mounted, elevator, front end loader (under 4 c.y.),hi-pressure boiler (15 lbs.and over), hoist (one drum, hydraulic pipe jack machine or similar type machine, jersey spreader, kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer, pump crete, ready mix concrete plant, road widener, rock bit sharpener (all types), roller (all above subgrade), scraper, side boom, slip from paver, snorkel, stump chipping machine, trencher, tube finisher, winch truck with A-frame

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CLASS III: Asphalt curb and gutter machine, blower for burning brush, chipping machine and chip spreader, concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor, drill core, drill well, electric pump used in conjuction with well point systems farm tractor with accessories, fine lift, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point, grout or gunite machine.

CLASS IV: Aggregate plant, boiler, (used in conjunction with production), C.M.I. and similar type concrete spreaders, cement bin operator, concrete mixer (16s and under), concrete saw self-propelled, fireman, form tamper, fuel truck, mulching machine, power broom, revinius widener, steam cleaner, tractor.

CLASS V: Compressors (4 or less) exceeding 2000 C.F.M. combined capacity.

CLASS VI: Compressors: 4 not to exceed 2000 C.F.M. combined capacity, or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.,Compressors (any size but subject to other provisions for compressors), Dust Collectors, Generators, Pumps, Welding Machines (4 of any type or combination).

CLASS VII: Compressors: 3 or less not to exceed 1200 C.F.M. combined capacity: Compressos: (any size but subject to other provisions for compressors), Dust Collectors, Generators, Pumps, Welding Machines (3 or less of any type or combination), Power Heaterman.

CLASS VIII: Oilers.

CLASS IX: Oiler-Driver.

FOOTNOTE:

m. Paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day providing the employee works the day before and after the holiday.

DECISION NO. NY80-3009

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	12.21	1.30	1.50	n	.16
CLASS 2	12.07	1.30	1.50	n	.16
CLASS 3	9.43	1.30	1.50	n	.16
CLASS 4	11.63	1.30	1.50	n	.16
CLASS 5-A	11.18	1.30	1.50	n	.16
CLASS 5-B	9.68	1.30	1.50	n	.16
CLASS 5-C	9.23	1.30	1.50	n	.16
CLASS 6	11.78	1.30	1.50	n	.16
CLASS 7	8.83	1.30	1.50	n	.16
CLASS 8	13.30	1.30	1.50	n	.16
CLASS 9	12.59	1.30	1.50	n	.16
CLASS 10	12.96	1.30	1.50	n	.16
CLASS 11	13.21	1.30	1.50	n	.16
CLASS 12	13.71	1.30	1.50	n	.16

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY

CLASS 1
All boom type equipment all pan and carry-all operators, archer hoist (finish course), asphalt roller (finish course), asphalt spreader or paver, automatic fine grade machine (C.M.I. and similar type), back filling machine operators, back and pull hoe operator, black top plants, blast or rotary drill (track or cat mounted), boiler (when used for power, boom trucks, boring machine operator, bulldozers (all sizes), cableway operator, caisson auger, cableway operator, central mix plant (and all concrete batching plants), cherry picker, concrete paver machine, concrete pump, crane operator, derrick operator, dragline operator, dredge, elevating grader (self-propelled), excavator (all purposed hydraulically operated), forklift, front end loader, gradall, grader, head tower operator, hydro crane, hydraulic booms, lubrication unit on truck, maintenance engineer, mucking machine operator, multiple drum hoist (more than 1 drum in use), overhead crane, peine crane or similar type, piledriving machine operator, pump crete, push or snatch cats, quarry master or equivalent, ready mix concrete plant, road widener, rock bit sharpener (all types), scoopmoble, shovel, side boom, skimmer operator, slip form paver (C.M.I. and similar type), test core drill machine, tractor shovel operator, truck crane, tunnel shovel machine, well drilling machine, winch, winch truck with A Frame , Tire truck and repair, tractor drawn belt type graders, trenching machine

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CLASS 2
Airhoist operator, automatic fine grade machine (C.M.I. and similar type), belt placer (C.M.I. and similar type), bending machine, bituminous spreader and mixer, cage hoist operator, concrete finishing machine,concrete mixer operator 1/2 cu. yd. or more, concrete saw - self-propelled, concrete spreader, conveyor operator, conveyor systems (belt or crete or similar), hoisting engine operator, house elevator (when used for hoisting), Hydraulic pipe jack machine or similar type machines, hydro hammer or similar types, industrial tractor, kolman loader or similar type machine, locomotive operator, mixer for stablized base self-propelled, monorail, plant engineer, push button hoist operators, roller machine operator, slip form paver (C.M.I. and similar type), snorkel, stone crushers, tractors (with towed accessories), tube finisher (C.M.I. and similar type), stratotower, towed or self-propelled rollers, tractors (when used winch power)

CLASS 3
Air compressors (under 160 cu. ft.), air compressors (over 160 cu. ft.), mechanical heaters (when 3 are in a battery), generator, pump operator (2 or 3 in battery), pump operator (4" or over), welding machine operator (1 machine over 300 amps, or 2 or 3 machines regardless of amps)

CLASS 4
Firemen, jeep trencher, motorized hydraulic seeders, mulching machine, power broom and rakes

CLASS 5-A
Aggregate bid operator, C.M.I. and similar type concrete spreads, cement bid operators, concrete mixer operator (under 1/2 cu. ft.), mechanical heaters (when one or two are used), pump operator (one inch), pump operator (two inch), pump operator (three inch), revinius widener, steam cleaner tractor machines

CLASS 5-B
Oiler-Driver

CLASS 5-C
Oiler

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CLASS 6
Asphalt curb and gutter machines, blower for burning brush, chipping machine, chip spreader, concrete curb and concrete curing machines, concrete gutter machines, grout or gunite machines, heating boiler operator (used for temporary heat), hydraulic rock expander or similar type machines, hydraulic system pumps, motorized hydraulic pin puller, pneumatic mixer operator, post hole digger, post driver, power plant in excess of 10 K.W. well point systems (electric, diesel, or gas driven)

CLASS 7
Mechanical heaters (when one or two are used), pump operator (one inch, two inch, or three inch)

CLASS 8
Master mechanic

CLASS 9
Assistant master mechanic

CLASS 10
Crane with boom over 100 feet

CLASS 11
Crane with boom over 200 feet

CLASS 12
Crane with boom over 300 feet

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
n. Paid Holidays: A through F, provided employee works the day before and after the holiday.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	9.49	.70	.70	o	
CLASS 2	9.54	.70	.70	o	
CLASS 3	9.59	.70	.70	o	
CLASS 4	9.74	.70	.70	o	
CLASS 5	9.89	.70	.70	o	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
o. Paid Holidays: A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatchers.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

STATE: NEW YORK COUNTY: DUTCHESS
DECISION NO.: NY80-3001 DATE: Date of Publication
Supersedes Decision No. NY78-3091 dated November 13, 1978 in 43 FR 52647
DESCRIPTION OF WORK: Building Construction, (excluding single family homes up to and including 4 stories), Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	14.77	.8617	1.7203		
BOILERMAKERS	13.19	5%	15%	7%	.02
BRICKLAYERS, CEMENT MASONS, PLASTERERS, POINTERS, CAULKERS, CLEANERS, MARBLE MASONS, TILE SETTERS AND TERRAZZO WORKERS:					
Building	9.55	2.25	2.10	a	.06
Light commercial where the general contract does not exceed $300,000 and masonry contract including labor and material does not exceed $50,000	8.40	1.65	1.40	a	
Heavy and Highway	10.05	2.25	2.10	b	.06
CARPENTERS:					
Wappinger Falls, New Hackensack, Pawling and Beacon:					
Building, Heavy and Highway	11.30	1.02	.79	1.00	.10
Remainder of County:					
Buildings, Heavy and Highway	12.52	1.00	.90		.10
ELECTRICIANS:					
Portion south of a line following the Fishkill Wappinger Twps. line east from the Hudson River to state Hwy 82, Northeast on 82 to the New York-New Haven, Harford Freight line at Hopewell Junction east on the railroad to Stonehouse southeast of State Hwy 55 from Stonehouse to Pawing and south on the State Hwy 22 to the Putnam County line but excluding Stonehouse and Pawling	11.75	7.1%	3%+.90	.60+c	1/2%
Remainder of County:	11.20	.75	3%+1.10	7½%+d	1/2%
ELEVATOR CONSTRUCTORS	11.75	.745	.56	c+f	.025

DECISION NO NY80-3001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS	12.85	.66	1.91	.67	.01
IRONWORKERS, STRUCTURAL, ORNA. & REINFORCING	10.75	1.78	2.98	1.60	
LATHERS	10.80		.15		.01
LEAD BURNERS	10.75	.40	.25	g	.01
MARBLE, TILE AND TERRAZZO FINISHERS:					
Marble and Terrazzo Finishers	9.65	1.85			
Tile Finishers	9.05	1.85			
Rehabilitation work on all projects and commercial work where the general contract shall not exceed $300,000 and and the masonry contract shall not exceed $10,000	7.00	1.85			
MILLWRIGHTS	12.48	1.70	1.78	1.01	.04
PAINTERS:					
Brush	10.08	.78	.50	.43+h	
Bridges, towers, fire escapes, smoke stacks, flag poles, exposed areas 15 ft. or more in height, swing stage, window jacks, boat swain chair, safety belts and spray, structural steel	11.08	.78	.50	.43+h	
PILEDRIVERMEN AND DOCK & WHARF BUILDERS	12.38	1.70	1.78	1.01	.04
PLUMBERS AND STEAMFITTERS	11.35	1.90	1.00	1.30	.05
ROOFERS:					
Cold Tar Pitch, Mopping and Dipping, Application or Ripping Off	11.70	1.00	1.95		.35
Asphalt Built-up, Asbestos Tile, Ceramic Tile Slate, Tectum, All forms of Spray Roofing and Insulation	11.20	1.00	1.95	i	.35
Cold Process and Resaturation, Asphalt Shingle	8.70	1.00	1.95	i	.35

DECISION NO. NY80-3001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Pitch	9.20	1.00	1.95	i	.35
SHEET METAL WORKERS	10.97	1.645	2.28	1.04	.12
SPRINKLER FITTERS	13.54	.75	1.05		.08
WELDERS - receive rate prescribed for craft performing operation to which is a incidential					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employees receive 2 hours off with pay on election day for the purposes of voting.

b. Paid Holidays: A through F; Washington's Birthday; Good Friday; Columbus Day; Veteran's Day and November Election Day.

c. Paid Holidays: A through F Washington's Birthday, Veteran's Day and Presidential Election Day.

d. Paid Holidays: A through F provided the employee is on the payroll 2 weeks prior to the holiday.

e. Paid Holidays: Althrough F, plus day after Thanksgiving.

f. Employer contributes 6% of the basic hourly rate for 6 months to 5 years of service or 8% of the basic hourly rate for 5 years or more of service as vacation pay credit.

g. Paid Holidays: A through F; Washington's Birthday; Good Friday and Christmas Eve providing the employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regular scheduled work days immediately preceeding and following the holiday.

h. Paid Holidays: Independence Day providing the employee works within the period of June 20 to July 4th

i. Employee receives 2 hours off with pay on Election Day for the purpose of voting provided the employee has received 4 hours pay that day.

DECISION NO. NY80-3001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: BUILDING					
General laborers, mason tender, carpenter tender, labor stripping, cleaning forms, labor sweepers, cleaners, garading, digging ditches	8.73	1.10	1.71	a+.40	
Hod Carriers, plasterers tenders, scaffold builders (padlock and self supporting scaffold 14 feet or under all runways) mortar mixers (machine and hand), concrete mixers (by machine under 21 E), vibrators, form setters, pipelayers, asphalt rakers handling rein-forcement fods, drillers, jackhammer operator, signalman, gunniting, motorbugs, water pump 2" or under, barco machine, wreckers, paving breakers, power saw opertors, other machine operators	8.98	1.10	1.71	a+.40	
Blasters, laser beam operator	9.13	1.10	1.71	a+.40	

FOOTNOTES:

a. Two hours off with pay Election Day.

DECISION NO. NY80-3001

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Laborers:					
General laborers					
Concrete men, signal man, mason tender, pipe layer, riprap and dry stone layers, asphalt workers, screed bar operator, steel rod carrier, jackhammerman, wagon driller, airtrack operator, nippers, powder man, high scaler, power buggy operator, vibratory operator compactor, wrecking laborers, gunite and sandblasting, coal passer, water pumps 2" or under	8.90	1.10	1.76	a	
Concrete finisher on Highways, blaster, form setter, laser beam operator	9.15	1.10	1.76	a	
	9.50	1.10	1.76	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day

E-Thanksgiving Day; F-Christmas Day.

a. Holidays: A through F and Lincoln's Birthday, Columbus Day, Good Friday, Washington's Birthday, Veteran's Day and November Day Election provided the employee works (7) calendar days before or after the holiday.

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Line Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Electrical Overhead and Underground Distribution Work:					
Lineman and Technicians	11.00	1.40	3%+.75	k	
Cable Splicers	14.45	1.40	3%+.75	k	
Groundman Digging Machine Operator and Groundman Dynamite man	9.90	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	8.80	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer)	9.35	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	8.25	1.40	3%+.75	k	
All Overhead Transmission Line Work and Lighting for Athletic Fields:					
Lineman and Technician	12.50	1.40	3%+.75	k	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.25	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.00	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	10.625	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experinced	9.375	1.40	3%+.75	k	
Sub-Station, Switching Structures (when not part of the line), Trafic Signal, Street Lighting, and Electrical, Telephone or CATV Commercial Work:					
Lineman and Technicians	13.15	1.40	3%+.75	k	
Cable Splicers	14.465	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.52	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	11.1775	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	9.8625	1.40	3%+.75	k	

DECISION NO. NY80-3001

Line Construction (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Digging Machine Operator, Groundman Dynamite Man	11.835	1.40	3%+.75	k	
Telephone and other Communication Systems, Both overhead and underground:					
Linemen and Installer Repairmen	8.34	.40	3%+.25	k	1%
Splicers	8.89	.40	3%+.25	k	1%
Groundman Digging Machine Operator	7.73	.40	3%+.25	k	1%
Groundman	5.72	.40	3%+.25	k	1%
Groundman Truck Driver	6.82	.40	3%+.25	k	1%
Groundman Dynamiteman	6.60	.40	3%+.25	k	1%

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

k. Paid Holidays: A through F, Washington's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided the employee works the day before and after the holiday.

DECISION NO. NY80-3001

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION PROJECTS
(Poughkeepsie & South Thereof)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I-A	14.5725	6%+1.20	10%	a	2%
GROUP I-B	14.105	6%+1.20	10%	a	2%
GROUP II	13.66	6%+1.20	10%	a	2%
GROUP III-A	13.5175	6%+1.20	10%	a	2%
GROUP III-B	13.0475	6%+1.20	10%	a	2%
GROUP IV-A	13.2350	6%+1.20	10%	a	2%
GROUP IV-B	12.905	6%+1.20	10%	a	2%
GROUP V-A	12.2325	6%+1.20	10%	a	2%
GROUP V-B	11.7625	6%+1.20	10%	a	2%
GROUP VI-A-1	15.94	6%+1.20	10%	a	2%
GROUP VI-A-2	15.0875	6%+1.20	10%	a	2%
GROUP VI-A-3	14.0875	6%+1.20	10%	a	2%
GROUP VI-A-4	14.8025	6%+1.20	10%	a	2%
GROUP VI-A-5	18.8025	6%+1.20	10%	a	2%
GROUP VI-A-6	12.2325	6%+1.20	10%	a	2%
GROUP VI-A-7	18.5175	6%+1.20	10%	a	2%
GROUP VI-B-1	10.7325	6%+1.20	10%	a	2%
GROUP VI-B-2	12.3325	6%+1.20	10%	a	2%
GROUP VI-B-3	10.8175	6%+1.20	10%	a	2%
GROUP VI-B-4	13.93	6%+1.20	10%	a	2%
GROUP VII	14.575	6%+1.20	10%	a	2%

POWER EQUIPMENT OPERATORS, BUILDING CONSTRUCTION PROJECTS

GROUP I-A: Backhoe Oliver 88, Fordson, Dynahoe dual purpose and similar machines; barber green loader-euclid loader or similar type; conway or similar mucking machines; dragline, gradall, shovel, backhoe, etc. (crawler or truck); front end loaders; hydraulic boom; Jersey spreader; letourneau or tournapull (scrapers over 20 yards struck); mucking machines; pavement breaker (air ram); paver (concrete); road boring machine; road mix machines; ross carrier and similar machines; post hole digger; shovel (tunnels); side boom; spreader (asphalt); scoopmobile-tractor-shovel over 1½ yards; trenching machines-vermeer concrete saw trencher and similar; tractor type demolition equipment; winch truck (A Frame); hydraulic crane under 25 ton and cherry picker under 25 ton

GROUP I-B: Compressor (steel erection); pulse meter and push button (buzz box) elevator

GROUP II: Compactor self-propelled; grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 or over; mechanic (outside) all types; welder scrapers-20 yards struck and under; machine pulling Sheep's Foot Roller; vibratory rollers, etc. and roller 4 tone and over

GROUP III-A: Asphalt plant; boiler (high pressure); Bulldozer D6 and similar tractors with a draw bar Horse Power less than 100; concrete mixing plants; concrete pump; firemen; forklift; forklift (electric); joy drill or similar tractor drilling machine; loader 1½ yards and under; locomotive (all sizes); mixer concrete-21E and over; portable asphalt plant; portable batch plant; portable crusher; quarry master; stone crusher; well drilling machine and well point system

GROUP III-B: Compressor over 125 cu. feet; conveyor belt machine regardless of size,; lighting unit (portable & generator); welding machine (steel erection and excavation); and compressor plant

GROUP IV-A: Air tractor drill; batch plant; bending machines; concrete breaker; concrete spreader; curb cutter machine; farm tractor (all types); finishing machine-concrete; material hopper-sand stone-cement; mixer-concrete-under 21E; mulching grass spreader pump-gypsum, etc., pump-plaster; roller under 4 ton; spreading and fine grading machine; syphone pump-air-steam, tar joint machine; turbo jet burner or similar equipment; vibrator (1 to 5); fine grading machine and roof hoist (tugger hoist).

GROUP IV-B: Compressor to 125 feet; dust collector; heater all types; pump; pump station (water and sewer); steam Jenny and sweeper

GROUP V-A: Concrete saw; oiler fuel truck and oiler grease truck

GROUP V-B: Mechanics helper; ouler; paint compressor; welder's helper and motorized roller (walk behind)

POWER EQUIPMENT OPERATOR, BUILDING CONSTRUCTION PROJECT CONT'D

GROUP IV-A-1: Master mechanic and assistant master mechanic

GROUP VI-A-2: Helicopter hoist operator

GROUP VI-A-3: Welder certified

GROUP VI-A-4: Engineer pile driver

GROUP VI-A-5: Helicopter pilot

GROUP VI-A-6: Helicopter signalman

GROUP VI-A-7: Engineer,-all tower cranes, all climbing cranes and all cranes of 100 tone capacity or greater (3900 Manitowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs)

GROUP VI-B-1: Utility man

GROUP VI-B-2: Second engineer

GROUP VI-B-3: Oiler (asphalt paver)

GROUP VI-B-4: Cable splicer

GROUP VII: Concrete-portable hoist; crane & hoist engineer-steel (concrete, material, supper structure sub-structure); derrick (stone-steel); elevator & cage; hoist-single, double, or triple drum; hoist-portable mobile unit; hoist engineer-concrete (crane-derrick-mine hoist); hoist engeneer-material; overhead crane and power house plant

(Rehabilition work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use)

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinley locaomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators,core and well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums,three drum engines, hysters, two drum and swinging engines, three drum swinging engine locomotive cranes, gradalls, hydrocrans, model CHB Vibratamp pr similar, Mruphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	7.40	.95	1.05	a	.15
GROUP 2	7.45	.95	1.05	a	.15
GROUP 3	7.55	.95	1.05	a	.15
GROUP 4	7.71	.95	1.05	a	.15
GROUP 5	7.98	.95	1.05	a	.15
GROUP 6	8.10	.95	1.05	a	.15
GROUP 7	8.26	.95	1.05	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

DECISION NO. NY80-3001

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

Remainder of County

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and Mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well drikkers (one drum), economobile and similar type machines, elecators A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power toad graders, shovels backhoes, draglines, pile drivers, hoist two or more drums, three engines, hysters two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibroramp or similar, Murphy type diesel generator beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	11.30	1.05	.85	a	.15
GROUP 2	11.10	1.05	.85	a	.15
GROUP 3	11.24	1.05	.85	a	.15
GROUP 4	11.46	1.05	.85	a	.15
GROUP 5	11.84	1.05	.85	a	.15
GROUP 6	12.02	1.05	.85	a	.15
GROUP 7	12.25	1.05	.85	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A Through F.

Construction, Alteration, Repair of Sanitary Sewers, Storm Sewers, Combined Storm and Sanitary Sewers, drainage related thereto, on or off Streets or Highways (except drainage systems or Storm sewers that are part of overall road, street and highway construction, or heavy construction or building construction), temporary pipe fittings, sinking of well points related to sewer construction and drainage, telephone cable and conduit (except trans-water and trans-state or trans-county cables and conduits), pipelines (except trans-water and trans-state pipelines or transportation pipelines) and electrical lines above or below the surface of the ground (except on or in connection with the construction of roads, buildings, highways, bridges and/or tunnels).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I-A	$11.80	6½%+a	9½%	b	1½%
GROUP I-B	11.675	6½%+a	9½%	b	1½%
GROUP II	11.00	6½%+a	9½%	b	1½%
GROUP III-A	10.875	6½%+a	9½%	b	1½%
GROUP III-B	10.75	6½%+a	9½%	b	1½%
GROUP IV-A	10.75	6½%+a	9½%	b	1½%
GROUP IV-B	10.625	6½%+a	9½%	b	1½%
GROUP V-A	9.75	6½%+a	9½%	b	1½%
GROUP V-B	9.625	6½%+a	9½%	b	1½%
GROUP VI-A MISCELLANEOUS					
CLASS I	13.00	6½%+a	9½%	b	1½%
CLASS II	12.25	6½%+a	9½%	b	1½%
CLASS III	15.25	6½%+a	9½%	b	1½%
CLASS IV	12.00	6½%+a	9½%	b	1½%
CLASS V	15.50	6½%+a	9½%	b	1½%
CLASS VI	9.75	6½%+a	9½%	b	1½%
CLASS VII	10.835	6½%+a	9½%	b	1½%
GROUP VI-B MISCELLANEOUS					
CLASS I	9.625	6½%+a	9½%	b	1½%
CLASS II	8.80	6½%+a	9½%	b	1½%
GROUP VII	13.80	6½%+a	9½%	b	1½%
GROUP VIII	14.80	6½%+a	9½%	b	1½%
GROUP IX	11.375	6½%+a	9½%	b	1½%
GROUP X	12.80	6½%+a	9½%	b	1½%

CLASSIFICATION DEFINITIONS

GROUP I-A - Auger, auto grader, backhoe oilver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader - euclid loader or similar type machine, central mix plant operator, cherry picker (Cableway), compactor with blade, concrete portable hoist, S.M.I. or similar, conway or similar mucking machines, crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, letourneau or tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsemetor, push button (buzz box) elevator, road mix machines, ross carrier and similar machines, shovels (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP I-B - Compressor (steel erection)

CLASSIFICATION DEFINITIONS (CONT'D)

GROUP II - Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 or over, maintenance engineer, mechanic (outside) all types, welder, scraper - 20 yards struck and under, vibrator roller, etc., roller 4 ton and over

GROUP III- A - Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor plant, concrete pump, conveyor belt machine - irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader - 1½ yards and under, locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete - 21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, well drilling machine, well point system

GROUP III-B - Compressor, lighting unit (portable & generator), Welding machine (steel erection excavation)

GROUP IV-A - Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, curb cutter machine, farm tractor (all types), finishing machine - concrete, material hopper - sand - stone - cement, mulching grass spreader, roller under 4 ton, spreading & fine grading machine, steel cutting machine, sweeper, turbo jet burner or similar equipment, fine grading machine

GROUP IV-B - Compressor to 125 cu. ft., dust collector, mixer - concrete under 21E, heater - all types, pump 4 inches and over, pump station (water & sewer), pump - gypsum, etc., pump - plaster, steam jenny, syphon pump - air - steam, tar joint machine, vibrator (1 to 5)

GROUP V-A - Concrete saw, oiler (fuel or grease truck)

GROUP V-B - Oiler, stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4", roller motorizer (walk behind)

GROUP VI-A MISCELLANEOUS:

CLASS I - Master mechanic, Asst. master mechanic

CLASS II - Helicopter hoist operator

CLASSIFICATION DEFINITIONS (CONT'D)

CLASS III - Engineer, tower crane, 3900 Monitowac or over or similar (rail, truck or crawler mounted)

CLASS IV - Hoist engineer - steel sub-structure, engineer - pile driver

CLASS V - Helicopter pilot

CLASS VI - Helicopter pilot

CLASS VII - Jersey spreader, pavement breaker (air ram), Post hole digger

GROUP VI-B MISCELLANEOUS:

CLASS I - Safety man 60 ton crane & over

CLASS II - Oiler asphalt paver and utility man

GROUP VII - Operators of crane (crawlers or truck) 100 ft. but less than 149 ft.

GROUP VIII - Operators of crane (crawlers or truck) 149 ft. and over

GROUP IX - Loader Operators: Over 5 cu. yd. capacity

GROUP X - Shovel Operator over 4 cu. yd. capacity

Footnotes

a. Employer contributes $1.20 per hour to Supplemental Unemployment Benefit Fund.

b. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, November Election Day, Veteran's Day, Thanksgiving Day and Christmas Day.

Poughkeepsie & South Thereof

POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I-A	12.75	6% + a	9½%	b	2%
Group I-B	12.275	6% + a	9½%	b	2%
Group II-A	11.95	6% + a	9½%	b	2%
Group III-A	11.825	6% + a	9½%	b	2%
Group III-B	11.35	6% + a	9½%	b	2%
Group IV-A	11.70	6% + a	9½%	b	2%
Group IV-B	11.225	6% + a	9½%	b	2%
Group V-A	10.70	6% + a	9½%	b	2%
Group V-B	10.225	6% + a	9½%	b	2%
Group VI-A					
Class I	13.95	6% + a	9½%	b	2%
Class II	13.20	6% + a	9½%	b	2%
Class III	16.20	6% + a	9½%	b	2%
Class IV	12.95	6% + a	9½%	b	2%
Class V	16.45	6% + a	9½%	b	2%
Class VI	10.70	6% + a	9½%	b	2%
Class VII	11.7875	6% + a	9½%	b	2%
Group VI-B Miscellaneous					
Class I	10.225	6% + a	9½%	b	2%
Class II	9.40	6% + a	9½%	b	2%

Footnotes

a. Employer contributes $1.20 per hour to Supplemental Unemployment Benefit Fund.

b. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, November Election Day, Veteran's Day, Thanksgiving Day and Christmas Day.

CLASSIFICATION DEFINITIONS

GROUP I-A - Auger, auto grader, backhoe oilver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader - euclid loader or similar type machine, central mix plant operator, cherry picker (Cableway), compactor with blade, concrete portable hoist, S.M.I. or similar, conway or similar mucking machines, crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, letourneau or tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsemeter, push button (buzz box) elevator, road mix machines, ross carrier and similar machines, shovels (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP I-B - Compressor (steel erection)

CLASSIFICATION DEFINITIONS (CONT'D)

GROUP II - Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 or over, maintenance engineer, mechanic (outside) all types, welder, scraper - 20 yards struck and under, vibrator roller, etc., roller 4 ton and over

GROUP III- A - Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor plant, concrete pump, conveyor belt machine - irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader - 1½ yards and under, locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete - 21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, well drilling machine, well point system

GROUP III-B - Compressor, lighting unit (portable & generator), Welding machine (steel erection excavation)

GROUP IV-A - Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, curb cutter machine, farm tractor (all types), finishing machine - concrete, material hopper - sand - stone - cement, mulching grass spreader, roller under 4 ton, spreading & fine grading machine, steel cutting machine, sweeper, turbo jet burner or similar equipment, fine grading machine

GROUP IV-B - Compressor to 125 cu. ft., dust collector, mixer - concrete under 21E, heater - all types, pump 4 inches and over, pump station (water & sewer), pump - gypsum, etc., pump - plaster, steam jenny, syphon pump - air - steam, tar joint machine, vibrator (1 to 5)

GROUP V-A - Concrete saw, oiler (fuel or grease truck)

GROUP V-B - Oiler, stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4", roller motorizer (walk behind)

GROUP VI-A MISCELLANEOUS:

CLASS I - Master mechanic, Asst. master mechanic

CLASS II - Helicopter hoist operator

CLASS III - Engineer- all Tower Cranes, all clibing cranes and all cranes of greater (3900 Manitowac or similar) irrespective of manufacturer and regardless of how the some is rigged (except for pile rigs).

CLASS IV - Hoist engineer - steel sub-structure, engineer - pile driver

CLASS V - Helicopter Pilot

CLASS VI - Helicopter Signalman

CLASS VII - Jersey spreader, pavement breaker (air ram), Post hole digger

GROUP VI-B MISCELLANEOUS:

CLASS I - Safety man 60 ton crane & over

CLASS II - Oiler asphalt paver and utility man

Remainder of County

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	11.58	1.05	1.15	a	.15
GROUP II	11.19	1.05	1.15	a	.15
GROUP III	10.11	1.05	1.15	a	.15
GROUP IV	9.15	1.05	1.15	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Paid Holidays: A through F, providing the employee works the day befor and the day after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over s tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operatoed, (gradall, or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

GROUP II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressours (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D

GROUP III - Asphalt curb and gutter machines, blower for burning brush, chipping machine and chip spreader. compressors: 4 not excedd 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, (any size but subject to othe provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete curing machines, convyor drill core, drill well, electric pump used in conjuction with well point systems, ferm tractor with accessories, fine grade machine, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

GROUP IV - Aggregate plant, boiler, (used in vonjunction with production), C.M.I. and similar type concrete spreaders, cement bin operator, compressors: 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors: (any size, but subject to othe provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type of combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor.

Building Construction

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Drivers on LeTourneau Tractors, double barrel Euclids, Athey wagon and similar equipment (except when hooked to scrapers), Low beds, I-Team, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over	10.50	.95	1.05		a
Equipment 25 yards and over up to and including 30 yard bodies, cable dump trailers, powder and dynamite trucks	10.40	.95	1.05		a
Equipment up to and including 24 yards bodies, mixer trucks, dump. crete trucks and similar types of equipment, fuel trucks and all other tractor trailers	10.20	.95	1.05		a
Ten wheelers, grease trucks and tiller men	10.10	.95	1.05		a
Straight trucks	10.00	.95	1.05		a
Pick-up trucks used for hauling material parts, escort man over the road	10.00	.95	1.05		a

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day

FOOTNOTE:
a. Holidays: A through F.

DECISION NO. NY80-3001

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
Drivers on LeTourneau tractors, double barrel Euclids, Athey wageon and similar equipment (except when hooked to sxrapers), low beds, I-Bean, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over	11.00	.95	1.05	a+b	
Equipment 25 yeards and over up to and including 30 yard bodies cable dump trailers, powder and dynamite trucks	10.90	.95	1.05	a+b	
Equipment up to and including 24 yards bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks and all other tractor trailers	10.70	.95	1.05	a+b	
Ten wheelers, grease truck trucks and tiller men	10.60	.95	1.05	a+b	
Straight trucks	10.50	.95	1.05	a+b	
Pick-up trucks used for hauling material parts escort man over the road	10.50	.95	1.05	a+b	
Helpers	10.40	.95	1.05	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day, Lincoln's Birthday, Election Day, Good Friday.

b. 3 day bereavement pay (spouse, mother, father, mother-in-law, father-in-law, grandmother, grandfather, sister, brother, children, grandchildren.

[FR Doc. 80-6050 Filed 2-28-80; 8:45 am]
BILLING CODE 4510-27-C

federal register

Friday
February 29, 1980

Part III

Department of the Interior

Fish and Wildlife Service

Migratory Bird Hunting; Proposed 1980–81 Regulations

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Proposed 1980–81 Migratory Game Bird Hunting Regulations (Preliminary)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The Service proposes to establish hunting seasons, daily bag and possession limits, and shooting hours of designated group or species of migratory game birds in the contiguous United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands during 1980–81. The Service annually prescribes migratory bird hunting regulations. The effect of these hunting regulations is to continue providing hunting opportunity, a popular form of outdoor recreation, to the public and to aid Federal and State governments in the management of migratory game birds. Also, the Service proposes to clarify the definition of "migratory game bird" under 50 CFR 20.11 by omitting the term "wild" where it appears, and similarly omitting the term where it appears in the description of "migratory waterfowl" found in 50 CFR 20.91.

DATES: Comments must be received on or before May 16, 1980.

Public Hearings: on Early Season Regulations—June 20, 1980; on Late Season Regulations—August 5, 1980.

ADDRESS: Send comments on the proposed annual hunting regulations to: Director (FWS/), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments on the proposed clarification of definitions of "migratory game bird" and "migratory waterfowl" should be sent to: Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 28006, Washington, D.C. 20005, with reference to file number REG 20–02–29. Public Hearings: The Public hearings will be held in the Auditorium of the Department of the Interior Building on C Street, between 18th and 19th Streets, NW., Washington, D.C.

Requests to participate in these hearing should be in writing and should be sent to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments received on the proposed annual regulations will be available for public inspection during normal business hours in Room 525–B, Matomic Building, 1717 H Street, NW., Washington, D.C. Those comments received on the basic regulations definitions will be available for public inspection during normal business hours in Suite 300, 1375 K Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (AC 202–254–3207).

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service proposes to establish hunting seasons, bag and possession limits, and shooting hours for migratory game birds under sections 20.101 through 20.107 of Subpart K of 50 CFR 20.

"Migratory game birds" are those migratory birds so designated in conventions between the United States and several foreign nations for the protection and management of these birds. During the 1980–81 hunting season, regulations are proposed for certain designated members of the avian families *Anatidae* (ducks, geese, brant and swans); *Columbidae* (doves and pigeons); *Gruidae* (cranes); *Rallidae* (rails, coots, and gallinules); and *Scolopacidae* (woodcock and snipe). These proposals are described under *I. Proposed 1980–81 Migratory Game Bird Hunting Regulations (Preliminary)* in this document.

The Service also proposes to clarify the definitions of "migratory game birds" and "migratory waterfowl." The proposed changes are intended to eliminate possible confusion and provide uniformity with other existing regulations. Sections 20.11, Subpart B, and 20.91, Subpart J, of 50 CFR 20 would be affected. These proposals are described under *II. Proposed Change in Basic Regulations* in this document.

Notice of Intention To Establish Open Seasons

This notice announces the intention of the Director, U.S. Fish and Wildlife Service, to establish open hunting seasons, daily bag and possession limits, and shooting hours for certain designated groups or species of migratory game birds for 1980–81 in the contiguous United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands.

Factors Affecting Regulations Process

This is the first notice in a series of proposed and final rulemaking documents for migratory bird hunting regulations, and sets forth proposed season frameworks and shooting hours for the various groups of migratory game birds, as well as proposed daily bag and possession limits for certain groups or species for which these regulations ordinarily do not vary significantly from year to year.

The proposals set forth here for certain species, as well as the schedule by which more detailed proposals for these and other species will be developed, are dependent upon a number of factors. Among these are various annual population and habitat surveys, past harvest surveys, the times when these surveys are conducted and results are available for analysis, times of migration and other biological considerations, and times during which hunting may be allowed. The regulatory process for migratory game birds is strongly influenced by the times when the best and latest information is available for consideration in the development of regulations. For these reasons, the overall regulations process for hunting seasons and limits is divided into the following segments: (1) regulations for migratory game birds in Alaska, Puerto Rico, the Virgin Islands, and Hawaii; (2) seasons in the remainder of the United States opening prior to October 1 (early seasons); and (3) seasons opening in the remainder of the United States on October 1 or later (late seasons). Regulations development for each of the three categories will follow similar but independent schedules. Proposals relating to the harvest of migratory game birds that may be initiated after publication of this proposed rulemaking will be made available for public review in a supplemental proposed rulemaking to be published in the **Federal Register**. Also, additional supplemental proposals will be published for public comment in the **Federal Register** as population, habitat, harvest, and other information becomes available.

Because of the late dates when certain of these data become available, it is anticipated that comment periods on proposals dealing with specific hunting seasons, limits and certain other regulations pertaining to migratory shore and upland game birds and waterfowl will necessarily be abbreviated. Special circumstances which limit the amount of time which the Service can allow for public comment are involved in the establishment of these regulations. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on one hand, to establish final rules at a time early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the

other hand, the lack before late July of current data for the year's status of most waterfowl.

Exemption From Executive Order 12044 and 43 CFR 14

Executive Order 12044, dated March 23, 1978, requires each agency to establish criteria for identifying which of its regulations are significant. On December 13, 1978, the Department published a revised 43 CFR 14 (43 FR 58292) to implement the order. The new procedures became effective on January 26, 1979.

Section 14.3(f) of these new procedures provides for granting exemptions from the procedures for determining significance and to undertaking a regulatory analysis. This section reads:

> The Secretary or the Secretarial Officer having jurisdiction over the program to which a rule relates may exempt from the procedures for development of significant rules and the preparation of regulatory analyses rules (1) issued in response to an emergency or which are *governed by short-term statutory or judicial deadlines,* . . . . (Emphasis added.)

On January 17, 1980, the Assistant Secretary for Fish and Wildlife and Parks concluded that the ever decreasing time frames in the regulatory process are mandated by the statutory requirements under Section 704 of the Migratory Bird Treaty Act and the Administrative Procedure Act. The regulatory process simply has no remaining flexibility in its timetable between the accumulation of critical summer survey data and the publication of the revised sets of proposed rulemakings. Compliance with the procedures for the development of significant rules and the preparation of a regulatory analysis established under Executive Order 12044 would simply not be possible if the fall hunting season deadlines were to be achieved. Consequently, although the rules establishing the annual migratory bird hunting regulations are significant, the Assistant Secretary for Fish and Wildlife and Parks has approved the exemption of these regulations from the procedures of Executive Order 12044 and 43 CFR 14 which is provided for in § 14.3(f).

Publication of Regulatory Documents

The process relating to the establishment of migratory bird hunting regulations in the United States involves a series of regulatory announcements published in the **Federal Register** in accordance with the Administrative Procedure Act. The publication of these documents is divided into three phases, as follows:

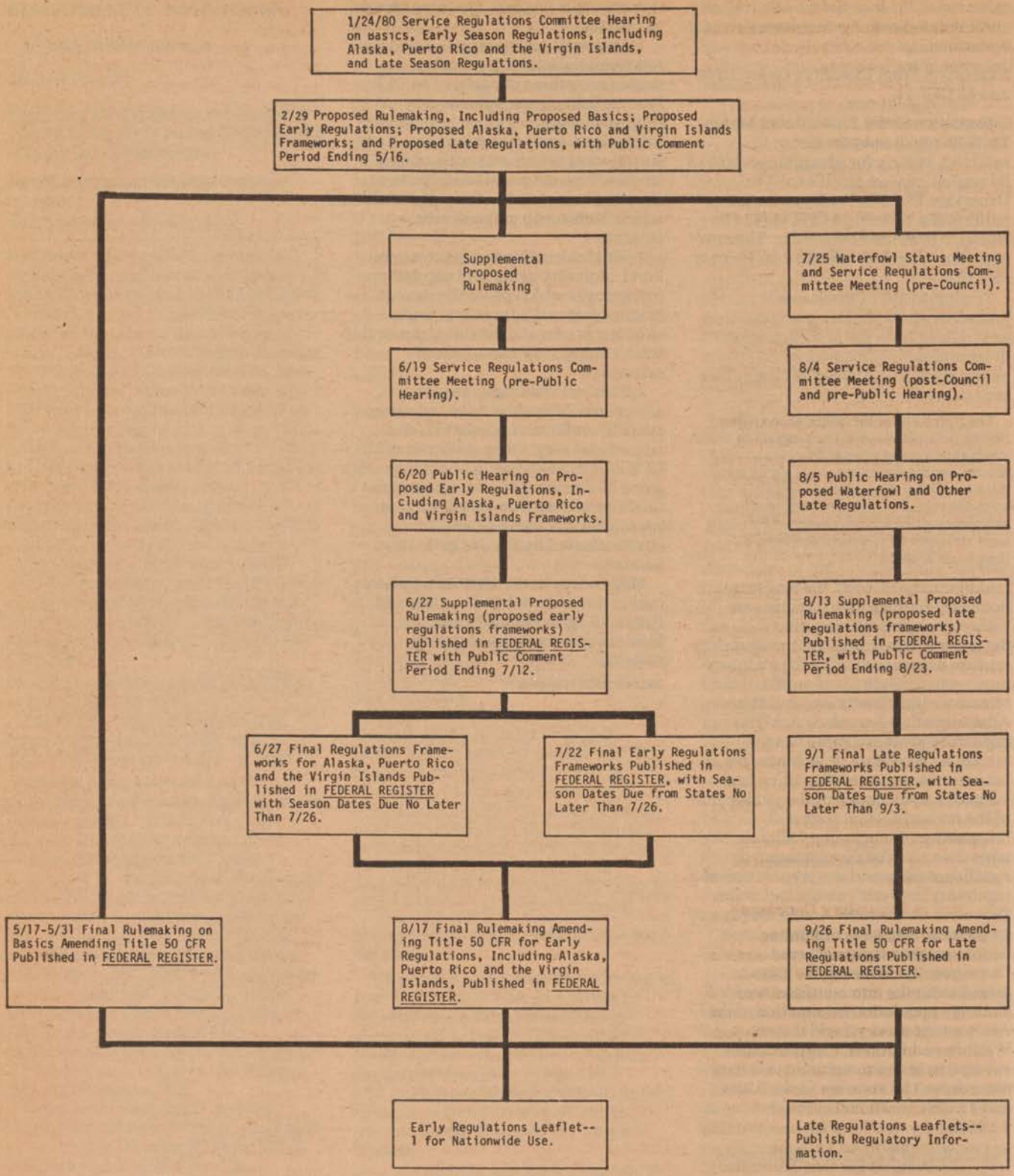
1. Proposed rulemakings—proposals to amend Subpart K (and, when necessary, other subparts) of 50 CFR Part 20, including supplementary proposed migratory game bird hunting regulations, and/or regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

2. Final rulemakings—frameworks. Final migratory game bird regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

3. Final rulemakings—season selections. Amendments to the various specific sections of Subpart K (and, when necessary, other subparts) of 50 CFR Part 20 based on the final migratory game bird hunting regulations and the final regulations frameworks and on season selections made and communicated by the States to the Service.

Major steps in the 1980–81 regulatory cycle relating to public hearings and **Federal Register** notifications are illustrated in the accompanying diagram.

BILLING CODE 4310-55-M



1980 SCHEDULE OF REGULATIONS MEETINGS

AND

PUBLICATIONS IN THE FEDERAL REGISTER

BILLING CODE 4310-55-C

All dates shown for frameworks and seasons in the Service's regulatory documents are inclusive.

Non-toxic shot regulatory proposals and final regulations are published separately under § 20.21 of Subpart C and § 20.108 of Subpart K.

Objectives of the Migratory Bird Hunting Regulations

The objectives of these annual regulations are as follows:

(1) To provide an opportunity to harvest a portion of certain migratory game bird populations by establishing legal hunting seasons.

(2) To limit harvest of migratory game birds to levels compatible with their ability to maintain their populations.

(3) To avoid the taking of endangered or threatened species so that their continued existence is not jeopardized, and their conservation is enhanced.

(4) To limit taking of other protected species where there is a reasonable possibility that hunting is likely to adversely affect their populations.

(5) To provide equitable hunting opportunity in various parts of the country within limits imposed by abundance, migration, and distribution patterns of migratory game birds.

(6) To assist, at times and in specific locations, in preventing depredations on agricultural crops by migratory game birds

The management of migratory birds in North America is international in scope, and involves other nations, notably Canada and Mexico. Within the United States other Federal agencies, State conservation agencies, national and regional conservation groups, universities, and the public provide much support to the achievement of these objectives.

Data Used in Regulatory Decisions

The establishments of hunting regulations for migratory game birds in the United States during the 1980–81 season will take into consideration available population information, data from harvest surveys, and information on habitat conditions. Consideration will also be given to accumulated data and trends The main sources of data result from operational surveys conducted by the U.S. Fish and Wildlife Service in cooperation with the Canadian Wildlife Service, Direccion General de la Fauna Silvestre of Mexico, State and Provincial wildlife agencies, and others The Service will also consider technical information provided by consultants of the four waterfowl flyway Councils The information from these sources will be analyzed by the U.S. Fish and Wildlife Service with an opportunity for the public to review and provide comments on management rationales and proposed regulations, either in public hearings, by correspondence, or other communications.

Various surveys are used to ascertain the status, condition, and trends of migratory game bird populations. These include annual surveys of major waterfowl wintering habitats in the United States and in portions of Mexico each January; aerial surveys of major waterfowl production areas in the contiguous United States, Alaska, and Canada in May and early June for breeding population data, and again in July for production information; nationwide surveys in the United States and Canada of waterfowl hunters and the waterfowl harvest, including their geographical and temporal distributions, and species, age, and sex composition of the harvest; and band recovery information. Waterfowl breeding pair and production surveys also provide information on the abundance, duration, and quality of water and other habitat conditions in major production areas. Information on waterfowl populations and habitat conditions outside the aerial survey area is furnished by cooperating State, Provincial and private agencies. Banding information provides insight into shooting pressures sustained by migratory game bird populations under different population levels and types of regulations. When viewed over many years, information on harvests and regulations is useful for predicting approximate harvest levels which may result from various regulation changes.

Many of the surveys conducted primarily for ducks also provide information on geese. In addition, satellite imagery is used to monitor the rate at which snow and ice disappear from subartic and artic breeding grounds traditionally used by most species, and the greatest numbers of North American geese. Field observations in the fall and winter of geese also provide information on the production success of the past breeding season. Special population surveys are undertaken for many identifiable populations of geese throughout the year.

The annual call-count survey conducted nationwide in the United States in late May and early June provides information on the breeding population index of mourning doves. Information from past years and the current year is used to establish population trends. The woodcock singing-ground survey is conducted throughout the breeding range of the species in the eastern United States and Canada. Insight into production success the past year is provided by wing-collection surveys of woodcock hunters in the United States and Canada; data from these surveys indicate the age and sex composition of the harvest and its geographical and temporal distribution. Accumulated and current data are examined for possible long-term trends in population size and productivity. Information on white-winged dove populations in Texas and the Southwest is provided by cooperating State agencies. Winter and spring surveys of sandhill cranes are conducted annually on major wintering areas and at the key staging area of the species along the Platte River in central Nebraska. The Service also solicits information on these and other species from knowledgeable individuals.

Definitions of Flyways

Flyways are biological-ecological units frequently used for reference in setting hunting reguations on many migratory game birds. These are defined as follows:

Atlantic Flyway: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway: Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway: Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; Colorado and Wyoming east of the Continental Divide; Montana east of Hill, Chouteau, Cascade, Meagher and Park Counties; and New Mexico east of the Continental Divide but outside the Jicarilla Apache Indian Reservation.

Pacific Flyway: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof. Flights of most migratory game birds breeding or produced in Alaska are more strongly oriented to this flyway than the other flyways.

Hearings

Two public hearings pertaining to migratory bird hunting regulations being considered for the 1980–81 hunting

seasons are scheduled. Both meetings will be conducted in accordance with 455 DM 1 of the Departmental Manual. On June 20 a public hearing for reviewing proposed hunting regulations for species for which early seasons (opening prior to October 1) are set will be held at 9 o'clock in the Auditorium of the Department of the Interior Building, on C Street, between 18th and 19th Streets, NW., Washington, D.C. This hearing is scheduled primarily for the purpose of reviewing the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discussing proposed hunting regulations for these species plus regulations for sandhill cranes in some States, migratory game birds in Alaska, Puerto Rico, and the Virgin Islands, mourning doves in Hawaii, September teal seasons, and special sea duck seasons in the Atlantic Flyway. On August 5 a public hearing for reviewing the status of other waterfowl and consideration of proposed regulations for those waterfowl and other migratory game birds for which regulations were not previously formulated will be held at 9 o'clock in the Auditorium of the Department of the Interior Building, address above. These deliberations will pertain to seasons commencing October 1 or later. The public is invited to participate in both hearings.

Persons wishing to participate in these hearings should write the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, or telephone AC 202–254–3207. Those wishing to make statements should file copies of them with the Director before or during each hearing.

Public Comments Solicited

Based on the results of current migratory game bird studies and having due consideration of all data and views submitted by interested parties, the amendments resulting from these proposals will specify open seasons, shooting hours, and bag and possession limits for doves, pigeons, rails, gallinules, woodcock, common snipe, coots, cranes, and waterfowl; coots, cranes, common snipe and waterfowl in Alaska; sea ducks in coastal waters of certain eastern States; migratory game birds in Puerto Rico and the Virgin islands; and mourning doves in Hawaii.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals.

Final promulgation of migratory bird hunting regulations will take into consideration all comments received by the Director. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals. Interested persons are invited to participate in this rulemaking by submitting written comments as follows:

For comments on *I. Proposed 1980–81 Migratory Game Bird Hunting Regulations (preliminary)* write to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

For comments on *II. Proposed Change in Basic Regulations* (concerning the proposal to redefine migratory birds for regulatory purposes) write to: Director (FWS/LE), P.O. Box 28006, Washington, D.C. 20005, with reference to file number REG 20–02–29.

Comments received on the proposed annual regulations will be available for public inspection during normal business hours at the Service's office in Room 525–B, Matomic Building, 1717 H Street, NW., Washington, D.C. Those comments received on basic regulations definitions will be available for inspection during normal business hours at the Service's office in Suite 300, 1375 K Street, NW., Washington, D.C. All relevant comments received no later than May 16, 1980, will be considered. The Service will acknowledge comments, but substantive response to individual comments may not be provided.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement.

Endangered Species Act Consideration

Prior to finalization of the 1980–81 migratory game bird hunting regulations, consideration will be given to provisions of the Endangered Species Act of 1973, and as amended, (16 U.S.C. 1531–1543; hereinafter the act) to insure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species. Consultations under section 7 of this act may cause changes to be made to proposals in this and future supplemental proposed rulemaking documents.

Authorships

The primary author of the proposed rules on annual hunting regulations is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief, AC 202–254–3207. The primary author of the basic hunting regulations proposals to clarify definitions of migratory game birds is David L. McMullen, Special Agent, Division of Law Enforcement, AC 202–343–9242.

It is therefore proposed to amend 50 CFR Part 20 as follows:

I. Proposed 1980–81 Migratory Game Bird Hunting Regulations (Preliminary)

The following general frameworkers and guidelines for hunting certain waterfowl, sandhill cranes, mourning doves, white-winged doves, Zenaida doves, scaly-naped pigeons, band-tailed pigeons, gallinules, rails, coots, common snipe and woodcock are proposed during the 1980–81 season. Changes or possible changes, when noted, are in comparison to 1979–80 final frameworks or regulations, and reflect the Service's position at this time. As noted earlier, public responses, additional data and information, and other considerations may lead to changes in the regulations being proposed at this time. In this respect, date changes of one or two days, because of the 1980–81 calendars causing dates to fall on different days of the week, are regarded as "no change." All mentioned dates are inclusive. The Service also wishes to alert the public to various recommendations it has received since the 1979–80 regulations were finalized, and prior to the initiation of this year's regulatory cycle.

1. *Shooting hours.* (No change.) Basic shooting hours beginning one-half hour before sunrise and ending at sunset are proposed with the option that more restrictive shooting hours within this framework may be selected by the States or may be established for special reasons.

Shooting hours were subjected to extensive review and discussion during the regulatory process for the 1977–78

hunting seasons. The Service undertook a study of information and data in its files and prepared an environmental assessment on shooting hours which was made available to the public in August 1977. The Director concluded, after study of this assessment, that the proposed shooting hours did not constitute a major impact upon the environment, and signed a negative declaration to that effect. Copies of the assessment are available and can be supplied upon request to the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

The Service adopts and incorporates by reference for purposes of this rulemaking the rationale for the proposed shooting hours set forth in the three past years' proposed and final regulations for migratory bird hunting. Because of the interest in the shooting hours issue, the Service has continued to gather and analyze additional data. Reports will be made available after analyses have been completed.

2. *Framework dates for ducks and geese in the continental United States.* (No change.) These frameworks are to be generally the same as during the 1979–80 season. From October 1, 1980, to January 20, 1981 for the Atlantic Flyway and portions of the Mississippi Flyway, and from October 4, 1980, through January 18, 1981, for the Central and Pacific Flyways, and portions of the Mississippi Flyway, with the following exceptions:

(a) Sea ducks: In designated sea duck hunting areas in the Atlantic Flyway—September 15, 1980, through January 20, 1981.

(b) September teal season framework: September 1 through September 30, 1980, in specified areas to be identified in response to public comments.

(c) Special scaup season framework: October 1, 1980, through January 31, 1981, in specified areas to be identified in response to public comments.

(d) Experimental season frameworks: In Iowa, up to 7 days of the regular duck season may begin as early as September 19, 1980. In Mississippi, the waterfowl season framework may extend to January 31, 1981.

(e) Pacific Flyway brant season framework: Deferred pending additional information.

(f) Alaska waterfowl: September 1, 1980, through January 26, 1981.

The following requests have been received for modifications in season frameworks:

Delaware requested that the framework for establishing "regular" duck seasons be advanced 5 days, to allow States greater flexibility in the utilization of teal and other lightly harvested species. Delaware also urged that the framework closing date for Canada and snow goose hunting be extended to February 5, to lessen shooting pressure on "southern" wintering flocks which pass through the State in early fall.

Michigan recommended that the framework dates for Michigan waterfowl seasons be changed to September 15 through January 12. The earlier hunting season made available by the change would enable some harvests to be made of early migrating birds. In the present Southeastern Michigan Goose Management Area, a framework change to the period September 15 through January 31 is recommended as a means of controlling the growing flock of non-migratory Canada geese and alleviating problems associated with them. Wisconsin asked that the Service offer a later September waterfowl season, which would enable hunters to harvest teal nearer their peaks of local abundance.

North Dakota, South Dakota, Texas, and Wyoming requested that consideration be given to establishing separate season frameworks for light and dark geese in the flyway.

Response: The Service proposes to consider these requests but to defer action pending additional information and receipt of data and comments from the Flyway Councils, State conservation agencies and other interested parties.

3. *Black ducks.* (No change.) An environmental assessment of proposed hunting regulations for black ducks was issued by the Service in August 1976. Subsequently, a three-year cooperative research and management program was developed by the Service and States of the Atlantic and Mississippi Flyways. This was reported in the **Federal Register** dated March 10, 1977; 42 FR 13315, and for informational purposes is repeated as follows:

A research and management program for this species is presently being developed by the Service in cooperation with States in the Atlantic and Mississippi Flyways. The first phase of this program calls for a three-year intensified winter banding program in these Flyways. The winter banding program is under way now. During this period, restrictive black duck bag limits similar to those in effect in 1976 are to be retained. The winter banding program will be supplemented by pre-season banding of black ducks. In line with this effort, the Atlantic Flyway Council's Eastern Canada Cooperative Banding Program was renewed in 1976 for a 5-year period. Information from these banding programs, and from other sources, will be used to establish values for certain black duck population parameters. Future management programs will be evaluated by measuring the effect of such programs on black duck population parameters developed from the 1977–79 banding programs.

In order to assure achievement of banding objectives, the banding program has been extended to include the 1980 winter and pre-season banding periods. Pending completion of the above program, the analysis of data derived from it as well as from other sources, and the completion of a black duck management plan currently under development in a joint effort by the Fish and Wildlife Service, Canadian Wildlife Service, and the Atlantic Flyway Council, no changes in black duck hunting regulations are proposed.

4. *Wood ducks.* (No change.) In 1977 regulations for this species were changed to permit southeastern States the option of an early October hunting season during which no special bag and possession limits applied under conventional regulations; under point system regulations, the species was placed in the mid-point category. The criteria for such seasons were described in the **Federal Register** dated May 25, 1977 (42 FR 26669), and are summarized and updated for informational purposes:

The southeastern United States is defined as Virginia, Kentucky, Tennessee, Arkansas, and Louisiana and all States east thereof in the Atlantic and Mississippi Flyways. The Service proposes to again consider regulations aimed at additional wood duck harvest in the southeastern States only within the following guidelines:

(a) In 1980 States in the southeastern United States may split their regular duck hunting season in such a way that a hunting season not to exceed 9 consecutive days occurs between October 1 and October 15.

(b) During this period under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the Flyway in 1980 shall apply to wood ducks, and under the point system, the point value for wood ducks shall be reduced from the high to the mid-point category. For other species of ducks daily bag and possession limits shall be the same as established for the Flyway under conventional or point system regulations.

(c) In addition, the extra blue-winged teal option available to States in the Atlantic and Mississippi Flyways that select conventional regulations and do not have a September teal season may be applied during the period.

(d) This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

(e) This special provision for wood ducks shall be regarded as experimental, and subject to annual and final evaluations by participating States of population, harvest, banding, and other available information.

(f) The experiment shall be conducted for a specified time period to be agreed upon between the Service and participating States.

The Service proposes to retain this option for the 1980 season.

5. *Sea ducks.* (No change.) A maximum open season of 107 days for taking scoter, eider, and oldsquaw ducks is proposed during the period between September 15, 1980, and January 20, 1981, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southhampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open waters from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia. Such areas shall be described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

Any State desiring its sea duck season to open in September must make its selection no later than July 26, 1980. Those States desiring their sea duck season to open after September may make their selection at the time they select their waterfowl seasons.

6. *September teal season.* (No change.) An open season on all species of teal may be selected by Alabama, Arkansas, Colorado (Central Flyway portion), Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico (Central Flyway portion), Ohio, Oklahoma, Tennessee and Texas in areas delineated by State regulations.

Shooting hours are from sunrise to sunset daily. The season may not exceed 9 consecutive days with a bag limit of 4 teal daily and 8 in possession. States must advise the Service of season dates and special provisions to protect nontarget species by July 26, 1980.

7. *Extra blue-winged teal option.* (No change.) States in the Atlantic, Mississippi, and Central Flyways selecting neither a September teal season nor the point system may select an extra daily bag of 2 and possession limit of 4 blue-winged teal for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck bag and possession limits.

8. *Special scaup season.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with a daily bag limit of 5 and possession limit of 10 scaup. This special season is subject to the following conditions:

1. The season must occur between October 1, 1980, and January 31, 1981.

2. The season must occur outside the open season for any other ducks except sea ducks.

3. The season is limited to areas mutually agreed upon between the State and the Service prior to September 1, 1980, and

4. These areas must be described and delineated in State hunting regulations.

5. In lieu of a special scaup only season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate, and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to special scaup seasons elsewhere.

The Service has received a proposal from Michigan to eliminate the special scaup season option in the Mississippi and Atlantic Flyways because of concern about the status of scaup as observed in Michigan.

Response: No data accompanied the Michigan proposal. Information available to the Service about the status of scaup does not provide a cause for concern. No action is proposed now pending further review and consideration.

9. *Extra scaup option.* (No change.) As an alternative to a special scaup season, States in the Atlantic, Mississippi, and Central Flyways, except those selecting the point system may select an extra daily bag of 2 and possession limit of 4 scaup during the regular duck hunting season, subject to conditions 3 and 4 listed for special scaup seasons. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

The Service has received a proposal from Michigan to eliminate the extra scaup option in the Mississippi and Atlantic Flyways because of concern about the status of scaup as observed in Michigan.

Response: See response above under *Special scaup season.*

10. *Mergansers.* (No change.) States in the Atlantic, Mississippi, and Pacific Flyways may select separate bag limits for mergansers in addition to the regular duck bag limits during the regular duck season. The bag limit is 5 daily and 10 in possession. Elsewhere, mergansers are included within the regular daily bag and possession limits for ducks. The nationwide restriction on hooded mergansers of 1 daily and 2 in possession is continued.

11. *Canvasback and redhead ducks.* (No change.) No changes in hunting regulations for these two species are proposed at this time. The management rationales for canvasbacks and redheads were described in an environmental assessement issued in August 1976. As an outgrowth of the assessment, a number of area closures were established where full protection from hunting was given to the two species. In other areas, minimal harvests were allowed under the point system and conventional regulations. The assessement also established short-term and long-term population objectives.

Notice was given last year (see 44 FR 9934, dated February 15, 1979) of a request from the Atlantic Flyway Council for consideration of a special 8–15 day drake canvasback season to occur late in the regular waterfowl hunting season in designated portions of Virginia, Maryland, New York, and North Carolina. Four drake canvasbacks were proposed as the daily bag limit. The Council presented information on the proposal but no action was taken in 1979 pending further assessment of canvasback populations and management strategies and a more thorough evaluation of the details of the proposal.

Subsequently, the Atlantic Flyway Council has informed the Service of its continued interest in a special canvasback season. In addition to the Atlantic Flyway Council proposal, several States, including Michigan, North Dakota, South Dakota, and Texas, have notified the Service of their interests in modifying the area closure concept as it has been applied to canvasbacks and redheads in recent years.

Response: The Service will consider these proposals and will meet with Council technical consultants to obtain technical information on factors that

should be considered. The Service proposes no changes in canvasback hunting regulations at this time. It is anticipated that further, more specific proposals will be submitted to the Service in the near future. They will be considered and made available for public comment as soon as possible after receipt.

Finally, North Carolina requested that two readheads per day be allowed in the regular duck limit for the 1980–81 hunting season.

Response: Consideration of this proposal is deferred pending modification of the canvasback-redhead environmental assessment and review of forthcoming population information.

12. *Zoning.* (No change.) The Service again proposes to offer States of the Atlantic and Mississippi Flyways the option to divide their States into zones for establishing different hunting seasons. The criteria for zoning were described in the **Federal Register** dated May 25, 1977; 42 FR 26671, and for informational purposes are repeated as follows:

1. The establishment of any of these zones shall be considered experimental until the effects of the zoning are more clearly defined and understood.

2. The primary purpose of the zoning shall be to provide more equitable distribution of harvest opportunity for hunters throughout a State.

3. Proposed zones and season dates shall not substantially change the pattern of harvest distribution among the States within a flyway.

4. Zoning shall not detrimentally change the harvest distribution pattern among species or populations at either the State or Flyway level.

5. Each zoning proposal shall include a detailed evaluation plan describing how changes in harvest will be measured, and what steps will be taken to compensate for any significant changes that might occur.

6. Each zoning proposal shall include an evaluation of anticipated changes due to zoning. If on the basis of this evaluation the Service and the State agree that no significant increase in harvest is likely, the zoning experiment may be conducted without a reduction in season length for each zone, pending further evaluation. If the evaluation indicates that a significant increase in harvest is likely, an appropriate reduction in season length compared to what would be permitted without zoning shall be made for each zone.

7. Where two or more adjoining States in a flyway may be involved simultaneously in zoning experiments, consideration shall be given to the possibility of consolidating zones.

Memoranda of Agreement have been signed between the Service and each State participating in the experimental zoning. The Service will consider zoning proposals by other States in the Mississippi and Atlantic Flyways according to the above criteria. As an alternative to zoning, the Service proposes to continue offering States in the Atlantic Flyway the opportunity to divide their waterfowl seasons into three segments.

Several States have informed the Service of their interest in initiating zoning studies, as follows:

New Jersey has informed the Service of its desire to embark upon a three-year zoning experiment commencing with the 1980–81 season. A detailed proposal accompanied the request. Three zones would be established. The Coastal Zone would include the area east of the Garden State Parkway, with the North and South Zones in the remainder of the State separated by Routes 70, 38, and 30. Pennsylvania also advised the Service that it is interested in modifying its current zoning experiment to include a new northern zone. No detailed proposal was received.

Michigan asked that it be permitted to modify its zoning arrangement inasmuch as the 1979–80 season represented the third and final year of its zoning experiment. Michigan proposes that State Management Zone 2, which roughly corresponds to the northern half of the Lower Peninsula, be shifted to the North Zone which now consists of the Upper Peninsula. The new South Zone would comprise the lower half of the Lower Peninsula.

Response: The Service is taking no position on these particular zoning requests at this time pending additional information and public comment.

13. *Goose and brant seasons.* The Canadian Wildlife Service, State conservation agencies, the four waterfowl flyway councils, and others traditionally provide population and harvest information useful in setting annual regulations for geese and brant. The midwinter survey, the past season's waterfowl harvest surveys, and satellite imagery for May and June of 1980 will provide additional information later. Consequently, the following proposed general regulations are subject to revision as additional information becomes available. No changes are proposed at this time.

The Service has received a number of comments relating to possible changes in season lengths and limits. These are being deferred until later in the regulatory schedule.

Atlantic Flyway. Seasons and bag limits are to be generally the same as last year pending receipt of additional information and recommendations from the public. The following regulations are tentatively proposed:

Between October 1, 1980, and January 20, 1981, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, West Virginia, New Jersey, Maryland, and Virginia (excluding those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons on Canada geese; the daily bag and possession limits will be 3 and 6 geese, respectively. However, in the area comprised of Delaware, the Delmarva Peninsula portions of Maryland and Virginia, and that portion of Pennsylvania lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on U.S. Highway 22 to the New Jersey border, and that portion of New Jersey south of the Atlantic City Expressway from its juncture with Interstate 76 near Camden southeast to Atlantic City, the Canada goose season length will be 90 days with the closing framework date extended to January 31, 1981. The daily bag limit within this area will be 4 birds with a possession limit of 8 birds. North Carolina and those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select 50-day seasons on Canada geese within the October 1, 1980, to January 20, 1981, framework; the daily bag and possession limits will be 2 and 4 Canada geese, respectively. South Carolina may select a 50-day season on Canada geese within the October 1, 1980, to January 20, 1981, framework. The daily bag and possession limits will be 1 and 2 Canada geese, respectively. The season will be closed on Canada geese in Florida and Georgia.

Between October 1, 1980, and January 20, 1981, States in the Atlantic Flyway may select 70-day seasons on snow geese (including blue geese); the daily bag and possession limits will be 4 and 8 geese, respectively. Because of a reduced population no open season on Atlantic brant has been set since 1976. Last year the Service advised that a closed season would continue until the population has recovered from losses sustained during the winters of 1976–77 and 1977–78 to starvation and freezing, and poor production during 1978. Data indicate that the population made a moderate response to improve habitat conditions in 1979. Reopening the Atlantic brant hunting season will be determined based on at least three data sources: (1) population inventories in

February or March after ice disappearance along the Atlantic coast, and in the fall on migration and wintering areas; (2) an evaluation of conditions on the breeding grounds as determined by satellite imagery; and (3) an evaluation of breeding ground production. Consequently, the Service defers proposals for this species until later.

Environmental assessments made available to the public in 1975 articulate the management rationale being followed for Atlantic brant and greater snow geese.

Mississippi Flyway. Seasons and bag limits for Canada geese to be generally the same as last year. That is, not to exceed 70 days and bag limits not to exceed 2 daily and 4 in possession pending additional information and recommendations. Seasons and bag limits for specific populations of Canada geese and for snow geese (including blue geese) and white-fronted geese are to be determined later when more information is available.

Harvests of the Eastern Prairie and Mississippi Valley Canada goose populations in this flyway are controlled by quota allocations. Specific quotas will be established after population management objectives, recent population information, probable production, and expected fall flights have been taken into consideration. It is intended that the entire quota can be safely taken without detriment to the population and that such harvests are justifiable under the appropriate population objectives. Goose seasons in quota areas end when the quota has been achieved and the season terminated by emergency order under provision of § 20.26 of Title 50, or when the permissible number of hunting days has expired.

Michigan advised the Service that it wishes to make substantial changes in regulations applicable to its Southeastern Canada Goose Management Zone. In addition to widening the framework dates to September 15 and January 15 for this area, a 120-day season, and daily limit of 2 Canada geese are recommended. Michigan believes that these relaxations are necessary to alleviate problems caused by the increasing numbers of geese which reside there throughout the year.

Response: The Service proposes no action at this time pending further discussion and recommendations from the Mississippi Flyway Council and other interested parties. It is noted, however, that the maximum season length permitted under the Migratory Bird Treaty Act is 107 days.

Central Flyway. Seasons and bag limits for Canada, white-fronted, Ross', and snow geese (including blue geese) are deferred pending additional information and recommendations. No significant changes from those in effect in 1979–80 are anticipated at this time.

North Dakota, South Dakota, Texas, and Wyoming requested that consideration be given to establishing separate season frameworks and limits for dark and light geese throughout the Central Flyway.

Response: In some areas of the United States, separate frameworks and limits are established by species, thus this proposal warrants consideration.

Pacific Flyway. (Possible change.) Seasons and bag limits to be generally the same as last year, that is, not to exceed 93 days with overall goose bag limits not to exceed 6 daily and in possession. Specific season frameworks, season lengths, and daily bag limits for geese are deferred pending additional information and recommendations. Possible regulatory changes in the Pacific Flyway include modifications of areas and times of hunting of Canada geese to provide necessary protection for the endangered Aleutian Canada goose. No action will be taken pending assembly and study of population and other data, and completion of consultations under section 7 of the Endangered Species Act.

14. *Whistling swan.* (No change.) In Utah, Nevada, and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions: (a) the season must run concurrently with the duck season; (b) in Utah, no more than 2,500 permits may be issued, authorizing each permittee to take 1 whistling swan; (c) in Nevada, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Churchill County; (d) in Montana, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Teton County; (e) permit forms, and correspondingly numbered metal locking seals furnished by the Service, must be issued by the appropriate State conservation agency on an equitable basis without charge.

Delaware urged that the Service prepare an environmental assessment for the management of whistling swans, including implementation of a limited hunting season.

Response: While the Service believes the hunting of whistling swans in portions of the Atlantic Flyway may be biologically justifiable, there is not, at this time, a consensus that hunting should be initiated and it does not appear to be a high priority management need.

15. *Sandhill cranes.* (No change.) Pending evaluation of harvest data from the 1979 season, to be available later, seasons for hunting sandhill cranes may be selected within specified areas in Colorado, New Mexico, Texas, Oklahoma, North Dakota, South Dakota, Montana, and Wyoming with no substantial change in dates from the 1979–80 seasons and with a daily bag limit of 3 and a possession limit of 6 sandhill cranes. The provision for the Federal sandhill crane hunting permit is continued.

North Dakota and South Dakota requested that consideration be given to modifications of sandhill crane seasons which have been offered in recent years in portions of the two States. Specifically, a 9-day season, to occur prior to September 22, is requested. A second option would be a split season with five days occurring in September and five days to occur in November.

Response: Action on this request is deferred pending further information and public comment.

16. *Coot bag limit.* (No change.) Within the regular duck season, States in the Atlantic, Mississippi and Central Flyways may permit a daily bag limit of 15 and a possession limit of 30 coots, and States in the Pacific Flyway may permit 25 coots daily and in possession, singly or in the aggregate with gallinules.

17. *Gallinules.* (No change.) States in the Atlantic, Mississippi and Central Flyways may select hunting seasons between September 1, 1980, and January 20, 1981, of not more than 70 days. States may split gallinule seasons without penalty. The daily bag and possession limits may not exceed 15 and 30, respectively. States may select gallinule seasons at the time they select their waterfowl seasons. In this case, daily bag and possession limits will remain the same, and the season length may not exceed that for waterfowl, or 70 days, whichever is the shorter period.

States in the Pacific Flyway must select their gallinule hunting seasons within the waterfowl seasons. A gallinule season selected by any State in the Pacific Flyway may not exceed its watefowl season, and the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

18. *Rails.* (No change.) The States included herein may select seasons between September 1, 1980, and January 20, 1981, on clapper, king, sora, and Virginia rails as follows:

The season lengths for all species of rails may not exceed 70 days.

Clapper and king rails.

1. In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, the daily bag and possession limits may not exceed 10 and 20 clapper and king rails, respectively, singly or in the aggregate of these two species.

2. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, the daily bag and possession limits may not exceed 15 and 30 clapper and king rails, respectively, singly or in the aggregate of the two species.

3. The season will remain closed on clapper and king rails in all other States.

Sora and Virginia rails.

In addition to the prescribed limits for king and clapper rails, daily bag and possession limits not exceeding 25, singly or in the aggregate of sora and Virginia rails, may be selected in States in the Atlantic, Mississippi, and Central Flyways, and portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway. No hunting season is proposed for rails in the remainder of the Pacific Flyway.

19. *Common snipe.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1980, and February 28, 1981, not to exceed 107 days, except that in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31. Seasons between September 1, 1980, and February 28, 1981, and not to exceed 93 days may be selected in the Pacific Flyway portions of Montana, Wyoming, Colorado, and New Mexico.

All States in the Pacific Flyway, except those portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway, must select their snipe seasons to run concurrently with their regular duck seasons. In these Pacific Flyway States, except portions of the four States noted previously, it will be unlawful to take snipe when it is unlawful to take ducks.

Daily bag and possession limits may not exceed 8 and 16, respectively. Any State may split its snipe season without penalty.

States or portions thereof in the three eastern flyways may defer selections of snipe seasons until the time they choose their waterfowl seasons in August. In that event, the daily bag and possession limits will remain the same but shooting hours must conform with those for waterfowl.

20. *Woodcock.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1980, and February 28, 1981, of not more than 65 days, with daily bag and possession limits of 5 and 10, respectively. In Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end by January 31. Any State may split its woodcock season without penalty. New Jersey may select woodcock hunting seasons by north and south zones divided by State Highway 70. Seasons in each zone may not exceed 55 days.

21. *Band-tailed pigeons.* (No change.)

West Coast States (California, Oregon, and Washington). These States may select hunting seasons not to exceed 30 consecutive days between September 1, 1980, and January 15, 1981. The daily bag and possession limits may not exceed 5 band-tailed pigeons.

California may zone by selecting hunting seasons of 30 consecutive days for each of the following two zones:

1. In the Counties of *Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama,* and *Trinity;* and

2. The remainder of the State.

Four-Corner States: (Arizona, Colorado, New Mexico, and Utah). These States may select hunting seasons not to exceed 30 consecutive days between September 1 and November 30, 1980. The daily bag and possession limits may not exceed 5 and 10, respectively. Each hunter must have been issued and carry, while hunting band-tailed pigeons, a valid band-tailed pigeon hunting permit issued by the respective State wildlife agency, and such permit will be valid in that State only. The season shall be open only in the areas delineated by the respective States in their hunting regulations. New Mexico may divide its State into two zones, along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Between September 1, 1980, and November 30, 1980, in the North Zone, and October 1, 1980, and November 30, 1980, in the South Zone, hunting seasons not to exceed 20 consecutive days in each zone may be selected by New Mexico.

22. *Mourning doves.* (No change.) Concern has been expressed by some organizations and individuals about the hunting of mourning doves in September. Accordingly, the Service reviewed and analyzed available information and data on the subject and issued an environmental assessment in July 1977. It was concluded that hunting in September was not detrimental to overall mourning dove populations and that by not permitting September hunting, the opportunities for dove hunting would be curtailed in many areas. A cooperative Federal-State research program to obtain further information on this matter will be completed this year. The results of this investigation will be used in future evaluations of September hunting of mourning doves.

The Service proposes the following regulations for this year.

Between September 1, 1980, and January 15, 1981, except as noted, States may select hunting seasons and bag limits as follows:

Eastern Management Unit: All States east of the Mississippi River, and Louisiana.

1. Shooting hours between 12 o'clock noon and sunset daily;

2. Daily bag and possession limits not to exceed 12 and 24, respectively, in all States;

3. Hunting seasons of not more than 70 half-days which may run consecutively or be split into not more three periods.

4. As an option to the above, Alabama, Georgia, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines:

Alabama.—The South Zone is defined as that area lying south of U.S. Highway 84 running east to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry, and Houston Counties. The North Zone consists of the remainder of Alabama.

Georgia.—The North Zone is defined as that area lying north of U.S. Highway 280 east to Abbeville, thence along Ocmulgee and Altamaha Rivers to the Atlantic Ocean. The South Zone consists of the remainder of Georgia.

Louisiana.—The North Zone is defined as that area lying north of Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State Line. The South Zone consists of the remainder of Louisiana.

Mississippi.—The North Zone is defined as that area lying north of U.S. Highway 84. The South Zone consists of the remainder of Mississippi.

B. Within each zone, these States may select hunting seasons of not more than 70 half-days which may run consecutively or be split into not more than three periods.

C. The hunting seasons in the south zones of these States may commence no earlier than September 20, 1980.

Central Management Unit: Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

1. Daily bag and possession limits not to exceed 10 and 20, respectively, in all States;

2. Hunting seasons in all States of not more than 60 full days which may run consecutively or be split into not more than three periods.

3. Texas may select hunting seasons for each of two previously established zones subject to the following conditions:

A. The hunting season may be split into not more than two periods.

B. The North Zone may have a season of not more than 60 days between September 1, 1980, and January 22, 1981.

C. The South Zone may have a season of not more than 60 days between September 20, 1980, and January 22, 1981. In that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves. However, the remainder of the season (60 days less the number of days of the white-winged dove season) must be within the September 20, 1980–January 22, 1981, period.

4. In New Mexico, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, singly or in the aggregate of the two species.

Western Management Unit: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

1. Daily bag and possession limits not to exceed 10 and 20, respectively;

2. Hunting seasons of not more than 50 full days which may run consecutively or be split into not more than three periods. In the Nevada counties of Clark and Nye, and in the California counties of Imperial, Riverside, and San Bernardino, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, respectively, singly or in the aggregate of the two species.

The Southeastern Association of Fish and Wildlife Agencies stated in a letter that the hunting of mourning doves in the Eastern Management Unit (all States east of the Mississippi River and Louisiana) should be permitted during the period of one-half hour before sunrise until sunset, instead of the period of noon to sunset which has been in effect for many years. The objective would be to better distribute hunting pressure throughout the day, without significantly changing the dove harvest.

Response: The Service proposes no change at this time pending further review and consideration of the recommendation. If accepted the result of this proposal would be uniform dove hunting hours throughout the United States.

Delaware requested that consideration be given to extending the mourning dove season in the Eastern Management Unit to 90 days.

Response: The Service proposes no change at this time pending further review and consideration of the recommendation, noting that the requested season length is 20 days longer than that of recent years.

Texas submitted a detailed proposal for altering mourning dove and white-winged dove hunting seasons and limits from those in effect in recent years. One provision would establish three zones, each having different hunting seasons. The three zones would be a Panhandle Zone, a Central Zone, and a Rio Grande Zone. In the past, mourning dove seasons in Texas have been selected by North and South Zones. Adoption of the zones would result in changes of season dates in most areas. Secondly, within the range of the white-winged dove, an aggregate bag limit of 10 doves of which no more than two could be white-winged doves, would be allowed during the regular mourning dove season. The proposal, an outgrowth of detailed studies of mourning dove band recovery and other data, would permit the selection of seasons better attuned to dove migrations, abundance and condition, and the range expansion of white-winged doves. Texas does not believe that the proposals, if implemented, would result in significantly altered harvests or shifts of hunting pressure to other segments of the mourning dove population.

Response: The decision on this proposal is deferred pending further information and public response. Copies of the proposal may be obtained from the Service or the Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, TX 78744.

23. *White-winged doves.* (No change.) Arizona, California, Nevada, New Mexico, and Texas may select hunting seasons between September 1, 1980, and December 31, 1980, and daily bag limits as stipulated below. Shooting hours between ½ hour before sunrise and sunset may be selected.

Arizona may select a hunting season for the entire State of not more than 25 consecutive days, to run concurrently with the first period of the split mourning dove season. The daily bag and possession limits may not exceed 10 white-winged doves.

California may select a hunting season for the counties of Imperial, Riverside, and San Bernardino only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Nevada may select a hunting season for the counties of Clark and Nye only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits and hours are to conform with those for mourning doves.

New Mexico may select a hunting season with daily bag and possession limits not to exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Texas may select a hunting season, the length of which will be determined when information from State surveys is available, for that portion of the State where the species occurs. The daily bag and possession limits may not exceed 10 and 20 white-winged doves, respectively. The season may be split within the overall time frame.

Texas' proposal for changes in dove hunting zones and limits was described under item 22. The proposal, as related to white-winged doves, would continue the usual September season in the major range of the white-winged dove in southern Texas and along the Rio Grande, and would additionally provide for the taking of up to two white-winged doves in an aggregate daily limit of 10 doves during the regular mourning dove season. This provision would allow a very limited harvest of white-wings after the regular white-winged dove season ended and allow for the taking of some white-wings in areas where the population is expanding or increasing.

24. *Migratory game bird seasons in Alaska.* (No change.) In 1977, by mutual agreement, the Service and the Alaska Department of Fish and Game initiated a study of stabilized hunting regulations for the 5-year period, 1977 through 1981. Background information on this experiment was given in the **Federal Register** dated March 10, 1977; 42 FR 13317. Regulations proposed to be in effect during the 1980–81 season are as follows:

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Alaska, 1980–81

Between September 1, 1980, and January 26, 1981, Alaska may select seasons on waterfowl, snipe, and cranes, subject to the following limitations:

1. *Shooting hours:* One-half hour before sunrise to sunset daily.

2. *Season lengths:*

A. In the Pribilof and Aleutian Islands, except Unimak Island, an open season of 107 consecutive days for ducks, geese, and brant. In the Kodiak (State game management unit 8) area, an open season of 107 days for ducks, geese, and brant, and the season may be split without penalty.

B. Exception: the season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

C. In the remainder of Alaska, including Unimak Island, an open season of 107 consecutive days for ducks, geese, and brant.

D. An open season for snipe concurrent with the duck season.

E. An open season for sandhill cranes concurrent with the duck season.

3. *Bag and possession limits:*

A. Ducks—Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and in the Gulf Coast Zone they are 8 and 24, respectively. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers, singly or in the aggregate of these species.

B. Geese—A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily bag limit of 6 and a possession limit of 12 Emperor geese.

C. Brant—A daily bag limit of 4 and a possession limit of 8.

D. Common Snipe—A daily bag limit of 8 and a possession limit of 16.

E. Sandhill cranes—A daily bag limit of 2 and a possession limit of 4.

25. *Migratory game birds in Puerto Rico and doves and pigeons in the Virgin Islands.* (No change.)

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Puerto Rico, 1980–81

Doves and Pigeons. An open season of 60 days between September 1, 1980, and January 15, 1981, may be selected for hunting Zenaida, mourning and white-winged doves, and scaly-naped pigeons in Puerto Rico. Shooting hours may extend from one-half hour before sunrise until sunset daily. The daily bag and possession limit for doves of the species named herein is 10, singly or in the aggregate. The daily bag and possession limit for scaly-naped pigeons is 5. No open season is prescribed for pigeons on Mona Island in order to give the reduced population of white-crowned pigeon (*Columba leucocephala*) a chance to recover. No open season is prescribed for doves and pigeons in the municipality of Culebra. (In the past, hunting was probibited on Culebra Island only. The minor change from "Culebra Island" to "municipality of Culebra" is made to include several small islands offshore of Culebra Island where protection of migratory game birds is warranted.)

Special Closure for Protection of the Puerto Rican Parrot

No season is prescribed for doves and pigeons in those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) all lands lying east of Route 186 (from the town of El Verde in the north to the southernmost extent of Route 186) to the boundary of the Luquillo Experimental Forest; (2) all lands between Route 186 and Route 956 extending from an east-west line through the town of El Verde, south; (3) all lands lying west of Route 186 for one kilometer from the juncture of Routes 186 and 956 south to the southernmost point on Route 186; and (4) all lands within the Caribbean National Forest boundary, whether private or public lands. The purpose of these closures is to afford protection to the Puerto Rican parrot (*Amazona vittata*), presently listed as an endangered species under the Endangered Species Act of 1973.

Special Closure for Protection of the Plain Pigeon

The hunting of doves and pigeons of any species is prohibited in all of Cidra Municipality and in portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: Beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along the Cidra Municipality boundary to the point of beginning. The purpose of this closure is to protect the Puerto Rican Plain Pigeon (*Columba inornata*), locally known as Paloma Sabanero, which is known to be present in the above locale in small numbers and which is listed presently as an endangered species under the Endangered Species Act of 1973.

Ducks, Coots, Gallinules, and Snipe. A season of 55 consecutive days between December 1, 1980, and January 31, 1981, may be selected for hunting ducks, coots, common gallinules and common snipe.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The limits for ducks are 4 daily and 8 in possession except that the season is closed on the ruddy duck (*Oxyura jamaicensis*) and the Bahama pintail (*Anas bahamensis*), which are protected by the Commonwealth of Puerto Rico.

The limits for coots are 6 daily and 12 in possession.

The limits for common gallinules are 6 daily and 12 in possession. The season is closed on purple gallinules (*Porphyrula martinica*).

The limits for common snipe are 6 daily and 12 in possession.

No open season for ducks, coots, gallinules, and snipe is prescribed in the municipality of Culebra. (In the past, hunting was prohibited on Culebra Island only. Th minor change from "Culebra Island" to the "municipality of Culebra" is made to include several small islands offshore of Culebra Island where protection of migratory game birds is warranted.)

Proposed Framework for Selecting Open Season Dates for Hunting Migratory Birds in the Virgin Islands, 1980–81.

Doves and pigeons. A season of 60 days between September 1, 1980, and January 15, 1981, may be selected for hunting Zenaida doves throughout the Virgin Islands and scaly-naped pigeons on the island of St. Thomas only.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limits are 10 Zenaida doves and 5 scaly-naped pigeons.

No open season is prescribed for waterfowl, ground or quail doves, or other pigeons in the Virgin Islands.

Local Names for Certain Birds

Zenaida dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected).

Ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaled pigeon.

26. *Migratory game bird seasons for falconers.* (No change.) *Special Falconry Frameworks*

Falconry is a permitted means of taking migratory game birds.

It is proposed that any State listed in 50 CFR 21.29(k) as meeting Federal falconry standards may select an extended season for taking migratory game birds in accordance with the following:

1. Seasons must fall within the regular season framework dates and, if offered, other special season framework dates for hunting.

2. Season lengths for all permitted methods of hunting within a given area may not exceed 107 days for any species.

3. Hunting hours shall not exceed ½ hour before sunrise to sunset.

4. Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

5. Each State selecting extended seasons shall report to the Service the results of the special falconry season by March 15, 1981.

6. Each State selecting the special season must inform the Service of the season dates and publish said regulations. General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select and extended falconry season.

27. *Hawaii mourning doves.* (No change.) The mourning dove is the only migratory game bird occurring in Hawaii in numbers to permit hunting. It is proposed that mourning doves may be taken in Hawaii in accordance with regulations set by the State of Hawaii as has been done in the past and subject to the applicable provisions of part 20 of Title 50 CFR. Such a season must be within the constraints of applicable migratory bird treaties and annual regulatory frameworks. These constraints provide that the season must be within the period of September 1, 1980, and January 15, 1981, the length may not exceed 60 full days; the daily bag and possession limits may not exceed 10 and 20 doves, respectively. Other applicable Federal regulations relating to migratory game birds shall also apply.

28. *Other.*

Hunting Bonuses in Non-toxic Shot Areas. The Chairman of the Mississippi Flyway Council has notified the Service in a letter that the Council strongly favors an arrangement that would provide additional duck harvest benefits to hunters in areas where non-toxic shot regulations are in effect and enforced. For example, an additional drake mallard or 5 additional days of hunting may be proposed. No specific proposal has been presented yet but one is anticipated in the near future.

Response: The Service will consider such a proposal when further details have been received.

Low Plains Proposal. In 1979 the Central Flyway Council proposed by letter that States in the Low Plains portion of that Flyway be permitted 16 additional hunting days commencing in mid-December or later with bag limits designed to focus harvest on drake mallards and restrict harvest of female mallards and other species of ducks. The Low Plains is generally described as that portion of the Flyway lying east of the one-hundredth meridian, and includes the eastern portions of North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma, plus northeastern Texas. No decision was reached on this proposal in time for the 1979–80 hunting season. Since then the Service has been requested by several States in the Low Plains area to give further consideration to the proposal for implementation in the 1980–81 hunting season.

Response: The Service is reviewing and evaluating this proposal and will give it further consideration in the course of the 1980 regulatory process.

II. Proposed Change in Basic Regulations

Background

The Migratory Bird Treaty Act (16 U.S.C. 703–712) was enacted in July of 1918 to give effect to a Convention between the United States and Great Britain for the protection of migratory birds (Convention for the Protection of Migratory Birds, August 16, 1916, 39 Stat. 1702, T.S. No. 628). The act was amended to include the terms of similar treaties with Mexico (Convention for the Protection of Migratory Birds and Game Mammals, February 7, 1936, 50 Stat 1311, T.S. No. 912), Japan (Convention for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment, March 4, 1972, 25 U.S.T. 3329, T.I.A.S. No. 7990) and the Soviet Union (Convention Concerning the Conservation of Migratory Birds and Their Environment, November 19, 1976, T.I.A.S. No. 9073).

The Act affords protection for those species of migratory birds included in the terms of any of these conventions and which are listed in 50 CFR 10.13. The definition of "migratory bird" found in 50 CFR 10.12 reads, in part, ". . . any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in § 10.13, or which is a mutation or hybrid of any such species. . . ."

A discrepancy occurs in the present definition of "migratory game bird" found in Part 20. The present definition, in part, defines migratory game birds as "Anatidae (*wild* ducks, geese, brant, and swans) . . . Columbidae (*wild* doves and pigeons). . . ." (Emphasis added.)

A similar discrepancy occurs in the description of "migratory waterfowl" found in 50 CFR 20.91. Although current regulations do not define "migratory waterfowl", that phrase is described in 50 CFR 20.91 as meaning "wild ducks, geese, brant and swans."

The term "wild" in the definition of "migratory game bird" and the description of "migratory waterfowl" was originally intended to conform with language in the treaty with Great Britain which provides that "the migratory birds included in the terms of this Convention shall be as follows:

1. Migratory Game Birds: (a) Anatidae or waterfowl, including brant, *wild* ducks, geese, and swans . . . (e) Columbidae or pigeons, including doves and *wild* pigeons." (Emphasis added).

However, the subsequent treaties with Mexico, Japan and the Soviet Union do not contain such language. The treaty with Mexico defines migratory game birds as including the "Familia Anatidae" and the "Familia Columbidae" with no reference to the term "wild". Although Article II of this same treaty contains a provision for establishment of a closed season for *wild* ducks (emphasis added), the Service feels this does not detract from the breadth of the general protective definition in Article IV.

The later treaties with Japan and the Soviet Union apply to all migratory birds as listed in each treaty and do not delineate between "wild" and "captive-reared" migratory birds.

A second purpose for originally including the term "wild" in the definition of migratory game birds was to except non-native, domestic species, such as the "rock dove" (*Columba livia*) and muscovy duck (*Cairina moschata*) from the hunting regulations. This wording is no longer necessary as only those species listed in 50 CFR 10.13, and their hybrids, are afforded protection under the Act.

Applicable regulations found in 50 CFR 21.13, 50 CFR 21.14 and 50 CFR 21.25 provide that captive-reared and properly marked migratory waterfowl can be killed by shooting only in accordance with all the applicable hunting regulations governing the taking of like species from the wild. The lone exception to these regulations is the shooting of captive-reared and properly marked mallard ducks at shooting preserve operations or bona fide dog training or field trial operations.

The Service feels that the Migratory Bird Treaty Act and applicable regulations apply to all migratory birds, and to interpret otherwise would hinder the management and preservation of a valuable natural resource.

Description of the Proposed Rulemaking

The proposed amendment would provide uniformity with existing regulations by omitting the word "wild" wherever it occurs in the definition of "migratory game bird" under 50 CFR 20.11 and in the description of "migratory waterfowl" in 50 CFR 20.91. This action removes ambiguity which the use of the term "wild" has created. *See United States v. Conners*, No. 78–1210 (10th Cir. 1979) (relying incorrectly, in the Service's view, on the regulations' use of the term "wild" to hold erroneously that the Migratory Bird Treaty Act does not apply to captive-reared ducks).

For further information contact: John E. Cross, Special Agent in Charge, Branch of Investigations, Division of Law Enforcement, U.S. Fish and Wildlife Service, 1375 K Street, NW., Suite 300, Washington, DC, telephone AC 202–343–9242.

Public Comments Invited

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulation. Correspondence should be mailed to the address given at the beginning of this rulemaking.

The Director will take into consideration the relevant comments, suggestions, or objections which are received. These comments, suggestions, or objections, and any additional information received, may lead the Director to adopt a final rulemaking that differs from this proposal.

Authorship

The primary author of this proposal is David L. McMullen, Special Agent, Division of Law Enforcement, AC 202–343–9242.

Note.—The Department has determined that this rule, deleting "wild" from § 20.11 and § 20.91, is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Accordingly, it is hereby proposed to amend Subchapter B of Chapter I, Title 50 of The Code of Federal Regulations, as set forth below:

PART 20—MIGRATORY BIRD HUNTING

§ 20.11 [Amended]

1. Amend the definition of "migratory game bird" in § 20.11 deleting the word "wild" wherever it appears in that definition.

§ 20.91 [Amended]

2. Amend this section by deleting the word "wild" wherever it appears.

* * * * *

Use of Crossbows for Taking Migratory Game Birds

The National Crossbow Hunters Association has requested that the Service modify regulations on methods of taking so that the use of crossbows would be legal for the purpose of taking migratory game birds.

The crossbow is presently prohibited as a means of taking migratory game birds. Section 20.21 Hunting Methods, of 50 CFR, Subpart C—Taking, reads in part:

"Migratory birds on which open seasons are prescribed in this part may be taken by any method except those prohibited in this section.

No person shall take migratory game birds:

(a) With a trap, snare, net, *crossbow*, . . ." (Emphasis added.)

The Association notes that except for crossbows archery is a permissible means of taking migratory game birds and that the ballistics of crossbow projectiles are comparable to arrows propelled from conventional bows.

Response: The Service will consider the requested change for implementation in the 1980–81 hunting season. However, since such a change would be in conflict with existing game laws and regulations in a number of States, no specific proposal is made at this time pending review and comment by wildlife administrators in these States, other interested agencies, and the public.

Dated: February 25, 1980.

Lynn A. Greenwalt,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-6307 Filed 2-28-80; 8:45 am]

BILLING CODE 4310-55-M

federal register

Friday
February 29, 1980

Part IV

Environmental Protection Agency

Pesticides and Toxic Substances; General Recordkeeping and Reporting Requirement: Preliminary Assessment Information

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 712

[OTS-082004b; FRL 1385-4]

Pesticides and Toxic Substances; General Recordkeeping and Reporting Requirement: Preliminary Assessment Information

AGENCY: Environmental Protection Agency (EPA or the Agency).

ACTION: Proposed rule; notice of opportunity to comment.

SUMMARY: This rule, proposed under the authority of section 8(a) of the Toxic Substances Control Act (TSCA), would require chemical manufacturers (including miners and importers) and, in some cases, processors to report production and exposure-related data on approximately 2300 chemicals to the EPA. This information will be used both for ranking chemicals for investigation and for preliminary risk assessments. Additional chemicals may be added to this rule in the future; therefore, any chemical manufacturer or processor is potentially subject to the proposed requirements. Comments are requested on both the general procedures of this rule and the chemicals proposed at this time.

DATE: Comments on this proposed rule must be received on or before May 6, 1980.

ADDRESS: Comments should be addressed to the Document Control Officer, Environmental Protection Agency, Office of Pesticides and Toxic Substances (TS-793), 401 M Street, SW, Washington, DC 20460. Comments should bear the identifying notation OTS-082004b. All comments received, as well as the public records in this proceeding, will be available for public inspection in Room 447 East Tower at that address from 8:00 a.m. to 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office, Environmental Protection Agency, Office of Pesticides and Toxic Substances (TS-799), 401 M Street, SW, Washington, DC 20460; 800-424-9065 (toll free); in Washington 554-1404.

SUPPLEMENTARY INFORMATION: The following sections appear in this preamble:

1. Background.—
A. Legal authority.
B. Scope, purpose, and use of this rule.
C. Future rules.
D. Comments sought.
2. Contents of the Rule.—
A. Summary.
B. Chemicals subject to the rule.
C. Who must report.
D. Content of the reporting form.
E. Reporting schedule and procedure.
F. Customer lists.
3. Issues and Comments Received on the Reporting of Uses and Exposures.—
A. Knowledge of customers' uses.
B. Accuracy required.
C. Subsequent reports by customers.
4. Issues and Comments on Reporting Information under Section 8(a).—
A. Office of Pesticides and Toxic Substances assessment process.
B. Preliminary assessment process.
C. Alternatives to reporting.
D. Information on non-TSCA uses.
5. Confidentiality.
6. Definitions.
7. Small Manufacturers and Processors.
8. Economic Impact.
9. Public Meetings.
10. Rulemaking Record.

1. Background

A. Legal Authority

Section 8(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(a), authorizes the Administrator to promulgate rules "under which * * * each person * * * who manufactures or processes or proposes to manufacture or process a chemical substance * * * shall maintain such records, and shall submit to the Administrator such reports, as the Administrator *may reasonably require.*" [emphasis added]. See TSCA section 8(a)(1)(A). In the case of manufacturers or processors of mixtures or of small quantities of research and development chemicals these rules may require maintenance of records and submission of reports "to the extent * * * *necessary for the effective enforcement of this Act.*" [emphasis added]. See TSCA section 8(a)(1)(B). Section 8(a) rules may require a manufacturer or processor to submit any applicable data "insofar as *known to* the person making the report or insofar as *reasonably ascertainable* * * *." [emphasis added]. See TSCA section 8(a)(2).

Thus, the standards governing EPA's information gathering authority under section 8(a) are that reporting and recordkeeping requirements be "reasonable" (or "necessary for effective enforcement of this Act") and that the information required in the report be "known to" or "reasonably ascertainable" by the reporting person.

Section 8, also, imposes certain limitations on the Agency's information gathering authority. To the extent feasible EPA is not to require any unnecessary or duplicative reporting. See TSCA section 8(a)(2). For purposes of section 8(a), manufacturers and processors are persons who manufacture or process chemicals "for commercial purposes" (see TSCA section 8(f)). Furthermore, section 8(a) generally exempts small manufacturers or processors from the provisions of section 8(a) rules, although these persons may be subject to 8(a) under certain circumstances. See TSCA section 8(a)(3)(A)(ii).

B. Scope, Purpose, and Use of This Rule

This rule will gather information needed primarily for preliminary assessment of the chemical substances subject to it. It may also be used for some chemicals beyond the preliminary assessment stage. This information together with information otherwise available to the EPA from the scientific literature, other agencies, and chemical information publications will be used to rank the chemicals for investigation. It will also be used to make preliminary risk assessments of selected chemicals. To some extent the rule will be used to support test rules under section 4(a) of TSCA.

The chemicals chosen for this rule will be those with apparently high exposure potential or for which information about toxicity has been previously obtained or both.

The EPA plans to amend this rule in the future to add more chemical substances to the list of chemical substances subject to its reporting and recordkeeping requirements. The requirement to report on those chemicals will be subject to public comment.

C. Future Rules

The Office of Pesticides and Toxic Substances (OPTS) is developing a set of three kinds of TSCA section 8(a) reporting rules: "Preliminary Assessment Information Rule" (this rule), "General Assessment Information Rule" and "Detailed Assessment Information Rule." The rules will be designed to obtain information appropriate to the needs of initial, middle, and later stages of assessment of chemical substances.

The set of rules, when complete, will present a progression of increasingly detailed reporting requirements that begins by covering several thousand chemicals and ends by focusing on a few priority chemicals. In this way, the Agency will gather information on any one chemical at a level of detail warranted by its place in the risk assessment process. The risk assessment process is described under section four of this supplementary information statement. An advance notice of proposed rulemaking will be

published soon to solicit comments on develpment of these future rules.

D. Comments Sought

The Agency urges *all* manufacturers, importers, and processors of chemical substances and mixtures to comment on this proposal whether or not they are associated with the chemicals proposed now. It should be assumed that any chemical substance or mixture may in the future become subject to the promulgated rule. The reporting and recordkeeping provisions of the rule will remain the same once the rule is promulgated, but the list of chemicals subject to these requirements will be increased by amendment. Comments will be solicited in the future on the chemicals to be added. Comments on the requirements and procedures of the rule should be submitted now.

On June 27, 1979, EPA published an Advance Notice of Proposed Rulemaking (ANPR), 44 FR 37517, soliciting comment on proposing this type of rule. Many informative comments were received in response. In addition, EPA staff have met with interested persons from public interest groups and from the chemical industry. Comments received and minutes of meetings are available in the public record of this rulemaking.

2. Contents of the Rule

A. Summary

This proposal consists of a rule with a reporting form. The proposal contains two phases of reporting. First, manufacturers and importers of specified chemical substances would be required to answer general questions concerning production, use, and methods of processing with regard to those chemicals, including use of the chemicals by their customers. Second, if manufacturers or importers have been unable to report customer uses, their customers may be required to submit this information to EPA. This subsequent customer reporting would not be required unless the aggregated data from the initial reports on a particular chemical are insufficient for evaluation.

B. Chemicals Subject to the Rule

This proposed rule would apply to the approximately 2300 chemical substances listed in section 712.18(a). (Chemicals are listed in order by Chemical Abstracts Service Registry numbers. An alphabetical listing of chemical names is available from the Industry Assistance Office.) Categories of chemicals as well as distinct compounds are included. These chemicals were chosen for the purpose of screening and ranking to find those deserving further investigation. (This ranking procedure is discussed under item 4 of this preamble.) These chemicals are ones for which there are reasons to believe there is or may be significant toxicity or significant exposure. The following sources were used to select these chemicals:

(1) One source is a master list of chemicals that was generated by the Interagency Testing Committee (ITC) established under TSCA section 4(e). (See the "Initial Report to the Administrator, Environmental Protection Agency", TSCA Interagency Testing Committee, 42 FR 55026–55080, for a description of the master list and the scoring methodology used by the ITC.) This list is composed of chemicals that have been listed by various Federal agencies as being of concern. Many chemicals on the list have been scored for exposure potential by the ITC's contractor, but some chemicals could not be scored because no use and exposure data were available. Approximately 300 of these chemicals are on the inventory of chemicals in commerce compiled in accordance with section 8(b) of TSCA (see 40 CFR 710; 42 FR 64572; also 44 FR 28558). These 300 are included in this rule.

(2) Some chemicals on the ITC master list for which there is some minimal use and exposure data were scored by the ITC for biological activity. Those chemicals with resulting high known or suspected toxicity that are also on the inventory are included in this rule.

(3) Approximately 1500 chemicals were taken from a list of chemicals with relatively high production volumes reported for the inventory. Their high production raises the possibility of significant exposures. If a chemical's exposure proves to be significant, EPA will attempt to evaluate its toxicity. If the toxicity is high, the chemical will be given high priority for further action. If the toxicity is unknown, the chemical may be considered for testing. However, if substantial evidence shows the chemical is not significantly toxic, it will be dropped from consideration.

As a further selection criterion for these three groups of chemicals, each chemical for which data appeared in *both* the "Chemical Economics Handbook" of the Stanford Research Institute and the "National Occupational Hazard Survey" (NOHS) conducted by the National Institute for Occupational Safety and Health (NIOSH) was eliminated. The Agency recognizes that data from these two sources are generally less detailed than those required under this rule. However, appearance of data in both sources is an indicator of the probable availability of adequate data in the various types of literature for preliminary exposure ranking. An additional survey of other sources will be conducted to ensure that EPA does not require duplicative reporting of available information. The Agency will also consider eliminating those chemicals with substantial evidence of extremely low toxicity. If commenters wish to eliminate chemicals on this basis, they must provide comprehensive complete toxicity data.[1] As a result of these reviews and consideration of public comments the Agency will probably delete some of the proposed chemicals from the final rule.

Chemicals with undefined or variable composition and polymers are not included in the rule. Polymers were not included because it is the residual monomers and additives (or possibly degradation products) that are usually of concern and these would be individually treated in this or subsequent rules. Undefined or variable composition compounds (e.g., cellulose derivatives, refinery streams) or compounds that are otherwise not well-characterized are not included because the assessment of such complex materials requires more specific information than that which will be obtained under this rule. EPA intends to review these complex chemicals further and may include them in later rules.

(4) The other group of chemicals in the rule includes chemicals which are of concern to the Agency as a result of incomplete preliminary assessments and for which sufficient information for completion of those assessments is lacking. These chemicals include chemicals for which partial assessment documents have been written, chemicals reported under section 8(e) of TSCA (substantial risk notification see 43 FR 11110), substitutes for polybrominated biphenyls (PBB's), and certain chemicals being considered for possible recommendations for testing under TSCA section 4 by the ITC, for which that committee has requested the Agency's assistance in obtaining exposure-related data. (See the rulemaking record for support documents under the title "Chemical Source Lists" for further information.)

(5) EPA proposes to include in this rule the chemicals designated by the

[1] The Agency considers the following kinds of studies to be necessary to review independent of one another for evidence of extremely low toxicity: chronic effects studies, long term oncogenicity, mutagenicity, teratogenicity and reproductive effects studies, as well as environmental fate and persistence data and environmental effects studies. Data showing no or extremely low effects must have been generated according to acceptable study protocols.

Interagency Testing Committee for priority testing under section 4 of TSCA. The information obtained under this rule is expected to be useful in making decisions about whether to test chemicals recommended by the ITC and in developing appropriate support documents. To the extent that EPA already has or expects to obtain much of this information through other means (as is the case for certain of the ITC chemicals) or determines that acquisition of such data does not appear to be necessary for section 4(a) purposes, EPA will delete those substances from the list in the final rule.

EPA may also decide to seek further information for some of the ITC chemicals. A decision about how best to integrate the ITC chemicals into the section 8(a) process will be based on comments received during this rulemaking and section 4(a) proceedings, EPA's experience with developing test rules, and its experience with information received under statutory authority and by voluntary means. (See the rulemaking record in this proceeding, documents titled "Chemical Source Lists," for further information).

The Agency requests comments concerning whether there is a source of adequate use and exposure data for any of these chemicals of which the Agency may be unaware. The Agency will consider elimination of chemicals proposed in this notice. The Agency encourages voluntary submission of the kinds of data requested in the proposed rule.

Additional chemicals may be recommended in comments. However, the Agency will reserve them for future amendment of the rule to allow public comment on the inclusion of such chemicals. In addition, the selection criteria used to compile the proposed list of chemicals may be changed in later iterations of this rule. In particular, the method of screening out chemicals for which adequate exposure-related information is likely to be available through existing data bases and studies may be revised based on comments received on this proposal.

C. Who Must Report

The proposed rule would require the manufacturers, including importers, of the chemicals listed in section 712.18(a) to complete and submit the proposed EPA form (see Appendix I of the proposed rule) within 60 days of the effective date of the rule. The direct customers of manufacturers would be subject to subsequent reporting of the information requested in Part B of the form, but only if manufacturers cannot supply sufficient information. The customers required to report would be processors or manufacturers. Persons who mine chemical substances are manufacturers and are subject to initial reporting. Customers could include repackagers, persons who incorporate chemical substances into mixtures or articles, and persons who react chemical substances.

The following manufacturers and importers would be excluded from the initial requirement to submit the form. Each proposed exclusion will be reconsidered in response to public comment. The final rule may include some persons covered by the proposed exclusions. Therefore, commenters should address these exclusions with this possibility in mind.

(1) *Those who manufacture or import the substance solely for research and development purposes.* The exclusion of the relatively small quantities involved in research and development should not significantly affect the aggregate exposure scores for a chemical. In addition, since research and development is periodic and relatively short-term in many cases, we do not expect a significant effect on scores. (Test-marketing is not considered part of research and development.)

(2) *Small manufacturers and importers.* (See section 7 of this preamble, "Small Manufacturers and Processors".)

(3) *Those who manufacture or import the substance as an impurity.* Information on chemical substances as impurities is considered to be more appropriate for reporting under later rules after investigatory efforts are focused more narrowly on fewer selected chemicals. The Agency believes reporting on impurities at this stage would be an unnecessary burden on persons reporting since they would have to perform qualitative and quantitative analyses of impurities before they could report. On balance, this burden seems more appropriate for later, more detailed rules.

(4) *Those who import the substance as a component of articles* (e.g., plastic, coated, or dyed articles). According to comments received in previous rulemakings, importers are not necessarily aware of the chemical components of the articles they import. (See Inventory Reporting Requirements, 42 FR 39185 and 42 FR 53805). The Agency does not think it is necessary for the purposes of this rule to ascertain this information.

(5) *Those who manufacture the substance as a non-isolated intermediate.* Non-isolated intermediates, by definition, have little or no exposure potential since they remain in the reaction vessel and are thus proposed to be excluded from priority consideration.

(6) *Those who manufacture the substance solely as a byproduct of manufacture of another substance(s) and do not use or sell it.* Chemicals chosen for this rule will primarily be ones that are on the inventory of chemicals in commerce, and that therefore, presumably, have a market. It seems likely that an effort would be made to recover and use these chemicals if they are made in any significant quantities. (If recovered and used, they would be reportable.) Moreover, it is sometimes the case that the distinct chemical composition of waste streams is not known. Information on byproducts from EPA's Office of Water and Waste Management programs will be used as necessary for preliminary assessments. The agency is also considering an alternative whereby persons would identify significant quantities of a chemical that are produced as a byproduct. Under this alternative, the only persons covered by the byproduct exclusion would be those who make *less* than a certain quantity of byproduct; e.g., that quantity could be 100,000 pounds, 10,000 pounds, or some other figure.

(7) *Manufacturers and importers of mixtures.* Unless they also manufacture the chemical substance(s) they mix, mixture manufacturers are only subject to subsequent customer reporting. Further, this subsequent report would not be required if their activities are adequately described by the manufacturers of the chemical substance(s) in the initial reporting under the rule. Manufacturers of mixtures are processors of the chemical substances they mix. (A person may both manufacture a chemical substance and formulate a mixture containing that substance; in which case, he would be subject to the initial reporting requirement.)

While this rule is not directed to information about mixtures *per se,* it will under the customer reporting requirements (see section 3 of the preamble) require submission of information by persons who manufacture or process mixtures. To the extent that information is required from such persons, such information will be necessary to establish exposure and use information that will aid the Administrator in invoking the provisions of TSCA. Accordingly, the Administrator finds that it is necessary for effective enforcement of TSCA to

obtain limited information on mixtures under this rule.

Importers of mixtures, on the other hand, will not have their activities described since their suppliers are foreign. By excluding mixture importers the Agency may not discover possibly significant quantities of a chemical that are coming into the country as part of a mixture. One remedy is to have initial reporting by mixture importers, which would involve requiring them to find out the identity of ingredients of mixtures imported. Do importers know the composition of the mixtures they import? If not, is this information reasonably ascertainable? The Agency solicits comment on the significances of the quantities of chemicals imported as mixtures. (Chemicals imported in bulk are subject to the proposed rule.)

In general, having the persons listed above report initially would result in a burdent that may not be justified for the purposes of this rule. Information that might be provided by those excluded can be obtained as needed either through customer reports under this rule or, for fewer chemicals, under subsequent section 8 rules. Since the purpose of the rule is to identify chemicals with major exposure potentials, the Agency believes the general information that can be provided by primary manufacturers and importers and a few selected customers will be sufficient. Commenters should address this view when commenting on the exclusions. For chemicals that might indirectly present exposure risks (e.g., via impurity contamination or as components of articles) additional, more detailed information will be obtained under the General and Detailed Assessment Information Rules—after a significant suspicion of toxicity hazards has been identified.

The Agency requests comments on the appropriateness of the proposed exclusions.

D. Content of the Reporting Form

The proposed form would require reports of the quantities of a chemical that are being handled in various ways by both industrial workers and the general population. It would also indicate how much of the chemical is released to the environment. For details of the form, see "Preliminary Assessment Information Report", with instructions, which appears in Appendix I.

Form Part A: Manufacturers' Activities

Part A of the form requires the chemical manufacturing company to answer questions describing its methods of manufacturing and its own uses of the reported chemical after manufacture. The parent company is to report the data on one form for all plant sites it owns or controls. The parent company owns or controls another company if the parent owns or controls 50% or more of the other company's voting stock. Companies must report how much of the chemical was made and how much was lost to the environment for the previous calendar year. Respondents must identify the general manufacturing process types employed (open, controlled release, or enclosed), the number of workers involved, how much of the chemical was used and over what period of time. The headquarters or parent company then must report on its own plants' and subsidiaries' uses in three broad categories of use: (1) "Use as a Reactant", where the chemical is reacted and therefore no longer exists as such; (2) "Use Other Than as a Reactant", where the chemical is not changed; and (3) "Consumer Products", where the company also produces a consumer product containing the chemical.[2] The Agency requests comments on whether reporting should be by headquarters, as proposed, or by individual plant sites.

In question 4, the form asks the manfacturer to identify by process type the total quantity of the chemical manufactured, the number of workers and the length of time they work with the chemical. So that total worker exposure at manufacturing plant sites is not underestimated, the submitter should report *total* chemical production, regardless of its ultimate use. All other questions refer only to chemical production regulable under TSCA. (See the discussion under section 4, part D "Information on Non-TSCA Uses".)

For use in consumer products, question 7, persons must identify the type of exposure potential possible to the consumer simply by describing the chemical as being part of an article that does or does not release the chemical during normal use, or as being a substance or a mixture that is itself used by the consumer. This section also asks how much of the chemical the manufacturer sells to persons who only distribute the chemical. Use of the chemical by customers is to be reported under Part B.

Form Part B: Use of the Chemical by Others

In many cases a manufacturer or importer sells a chemical to another company that, in turn, manufactures another chemical substance, makes a mixture, or otherwise prepares a substance for distribution. In Part B of the form manufacturers are to report on their customers' use of the chemical. Manufacturers are asked to specify how much of the chemical is reacted or not reacted by the customers, what process types they use, and how much of the chemical is incorporated into articles. Manufacturers are also asked if their customers incorporate the chemical into consumer products and, if so, how much goes into articles or is used directly by consumers.

Question 12 asks for the quantity of the chemical that is exported in bulk. This quantity subtracted from the total production will aid in estimating the amount of the chemical that is used in the United States that may be released in this country. The Agency has explored other sources for this information in developing regulations under TSCA section 12, notice of exportation (see proposed rule, 44 FR 56857). While the Census Bureau does monitor exports, this information is not chemical-specific (i.e., figures are kept on broad categories of chemicals).

E. Reporting Schedule and Procedure

The proposed rule contains two rounds of reporting: (1) initial reports on the form by manufacturers and importers of specified chemicals and (2) subsequent reports for Part B of the form by certain customers of those initial respondents.

The proposal requires manufacturers and importers to maintain records of their customers. The records of customers using a particular chemical would be submitted to the EPA if, after aggregation and evaluation of the forms received in the initial reporting, the Agency determines that the manufacturer reported significant quantities of customers use or exposure as "unknown". The records then would be used to identify the customers who must report under the subsequent reporting requirement. EPA would contact the customers by letter instructing them to supply the information in Part B of the form. Customers would be subject to this reporting for a period of two years after the effective date of the rule.

Customers who may have to report will be the immediate customers of the manufacturers or importers filing initial reports. Such customers could include makers of mixtures, other chemical substances, and articles, and repackagers. The Agency has authority to require subsequent reports from chemical manufacturers and processors

[2]Note: The "use" to which a manufacturer or a manufacturer's customer puts a chemical may technically be described as "processing" as defined in section 3 of TSCA.

further down the commercial chain, e.g., from the customers of the mixture maker or repackager. However, this could require a very large number of time-consuming rounds of reports, letters for customer lists, and letters to the appropriate customers. The issue of who should report is discussed more fully in section 3 of this preamble.

F. Customer Lists

As described above, manufacturers and importers must maintain customer records for a period of two years. EPA could, under the rule, send a certified letter to a company requiring submission of a list of customers for which that company did not report uses or exposures (the complete customer records would also be subject to inspection under section 11 of TSCA). EPA would use this list to decide which customers should submit subsequent reports. Submission of customer lists would be required only when significant quantities for customer activities were reported as unknown in the initial manufacturer reports and the toxicity of the chemical is either significant or unknown. The amount of this unknown information would also have to be great enough to make it impracticable to complete evaluation of the chemical.

Section 712.18(b) of the rule is reserved for a separate list of chemicals for which customer lists would be submitted at the same time as the form. At present EPA has not identified any chemicals for this list. However, in the future, chemicals for which immediate customer identification is necessary may be proposed. The Agency will propose for comment the chemical substances for which customer lists are to be submitted immediately and the reasons they are needed.

Industry comments have expressed much concern over providing customer lists to EPA because of their competitive value. However, EPA will safeguard any information determined to be confidential business information as provided in 40 CFR Part 2, as amended on September 8, 1978 (43 FR 39997) and March 23, 1979 (44 FR 17673).

The Agency is also considering the alternative of a general requirement for all customers to report for those chemicals whose uses are unknown to their manufacturers. As described above, the Agency would review the manufacturers' forms and would identify chemicals where significant quantities were reported as unknown with respect to customer uses. OPTS would then issue, under this rule, a Federal Register notice that would be effective without further comment for those chemicals. The requirement would state that all persons who purchase any one of the specified chemical substances from its manufacturer must report the use information for Part B of the form. This alternative, because it would not be as selective as the proposed contact of listed customers, would increase the number of customers who have to report; however, it would avoid the problem of submission of sensitive customer lists to EPA. One difficulty may be that some customers who buy tradename products would not know they are subject to reporting, unless specifically notified by the manufacturer or EPA.

3. Issues and Comments Received on the Reporting of Uses and Exposures

A. Knowledge of Customers' Uses

The Advance Notice of Proposed Rulemaking requested comments on the sufficiency of manufacturers' and importers' knowledge of their customers' uses and methods of processing. Most industry commenters said that only their customers would have specific use information. Many industry commenters said they would not have exposure-related information for their customers. Nonetheless, many also agreed that manufacturers do know general information of the kind appearing in this proposed rule. This knowledge could be significantly limited, they said, depending on the following factors:

(1) Production volume—Large volume manufacturers can identify the major uses for the chemical which account for a large percentage of their production, but may not know minor uses.

(2) Use of distributors—If the manufacturer sells to a distributor, he may or may not know the chemical's uses.

(3) Specialty chemicals and proprietary products—Uses of specialty chemicals may be proprietary and may not be revealed to a manufacturer since he is a potential competitor.

For (1) and (3), where manufacturers do not know their customers' uses, EPA will contact the customers as needed. For sale to distributors, however, under section 8(a) of TSCA, the Agency cannot require reports from distributors. The proposal does include a provision to report how much was sold to distributors and to record them as customers. EPA could then request the distributors to voluntarily supply information. If significant quantities are sold to distributors and information is not given voluntarily, it may be necessary to require reports under another rulemaking from all processors who buy from distributors.

One of the points made by industry commenters was that they do not generally know exposure related information for their customers' plant sites or products. The form does not directly ask manufacturers to describe exposure as such. Instead, it asks for the types of processes used by the customers and whether consumer articles or mixtures are made by them. EPA will then arrive at exposure potentials from this information. Some industry comments have indicated that this information is often known.

Perhaps the most significant issue raised by industry representatives is that while a company knows how its customers use a chemical, such information may be subject to formal or informal agreements to keep the information confidential. EPA has the authority to obtain such information insofar as it is known or reasonably ascertainable, regardless of any secrecy agreements. However, this rule does not propose requiring reporting of this information for the following reasons: (1) for the most part, manufacturers can describe their customers' uses in the general categories provided without revealing significant trade secrets and (2) the rule provides customers the opportunity to make and substantiate claims of confidentiality to EPA. The rule instead allows manufacturers to report uses and exposures that are either truly unknown or subject to secrecy agreements as "unknown". EPA would then have the option of obtaining a report, together with the confidentiality claims, directly from the customer.

In addition, the ANPR solicited comment on an importer's ability to answer questions on the form. Industry comments expressed the view that importers would have similar or slightly less information than manufacturers. One commenter suggested that only importers of chemicals not manufactured in the U.S. be required to report, rather than all importers, since the uses of those chemicals made in the U.S. would be described by domestic manufacturers. However, the proposal is intended to obtain quantitative data on chemical uses; therefore, it is important that importers supply volumes imported and indicate use information, which could be significant. In addition, importers may have different uses for chemicals than do customers of domestic manufacturers. However, the Agency again requests comments on the appropriateness of including importers.

B. Accuracy Required

Another point made by industry commenters is that they would be able

to provide *estimates* for quantities used in various ways, but that they could not supply very accurate data, especially about customer activities. This does not present a problem for the Agency since detailed information is not necessary for priority-setting and preliminary assessments. Therefore, the proposal prescribes that quantities be given within an accuracy of ±50% (e.g., 100,000 kg±50,000 kg). Several other alternatives are being considered. For example, there could be two standards of accuracy: (1) when reporting their own activities, companies would give quantities accurate to two significant figures, and (2) in describing customer activities, give values to ±50%. Another alternative being considered by the Agency is to allow companies to specify the level of accuracy they are best able to obtain for each estimate. Differences in accuracy could also be required for manufacturer versus customer information; e.g., ±20% for the former, ±50% for the latter. Any one of these alternatives may be adopted in the final rule. Commenters should consider this possibility when addressing this issue.

In addition, since estimates are acceptable, the proposal describes a minimum level of effort to obtain the requested data. Only information that is readily obtainable by a company's management and supervisory employees must be provided. Extensive file searches would not be required. Companies should be able to report by making a survey of production, technical services, and marketing managers and supervisors.

If the reporting company is not sufficiently certain that the actual values fall within the required accuracy, it should report the quantity as "unknown." EPA encourages good faith estimates; however, a certain level of accuracy must be maintained if the values are to be aggregated and compared. The Agency requests comments on whether manufacturers should be allowed to report "unknown" for questions concerning their own activities or only their customers' activities.

The Agency solicits comments on the accuracy of reporting required and on how the level of effort to obtain information should be delineated.

C. Subsequent Reports by Customers

As proposed, the rule would require reports from customers upon notification by certified letter from EPA. Customers would provide the information the manufacturers were unable to provide in Part B of EPA Form No. 7710–35. The Agency may use the same form or develop a slightly modified form for customer reports. Customers would only have to report information on their own activities. The required accuracy of reported quantities would be the same as it is for manufacturers making *initial* reports on their own activities. "Small" manufacturers and processors would not be subject to this requirement (see section 7, below, "Small Manufacturers and Processors"). This follow-up provision would only be used when significant quantities of the chemical are reported by all manufacturers under the "unknown" category. EPA has the authority to require all manufacturers and processors to report initially; however, this approach is proposed in an effort to reduce the reporting burden.

Some industry commenters have suggested that all customers be required to submit subsequent reports so that companies who have not had their activities described by manufacturers are not burdened more than those who have. However, the proposed rule was designed with an effort to minimize the overall reporting burden on industry; the result of universal follow-up would be to defeat this effort and to duplicate information that is reported by manufacturers.

The Agency solicits comment on whether all customers should be required to submit subsequent reports, whether sampling is possible, or whether only customers whose activities are unknown should report.

4. Issues and Comments on Reporting Information Under Section 8(a)

The Agency has received comment that it should obtain under this rule sufficient data to conduct complete risk assessments for as many chemicals as possible. While the Agency would prefer to have ready access to complete data on any chemical that may come to its attention, this is not practical or feasible. The Agency simply does not have the resources to examine in a relatively short period of time detailed data on large numbers of chemicals. EPA believes it is unnecessary to subject chemical manufacturers and processors to such a substantial reporting burden in order to supply EPA with information that will become significantly outdated before it can be reviewed. Because of this resource limitation and the burden on industry, OPTS has developed the assessment process and corresponding reporting rules described below.

A. OPTS Assessment Process

OPTS has developed a sequence of decision stages in the assessment of chemical substances. They begin with an initial screening of several thousand chemicals. This screening is based on factors such as high production volume, high exposure potential, toxicity, structural similarity to a toxic substance, and other indications that the chemical may be of concern. A few hundred of those chemicals are then selected for preliminary assessment. A Chemical Hazard Information Profile (CHIP) is written that briefly describes readily available information on a chemical's toxicity and exposure.

If, upon evaluation of the CHIP, OPTS decides the chemical deserves further investigation, the chemical enters the first indepth phase of assessment. In this next phase, extensive literature searches are conducted and information from other agencies and other sources is collected. OPTS produces a detailed analysis and validation of key effects and exposure data and identifies the most important effects and potential exposure sources for a chemical. Section 4 testing may be recommended at this stage.

This work is reviewed and a decision made whether to pass a chemical on to the next assessment phase. The purpose of this last pre-regulatory phase is to evaluate the risks associated with specific uses or other activities involving the chemical that are of possible regulatory interest. The results of this assessment are then used to decide whether and how a chemical should be regulated.

This process thus begins with a preliminary review of several thousand chemicals and progresses through increasingly detailed investigations of fewer and fewer chemicals until appropriate chemicals are recommended for regulation. As chemicals proceed through the OPTS assessment process, information is continually being collected and evaluated. This information comes from many sources: literature searches, contractor studies, TSCA section 4 testing, interagency information exchanges, and TSCA section 8 rules. This rule is the first in a set of three section 8(a) rules to aid the assessment process. To match the assessment process and to reduce the burdensome collection of information that may not be needed, this set of rules will obtain different levels of detailed information commensurate with the assessment phase a chemical substance is in. These rules are:

Preliminary Assessment Information Rule: designed to provide exposure-related information useful in selecting candidates for CHIPs and to supply such information for inclusion in the CHIP.

General Assessment Information Rule: designed to provide information for the first in-depth phase of

assessment. More detailed use, exposure, and toxicity information will be gathered.

Detailed Assessment Information Rule: designed for the detailed questions that must be addressed in identifying what regulatory controls are needed for individual chemicals.

The latter two rules will be developed over the next several months. Certain of the chemicals proposed for this rule, such as those designated by the ITC for priority TSCA section 4 testing, may be covered as well by these later rules or special rules for ITC chemicals. Because the risk assessment process for these chemicals proceeds in a somewhat different sequence, future rules may have to be tailored more closely to the ITC chemicals. An advance notice of proposed rulemaking will be published soon to request comment on development of these rules.

It is important to note that a chemical need not proceed through each section 8(a) rule prior to regulation. Other information sources will be utilized. In fact, several chemicals already have sufficient information to place them in the later phases of assessment.

This systematic screening process should identify and accumulate sufficient information on chemicals in need of priority attention. Other toxic substances that may be missed by this process will be identified through TSCA section 8(e) notices of substantial risk, citizens' petition under TSCA section 21, allegations of significant adverse reactions collected under TSCA section 8(c), and other information available to the Agency.

B. Preliminary Assessment Process

EPA has determined that it should obtain broad use-exposure data for purposes of this rule for several reasons. First, finer details would be lost and unnecessary in the process of setting relative priorities among a few thousand chemicals. Second, it is more likely that manufacturers will more accurately be able to describe their customers' activities by such categories. Third, these broad categories should obviate most problems of revealing customer trade secrets. Fourth, in developing the form, the Agency found that the alternative to this simple set of categories is a significantly more complex system. For example, in an effort to describe the possible uses of chemicals the Agency had developed a list of several thousand function and application terms ("Chemical Use List", 43 FR 32222). These in turn would have to be related to a measure of exposure for each use. Not only is such detail unnecessary for preliminary assessment, it would be highly resource intensive for both EPA and industry given the large number of chemicals involved. Such an exercise is more appropriate for the later section 8(a) rules that concentrate on fewer chemicals. The Agency thinks the proposed form will obtain valuable information for both priority-setting and preliminary assessment.

Information for this rule, along with other relevant exposure information will be fed into a system for scoring exposure-related factors. The results of the scoring process will be a list of chemicals ranked according to exposure potential.

The scoring system will be a modification of the TSCA Interagency Testing Committee methodology (42 FR 55026–55080). A contract will be awarded to develop and implement this system. The scoring system will address three basic modes of exposure:

(1) Occupational exposure.

(2) General population exposure, i.e., exposure due to the presence of the chemical in the ambient environment. An assessment of general population exposure includes a consideration of all organisms at risk.

(3) Consumer exposure, i.e., exposure to humans which results from the use of a consumer product which contains the chemical.

Questions 1–12 in the Preliminary Assessment Information Report Form (EPA Form No. 7710–35) are each relevant to an assessment of at least one mode of exposure. These information items are discussed below.

Data on total quantities imported and manufactured for sale or use (form questions 1 and 2) can be used for rough estimates of occupational and general population exposure. These data are also necessary so that other data elements on the form can be verified by materials balance calculations.

Data on quantities manufactured but not recovered, i.e., fugitive emissions, presence in treated wastes (form questions 3a, b, and c) provide estimates of environmental release. These data are useful for an assessment of general population exposure.

Information concerning process types and the number of workers involved in manufacture and industrial use (form questions 4, 5, 6, and 9) relates primarily to an assessment of occupational exposure. The information on process types can also be used for environmental release estimates. This information is thus useful for assessments of general population exposure.

Information concerning the use of a chemical in consumer products (form questions 7, 10, and 11) is related primarily to potential consumer exposure. It also provides some information relevant to environmental release and can be used in estimating general population exposure.

Information concerning the quantities of a chemical exported (form question 12) relates to a determination of the priority OPTS should give to committing resources to study the chemical further.

The utility of preliminary assessment data is not limited to their input to an exposure scoring system. Individual data elements will at times be very helpful to both selection of chemicals for CHIP preparation and the CHIP report itself. For example, if a chemical causes severe toxic effects and preliminary assessment indicates its presence in consumer products, this information may trigger a CHIP report, regardless of the chemical's overall exposure score. This data will also be incorporated in CHIP reports, since this type of information is not usually available from published sources.

C. Alternatives to Reporting

The Agency requested comments in the ANPR on alternatives to required reporting. Most commenters suggested searching trade journals and other literature sources, such as Stanford Research Institute's "Chemical Economics Handbook" or National Institute for Occupational Safety and Health Criteria Documents. Indeed, the "Handbook" was used and other agencies will be surveyed. However, as commenters noted, much information is confidential and so not available in public sources. in addition, one commenter noted that uses cited in the literature can be misleading in that such uses may not be commercially significant. The Agency's experience is that there rarely is quantitative data on uses. More often there is only a listing of possible uses. Some comments suggested the use of appropriate trade associations; but as one industry commenter pointed out, the volume of data that is involved in surveying over 2000 chemicals is beyond their capabilities. Other comments noted that there are no public sources of exposure information.

One suggestion offered in the ANPR was for the Agency to present a presumptive exposure evaluation which companies could then refute. One commenter stated this could unjustly condemn a chemical in the public's mind regardless of the information eventually accumulated. Further, for the most part, the chemicals in this rule are ones for which there is little or no exposure information on which to base such a presumption.

The Agency will continue its review of the chemicals proposed for this rule. Literature surveys, interagency queries, and comments to this proposal will be reviewed to determine whether there is already available sufficient information for this stage of the assessment process. This review will likely result in the elimination of some chemicals from the proposed list.

Commenters also suggested applying this rule to a smaller number of chemicals, both in consideration of the burden of reporting and of the expected need to modify a new major reporting program. The Agency thinks the long length of time necessary to undergo rulemaking would unnecessarily delay the receipt of important information needed for the implementation of TSCA. Further, without addressing a large number of chemicals it would not be possible to identify a fair sample of chemicals in need of investigation. In addition, it is hoped that through numerous discussions and public comment the final form will be made to work well.

D. Information on Non-TSCA Uses

TSCA gives EPA regulatory authority over "chemical substances" and "mixtures." Section 3(2)(B) of TSCA excludes several types of chemicals from the definition of the term "chemical substance." Among these exclusions are the following:

(ii) any pesticide (as defined in the Federal Insecticide, Fungicide and Rodenticide Act [FIFRA]) when manufactured, processed, or distributed in commerce for use as a pesticide,

* * *.

(vi) any food, food additive, drug, cosmetic, or device (as such terms are defined in section 201 of the Federal Food, Drug and Cosmetic Act [FFDCA]) when manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic or device.

Many chemicals subject to regulation under FIFRA or the FFDCA, however, are also used as chemical substances which may be regulated under TSCA. Part of a company's production or use may be subject to TSCA and part subject to regulation under the other authorities. For EPA's interpretation on when the different statutes are applicable in specific circumstances see 42 FR 64585–86 (1977) and 43 FR 11115–16 (1978).

On question 4 of EPA Form No. 7710–35 the Agency proposes to require a manufacturer to report the total quantity of the chemical he manufactures (including quantities not regulable under TSCA) and to report information on the number of people who work with the chemical and for how long. EPA requests total chemical production information in order to insure that the worker exposure to the chemical is not underestimated. The risk of worker exposure is independent of the statutory authority under which the chemical may be regulated.

EPA believes it has the authority to obtain information on the total quantity of chemical produced by a manufacturer even though some of that production is beyond EPA's regulatory authority. Section 8(a) authorizes EPA to obtain from chemical manufacturers such information as the Agency may "reasonably require". In the very limited circumstances of this rule it is reasonable for EPA to require information on total chemical production in order to properly assess worker exposure and set priorities. Further, persons required to report will experience a negligible incremental burden in reporting total chemical production as opposed to only TSCA production.

EPA realizes that its position on this issue may be controversial and the Agency especially solicits comments on the authority it is asserting to obtain limited production data on non-TSCA chemicals that are also regulable under TSCA. EPA also solicits suggestions on methods to properly assess worker exposure without obtaining data on total production of the chemical to which the worker may be exposed. Note that section 8(a)(2) of TSCA specifically states that EPA may obtain data on the number of workers exposed to a chemical substance and duration of such exposure. The Agency believes that worker exposure to a particular chemical stream cannot reasonably be separated into the exposure to the TSCA and non-TSCA regulable proportions.

5. Confidentiality

Most of the information reported on EPA Form No. 7710–35 may be claimed as confidential. If customer lists are requested, a provision for claiming them confidential will be included in the requesting letter. Specific chemical identity could only be claimed if it was claimed confidential in submitting a "Chemical Substance Inventory Report" under 40 CFR 710 or a premanufacture notice under TSCA section 5. To protect the link between a specific chemical and the manufacturer, or the link between the manufacturer and his activities, the manufacturer's identity could be claimed as confidential. Production volume may be claimed confidential. However, the Agency requests comments on whether the final rule should not permit claims of confidentiality for use and process categories. It may be argued that, since the categories are so broad and general, confidentiality would not be a problem.

The final form will include boxes to be checked for all claims of confidentiality. Such claims will require substantiation. Appendix II of this notice contains a proposed scheme for substantiating claims. A box would be provided for each item of information, with substantiation to be provided by category of information. Alternatively, substantiation could be required on an item-by-item basis. The Agency solicits suggestions for mechanisms for making confidentiality claims on the form and submitting substantiations.

6. Definitions

Most of the definitions in this proposal are taken, some with minor and nonsubstantive modifications, from the Inventory Reporting Regulations, 40 CFR 710.2, the proposed Premanufacture Notification Rule, 44 FR 2264, and the proposed Health and Safety Study Reporting Rule, 44 FR 77470.

7. Small Manufacturers and Processors

Section 8(a)(3) requires the Administrator to prescribe, by rule, standards for determining who may qualify as a small manufacturer or processor. Such small businesses are then exempt from section 8(a) rule requirements, unless the chemical substance manufactured or processed is subject to certain proposed or final actions by the Agency, including section 4 test rules. It is possible that some of the chemicals proposed for this rule will be subject to proposed test rules under TSCA section 4 when this rule is promulgated. In that case, small manufacturers and processors *would* be subject to reporting for those chemicals. The following small business exclusion is proposed for this rule:

No manufacturing or processing company must report for a chemical substance if:

(1) its total sales for all products at all sites together are less than $30 million for the reportable year, AND

(2) its production volume at each site for the chemical reported was less than 100,000 pounds (45,400 kilograms) for the reportable year.

The reportable year is 1979 for these proposed chemicals. Figures would be based on activities at all of the plant sites controlled or owned by the reporting parent company. The parent company owns or controls another company if the parent owns or controls 50% or more of the other company's voting stock.

The Agency has done an economic analysis for this proposed rule using the reports from the Inventory Reporting Regulation (40 CFR 710) and Dun and Bradstreet data to estimate production and sales. The support document entitled "Economic Impact Analysis" is the source for the following figures.

The above criteria would eliminate approximately 9.5% of the companies that manufacture the chemicals subject to this proposal. Only 10% of the reports that could be submitted by all manufacturers for each chemical would be excluded. Given an estimated average of 5 chemicals per company, companies with sales less than $30 million could be subject to costs of approximately $2,600. This cost would only be incurred if production were greater than 100,000 lbs. for the reportable chemical. The Agency proposes that this quantity is significant in its possible exposure implications and therefore is justified. The savings to small companies amounts to about $580,000 altogether.

The Agency will consider comments on raising or lowering the sales or volume cut-offs of the proposed small business exclusion. One important consideration is that the cost to an individual small company could be great. This is particularly so with the requirement to report if production is greater than 100,000 lbs., since many companies that are "small" by virtue of their sales volume are not small with respect to their production volume. Indeed, as many as two thirds of the companies with sales under $30 million may not qualify as small because of the 100,000 lb. cut-off.

An alternative approach, that would relieve the burden on very small companies, is to totally exclude any company below a set sales value, regardless of production volume. Such a standard would be as:

(1) No company with total business sales below $x must report, and

(2) No company with total sales between $x and 30 million and that made *less* than 100,000 pounds of a reportable chemical substance at each site must report on that chemical.

If x were equal to $1 million, about 16% of the companies that manufacture the chemicals subject to this rule would be eliminated, with a loss of 13% of total possible reports and a savings to small companies of about $740,000. If x were $3 million, 24% of the total firms would be eliminated and 16% of the total reports would be lost and small companies would save about $1,040,000.

This second approach, while affecting a small percentage of possible reports, could eliminate significant information on uses peculiar to these smaller companies. The agency requests comments on whether the volumes and the uses of the chemicals manufactured by such small companies are apt to differ from those of larger companies. If a significant number of chemicals are made only by "small" companies as defined in this proposal it may be necessary to lower the sales and/or offer volume cut-offs.

The economic impact of this proposal is discussed generally in the next section of this preamble. The total cost of the rule does not vary greatly with changes in the sales cut-off since most of the reports will be completed by larger companies (primarily those greater than $100 million in sales) and since most of the chemicals are produced in large quantities.

The small business definition proposed for this rule has a relatively large sales cut-off of $30 million. This compares with previous definitions under TSCA rules of $5 million and $1 million (Inventory Reporting Regulations, 40 CFR 710.2(x), and proposed Premanufacture Notification Requirements, 44 FR 2277). The Agency proposes that, since the information is to be gathered for preliminary evaluations, rather than for detailed risk assessments, it is appropriate to exclude a relatively large portion of smaller firms. However, in later rules under section 8(a), e.g., the General and Detailed Assessment Information rules described above, that will apply to a fewer number of chemicals that are under scrutiny for possible control regulations, it will be necessary to obtain as complete a body of information as possible. Therefore, the definition of "small" will probably have a lower dollar value for those rules.

The Agency solicits comments on the various approaches to excluding small businesses from reporting requirements under this rule. Comments should include data on the impact on small companies and the likelihood that they have significant information for the Agency.

8. Economic Impact

A complete analysis of the economic impact of this proposed rule is included in the public record under the title, "Economic Impact Analysis". Copies may be requested. This section summarizes that analysis.

Approximately 1200 companies will be subject to the initial manufacturer report on the chemicals listed in the proposal. Based on the average of the number of reports (chemicals) per company and the small business exclusion discussed above, the total cost of the initial report would be $6 million. The cost to any one firm is dependent on the number of listed chemicals it manufactures. This number ranges from 1 to 300, with the estimated mean at about 5. Cost estimates are based on a $480 fixed cost per company and $420 variable cost per chemical.

Since the Agency does not know the extent to which manufacturers will be able to supply customer information, it is difficult to estimate the total cost of subsequent reporting by customers. The cost to a customer for filling in information for part B of the form should be much less than the cost of the manufacturer report since less information is involved (approximately $210 per processor). If the Agency follows up on 50 to 100 manufacturers, with 10 customers per manufacturer, the cost of customer follow-up would be about $105,000 to $210,000.

These costs could change significantly if comments to this notice result in changes for the final rule. If the accuracy required in reporting is increased or the kinds of companies that must report are expanded, the cost of the final rule could be much higher. For example:

(1) If the accuracy of reporting is changed to requiring two significant figures for manufacturer reports, the variable cost of filling in the form for one chemical could change from $420 to $1020.

(2) If persons who manufacture the chemical as a byproduct or impurity are included, the number of respondents would increase greatly. This would be affected by any applicable minimum volume cut-off. The larger the cut-off, the fewer the number of respondents.

(3) If processors were included in the initial report, the number of persons subject to the rule would increase at least 10-fold as there are at least 10 processors per chemical and probably more for the high volume chemicals; the cost would also increase significantly.

The Agency solicits comments on the economic impact of the proposed rule and on the impact of any of the alternatives mentioned in this preamble.

EPA has determined that this document does not constitute a major proposal requiring preparation of a Regulatory Analysis under Executive Order 12044.

9. Public Meetings

OPTS will arrange two or three public meetings in Washington, DC and elsewhere to discuss specific aspects of the proposal. These meetings will occur in the latter part of the public comment period.

If you have specific topics to suggest for discussion at such a meeting, please call the "For Further Information" number listed in the beginning of the preamble. The locations and times of the meetings will be announced in the Federal Register.

10. Rulemaking Record

The following documents constitute the administrative record for this rule (docket number OTS 082004). All documents are available to the public in the OPTS Reading Room, 8:00 a.m. to 4:00 p.m. weekdays. (Room 447, East Tower, 401 M Street, SW, Washington, DC 20460.) This record includes basic information considered by the Agency in developing the proposed rule. The Agency will supplement the record with additional information as it is received. The record includes the following categories of information:

(1) The Advance Notice for Proposed Rulemaking (44 FR 37517).

(2) Comments received on the Advance Notice.

(3) TSCA Interagency Testing Committee "Initial Report to the Administrator, Environmental Protection Agency" (42 FR 55026–55080).

(4) "Chemical Use List" (43 FR 32222).

(5) Comments received on the "Chemical Use List" referenced under the document control number OTS–010001.

(6) Drafts of the proposed rule and form that have been made public and comments received on them.

(7) Records of all communications and meetings between EPA personnel and persons outside the Agency pertaining to the development of this rule. [This does not include any inter- or intra-agency memoranda unless specifically noted in the index of the rulemaking record.]

(8) "Chemical Source List". This describes the sources and the criteria used to select chemicals for this rule.

(9) Economic Impact Analysis and references.

(10) Any factual information considered by the Agency in developing this rule.

(11) Comments received on this notice.

EPA will identify the complete rulemaking record on or before the date of promulgation of the regulation, as prescribed by section 19(a)(3) of TSCA, and will accept additional material for inclusion in the record at any time between this notice and that designation. The final rule will also permit persons to point out any errors or omissions in the record.

(Section 8(a) of the Toxic Substances Control Act, Pub. L. 94–469 (15 U.S.C. 2607).)

Dated: January 30, 1980.

Douglas Costle,

Administrator.

It is proposed to revise Part 712 of Chapter I of Title 40 as follows:

PART 712—GENERAL RECORDKEEPING AND REPORTING RULES

Subpart A—General

Sec.

712.1–712.9 [Reserved]

Subpart B—Preliminary Assessment Information

712.11 Scope and compliance.
712.12 Definitions.
712.13 Who must report.
712.14 Initial submission of forms: What must be reported.
712.15 Customer lists.
712.16 Confidentiality claims.
712.17 Reports by customers.
712.18 Chemical substances.
Appendix I: Form No. 7710–35, Preliminary Assessment Information Report; Instructions.
Appendix II: Substantiating Confidentiality Claims.

Authority: Section 8(a), Toxic Substances Control Act, Pub. L. 94–469 (90 Stat. 2003, 15 U.S.C. 2601 *et. seq.*).

§ 712.11 Scope and compliance.

(a) Under the general recordkeeping and reporting authority of section 8(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(a), this rule requires manufacturers of selected chemical substances to report production, use, and exposure information on listed chemical substances. These manufacturers are requested to report information on their own and customers' activities. Customers of the manufacturers of the selected substances may be required to report subsequently. These subsequent reports will be required when the manufacturers' responses are incomplete as to customers' activities.

(b) Subsection 15(3) of TSCA makes it unlawful for any person to fail or refuse to submit information required under this rule. Section 16 provides that a violation of section 15 renders a person liable to the United States for a civil penalty and possible criminal prosecution. Under section 17, the district courts of the United States have jurisdiction to restrain any violation of section 15.

§ 712.12 Definitions.

The definitions in section 3 of TSCA, 15 U.S.C. section 2602, apply for this rule. In addition, the following terms are defined:

(a) "Byproduct" means any chemical substance or mixture produced solely without separate commercial intent during the manufacture, processing, use, or disposal of another chemical substance(s) or mixture.

(b) "EPA" Means the U.S. Environmental Protection Agency.

(c) "Known to or reasonably ascertainable by" means all information in a person's possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know, or could obtain without unreasonable burden.

(d) "Importer" means anyone who imports any chemcial substance, in pure form or as part of a mixture or article, into the customs territory of the U.S. and includes:

(1) The person liable for the payment of any duties on the merchandise, or

(2) Any authorized agent on his behalf (as defined in 19 CFR 1.11). Importer also includes, as appropriate:

(i) The consignee;

(ii) The importer of record;

(iii) The actual owner if an actual owner's declaration and superseding bond has been filed in accordance with 19 CFR 141.20; or

(iv) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred in accordance with Subpart C of 19 CFR 144. For the purpose of this definition the customs territory of the U.S. consists of the 50 states, Puerto Rico, and District of Columbia.

(e) "Import in bulk form" means to import a chemical substance (other than as part of a mixture or article) in any quantity, in cans, bottles, drums, barrels, packages, tanks, bags, or other containers used for purposes of transportation or containment, if the chemical substance is intended to be removed from the container and the substance has an end use or commerical purpose separate from the container.

(f) "Impurity" means a chemical substance unintentionally present with another chemical substance or mixture.

(g) "Intermediate" means any chemical substance which is consumed, in whole or in part, in chemical reaction(s) used for the intentional manufacture of other chemical substances or mixture(s), or is intentionally present for the purpose of altering the rate of such chemical reaction(s).

(h) "Manufacture for commercial purposes" means to import, produce, or manufacture with the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer and include(s), among other things, such "manufacture" of any amount of a chemical substance or mixture,

(1) For commercial distribution, including for test marketing, and

(2) For use by the manufacturer, including use for product research and development, or as an intermediate. Manufacture for commercial purposes also applies to substances that are produced coincidentally during the manufacture, processing, use, or disposal of another substance or mixture, including both byproducts that are separated from that other substance or mixture and impurities that remain in that substance or mixture. Such byproducts and impurities may, or may not, in themselves have commercial value. They are nonetheless produced for the purpose of obtaining a commercial advantage since they are part of the manufacture of a chemical product for a commercial purpose.

(i) "Mixture" means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that "mixture" does include (1) any combination which occurs, in whole or in part, as a result of a chemical reaction if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined, and if all of the chemical substances comprising the combination are included in the EPA Chemical Substances Inventory after the effective date of the premanufacture notification requirement under 40 CFR 720, and (2) hydrates of a chemical substance or hydrated ions formed by association of a chemical substance with water. The term mixture includes alloys, inorganic glasses, ceramics, frits, and cements, including Portland cement.

(j) "Non-isolated intermediate" means any intermediate that is not intentionally removed from the equipment in which it is manufactured, including the reaction vessel in which it is manufactured, equipment which is ancillary to the reaction vessel, and any equipment through which the substance passes during a continuous flow process, but not including tanks or other vessels in which the substance is stored after its manufacture.

(k) "Owned or controlled by the parent company" means the parent owns or controls 50% or more of the other company's voting stock.

(l) "Person" means any natural person, firm, company, corporation, joint venture, partnership, sole proprietorship, association, or any other business entity, any State or political subdivision thereof, any municipality, any interstate body, and any department, agency, or instrumentality of the Federal Government.

(m) "Process for commercial purposes" means the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce with the purpose of obtaining an immediate or eventual commercial advantage for the processor. Processing of any amount of a chemical substance or mixture is included. If a chemical or mixture containing impurities is processed for commercial purposes, then those impurities are also processed for commercial purposes.

(n) "Site" means a contiguous property unit. Property divided only by a public right-of-way shall be considered one site. There may be more than one manufacturing plant on a single site.

(o) "Test marketing" means distributing in commerce a limited amount of a chemical substance or mixture, or article containing such substance or mixture, to a defined number of potential customers, during a predetermined testing period, to explore market capability prior to broader distribution in commerce.

§ 712.13 Who must report.

(a) *Initial submission of forms.* (1) Except as provided in paragraphs (c) and (d) of this section, persons who manufactured for commercial purposes one or more of the chemical substances listed in § 712.18 in the United States during the calendar year(s) specified in § 712.18 are subject to §§ 712.14 and 712.15 of this rule.

(2) Except as provided in paragraphs (c) and (d) of this section, persons who imported the chemical substances listed in § 712.18 in bulk form during the calendar year specified in § 712.18 are subject to §§ 712.14 and 712.15 of this rule.

(b) *Subsequent reports by customers.* Except as provided in paragraph (d) of this section, persons who processed or manufactured chemical substances for commercial purposes during the year(s) specified in § 712.18 are subject to § 712.17.

(c) The following persons are not subject to §§ 712.14 and 712.15:

(1) Persons who manufactured or imported the chemical substance *solely* for purposes of scientific experimentation, analysis or research, including research or analysis for product development.

(2) Persons who imported the chemical substance as:

(i) An impurity or

(ii) A component of an article.

(3) Persons who manufactured the chemical substance as:

(i) A byproduct that was not used or sold or that was formed as described in 40 CFR 710.4(d)(3)–(7);

(ii) A non-isolated intermediate; or

(iii) An impurity.

(4) Persons who imported a mixture containing the substance.

(5) Persons who only processed the chemical substance during the calendar year specified in § 712.18.

(d) Except as provided in paragraph (d)(2) of this section, small manufacturers and processors are not subject to this rule.

(1) To qualify as a small manufacturer or processor a person must meet both of the following criteria:

(i) Total annual sales of all sites owned or controlled by the parent company were less than $30,000,000, based upon the manufacturer's or processor's latest complete fiscal year as of January 1, 1979.

(ii) The annual production (or amount processed) of the chemical substance listed in § 712.18 was less than 100,000 pounds (45,400 kilograms) during the year specified in § 712.18. This criterion applies to any plant site owned or controlled by the parent company.

(2) Small manufacturers and processors will be subject to this rule if the chemical substance they manufacture or process is subject to a rule proposed or promulgated under TSCA sections 4, 5(b)(4), or 6 of TSCA, 15 U.S.C. sections 2603, 2604(b)(4), or 2605, or an order in effect under section 5(e) of TSCA, 15 U.S.C. section 2604(e), or the subject of relief that has been granted under a civil action brough under section 5 or 7 of TSCA, 15 U.S.C. sections 2604 or 2606.

§ 712.14 Initial submission of forms: what must be reported.

(a) Manufacturers and importers described in §712.13(a) must submit a single EPA Form No. 7710–3, with aggregate data for all plant sites owned or controlled by the parent company and their customers. A separate form must be filed for each chemical substance.

(b) Instructions and a facsimile of the form appear in Appendix I to this rule.

(c) EPA Form No. 7710–35, with the information covering the calendar year specified in § 712.18, is to be postmarked to EPA 60 days after the chemical substance the person manufactured or imported during that calendar year is listed in § 712.18.

(d) Forms are to be sent to the Document Control Officer, Office of Pesticides and Toxic Substances (TS–793), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

(e) Generally, persons must report information that is known to or reasonably ascertainable by them for rules under TSCA section 8(a). For purposes of this rule, however, a less burdensome standard shall apply. Companies shall report information that is readily obtainable by management and supervisory employees responsible for manufacturing, processing, distribution, technical services, and marketing. Extensive file searches are not required.

(f) Quantities reported on Form No. 7710–35 must be accurate to within the percent specified in the instructions to the form. If the reporting person cannot report with this accuracy, he should include the quantity in the appropriate "unknown" category.

(g) Records supporting the information submitted to EPA under this rule must be kept for a period of five years after the effective date of the addition of the chemical substance to § 712.18.

§ 712.15 Customer lists.

(a) All manufacturers and importers who are required to report under § 713.13(a) must maintain records of the customers who received the quantities of chemical substances reported on Form No. 7710–35 for a period of two years after the effective date of the addition of the substance to § 712.18. These records must contain the name, address, technical contact, phone number, and the quantity sent for each customer, and report number of the form filed.

(b) In the case of chemical substances listed in § 712.18(a), if the Deputy Assistant Administrator of the Office of Program Integration and Information, Office of Pesiticides and Toxic Substances, determines customer information is needed, he/she will require, by certified letter, a list of customers to be submitted. Submission of customer lists will be required only when significant quantities for customer activities have been reported as unknown in the initial reports under section 712.14, such that the amount of this unknown information makes it impracticable to complete an evaluation of the substance, and when the toxicity of the chemical is either significant or unknown.

(1) The list required under this paragraph shall be submitted within 30 days of receipt of the certified letter. This list must contain each customer's name, address, phone number, technical contact, and quantity sent, for all quantities for which the use and/or process type was reported as unknown. If the customer is a person who only distributes the substance in commerce, this should be noted. The list must also reference the report number of the form filed.

(2) Letter requests shall be sent under this paragraph no later than two years after the effective date of the addition of a chemical substance to § 712.18(a).

(c) In the case of chemical substances listed in § 712.18(b), persons who manufactured or imported the substances must submit a list of all customers, including name, address, technical contact, phone number, and quantity received when they submit Form No. 7710–35 for those substances.

(1) The list required under this paragraph shall be postmarked within 60 days after the chemical substance has been listed in § 712.18(b).

(2) Customer lists must be mailed to Document Control Officer, Office of Pesticides and Toxic Substances (TS–793), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

§ 712.16 Confidentiality claims.

(a) Any person submitting a document under this rule may assert a business confidentiality claim covering all or part of the submitted material. Any information covered by a claim will be disclosed by EPA only as provided in procedures set forth at 40 CFR Part 2.

(b) Substantiation for a claim made on any item reported on EPA Form No. 7710–35 must be made as specified in Appendix II of this rule.

(c) If no claim accompanies a document at the time it is submitted to EPA, the document will be placed in an open file available to the public without further notice to the respondent.

§ 712.17 Reports by customers.

(a) If a list of customers is obtained under § 712.15, the Deputy Assistant Administrator of the Office of Program Integration and Information, Office of Pesticides and Toxic Substances will contact those customers by certified letter and require them to supply the information for Part B of Form No. 7710–35, with respect to their own activities.

(b) Only persons who process or manufacture the chemical substance for commercial purposes and who are not "small" as defined by § 712.13(d) must report.

(c) The same standards of accuracy as required of manufacturers and importers in § 712.14 (e) and (f) apply to reports by customers.

(d) The information reported may be claimed confidential as provided in § 712.16.

(e) The form must be submitted to EPA within 30 days of receipt of the request under this section.

(f) Records supporting the information submitted to EPA under this section must be kept for five years after the date of submission.

§ 712.18 Chemical substances.

(a) Any chemical substance manufactured in calendar year 1979 that belongs to one of the following categories or that is identified by one of the following discrete Chemical Abstracts Service Registry numbers (CAS numbers) is subject to this rule:

Acrylic acid and 2-methylacrylic acid esters.
Alkyl epoxides—including all noncyclic aliphatic hydrocarbons with one or more epoxy functional groups.
Alkyl phthalates—all alkyl esters of 1,2-benzene dicarboxylic acid (orthophthalic acid).
Aryl phosphates—phosphate esters of phenol or of alkyl-substituted phenols. Tri-aryl and mixed alkyl and aryl esters are included but tri-alkyl esters are excluded.
Chlorinated naphthalenes—chlorinated derivatives of naphthalene (empirical formula $C_{10}H_xCl_y$ where $x + y = 8$).
Glycidol and its derivatives.
Halogenated alkyl epoxides—halogenated noncyclic aliphatic hydrocarbons with one or more epoxy functional groups.
Polychlorinated terphenyls—polychlorinated ortho-, meta-, and para-terphenyls.

CAS No., Chemical Name

50–07–7 Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[(aminocarbonyl)oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aR-(1a.alpha.,8.beta.,8a.alpha.,8b.alpha.)]-
50–21–5 Propanoic acid, 2-hydroxy-
50–29–3 Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-
50–32–8 Benzo[a]pyrene
51–28–5 Phenol, 2,4-dinitro-
51–79–6 Carbamic acid, ethyl ester
51–82–1 Carbamodithioic acid, dimethyl-, (dimethylamino)methyl ester
52–52–8 Cyclopentanecarboxylic acid, 1-amino-
53–70–3 Dibenz[a,h]anthracene
55–63–0 1,2,3-Propanetriol, trinitrate
55–80–1 Benzenamine, N,N-dimethyl-4-[(3-methylphenyl)azo]-
56–04–2 4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
56–55–3 Benz[a]anthracene
56–93–9 Benzenemethanaminium, N,N,N-trimethyl-, chloride
57–10–3 Hexadecanoic acid
57–11–4 Octadecanoic acid
57–50–1 .alpha.-D-Glucopyranoside, .beta.-D-fructofuranosyl
57–55–6 1,2-Propanediol
57–56–7 Hydrazinecarboxamide
57–97–6 Benz[a]anthracene, 7,12-dimethyl-
59–50–7 Phenol, 4-cholo-3-methyl-
59–67–6 3-Pyridinecarboxylic acid
60–00–4 Glycine, N,N'-1,2-ethanediylbis[N-(carboxymethyl)-
60–09–3 Benzenamine, 4-(phenylazo)-
60–11–7 Benzenamine, N,N-dimethyl-4-(phenylazo)-

CAS No., Chemical Name
60–12–8 Benzeneethanol
60–24–2 Ethanol, 2-mercapto-
60–33–3 9,12-Octadecadienoic acid (Z,Z)-
60–34–4 Hydrazine, methyl-
60–35–5 Acetamide
62–50–0 Methanesulfonic acid, ethyl ester
62–55–5 Ethanethioamide
62–75–9 Methanamine, N-methyl-N-nitroso-
63–25–2 1-Naphthalenol, methylcarbamate
64–02–8 Glycine, N,N'-1,2-ethanediylbis[N-(carboxymethyl)-, tetrasodium salt
64–67–5 Sulfuric acid, diethyl ester
64–69–7 Acetic acid, iodo-
66–27–3 Methanesulfonic acid, methyl ester
67–21–0 DL-Homocysteine, S-ethyl-
67–48–1 Ethanaminium, 2-hydroxy-N,N,N-trimethyl-, chloride
67–68–5 Methane, sulfinylbis-
68–04–2 1,2,3-Propanetricarboxylic acid, 2-hydroxy-, trisodium salt
68–11–1 Acetic acid, mercapto-
68–12–2 Formamide, N,N-dimethyl-
68–36–0 Benzene, 1,4-bis(trichloromethyl)-
70–25–7 Guanidine, N-methyl-N'-nitro-N-nitroso-
70–55–3 Benzenesulfonamide, 4-methyl-
71–55–6 Ethane, 1,1,1-trichloro-
72–57–1 2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis(azo)]bis[5-amino-4-hydroxy-, tetrasodium salt
74–83–9 Methane, bromo-
74–87–3 Methane, chloro-
74–88–4 Methane, iodo-
74–89–5 Methanamine
74–95–3 Methane, dibromo-
74–97–5 Methane, bromochloro-
74–99–7 1-Propyne
75–04–7 Ethanamine
75–05–8 Acetonitrile
75–08–1 Ethanethiol
75–09–2 Methane, dichloro-
75–12–7 Formamide
75–18–3 Methane, thiobis-
75–21–8 Oxirane
75–25–2 Methane, tribromo-
75–26–3 Propane, 2-bromo-
75–29–6 Propane, 2-chloro-
75–34–3 Ethane, 1,1-dichloro-
75–35–4 Ethene, 1,1-dichloro-
75–37–6 Ethane, 1,1-difluoro-
75–38–7 Ethene, 1,1-difluoro-
75–43–4 Methane, dichlorofluoro-
75–46–7 Methane, trifluoro-
75–50–3 Methanamine, N,N-dimethyl-
75–52–5 Methane, nitro-
75–54–7 Silane, dichloromethyl-
75–55–8 Aziridine, 2-methyl-
75–56–9 Oxirane, methyl-
75–60–5 Arsinic acid, dimethyl-
75–61–6 Methane, dibromodifluoro-
75–62–7 Methane, bromotrichloro-
75–64–9 2-Propanamine, 2-methyl-
75–65–0 2-Propanol, 2-methyl-
75–66–1 2-Propanethiol, 2-methyl-
75–75–2 Methanesulfonic acid
75–77–4 Silane, chlorotrimethyl-
75–78–5 Silane, dichlorodimethyl-
75–79–6 Silane, trichloromethyl-
75–83–2 Butane, 2,2-dimethyl-
75–85–4 2-Butanol, 2-methyl-
75–86–5 Propanenitrile, 2-hydroxy-2-methyl-
75–91–2 Hydroperoxide, 1,1-dimethylethyl
75–97–8 2-Butanone, 3,3-dimethyl-
75–98–9 Propanoic acid, 2,2-dimethyl-
75–99–0 Propanoic acid, 2,2-dichloro-

CAS No., Chemical Name
76–01–7 Ethane, pentachloro-
76–08–4 2-Propanol, 1,1,1-tribromo-2-methyl-
76–12–0 Ethane, 1,1,2,2-tetrachloro-1,2-difluoro-
76–39–1 1-Propanol, 2-methyl-2-nitro-
77–47–4 1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
77–58–7 Stannane, dibutylbis[(1-oxododecyl)oxy]-
77–62–3 Phenol, 2,2'-methylenebis[4-methyl-6-(1-methylcyclohexyl)-
77–71–4 2,4-Imidazolidinedione, 5,5-dimethyl-
77–73–6 4,7-Methano-1H-indene, 3a,4,7,7a-tetrahydro-
77–78–1 Sulfuric acid, dimethyl ester
77–79–2 Thiophene, 2,5-dihydro-, 1,1-dioxide
77–83–8 Oxiranecarboxylic acid, 3-methyl-3-phenyl-, ethyl ester
77–85–0 1,3-Propanediol, 2-(hydroxymethyl)-2-methyl-
77–86–1 1,3-Propanediol, 2-amino-2-(hydroxymethyl)-
77–90–7 1,2,3-Propanetricarboxylic acid, 2-(acetyloxy)-, tributyl ester
77–99–6 1,3-Propanediol, 2-ethyl-2-(hydroxymethyl)-
78–10–4 Silicic acid, tetraethyl ester
78–11–5 1,3-Propanediol, 2,2-bis[(nitrooxy)methyl)-, dinitrate (ester)
78–30–8 Phosphoric acid, tris(2-methylphenyl) ester
78–32–0 Phosphoric acid, tris(4-methylphenyl) ester
78–33–1 Phenol, 4-(1,1-dimethylethyl)-, phosphate (3:1)
78–40–0 Phosphoric acid, triethyl ester
78–42–2 Phosphoric acid, tris(2-ethylhexyl) ester
78–48–8 Phosphorotrithioic acid, S,S,S-tributyl ester
78–51–3 Ethanol, 2-butoxy-, phosphate (3:1)
78–59–1 2-Cyclohexen-1-one, 3,5,5-trimethyl-
78–67–1 Propanenitrile, 2,2'-azobis[2-methyl-
78–82–0 Propanenitrile, 2-methyl-
78–84–2 Propanal, 2-methyl-
78–87–5 Propane, 1,2-dichloro-
78–88–6 1-Propene, 2,3-dichloro-
78–89–7 1-Propanol, 2-chloro-
78–93–3 2-Butanone
78–95–5 2-Propanone, 1-chloro-
78–96–6 2-Propanol, 1-amino-
78–97–7 Propanenitrile, 2-hydroxy-
79–00–5 Ethane, 1,1,2-trichloro-
79–02–7 Acetaldehyde, dichloro-
79–06–1 2-Propenamide
79–14–1 Acetic acid, hydroxy-
79–22–1 Carbonochloridic acid, methyl ester
79–24–3 Ethane, nitro-
79–27–6 Ethane, 1,1,2,2-tetrabromo-
79–29–8 Butane, 2,3-dimethyl-
79–31–2 Propanoic acid, 2-methyl-
79–36–7 Acetyl chloride, dichloro-
79–40–3 Ethanedithioamide
79–44–7 Carbamic chloride, dimethyl-
79–46–9 Propane, 2-nitro-
79–74–3 1,4-Benzenediol, 2,5-bis(1,1-dimethylpropyl)-
79–92–5 Bicyclo[2.2.1]heptane, 2,2-dimethyl-3-methylene-
79–94–7 Phenol, 4,4'-(1-methylethylidene)bis[2,6-dibromo-
80–05–7 Phenol, 4,4'-(1-methylethylidene)bis-
80–07–9 Benzene, 1,1'-sulfonylbis[4-chloro-
80–10–4 Silane, dichlorodiphenyl-

CAS No., Chemical Name
80–11–5 Benzenesulfonamide, N,4-dimethyl-N-nitroso-
80–15–9 Hydroperoxide, 1-methyl-1-phenylethyl
80–40–0 Benzenesulfonic acid, 4-methyl-, ethyl ester
80–43–3 Peroxide, bis(1-methyl-1-phenylethyl)
80–46–6 Phenol, 4-(1,1-dimethylpropyl)-
80–48–8 Benzenesulfonic acid, 4-methyl-, methyl ester
80–51–3 Benzenesulfonic acid, 4,4'-oxybis-, dihydrazide
80–56–8 Bicyclo[3.1.1]hept-2-ene, 2,6,6-trimethyl-
80–62–6 2-Propenoic acid, 2-methyl-, methyl ester
80–63–7 2-Propenoic acid, 2-chloro-, methyl ester
81–11–8 Benzenesulfonic acid, 2,2'-(1,2-ethenediyl)bis[5-amino-
81–16–3 1-Naphthalenesulfonic acid, 2-amino-
81–21–0 2,4-Methano-2H-indeno[1,2-b:5,6-b']bisoxirene, octahydro-
81–49–2 9,10-Anthracenedione, 1-amino-2,4-dibromo-
81–64–1 9,10-Anthracenedione, 1,4-dihydroxy-
81–77–6 5,9,14,18-Anthrazinetetrone, 6,15-dihydro-
81–81–2 2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-
81–88–9 Ethanaminium, N-[9-(2-carboxyphenyl)-6-(diethylamino)-3H-xanthen-3-ylidene]-N-ethyl-, chloride
82–05–3 7H-Benz[de]anthracen-7-one
82–28–0 9,10-Anthracenedione, 1-amino-2-methyl-
82–68–8 Benzene, pentachloronitro-
83–26–1 1H-Indene-1,3(2H)-dione, 2-(2,2-dimethyl-1-oxopropyl)-
84–15–1 1,1':2',1''-Terphenyl
84–61–2 1,2-Benzenedicarboxylic acid, dicyclohexyl ester
84–61–7 1,2-Benzenedicarboxylic acid, dicyclohexyl ester
86–66–2 1,2-Benzenedicarboxylic acid, diethyl ester
84–69–5 1,2-Benzenedicarboxylic acid, bis(2-methylpropyl) ester
84–74–2 1,2-Benzenedicarboxylic acid, dibutyl ester
84–77–5 1,2-Benzenedicarboxylic acid, didecyl ester
85–01–8 Phenanthrene
85–40–5 1H-Isoindole-1,3(2H)-dione, 3a,4,7,7a-tetrahydro-
85–43–8 1,3-Isobenzofurandione, 3a,4,7,7a-tetrahydro-
85–52–9 Benzoic acid, 2-benzoyl-
85–60–9 Phenol, 4,4'-butylidenebis[2-(1,1-dimethylethyl)-5-methyl-
85–68–7 1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester
85–69–8 1,2-Benzenedicarboxylic acid, butyl 2-ethylhexyl ester
85–70–1 1,2-Benzenedicarboxylic acid, 2-butoxy-2-oxoethyl butyl ester
85–84–7 2-Naphthalenamine, 1-(phenylazo)-
86–30–6 Benzenamine, N-nitroso-N-phenyl-
86–57–7 Naphthalene, 1-nitro-
86–73–7 9H-Fluorene
86–87–3 1-Naphthaleneacetic acid
87–60–5 Benzenamine, 3-chloro-2-methyl-
87–61–6 Benzene, 1,2,3-trichloro-

CAS No., Chemical Name

87-68-3 1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
87-82-1 Benzene, hexabromo-
87-83-2 Benzene, pentabromomethyl-
87-84-3 Cyclohexane, 1,2,3,4,5-pentabromo-6-chloro-
88-10-8 Carbamic chloride, diethyl-
88-18-6 Phenol, 2-(1,1-dimethylethyl)-
88-19-7 Benzenesulfonamide, 2-methyl-
88-24-4 Phenol, 2,2'-methylenebis[6-(1,1-dimethylethyl)-4-ethyl-
88-51-7 Benzenesulfonic acid, 2-amino-4-chloro-5-methyl-
88-53-9 Benzenesulfonic acid, 2-amino-5-chloro-4-methyl-
88-60-8 Phenol, 2-(1,1-dimethylethyl)-5-methyl-
88-68-6 Benzamide, 2-amino-
88-72-2 Benzene, 1-methyl-2-nitro-
88-73-3 Benzene, 1-chloro-2-nitro-
88-74-4 Benzenamine, 2-nitro-
88-85-7 Phenol, 2-(1-methylpropyl)-4,6-dinitro-
88-88-0 Benzene, 2-chloro-1,3,5-trinitro-
88-99-3 1,2-Benzenedicarboxylic acid
89-04-3 1,2,4-Benzenetricarboxylic acid, trioctyl ester
89-08-7 1,2-Benzenedicarboxylic acid, 4-sulfo-
89-25-8 3H-Pyrazol-3-one, 2,4-dihydro-5-methyl-2-phenyl-
89-28-1 Quinoline, 6-dodecyl-1,2-dihydro-2,2,4-trimethyl-
89-63-4 Benzenamine, 4-chloro-2-nitro-
89-72-5 Phenol, 2-(1-methylpropyl)-
90-00-6 Phenol, 2-ethyl-
90-02-8 Benzaldehyde, 2-hydroxy-
90-04-0 Benzenamine, 2-methoxy-
90-05-1 Phenol, 2-methoxy-
90-12-0 Naphthalene, 1-methyl-
90-13-1 Naphthalene, 1-chloro-
90-15-3 1-Naphthalenol
90-16-4 1,2,3-Benzotriazin-4(1H)-one
90-41-5 [1,1'-Biphenyl]-2-amine
90-42-6 [1,1'-Bicyclohexyl]-2-one
90-43-7 [1,1'-Biphenyl]-2-ol
90-94-8 Methanone, bis[4-(dimethylamino)phenyl]-
91-08-7 Benzene, 1,3-diisocyanato-2-methyl-
91-15-6 1,2-Benzenedicarbonitrile
91-53-2 Quinoline, 6-ethoxy-1,2-dihydro-2,2,4-trimethyl-
91-57-6 Naphthalene, 2-methyl-
91-59-8 2-Naphthalenamine
91-64-5 2H-1-Benzopyran-2-one
91-66-7 Benzenamine, N,N-diethyl-
91-76-9 1,3,5-Triazine-2,4-diamine, 6-phenyl-
92-06-8 1,1':3',1''-Terphenyl
92-49-9 Benzenamine, N-(2-chloroethyl)-N-ethyl-
92-52-4 1,1'-Biphenyl
92-69-3 [1,1'-Biphenyl]-4-ol
92-70-6 2-Naphthalenecarboxylic acid, 3-hydroxy-
92-84-2 10H-Phenothiazine
92-94-4 1,1':4',1''-Terphenyl
93-05-0 1,4-Benzenediamine, N,N-diethyl-
93-13-0 Methanesulfonic acid, [(2-methoxyphenyl)amino]-
93-14-1 1,2-Propanediol, 3-(2-methoxyphenoxy)-
93-58-3 Benzoic acid, methyl ester
93-71-0 Acetamide, 2-chloro-N,N-di-2-propenyl-
94-36-0 Peroxide, dibenzoyl

CAS No., Chemical Name

94-52-0 1H-Benzimidazole, 5-nitro-
94-58-6 1,3-Benzodioxole, 5-propyl-
94-60-0 1,4-Cyclohexanedicarboxylic acid, dimethyl ester
95-08-9 Butanoic acid, 2-ethyl-, 1,2-ethanediylbis(oxy-2,1-ethanediyl) ester
95-13-6 1H-Indene
95-14-7 1H-Benzotriazole
95-29-4 2-Benzothiazolesulfenamide, N,N-bis(1-methylethyl)-
95-31-8 2-Benzothiazolesulfenamide, N-(1,1-dimethylethyl)-
95-32-9 Benzothiazole, 2-(4-morpholinyldithio)-
95-39-6 2-Propenoic acid, bicyclo[2.2.1]hept-5-en-2-ylmethyl ester
95-47-6 Benzene, 1,2-dimethyl-
95-48-7 Phenol, 2-methyl-
95-49-8 Benzene, 1-chloro-2-methyl-
95-50-1 Benzene, 1,2-dichloro-
95-51-2 Benzenamine, 2-chloro-
95-53-4 Benzenamine, 2-methyl-
95-54-5 1,2-Benzenediamine
95-55-6 Phenol, 2-amino-
95-59-0 1,4-Dioxane, 2,3-dichloro-
95-63-6 Benzene, 1,2,4-trimethyl-
95-65-8 Phenol, 3,4-dimethyl-
95-69-2 Benzenamine, 4-chloro-2-methyl-
95-74-9 Benzenamine, 3-chloro-4-methyl-
95-76-1 Benzenamine, 3,4-dichloro-
95-79-4 Benzenamine, 5-chloro-2-methyl-
95-82-9 Benzenamine, 2,5-dichloro-
95-87-4 Phenol, 2,5-dimethyl-
95-94-3 Benzene, 1,2,4,5-tetrachloro-
96-05-9 2-Propenoic acid, 2-methyl-, 2-propenyl ester
96-08-2 7-Oxabicyclo[4.1.0]heptane, 1-methyl-4-(2-methyloxiranyl)-
96-09-3 Oxiraner, phenyl-
96-10-6 Aluminum, chlorodiethyl-
96-12-8 Propane, 1,2-dibromo-3-chloro-
96-13-9 1-Propanol, 2,3-dibromo-
96-14-0 Pentane, 3-methyl-
96-18-4 Propane, 1,2,3-trichloro-
96-19-5 1-Propene, 1,2,3-trichloro-
96-22-0 3-Pentanone
96-23-1 2-Propanol, 1,3-dichloro-
96-24-2 1,2-Propanediol, 3-chloro-
96-29-7 2-Butanone, oxime
96-33-3 2-Propenoic acid, methyl ester
96-34-4 Acetic acid, chloro-, methyl ester
96-45-7 2-Imidazolidinethione
96-69-5 Phenol, 4,4'-thiobis[2-(1,1-dimethylethyl)-5-methyl-
96-70-8 Phenol, 2-(1,1-dimethylethyl)-4-ethyl-
97-00-7 Benzene, 1-chloro-2,4-dinitro-
97-02-9 Benzenamine, 2,4-dinitro-
97-39-2 Guanidine, N,N'-bis (2-methylphenyl)-
97-56-3 Benzenamine, 2-methyl-4-[(2-methylphenyl)azo]-
97-63-2 2-Propenoic acid, 2-methyl-, ethyl ester
97-65-4 Butanedioic acid, methylene-
97-72-3 Propanoic acid, 2-methyl-, anhydride
97-74-5 Thiodicarbonic diamide, tetramethyl-
97-80-3 Ethanesulfonic acid, 2-[methyl (1-oxo-9-octadecenyl) amino]-, (Z)-
97-85-8 Propanoic acid, 2-methyl-, 2-methylpropyl ester
97-86-9 2-Propenoic acid, 2-methyl-, 2-methylpropyl ester
97-88-1 2-Propenoic acid, 2-methyl-, butyl ester

CAS No., Chemical Name

97-90-5 2-Propenoic acid, 2-methyl-, 1,2-ethanediyl ester
97-99-4 2-Furanmethanol, tetrahydro-
98-06-6 Benzene, (1,1-dimethylethyl)-
98-07-7 Benzene, (trichloromethyl)-
98-11-3 Benzenesulfonic acid
98-13-5 Silane, trichlorophenyl-
98-51-1 Benzene, 1-(1,1,-dimethylethyl)-4-methyl-
98-55-5 3-Cyclohexene-1-methanol, .alpha.,.alpha., 4-trimethyl-
98-59-9 Benzenesulfonyl chloride, 4-methyl-
98-60-2 Benzenesulfonyl chloride, 4-chloride, 4-chloro-
98-67-9 Benzenesulfonic acid, 4-hydroxy-
98-69-1 Benzenesulfonic acid, 4-ethyl-
98-73-7 Benzoic acid, 4-(1,1-dimethylethyl)-
98-83-9 Benzene, (1-methylethenyl)-
98-85-1 Benzenemethanol, .alpha.-methyl-
98-87-3 Benezene, (dichloromethyl)-
98-88-4 Benzoyl chloride
98-92-0 3-Pyridinecarboxamide
98-94-2 Cyclohexanamine, N,N-dimethyl-
98-95-3 Benzene, nitro-
99-08-1 Benzene, 1-methyl-3-nitro-
99-09-2 Benzenamine, 3-nitro-
99-30-9 Benzenamine, 2,6-dichloro-4-nitro-
99-51-4 Benzene, 1,2-dimethyl-4-nitro-
99-54-7 Benzene, 1,2-dichloro-4-nitro-
99-55-8 Benezenamine, 2-methyl-5-nitro-
99-56-9 1,2-Benzenediamine, 4-nitro-
99-59-2 Benzenamine, 2-methoxy-5-nitro-
99-62-7 Benzene, 1,3-bis(1-methylethyl)-
99-63-8 1,3-Benzenedicarbonyl dichloride
99-65-0 Benzene, 1,3-dinitro-
99-75-2 Benzoic acid, 4-methyl-, methyl ester
99-82-1 Cyclohexane, 1-methyl-4-(1-methylethyl)-
99-87-6 Benzene, 1-methyl-4-(1-methylethyl)-
99-98-9 1,4-Benzenediamine, N,N-dimethyl-
99-99-0 Benzene, 1-methyl-4-nitro-
100-00-5 Benzene, 1-chloro-4-nitro-
100-01-6 Benzenamine, 4-nitro-
100-02-7 Phenol, 4-nitro-
100-18-5 Benzene, 1,4-bis (1-methylethyl)-
100-20-9 1,4-Benzenedicarbonyl dichloride
100-29-8 Benzene, 1-ethoxy-4-nitro-
100-37-8 Ethanol, 2-(diethylamino)-
100-39-0 Benzene, (bromomethyl)-
100-40-3 Cyclohexene, 4-ethenyl-
100-41-4 Benzene, ethyl-
100-42-5 Benzene, ethenyl-
100-44-7 Benzene, (chloromethyl)-
100-47-0 Benzonitrile
100-50-5 3-Cyclohexene-1-carboxaldehyde
100-52-7 Benzaldehyde
100-54-9 3-Pyridinecarbonitrile
100-59-4 Magnesium, chlorophenyl-
100-61-8 Benzenamine, N-methyl-
100-63-0 Hydrazine, phenyl-
100-64-1 Cyclohexanone, oxime
100-65-2 Benzenamine, N-hydroxy-
100-66-3 Benzene, methoxy-
100-69-6 Pyridine, 2-ethenyl-
100-70-9 2-Pyridinecarbonitrile
100-74-3 Morpholine, 4-ethyl-
100-75-4 Piperidine, 1-nitroso-
100-87-8 Benzenemethanesulfonic acid
100-97-0 1,3,5,7-Tetraazatricylo[3.3.1.13,7]decane
100-99-2 Aluminum, tris (2-methylpropyl)-
101-02-0 Phosphorous acid, triphenyl ester
101-14-4 Benzenamine, 4,4'-methylenebis[2-chloro-

CAS No., Chemical Name

101-20-2 Urea, N-(4chlorophenyl)-N'-(3,4-dichlorophenyl)-
101-43-9 2-Propenoic acid, 2-methyl-, cyclohexyl ester
101-54-2 1,4-Benzenediamine, N-phenyl-
101-61-1 Benzenamine, 4,4'-methylenebis[N,N-dimethyl-
101-67-7 Benzenamine, 4-octyl-N-(4-octylphenyl)-
101-68-8 Benzene, 1,1'-methylenebis[4-isocyanato-
101-72-4 1,4-Benzenediamine, N-(1-methylethyl)-N'-phenyl-
101-73-5 Benzenamine, 4-(1-methylethoxy)-N-phenyl-
101-77-9 Benzenamine, 4,4'-methylenebis-
101-80-4 Benzenamine, 4,4'-oxybis-
101-83-7 Cyclohexanamine, N-cyclohexyl-
101-96-6 Oxirane, 2,2'-[1,3-phenylenebis (oxymethylene)]bis-
101-96-2 1,4-Benzenediamine, N,N'-bis(1-methylpropyl)-
101-99-5 Carbamic acid, phenyl-, ethyl ester
102-01-2 Butanamide, 3-oxo-N-phenyl-
102-06-7 Guanidine, N,N'-diphenyl-
102-08-9 Thiourea, N,N'-diphenyl-
102-09-0 Carbonic acid, diphenyl ester
102-27-2 Benzenamine, N-ethyl-3-methyl-
102-36-3 Benzene, 1,2-dichloro-4-isocyanato-
102-60-3 2-Propanol, 1,1',1'',1'''-(1,2-ethanediyldinitrilo) tetrakis-
102-70-5 2-Propen-1-amine, N,N-di-2-propenyl-
102-71-6 Ethanol, 2,2',2''-nitrilotris-
102-76-1 1,2,3-Propanetriol, triacetate
102-77-2 Morpholine, 4-(2-benzothiazolylthio)-
103-11-7 2-Propenoic acid, 2-ethylhexyl ester
103-18-4 Phenol, 4-[(4-aminophenyl)azo]-
103-23-1 Hexanedioic acid, bis(2-ethylhexyl) ester
103-24-2 Nonanedioic acid, bis(2-ethylhexyl)ester
103-33-3 Diazene, diphenyl-
103-34-4 Morpholine, 4,4'-dithiobis-
103-63-9 Benzene, (2-bromoethyl)-
103-65-1 Benzene, propyl-
103-69-5 Benzenamine, N-ethyl-
103-70-8 Formamide, N-phenyl-
103-71-9 Benzene, isocyanato-
103-74-2 2-Pyridineethanol
103-75-3 2H-Pyran, 2-ethoxy-3,4-dihydro-
103-85-5 Thiourea, phenyl-
103-90-2 Acetamide, N-(4-hydroxyphenyl)-
103-96-8 1,4-Benzenediamine, N,N'-bis(1-methylheptyl)-
104-12-1 Benzene, 1-chloro-4-isocyanato-
104-15-4 Benzenesulfonic acid, 4-methyl-
104-40-5 Phenol, 4-nonyl-
104-61-0 2(3H)-Furanone, dihydro-5-pentyl-
104-72-3 Benzene, decyl-
104-87-0 Benzaldehyde, 4-methyl-
104-90-5 Pyridine, 5-ethyl-2-methyl-
104-91-6 Phenol, 4-nitroso-
104-93-8 Benzene, 1-methoxy-4-methyl-
104-94-9 Benzenamine, 4-methoxy-
105-05-5 Benzene, 1,4-diethyl-
105-08-8 1,4-Cyclohexanedimethanol
105-11-3 2,5-Cyclohexadiene-1,4-dione, dioxime
105-16-8 2-Propenoic acid, 2-methyl-, 2-(diethylamino)ethyl ester
105-36-2 Acetic acid, bromo-, ethyl ester
105-37-3 Propanoic acid, ethyl ester

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105-40-8 Carbamic acid, methyl-, ethyl ester
105-45-3 Butanoic acid, 3-oxo-, methyl ester
105-46-4 Acetic acid, 1-methylpropyl ester
105-58-8 Carbonic acid, diethyl ester
105-67-9 Phenol, 2,4-dimethyl-
105-74-8 Peroxide, bis(1-oxododecyl)
106-14-9 Octadecanoic acid, 12-hydroxy-
106-24-1 2,6-Octadien-1-ol, 3,7-dimethyl-, (E)-
106-31-0 Butanoic acid, anhydride
106-35-4 3-Heptanone
106-40-1 Benzenamine, 4-bromo-
106-42-3 Benzene, 1,4-dimethyl-
106-43-4 Benzene, 1-chloro-4-methyl-
106-44-5 Phenol, 4-methyl-
106-46-7 Benzene, 1,4-dichloro-
106-47-8 Benzenamine, 4-chloro-
106-49-0 Benzenamine, 4-methyl-
106-50-3 1,4-Benzenediamine
106-51-4 2,5-Cyclohexadiene-1,4-dione
106-63-8 2-Propenoic acid, 2-methylpropyl ester
106-65-0 Butanedioic acid, dimethyl ester
106-68-3 3-Octanone
106-71-8 2-Propenoic acid, 2-cyanoethyl ester
106-74-1 2-Propenoic acid, 2-ethoxyethyl ester
106-75-2 Carbonochloridic acid, oxydi-2,1-ethanediyl ester
106-83-2 Oxiraneoctanoic acid, 3-octyl-, butyl ester
106-84-3 Oxiraneoctanoic acid, 3-octyl-, octyl ester
106-87-6 7-Oxabicyclo[4.1.0]heptane, 3-oxiranyl-
106-88-7 Oxirane, ethyl-
106-89-8 Oxirane, (chloromethyl)-
106-90-1 2-Propenoic acid, oxiranylmethyl ester
106-91-2 2-Propenoic acid, 2-methyl-, oxiranylmethyl ester
106-92-3 Oxirane, [(2-propenyloxy)methyl]-
106-98-9 1-Butene
106-99-0 1,3-Butadiene
107-01-7 2-Butene
107-03-9 1-Propanethiol
107-05-1 1-Propene, 3-chloro-
107-07-3 Ethanol, 2-chloro-
107-10-8 1-Propanamine
107-11-9 2-Propen-1-amine
107-12-0 Propanenitrile
107-16-4 Acetonitrile, hydroxy-
107-20-0 Acetaldehyde, chloro-
107-22-2 Ethanedial
107-25-5 Ethene, methoxy-
107-29-9 Acetaldehyde, oxime
107-30-2 Methane, chloromethoxy-
107-31-3 Formic acid, methyl ester
107-39-1 1-Pentene, 2,4,4-trimethyl-
107-40-4 2-Pentene, 2,4,4-trimethyl-
107-41-5 2,4-Pentanediol, 2-methyl-
107-46-0 Disiloxane, hexamethyl-
107-56-2 Phosphorodithioic acid, 0,0-bis(1-methylethyl) ester
107-64-2 1-Octadecanaminium, N,N-dimethyl-N-octadecyl-, chloride
107-70-0 2-Pentanone, 4-methoxy-4-methyl-
107-83-5 Pentane, 2-methyl-
107-87-9 2-Pentanone
107-88-0 1,3-Butanediol
107-89-1 Butanal, 3-hydroxy-
107-96-0 Propanoic acid, 3-mercapto-
107-98-2 2-Propanol, 1-methoxy-
108-01-0 Ethanol, 2-(dimethylamino)-
108-03-2 Propane, 1-nitro-

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108-10-1 2-Pentanone, 4-methyl-
108-19-0 Imidodicarbonic diamide
108-20-3 Propane, 2,2'-oxybis
108-22-5 1-Propen-2-ol, acetate
108-23-6 Carbonochloridic acid, 1-methylethyl ester
108-24-7 Acetic acid, anhydride
108-31-6 2,5-Furandione
108-38-3 Benzene, 1,3-dimethyl-
108-39-4 Phenol, 3-methyl-
108-42-9 Benzenamine, 3-chloro-
108-44-1 Benzenamine, 3-methyl-
108-45-2 1,3-Bezenediamine
108-60-1 Propane, 2,2'-oxybis[1-chloro-
108-67-8 Benzene, 1,3,5-trimethyl-
108-68-9 Phenol, 3,5-dimethyl-
108-70-3 Benzene, 1,3,5-trichloro-
108-77-0 1,3,5-Triazine, 2,4,6-trichloro-
108-80-5 1,3,5-Triazine-2,4,6(1H,3H,5H)-trione
108-83-8 4-Heptanone, 2,6-dimethyl-
108-86-1 Benzene, bromo-
108-87-2 Cyclohexane, methyl-
108-88-3 Benzene, methyl-
108-89-4 Pyridine, 4-methyl-
108-90-7 Benzene, chloro-
108-94-1 Cyclohexanone
108-98-5 Benzenethiol
108-99-6 Pyridine, 3-methyl-
109-06-8 Pyridine, 2-methyl-
109-16-0 2-Propenoic acid, 2-methyl-, 1,2-ethanediylbis(oxy-2,1-ethanediyl) ester
109-31-9 Nonanedioic acid, dihexyl ester
109-52-4 Pentanoic acid
109-55-7 1,3-Propanediamine, N,N-dimethyl-
109-59-1 Ethanol, 2-(1-methylethoxy)-
109-60-4 Acetic acid, propyl ester
109-61-5 Carbonochloridic acid, propyl ester
109-63-7 Borane, trifluoro-, compd. with 1,1'-oxybis[ethane] (1:1)
109-66-0 Pentane
109-69-3 Butane, 1-chloro-
109-70-6 Propane, 1-bromo-3-chloro-
109-73-9 1-Butanamine
109-74-0 Butanenitrile
109-78-4 Propanenitrile, 3-hydroxy-
109-79-5 1-Butanethiol
109-83-1 Ethanol, 2-(methylamino)-
109-86-4 Ethanol, 2-methoxy-
109-87-5 Methane, dimethoxy-
109-89-7 Ethanamine, N-ethyl-
109-94-4 Formic acid, ethyl ester
109-99-9 Furan, tetrahydro-
110-00-9 Furan
110-03-2 2,5-Hexanediol, 2,5-dimethyl-
110-05-4 Peroxide, bis(1,1-dimethylethyl)
110-12-3 2-Hexanone, 5-methyl-
110-16-7 2-Butenedioic acid (Z)-
110-18-9 1,2-Ethanediamine, N,N,N',N'-tetramethyl-
110-21-4 1,2-Hydrazinedicarboxamide
110-22-5 Peroxide, diacetyl
110-27-0 Tetradecanoic acid, 1-methylethyl ester
110-29-2 Hexanedioic acid, decyl octyl ester
110-30-5 Octadecanamide, N,N'-1,2-ethanediylbis-
110-42-9 Decanoic acid, methyl ester
110-43-0 2-Heptanone
110-49-6 Ethanol, 2-methoxy-, acetate
110-54-3 Hexane
110-57-6 2-Butene, 1,4-dichloro-, (E)-
110-62-3 Pentanal

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110-63-4 1,4-Butanediol
110-64-5 2-Butene-1,4-diol
110-65-6 2-Butyne-1,4-diol
110-71-4 Ethane, 1,2-dimethoxy-
110-75-8 Ethene, (2-chloroethoxy)-
110-77-0 Ethanol, 2-(ethylthio)-
110-80-5 Ethanol, 2-ethoxy-
110-83-8 Cyclohexene
110-85-0 Piperazine
110-86-1 Pyridine
110-88-3 1,3,5-Trioxane
110-91-8 Morpholine
110-94-1 Pentanedioic acid
110-96-3 1-Propanamine, 2-methyl-N-(2-methylpropyl)-
110-97-4 2-Propanol, 1,1'-iminobis-
111-11-5 Octanoic acid, methyl ester
111-13-7 2-Octanone
111-14-8 Heptanoic acid
111-15-9 Ethanol, 2-ethoxy-, acetate
111-17-1 Propanoic acid, 3,3'-thiobis-
111-21-7 Ethanol, 2,2'-[1,2-ethanediylbis(oxy)]bis-, diacetate
111-36-4 Butane, 1-isocyanato-
111-40-0 1,2-Ethanediamine, N-(2-aminoethyl)-
111-41-1 Ethanol, 2-[(2-aminoethyl)amino]-
111-42-2 Ethanol, 2,2'-iminobis-
111-44-4 Ethane, 1,1'-oxybis[2-chloro-
111-49-9 1H-Azepine, hexahydro-
111-55-7 1,2-Ethanediol, diacetate
111-65-9 Octane
111-66-0 1-Octene
111-69-3 Hexanedinitrile
111-76-2 Ethanol, 2-butoxy-
111-77-3 Ethanol, 2-(2-methoxyethoxy)-
111-78-4 1,5-Cyclooctadiene
111-82-0 Dodecanoic acid, methyl ester
111-85-3 Octane, 1-chloro-
111-87-5 1-Octanol
111-88-6 1-Octanethiol
111-90-0 Ethanol, 2-(2-ethoxyethoxy)-
111-91-1 Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-
111-92-2 1-Butanamine, N-butyl-
111-94-4 Propanenitrile, 3,3'-iminobis-
112-02-7 1-Hexadecanaminium, N,N,N-trimethyl-, chloride
112-05-0 Nonanoic acid
112-07-2 Ethanol, 2-butoxy-, acetate
112-15-2 Ethanol, 2-(2-ethoxyethoxy)-, acetate
112-16-3 Dodecanoyl chloride
112-18-5 1-Dodecanamine, N,N-dimethyl-
112-25-4 Ethanol, 2-(hexyloxy)-
112-26-5 Ethane, 1,2-bis(2-chloroethoxy)-
112-30-1 1-Decanol
112-31-2 Decanal
112-34-5 Ethanol, 2-(2-butoxyethoxy)-
112-35-6 Ethanol, 2-[2-(2-methoxyethoxy)ethoxy]-
112-39-0 Hexadecanoic acid, methyl ester
112-40-3 Dodecane
112-41-4 1-Dodecene
112-50-5 Ethanol, 2-[2-(2-ethoxyethoxy)ethoxy]-
112-53-8 1-Dodecanol
112-55-0 1-Dodecanethiol
112-59-4 Ethanol, 2-[2-(hexyloxy)ethoxy]-
112-60-7 Ethanol, 2,2'-[oxybis(2,1-ethanediyloxy)]bis-
112-61-8 Octadecanoic acid, methyl ester
112-62-9 9-Octadecenoic acid (Z)-, methyl ester
112-67-4 Hexadecanoyl chloride
112-70-9 1-Tridecanol

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112-72-1 1-Tetradecanol
112-75-4 1-Tetradecanamine, N,N-dimethyl-
112-76-5 Octadecanoyl chloride
112-84-5 13-Docosenamide, (Z)-
112-85-6 Docosanoic acid
112-86-7 13-Docosenoic acid, (Z)-
112-88-9 1-Octadecene
112-90-3 9-Octadecen-1-amine, (Z)-
112-91-4 9-Octadecenenitrile, (Z)-
112-92-5 1-Octadecanol
114-49-8 Benzeneacetic acid, .alpha.-(hydroxymethyl)-, 9-methyl-3-oxa-9-azatricyclo[3.3.1.02,4]non-7-yl ester, hydrobromide, [7(S)-(1.alpha.,2.beta.,4.beta.,5.alpha.,7.beta.)]-
114-70-5 Benzeneacetic acid, sodium salt
115-11-7 1-Propene, 2-methyl-
115-27-5 4,7-Methanoisobenzofuran-,1,3-dione, 4,5,6,7,8,8-hexachloro-3a,4,7,7a-tetrahydro-
115-28-6 Bicyclo[2.2.1]hept-5-ene-2,3-dicarboxylic acid, 1,4,5,6,7,7-hexachloro-
115-86-6 Phosphoric acid, triphenyl ester
115-96-8 Ethanol, 2-chloro-, phosphate (3:1)
116-06-3 Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime
116-15-4 1-Propene, 1,1,2,3,3,3-hexafluoro-
116-37-0 2-Propanol, 1,1'-[(1-methylethylidene)bis(4,1-phenyleneoxy)]bis-
117-08-8 1,3-Isobenzofurandione, 4,5,6,7-tetrachloro-
117-80-6 1,4-Naphthalenedione, 2,3-dichloro-
117-81-7 1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
117-82-8 1,2-Benzenedicarboxylic acid, bis(2-methoxyethyl) ester
117-83-9 1,2-Benzenedicarboxylic acid, bis(2-butoxyethyl) ester
117-84-0 1,2-Benzenedicarboxylic acid, dioctyl ester
118-48-9 2H-3,1-Benzoxazine-2,4(1H)-dione
118-52-5 2,4-Imidazolidinedione, 1,3-dichloro-5,5-dimethyl-
118-74-1 Benzene, hexachloro-
118-75-2 2,5-Cyclohexadiene-1,4-dione, 2,3,5,6-tetrachloro-
118-79-6 Phenol, 2,4,6-tribromo-
118-82-1 Phenol, 4,4'-methylenebis[2,6-bis(1,1-dimethylethyl)-
118-92-3 Benzoic acid, 2-amino-
118-96-7 Benzene, 2-methyl-1,3,5-trinitro-
119-06-2 1,2-Benzenedicarboxylic acid, ditridecyl ester
119-07-3 1,2-Benzenedicarboxylic acid, decyl octyl ester
119-34-6 Phenol, 4-amino-2-nitro-
119-47-1 Phenol, 2,2'-methylenebis[6-(1,1-dimethylethyl)-4-methyl-
119-90-4 [1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-
120-12-7 Anthracene
120-40-1 Dodecanamide, N,N-bis(2-hydroxyethyl)-
120-55-8 Ethanol, 2,2'-oxybis-, dibenzoate
120-58-1 1,3-Benzodioxole, 5-(1-propenyl)-
120-71-8 Benzenamine, 2-methoxy-5-methyl-
120-80-9 1,2-Benzenediol
120-82-1 Benzene, 1,2,4-trichloro-
120-83-2 Phenol, 2,4-dichloro-
120-93-4 2-Imidazolidinone
120-95-6 Phenol, 2,4-bis(1,1-dimethylpropyl)-
121-03-9 Benzenesulfonic acid, 2-methyl-5-nitro-

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121-14-2 Benzene, 1-methyl-2,4-dinitro-
121-17-5 Benzene, 1-chloro-2-nitro-4-(trifluoromethyl)-
121-39-1 Oxiranecarboxylic acid, 3-phenyl-, ethyl ester
121-43-7 Boric acid, trimethyl ester
121-44-8 Ethanamine, N,N-diethyl-
121-45-9 Phosphorous acid, trimethyl ester
121-57-3 Benzenesulfonic acid, 4-amino-
121-60-8 Benzenesulfonyl chloride, 4-(acetylamino)-
121-63-1 Benzenesulfonyl chloride, 4,4'-oxybis-
121-66-4 2-Thiazolamine, 5-nitro-
121-69-7 Benzenamine, N, N-dimethyl-
121-73-3 Benzene, 1-chloro-3-nitro-
121-82-4 1,3,5-Triazine, hexahydro-1,3,5-trinitro-
121-86-8 Benzene, 2-chloro-1-methyl-4-nitro-
121-87-9 Benzenamine, 2-chloro-4-nitro-
122-07-6 Ethanamine, 2,2-dimethoxy-N-methyl-
122-20-3 2-Propanol, 1,1', 1''-nitrilotris-
122-32-7 9-Octadecenoic acid (Z)-,1,2,3-propanetriyl ester
122-39-4 Benzenamine, N-phenyl
122-52-1 Phosphorous acid, triethyl ester
122-60-1 Oxirane, (phenoxymethyl)-
122-62-3 Decanedioic acid, bis(2-ethylhexyl) ester
122-66-7 Hydrazine, 1,2-diphenyl
122-99-6 Ethanol, 2-phenoxy-
123-01-3 Benzene, dodecyl-
123-02-4 Benzene, tridecyl-
123-05-7 Hexanal, 2-ethyl-
123-07-9 Phenol, 4-ethyl-
123-28-4 Propanoic acid, 3,3'-thiobis-, didodecyl ester
123-31-9 1,4-Benzenediol
123-33-1 3,6-Pyridazinedione, 1,2-dihydro-
123-35-3 1,6-Octadiene, 7-methyl-3-methylene-
123-42-2 2-Pentanone, 4-hydroxy-4-methyl-
123-48-8 3-Heptene, 2,2,4,6,6-pentamethyl-
123-51-3 1-Butanol, 3-methyl-
123-54-6 2,4-Pentanedione
123-62-6 Propanoic acid, anhydride
123-63-7 1,3,5-Trioxane, 2,4,6-trimethyl-
123-72-8 Butanal
123-77-3 Diazenedicarboxamide
123-79-5 Hexanedioic acid, dioctyl ester
123-86-4 Acetic acid, butyl ester
123-91-1 1,4-Dioxane
123-95-5 Octadecanoic acid, butyl ester
123-96-6 2-Octanol
124-02-7 2-Propen-1-amine, N-2-propenyl-
124-07-2 Octanoic acid
124-09-4 1,6-hexanediamine
124-10-7 Tetradecanoic acid, methyl ester
124-13-0 Octanal
124-16-3 2-Propanol, 1-(2-butoxyethoxy)-
124-17-4 4-Ethanol, 2-(2-butoxyethoxy)-, acetate
124-18-5 Decane
124-22-1 1-Dodecanamine
124-26-5 Octadecanamide
124-28-7 1-Octadecanamine, N,N-dimethyl-
124-40-3 Methanamine, N-methyl-
124-41-4 Methanol, sodium salt
124-63-0 Methanesulfonyl chloride
124-68-5 1-Propanol, 2-amino-2-methyl-
125-93-9 1-Phenanthrenecarboxylic acid, 1,2,3,4,4a,4b,5,6,7,9,10,10a-dodecahydro-1,4a-dimethyl-7-(1-methylethyl)-, 1,2,3-propanetriyl ester, [1R-(1.alpha.,4a.beta.,4b.alpha.,10a.alpha.)]-

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126–06–7 2,4-Imidazolidinedione, 3-bromo-1-chloro-5,5-dimethyl-
126–13–6 .alpha.-D-Glucopyranoside, 6-0-acetyl-1,3,4-tris-O-(2-methyl-1-oxopropyl)-.beta.-D-fructofuranosyl, 6-acetate 2,3,4-tris-(2-methylpropanoate)
126–15–8 4a(4H)-Dibenzofurancarboxaldehyde, 1,5a,6,9,9a,9b-hexahydro-
126–33–0 Thiopene, tetrahydro-, 1,1-dioxide
126–58–9 1,3-Propanediol, 2,2'-[oxybis(methylene)]bis[2-(hydroxymethyl)-
126–72–7 1-Propanol, 2,3-dibromo-, phosphate (3:1)
126–73–8 Phosphoric acid tributyl ester
126–83–0 1-Propanesulfonic acid, 3-chloro-2-hydroxy-, monosodium salt
126–86–3 5-Decyne-4,7-diol, 2,4,7,9-tetramethyl-
126–92–1 Sulfuric acid, mono(2-ethylhexyl) ester, sodium salt
126–98–7 2-Propenenitrile, 2-methyl-
126–99–8 1,3-Butadiene, 2-chloro-
127–00–4 2-Propanol, 1-chloro-
127–19–5 Acetamide, N,N-dimethyl-
127–68–4 Benzenesulfonic acid, 3-nitro-, sodium salt
127–91–3 Bicyclo[3.1.1]heptane, 6,6-dimethyl-2-methylene-
128–09–6 2,5-Pyrrolidinedione, 1-chloro-
128–37–0 Phenol, 2,6-bis(1,1-dimethylethyl)-4-methyl-
128–39–2 Phenol, 2,6-bis(1,1-dimethylethyl)-
128–42–7 Benzenesulfonic acid, 2,2'-(1,2-ethenediyl)bis[5-nitro-
128–58–5 Dinaphtho[1,2,3-cd:3',2',1'-lm]perylene-5,10-dione, 16,17-dimethoxy-
128–66–5 Dibenzo[b,def]chrysene-7,14-dione
129–09–9 Anthra[2,1-d:6,5]bisthiazole-6,12-dione, 2,8-diphenyl-
129–17–9 Ethanaminium, N-[4-[[4-(diethylamino)phenyl][2,4-disulfophenyl]methylene]2,5-cyclohexadien-1-ylidene]-N-ethyl-, hydroxide, inner salt, sodium salt
129–79–3 9H-Fluoren-9-one, 2,4,7-trinitro-
130–15–4 1,4-naphthalenedione
130–20–1 5,9,14,18-Anthrazinetetrone, 7,16-dichloro-6,15-dihydro-
131–11–3 1,2-Benzenedicarboxylic acid, dimethyl ester
131–17–9 1,2-Benzenedicarboxylic acid, di-2-propenyl ester
131–56–6 Methanone, (2,4-dihydroxyphenyl)phenyl-
131–73–7 Benzenamine, 2,4,6-trinitro-N-(2,4,6-trinitrophenyl)-
132–32–1 9H-Carbazol-3-amine, 9-ethyl-
132–53–6 1-Naphthalenol, 2-nitroso-
132–64–9 Dibenzofuran
132–67–2 Benzoic acid, 2-[(1-naphthalenylamino)carbonyl]-, monosodium salt
133–06–2 1H-Isoindole-1,3(2H)-dione, 3a,4,7,7a-tetrahydro-2-[(trichloromethyl)thio]-
133–07–3 1H-Isoindole-1,3(2H)-dione, 2-[(trichloromethyl)thio]-
133–59–5 Benzenesulfonyl chloride, 2-methyl-
134–20–3 Benzoic acid, 2-amino-, methyl ester
134–32–7 1-Naphthalenamine
135–12–6 Benzene, 4-chloro-1-(4-chlorophenoxy)-2-nitro-

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135–20–6 Benzenamine, N-hydroxy-N-nitroso-, ammonium salt
136–23–2 Zinc, bis(dibutylcarbamodithioato-S,S')-, (T-4)-
136–30–1 Carbamodithioic acid, dibutyl-, sodium salt
136–32–3 Phenol, 2,4,5-trichloro-, sodium salt
136–35–6 1-Triazene, 1,3-diphenyl
136–52–7 Hexanoic acid, 2-ethyl-, cobalt(2+) salt
136–99–2 1H-Imidazole-1-ethanol, 4,5-dihydro-2-undecyl-
137–05–3 2-Propenoic acid, 2-cyano-, methyl ester
137–20–2 Ethanesulfonic acid, 2-[methyl(1-oxo-9-octadecenyl) amino]-, sodium salt, (Z)-
137–26–8 Thioperoxydicarbonic diamide, tetramethyl-
137–32–6 1-Butanol, 2-methyl-
137–99–5 Phenol, 2,4-dinonyl-
138–86–3 Cyclohexene, 1-methyl-4-(1–methylethenyl)-
138–89–6 Benzenamine, N,N-dimethyl-4-nitroso-
139–02–6 Phenol, sodium salt
139–05–9 Sulfamic acid, cyclohexyl-, monosodium salt
139–06–0 Sulfamic acid, cyclohexyl-, calcium salt (2:1)
139–08–2 Benzenemethanaminium, N,N-dimethyl-N-tetradecyl-, chloride
139–65–1 Benzenamine, 4,4'-thiobis-
139–89–9 Glycine, N-[2-[bis(carboxymethyl) amino]ethyl]-N-(2-hydroxygethyl)-, trisodium salt
139–96–8 Sulfuric acid, monododecyl ester, compd. with 2,2',2''-nitrilotris[ethanol] (1:1)
140–01–2 Glycine, N,N-bis[2-[bis(carboxymethyl)amino]ethyl]-, pentasodium salt
140–08–9 Ethanol, 2-chloro-, phosphite (3:1)
140–11–4 Acetic acid, phenylmethyl ester
140–29–4 Benzeneacetonitrile
140–31–8 1-Piperazineethanamine
140–49–8 Acetamide, N-[4-(chloroacetyl)phenyl]-
140–60–3 Benzenesulfonic acid, 4-decyl-
140–66–9 Phenol, 4-(1,1,3,3-tetramethylbutyl)-
140–67–0 Benzene, 1-methoxy-4-(2-propenyl)-
140–79–4 Piperazine, 1,4-dinitroso-
140–88–5 2-Propenoic acid, ethyl ester
140–93–2 Carbonodithioic acid, 0-(1-methylethyl) ester, sodium salt
141–07–1 Urea, N,N'-bis(methoxymethyl)-
141–17–3 Hexanedioic acid, bis[2-(2-butoxyethoxy)ethyl] ester
141–22–0 9-Octadecenoic acid, 12-hydroxy-, [R-(Z)]-
141–24–2 9-Octadecenoic acid, 12-hydroxy-, methyl ester, [R-(Z)]-
141–28–6 Hexanedioic acid, diethyl ester
141–32–2 2-Propenoic acid, butyl ester
141–38–8 Oxiraneoctanoic acid, 3-octyl-, 2-ethylhexyl ester
141–43–5 Ethanol, 2-amino-
141–52–6 Ethanol, sodium salt
141–53–7 Formic acid, sodium salt
141–85–5 Benzenamine, 3-chloro-, hydrochloride
141–90–2 4(1H)-Pyrimidinone, 2,3-dihydro-2-thioxo-
141–97–9 Butanoic acid, 3-oxo-, ethyl ester

CAS No., Chemical Name

142–04–1 Benzenamine, hydrochloride
142–09–6 2-Propenoic acid, 2-methyl-, hexyl ester
142–16–5 2-Butenedioic acid (Z)-, bis(2-ethylhexyl) ester
142–22–3 2,5,8,10-Tetraoxatridec-12-enoic acid, 9-oxo-, 2-propenyl ester
142–28–9 Propane, 1,3-dichloro-
142–30–3 3-Hexyne-2,5-diol, 2,5-dimethyl-
142–58–5 Tetradecanamide, N-(2-hydroxyethyl)-
142–59–6 Carbamodithioic acid, 1,2-ethanediylbis-, disodium salt
142–73–4 Glycine, N-(carboxymethyl)-
142–77–8 9-Octadecenoic acid (Z)-, butyl ester
142–78–9 Dodecanamide, N-(2-hydroxyethyl)-
142–82–5 Heptane
142–84–7 1-Propanamine, N-propyl-
142–90–5 2-Propenoic acid, 2-methyl-, dodecyl ester
142–91–6 Hexadecanoic acid, 1-methylethyl ester
142–92–7 Acetic acid, hexyl ester
142–96–1 Butane, 1,1'-oxybis-
143–18–0 9-Octadecenoic acid (Z)-, potassium salt
143–19–1 9-Octadecenoic acid (Z)-, sodium salt
143–22–6 Ethanol, 2-[2-(2-butoxyethoxy)ethoxy]-
143–23–7 1,6-Hexanediamine, N-(6-aminohexyl)-
143–29–3 5,8,11,13,16,19-Hexaoxatricosane
144–19–4 1,3-Pentanediol, 2,2,4-trimethyl-
145–73–3 7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
147–14–8 Copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, (SP-4-1)-
147–47–7 Quinoline, 1,2-dihydro-2,2,4-trimethyl-
147–82–0 Benzenamine, 2,4,6-tribromo-
148–24–3 8-Quinolinol
149–30–4 2(3H)-Benzothiazolethione
149–44–0 Methanesulfinic acid, hydroxy-, monosodium salt
149–57–5 Hexanoic acid, 2-ethyl-
149–74–6 Silane, dichloromethylphenyl-
150–39–0 Glycine, N-[2-[bis(carboxymethyl)amino]ethyl]-N-(2-hydroxyethyl)-
151–01–9 Carbonodithioic acid, O-ethyl ester
151–18–8 Propanenitrile, 3-amino-
151–21–3 Sulfuric acid monododecyl ester sodium salt
151–32–6 Hexanedioic acid, dinonyl ester
151–41–7 Sulfuric acid, monododecyl ester
151–50–8 Potassium cyanide
151–56–4 Aziridine
154–17–6 D-arabino-Hexose, 2-deoxy-
155–04–4 2(3H)-Benzothiazolethione, zinc salt
155–41–9 3-Oxa-9-azoniatricyclo[3.3.1.02,4]nonane, 7-(3-hydroxy-1-oxo-2-phenylpropoxy)-9,9-dimethyl-, bromide, [7(S)-(1.alpha.,2.beta.,4.beta.,5.alpha.,7.beta.)]-
156–10–5 Benzenamine, 4-nitroso-N-phenyl-
156–54–7 Butanoic acid, sodium salt
156–59–2 Ethene, 1,2-dichloro-, (Z)-
193–39–5 Indeno[1,2,3-cd]pyrene
206–44–0 Fluoranthene
208–96–8 Acenaphthylene

CAS No., Chemical Name

280–57–9 1,4-Diazabicyclo[2.2.2]octane
285–67–6 6-Oxabicyclo[3.1.0]hexane
286–20–4 7-Oxabicyclo[4.1.0]heptane
287–92–3 Cyclopentane
294–62–2 Cyclododecane
298–06–6 Phosphorodithioic acid, O,O-diethyl ester
298–12–4 Acetic acid, oxo-
300–92–5 Aluminum, hydroxybis(octadecanoato-O)-
301–02–0 9-Octadecenamide, (Z)-
306–37–6 Hydrazine, 1,2-dimethyl-, dihydrochloride
307–35–7 1-Octanesulfonyl fluoride, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-
320–72–9 Benzoic acid, 3,5-dichloro-2-hydroxy-
333–41–5 Phosphorothioic acid, O,O-diethyl O-[6-methyl-2-(1-methylethyl)-4-pyrimidinyl] ester
334–48–5 Decanoic acid
339–43–5 Benzenesulfonamide, 4-amino-N-[(butylamino) carbonyl]-
352–93–2 Ethane, 1,1'-thiobis-
366–18–7 2,2'-Bipyridine
372–09–8 Acetic acid, cyano-
373–02–4 Acetic acid, nickle(2+) salt
374–07–2 Ethane, 1,1-dichloro-1,2,2,2-tetrafluoro-
393–75–9 Benzene, 2-chloro-1,3-dinitro-5-(trifluoromethyl)-
409–02–9 Heptenone, methyl-
420–12–2 Thiirane
428–59–1 Oxirane, trifluoro(trifluoromethyl)-
460–19–5 Ethanedinitrile
463–49–0 1,2-Propadiene
463–51–4 Ethenone
463–58–1 Carbon oxide sulfide
465–73–6 1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1.alpha.,4.alpha.,4a.beta.,5.beta.,8.beta.,8a.beta.)
467–62–9 Benzenemethanol, 4-amino-.alpha.,.alpha.-bis(4-aminophenyl)-
470–67–7 7-Oxabicyclo[2.2.1]heptane, 1-methyl-4-(1-methylethyl)-
473–54–1 Bicyclo[3.1.1]heptan-2-ol, 2,6,6,-trimethyl-
473–55–2 Bicyclo[3.1.1]heptane, 2,6,6-trimethyl-
482–89–3 3H-Indol-3-one, 2-(1,3-dihydro-3-oxo-2H-indol-2-glidene)-1,2-dihydro-
486–25–9 9H-Fluoren-9-one
491–04–3 2-Cyclohexen-1-ol, 3-methyl-6-(1-methylethyl)-
492–80–8 Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl-
493–52–7 Benzoic acid, 2-[[4-(dimethylamino)phenyl]azo]-
495–48–7 Diazene, diphenyl-, 1-oxide
495–54–5 1,3-Benzenediamine, 4-(phenylazo)-
496–03–7 Hexanal, 2-ethyl-3-hydroxy-
496–72–0 1,2-Benzenediamine, 4-methyl-
497–39–2 Phenol, 2,4-bis(1,1-dimethylethyl)-5-methyl-
502–44–3 2-Oxepanone
503–30–0 Oxetane
503–60–6 2-Butene, 1-chloro-3-methyl-
503–74–2 Butanoic acid, 3-methyl-
504–29–0 2-Pyridinamine
504–60–9 1,3-Pentadiene
505–32–8 1-Hexadecen-3-ol, 3,7,11,15-tetramethyl-
506–51–4 1-Tetracosanol

CAS No., Chemical Name

506–93–4 Guanidine, mononitrate
513–35–9 2-Butene, 2-methyl-
513–74–6 Carbamodithioic acid, monoammonium salt
515–42–4 Benzenesulfonic acid, sodium salt
520–45–6 2H-Pyran-2,4(3H)-dione, 3-acetyl-6-methyl-
523–44–4 Benzenesulfonic acid, 4-[(4-hydroxy-1-naphthalenyl)azo]-, monosodium salt
526–75–0 Phenol, 2,3-dimethyl-
527–60–6 Phenol, 2,4,6-trimethyl-
529–34–0 1(2H)-Naphthalenone, 3,4-dihydro-
530–91–6 2-Naphthalenol, 1,2,3,4-tetrahydro-
534–15–6 Ethane, 1,1-dimethoxy-
540–49–8 Ethene, 1,2-dibromo
540–54–5 Propane, 1-chloro-
540–59–0 Ethene, 1,2-dichloro-
540–63–6 1,2-Ethanedithiol
540–84–1 Pentane, 2,2,4-trimethyl-
541–02–6 Cyclopentasiloxane, decamethyl-
541–35–5 Butanamide
541–41–3 Carbonochloridic acid, ethyl ester
541–73–1 Benzene, 1,3-dichloro-
541–88–8 Acetic acid, chloro-, anhydride
542–18–7 Cyclohexane, chloro-
542–92–7 1,3-Cyclopentadiene
544–17–2 Formic acid, calcium salt
544–18–3 Formic acid, cobalt(2+) salt
544–63–8 Tetradecanoic acid
544–92–3 Copper cyanide
547–64–8 Propanoic acid, 2-hydroxy-, methyl ester
551–93–9 Ethanone, 1-(2-aminophenyl)-
552–30–7 5-Isobenzofurancarboxylic acid, 1,3-dihydro-1,3-dioxo-
553–97–9 2,5-Cyclohexadiene-1,4-dione, 2-methyl-
554–00–7 Benzenamine, 2,4-dichloro-
554–12–1 Propanoic acid, methyl ester
554–68–7 Ethanamine, N,N-diethyl-, hydrochloride
554–84–7 Phenol, 3-nitro-
555–31–7 2-Propanol, aluminum salt
555–43–1 Octadecanoic acid, 1,2,3-propanetriyl ester
555–75–9 Ethanol, aluminum salt
556–52–5 Oxiranemethanol
556–64–9 Thiocyanic acid, methyl ester
556–67–2 Cyclotetrasiloxane, octamethyl-
556–88–7 Guanidine, nitro-
557–04–0 Octadecanoic acid, magnesium salt
557–05–1 Octadecanoic acid, zinc salt
557–98–2 1-Propene, 2-chloro-
558–13–4 Methane, tetrabromo-
563–41–7 Hydrazinecarboxamide, monohydrochloride
563–45–1 1-Butene, 3-methyl-
563–46–2 1-Butene, 2-methyl-
565–00–4 Bicyclo[2.2.1]heptane, 2,2-dimethyl-3-methylene-, (.+−.)-
569–61–9 Benzenamine, 4-[(4-aminophenyl)(4-imino-2,5-cyclohexadien-1-ylidene)methyl]-, monohydrochloride
576–26–1 Phenol, 2,6-dimethyl-
577–11–7 Butanedioic acid, sulfo-, 1,4-bis(2-ethylhexyl) ester, sodium salt
578–54–1 Benzenamine, 2-ethyl-
579–66–8 Benzenamine, 2,6-diethyl-
583–60–8 Cyclohexanone, 2-methyl-
583–78–8 Phenol, 2,5-dichloro-
583–91–5 Butanoic acid, 2-hydroxy-4-(methylthio)-
584–84–9 Benzene, 2,4-diisocyanato-1-methyl-

CAS No., Chemical Name

586–62–9 Cyclohexene, 1-methyl-4-(1-methylethylidene)-
588–59–0 Benzene, 1,1'-(1,2-ethenediyl)bis-
590–02–3 Acetic acid, chloro-, butyl ester
590–18–1 2-Butene, (Z)-
590–19–2 1,2-Butadiene
590–21–6 1-Propene, 1-chloro-
590–29–4 Formic acid, potassium salt
590–86–3 Butanal, 3-methyl-
590–92–1 Propanoic acid, 3-bromo-
591–78–6 2-Hexanone
592–01–8 Calcium cyanide
592–04–1 Mercury cyanide
592–31–4 Urea, butyl-
592–35–8 Carbamic acid, butyl ester
592–45–0 1,4-Hexadiene
592–51–8 4-Pentenenitrile
592–76–7 1-Heptene
593–60–2 Ethene, bromo-
593–81–7 Methanamine, N,N-dimethyl-, hydrochloride
594–42–3 Methanesulfenyl chloride, trichloro-
597–31–9 Propanal, 3-hydroxy-2,2-dimethyl-
598–55–0 Carbamic acid, methyl ester
595–56–1 Ethanamine, N,N-dimethyl-
598–78–7 Propanoic acid, 2-chloro-
598–96–9 2-Pentene, 3,4,4-trimethyl-
602–01–7 Benzene, 1-methyl-2,3-dinitro-
602–87–9 Acenaphthylene, 1,2-dihydro-5-nitro-
603–35–0 Phosphine, triphenyl-
606–20–2 Benzene, 2-methyl-1,3-dinitro-
606–21–3 Benzene, 2-chloro-1,3-dinitro-
607–57–8 9H-Fluorene, 2-nitro-
608–27–5 Benzenamine, 2,3-dichloro-
608–71–9 Phenol, pentabromo-
608–93–5 Benzene, pentachloro-
609–93–8 Phenol, 4-methyl-2,6-dinitro-
610–39–9 Benzene, 4-methyl-1,2-dinitro-
612–83–9 [1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-, dihydrochlorofide
613–37–6 1,1'-Biphenyl, 4-methoxy-
613–94–5 Benzoic acid, hydrazide
614–00–6 Benzenamine, N-methyl-N-nitroso-
614–45–9 Benzenecarboperoxoic acid, 1,1-dimethylethyl ester
615–05–4 1,3-Benzenediamine, 4-methoxy-
615–53–2 Carbamic acid, methylnitroso-, ethyl ester
616–02–4 2,5-Furandione, 3-methyl-
616–21–7 Butane, 1,2-dichloro-
616–45–5 2-Pyrrolidinone
617–94–7 Benzenemethanol, .alpha.,.alpha.-dimethyl-
619–15–8 Benzene, 2-methyl-1,4-dinitro-
619–17–0 Benzoic acid, 2-amino-4-nitro-
619–66–9 Benzoic acid, 4-formyl-
620–17–7 Phenol, 3-ethyl-
621–64–7 1-Propanamine, N-nitroso-N-propyl-
623–42–7 Butanoic acid, methyl ester
623–78–9 Carbamic acid, ethyl-, ethyl ester
623–84–7 1,2-Propanediol, diacetate
623–91–6 2-Butenedioic acid (E)-, diethyl ester
624–18–0 1,4-Benzenediamine, dihydrochloride
624–64–6 2-Butene, (E)-
626–17–5 1,3-Benzenedicarbonitrile
626–43–7 Benzenamine, 3,5-dichloro-
626–48–2 2,4(1H,3H)-Pyrimidinedione, 6-methyl-
627–12–3 Carbamic acid, propyl ester
627–20–3 2-Pentene, (Z)-
627–93–0 Hexanedioic acid, dimethyl ester

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628-02-4 Hexanamide
628-63-7 Acetic acid, pentyl ester
628-94-4 Hexanediamide
628-96-6 1,2-Ethanediol, dinitrate
629-50-5 Tridecane
629-59-4 Tetradecane
629-62-9 Pentadecane
629-73-2 1-Hexadecene
629-96-9 1-Eicosanol
631-61-8 Acetic acid, ammonium salt
632-22-4 Urea, tetramethyl-
632-79-1 1,3-Isobenzofurandione, 4,5,6,7-tetrabromo-
634-66-2 Benzene, 1,2,3,4-tetrachloro-
634-90-2 Benzene, 1,2,3,5-tetrachloro-
634-93-5 Benzenamine, 2,4,6-trichloro-
635-22-3 Benzenamine, 4-chloro-3-nitro-
636-53-3 1,3-Benzenedicarboxylic acid, diethyl ester
637-12-7 Octadecanoic acid, aluminum salt
638-38-0 Acetic acid, manganese(2+) salt
638-65-3 Octadecanenitrile
640-19-7 Acetamide, 2-fluoro-
644-97-3 Phosphonous dichloride, phenyl-
645-62-5 2-Hexenal, 2-ethyl-
646-04-8 2-Pentene, (E)-
646-06-0 1,3-Dioxolane
646-13-9 Octadecanoic acid, 2-methylpropyl ester
657-84-1 Benzenesulfonic acid, 4-methyl-, sodium salt
661-19-8 1-Docosanol
674-82-8 2-Oxetanone, 4-methylene-
676-58-4 Magnesium, chloromethyl-
680-31-9 Phosphoric triamide, hexamethyl-
681-84-5 Silicic acid, tetramethyl ester
683-18-1 Stannane, dibutyldichloro-
684-93-5 Urea, N-methyl-N-nitroso-
685-91-6 Acetamide, N,N-diethyl-
688-84-6 2-Propenoic acid, 2-methyl-, 2-ethylhexyl ester
689-11-2 Urea, (1-methylpropyl)-
689-12-3 2-Propenoic acid, 1-methylethyl ester
689-97-4 1-Buten-3-yne
693-07-2 Ethane, 1-chloro-2-(ethylthio)-
693-23-2 Dodecanedioic acid
693-36-7 Propanoic acid, 3,3'-thiobis-, dioctadecyl ester
693-95-8 Thiazole, 4-methyl-
694-83-7 1,2-Cyclohexanediamine
702-54-5 2H-1,3-Oxazine-2,4(3H)-dione, 5,5-diethyldihydro-
719-32-4 1,4-Benzenedicarbonyl dichloride, 2,3,5,6-tetrachloro-
747-45-5 Cinchonan-9-ol, 6'-methoxy-, (9S)-, sulfate (1:1) (salt)
756-80-9 Phosphorodithioic acid, 0,0-dimethyl ester
759-73-9 Urea, N-ethyl-N-nitroso-
760-23-6 1-Butene, 3,4-dichloro-
764-41-0 2-Butene, 1,4-dichloro-
766-39-2 2,5-Furandione, 3,4-dimethyl-
768-52-5 Benzenamine, N-(1-methylethyl)-
782-74-1 Hydrazine, 1,2-bis (2-chlorophenyl)-
792-74-5 [1,1'-Biphenyl]-4,4'-dicarboxylic acid, dimethyl ester
793-24-8 1,4-Benzenediamine, N-(1,3-dimethylbutyl)-N'-phenyl-
813-94-5 1,2,3-Propanetricarboxylic acid, 2-hydroxy-, calcuim salt (2:3)
815-17-8 Butanoic acid, 3,3-dimethyl-2-oxo-
818-61-1 2-Propenoic acid, 2-hydroxyethyl ester
822-06-0 Hexane, 1,6-diisocyanato-

CAS No., Chemical Name

822-16-2 Octadecanoic acid, sodium salt
823-40-5 1,3-Benzenediamine, 2-methyl-
824-78-2 Phenol, 4-nitro-, sodium salt
827-94-1 Benzenamine, 2,6-dibromo-4-nitro-
828-00-2 1,3-Dioxan-4-ol, 2,6-dimethyl-, acetate
830-13-7 Cyclododecanone
836-30-6 Benzenamine, 4-nitro-N-phenyl-
839-90-7 1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris(2-hydroxyethyl)-
842-07-9 2-Naphtalenol, 1-(phenylazo)-
868-77-9 2-Propenoic acid, 2-methyl-, 2-hydroxyethyl ester
869-24-9 Ethanamine, 2-chloro-N,N-diethyl-, hydrochloride
870-72-4 Methanesulfonic acid, hydroxy-, monosodium salt
872-05-9 1-Decene
872-50-4 2-Pyrrolidinone, 1-methyl-
897-55-2 Benzenamine, N,N-dimethyl-4-[2-(4-quinolinyl) ethenyl]-
919-30-2 1-Propanamine, 3-(triethoxysilyl)-
919-31-3 Propanenitrile, 3-(triethoxysilyl)-
924-16-3 1-Butanamine, N-butyl-N-nitroso-
924-42-5 2-Propenamide, N-(hydroxymethyl)-
925-60-0 2-Propenoic acid, propyl ester
926-06-7 Methanesulfonic acid, 1-methylethyl ester
926-57-8 2-Butene, 1,3-dichloro-
927-60-6 Butanamide, 4-hydroxy-
929-06-6 Ethanol, 2-(2-aminoethoxy)-
930-22-3 Oxirane, ethenyl-
930-37-0 Oxirane, (methoxymethyl)-
930-55-2 Pyrrolidine, 1-nitroso-
930-69-8 Benzenethiol, sodium salt
931-51-1 Magnesium, chlorocyclohexyl-
933-52-8 1,3-Cyclobutanedione, 2,2,4,4-tetramethyl-
933-75-5 Phenol, 2,3,6-trichloro-
947-04-6 Azacyclotridecan-2-one
959-26-2 1,4-Benzenedicarboxylic acid, bis(2-hydroxyethyl) ester
1000-82-4 Urea, (hydroxymethyl)-
1005-35-2 Sulfonium, (4-hydroxyphenyl) dimethyl-, chloride
1047-16-1 Quino[2,3-b]acridine-7,14-dione, 5,12-dihydro-
1067-33-0 Stannane, bis(acetyloxy) dibutyl-
1070-00-4 Aluminum, trioctyl-
1071-22-3 Propanenitrile, 3-(trichlorosilyl)-
1072-52-2 1-Aziridineethanol
1074-82-4 1H-Isoindole-1,3(2H)-dione, potassium salt
1077-56-1 Benzenesulfonamide, N-ethyl-2-methyl-
1103-38-4 1-Naphthalenesulfonic acid, 2-[(2-hydroxy-1-naphthalenyl) azo]-, barium salt (2:1)
1103-39-5 1-Naphthalenesulfonic acid, 2-[(2-hydroxy-1-naphthalenyl) azo]-, calcium salt (2:1)
1111-78-0 Carbamic acid, monoammonium salt
1115-20-4 Propanoic acid, 3-hydroxy-2,2-dimethyl-, 3-hydroxy-2,2-dimethylpropyl ester
1116-70-7 Aluminum, tributyl-
1116-73-0 Aluminum, trihexyl-
1116-76-3 1-Octanamine, N,N-dioctyl-
1117-97-1 Methanamine, N-methoxy-
1118-46-3 Stannane, butyltrichloro-
1119-40-0 Pentanedioic acid, dimethyl ester
1119-85-3 3-Hexenedinitrile
1120-21-4 Undecane
1120-36-1 1-Tetradecene

CAS No., Chemical Name

1121-70-6 Phenol, 4-methyl-, sodium salt
1139-30-6 5-Oxatricyclo[8.2.0.04,6]dodecane, 4,12,12-trimethyl-9-methylene-, [1R-(1R*,4R*,6R*,10S*)]-
1163-19-5 Benzene, 1,1'-oxybis[2,3,4,5,6-pentabromo-
1185-09-7 Ethanesulfenyl chloride, 1,1,2,2-tetrachloro-
1191-15-7 Aluminum, hydrobis(2-methylpropyl)-
1203-17-4 1H-Indene, 2,3-dihydro-1,1,2,3,3-pentamethyl-
1203-86-7 Ethanone, 2,2-dichloro-1-(2,4,5-trichlorophenyl)-
1208-52-2 Benzenamine, 2-[(4-aminophenyl)methyl]
1241-94-7 Phosphoric acid, 2-ethylhexyl diphenyl ester
1254-78-0 Phosphorous acid, didecyl phenyl ester
1300-71-6 Phenol, dimethyl-
1300-72-7 Benzenesulfonic acid, dimethyl-, sodium salt
1300-73-8 Benzenamine, ar,ar-dimethyl-
1302-42-7 Aluminate, sodium
1305-79-9 Calcium peroxide
1306-06-5 Hydroxylapatite
1306-19-0 Cadmium oxide
1308-14-1 Chromium hydroxide
1308-38-9 Chromium oxide
1309-48-4 Magnesium oxide
1309-60-0 Lead oxide
1309-64-4 Antimony oxide
1310-43-6 Iron phosphide
1310-61-8 Potassium sulfide
1312-76-1 Silicic acid, potassium salt
1313-27-5 Molybdenum oxide
1313-99-1 Nickel oxide
1314-34-7 Vanadium oxide
1314-35-8 Tungsten oxide
1314-41-6 Lead oxide
1314-62-1 Vanadium oxide
1314-96-1 Strontium sulfide
1314-98-3 Zinc sulfide
1317-36-8 Lead oxide
1317-37-9 Iron sulfide
1317-38-0 Copper oxide
1317-40-4 Copper sulfide
1317-42-6 Cobalt sulfide
1317-70-0 Anatase
1319-41-1 Saponite
1319-46-6 Lead, bis[carbonato(2-)]dihydroxytri-
1319-77-3 Phenol, methyl-
1320-66-7 Butanol, chloro-
1321-64-8 Naphthalene, pentachloro-
1321-65-9 Naphthalene, trichloro-
1321-74-0 Benzene, diethenyl-
1321-94-4 Naphthalene, methyl-
1324-76-1 Benzenesulfonic acid, [[4-[[4-(phenylamino)phenyl][4-(phenylimino)-2,5-cyclohexadien-1-ylidene]methyl]phenyl]amino]-
1325-37-7 C.I. Direct Yellow 11
1325-87-7 Ethanaminium, N-[4-[[4-(diethylamino)phenyl][4-(ethylamino)-1-naphthalenyl]methylene]-2,5-cyclohexadien-1-ylidene]-N-ethyl-, molybdatetungsstatephosphate
1326-82-5 C.I. Sulphur Black 1
1327-57-7 C.I. Sulphur Blue 7
1328-53-6 C.I. Pigment Green 7
1330-20-7 Benzene, dimethyl-
1330-43-4 Boric acid, disodium salt
1330-61-6 2-Propenoic acid, isodecyl ester

CAS No., Chemical Name

1330-76-3 2-Butenedioic acid (Z)-, diisooctyl ester
1330-78-5 Phosphoric acid, tris(methylphenyl) ester
1330-86-5 Hexanedioic acid, diisooctyl ester
1330-96-7 1,2-Benzenedicarboxylic acid, isodecyl octyl ester
1331-28-8 Benzene, chloroethenyl-
1332-65-6 Copper chloride hydroxide
1333-07-9 Benzenesulfonamide, ar-methyl-
1333-13-7 Phenol, (1,1-dimethylethyl)-3-methyl-
1333-39-7 Benzenesulfonic acid, hydroxy-
1333-41-1 Pyridine, methyl-
1333-82-0 Chromium oxide
1333-83-1 Sodium fluoride
1333-86-4 Carbon black
1334-78-7 Benzaldehyde, methyl-
1335-32-6 Lead, bis(acetato-O)tetrahydroxytri-
1335-87-1 Naphthalene, hexachloro-
1335-88-2 Naphthalene, tetrachloro-
1338-23-4 2-Butanone, peroxide
1338-24-5 Naphthenic acids
1338-41-6 Sorbitan, monooctadecanoate
1338-43-8 Sorbitan, mono-9-octadecenoate, (Z)-
1341-49-7 Ammonium fluoride
1343-88-0 Silicic acid, magnesium salt
1344-01-0 Aluminosilicic acid, calcium sodium salt
1344-09-8 Silicic acid, sodium salt
1344-37-2 C.I. Pigment Yellow 34
1344-73-6 Sulfuric acid, copper salt, basic
1344-81-6 Calcium sulfide
1344-95-2 Silicic acid, calcium salt
1345-04-6 Antimony sulfide
1345-09-1 Cadmium mercury sulfide
1345-13-7 Cerium oxide
1446-61-3 1-Phenanthrenemethanamine, 1,2,3,4,4a,9,10,10a-octahydro-1,4a-dimethyl-7-(1-methylethyl)-, [1R-(1.alpha.,4a.beta.,10a.alpha.)]-
1452-15-9 4-Thiazolecarbonitrile
1459-10-5 Benzene, tetradecyl-
1459-93-4 1,3-Benzenedicarboxylic acid, dimethyl ester
1461-25-2 Stannane, tetrabutyl-
1464-53-5 2,2'-Bioxirane
1465-25-4 1,2-Ethanediamine, N-1-naphthalenyl-, dihydrochloride
1476-11-5 2-Butene, 1,4-dichloro-, (Z)-
1497-68-3 Phosphonochloridothioic acid, ethyl-, O-ethyl ester
1498-51-7 Phosphorodichloridic acid, ethyl ester
1516-27-4 2-Propen-1-aminium, N,N,N-trimethyl-, chloride
1528-74-1 1,1'-Biphenyl, 4,4'-dinitro-
1529-57-3 Aluminum, trieicosyl-
1529-58-4 Aluminum, tritetradecyl-
1529-59-5 Aluminum, tridodecyl-
1562-00-1 Ethanesulfonic acid, 2-hydroxy-, monosodium salt
1563-38-8 7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
1569-69-3 Cyclohexanethiol
1570-64-5 Phenol, 4-chloro-2-methyl-
1571-08-0 Benzoic acid, 4-formyl-, methyl ester
1623-19-4 Phosphoric acid, tri-2-propenyl ester
1628-58-6 Benzenamine, 4-[2-(2-benzothiazolyl)ethenyl]-N,N-dimethyl-
1633-05-2 Carbonic acid, strontium salt (1:1)

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1633-83-6 1,2-Oxathiane, 2,2-dioxide
1634-04-4 Propane, 2-methoxy-2-methyl-
1639-66-3 Butanedioic acid, sulfo-, 1,4-dioctyl ester, sodium salt
1643-20-5 1-Dodecanamine, N,N-dimethyl-, N-oxide
1646-75-9 Propanal, 2-methyl-2-(methylthio)-, oxime
1663-39-4 2-Propenoic acid, 1,1-dimethylethyl ester
1679-64-7 1,4-Benzenedicarboxylic acid, monomethyl ester
1689-82-3 Phenol, 4-(phenylazo)-
1694-09-3 Benzenemethanaminium, N-[4-[[4-(dimethylamino)phenyl][4-[ethyl[(3-sulfophenyl)methyl]amino]phenyl]methylene]-2,5-cyclohexadien-1-ylidene]-N-ethyl-3-sulfo-, hydroxide, inner salt, sodium salt
1724-39-6 Cyclododecanol
1726-65-4 Aluminum, trihexadecyl-
1726-66-5 Aluminum, tris(decyl)-
1738-25-6 Propanenitrile, 3-(dimethylamino)-
1746-77-6 Carbamic acid, 1-methylethyl ester
1746-81-2 Urea, N'-(4-chlorophenyl)-N-methoxy-N-methyl-
1762-26-1 Plumbane, ethyltrimethyl-
1762-27-2 Plumbane, diethyldimethyl-
1762-28-3 Plumbane, triethylmethyl-
1762-95-4 Thiocyanic acid, ammonium salt
1772-25-4 1,3,6-Hexanetricarbonitrile
1777-84-0 Acetamide, N-(4-ethoxy-3-nitrophenyl)-
1779-25-5 Aluminum, chlorobis(2-methylpropyl)-
1806-26-4 Phenol, 4-octyl-
1807-55-2 Benzenamine, 4,4'-methylenebis[N-methyl-
1809-19-4 Phosphonic acid, dibutyl ester
1817-73-8 Benzenamine, 2-bromo-4,6-dinitro-
1843-05-6 Methanone, [2-hydroxy-4-(octyloxy)phenyl]phenyl-
1852-16-0 2-Propenamide, N-(butoxymethyl)-
1854-26-8 2-Imidazolidinone, 4,5-dihydroxy-1,3-bis(hydroxymethyl)-
1912-24-9 1,3,5-Triazine-2,4-diamine, 6-chloro-N-ethyl-N'-(1-methylethyl)-
1936-15-8 1,3-Naphthalenedisulfonic acid, 7-hydroxy-8-(phenylazo)-, disodium salt
1937-37-7 2,7-Naphthalenedisulfonic acid, 4-amino-3-[[4'-[(2,4-diaminophenyl)azo][1,1'biphenyl]-4-yl]azo]-5-hydroxy-6-(phenylazo)-, disodium salt
1942-71-8 Cyclohexanol, 2-(p-tert-butylphenoxy)-
1982-69-0 Benzoic acid, 3,6-dichloro-2-methoxy-, sodium salt
1984-06-1 Octanoic acid, sodium salt
2027-17-0 Naphthalene, 2-(1-methylethyl)-
2050-92-2 1-Pentanamine, N-pentyl-
2082-79-3 Benzenepropanoic acid, 3,5-bis(1,1-dimethylethyl)-4-hydroxy-, octadecyl ester
2082-81-7 2-Propenoic acid, 2-methyl-, 1,4-butanediyl ester
2114-11-6 Carbamic acid, 2-propenyl ester
2130-56-5 [1,1'-Biphenyl]-3,3'-dicarboxylic acid, 4,4'-diamino-
2131-18-2 Benzene, pentadecyl-
2156-96-9 2-Propenoic acid, decyl ester
2176-62-7 Pyridine, pentachloro-

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2210-25-5 2-Propenamide, N-(1-methylethyl)-
2210-28-8 2-Propenoic acid, 2-methyl-, propyl ester
2216-51-5 Cyclohexanol, 5-methyl-2-(1-methylethyl)-, [1R-(1.alpha.,2.beta.,5.alpha.)]-
2223-82-7 2-Propenoic acid, 2,2-dimethyl-1,3-propanediyl ester
2223-93-0 Octadecanoic acid, cadmium salt
2231-57-4 Carbonothioic dihydrazide
2234-13-1 Naphthalene, octachloro-
2235-43-0 Phosphonic acid, [nitrilotris(methylene)]tris-, pentasodium salt
2235-54-3 Sulfuric acid, monododecyl ester, ammonium salt
2238-07-5 Oxirane, 2,2'-[oxybis(methylene)]bis-
2244-21-5 1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3-dichloro-, potassium salt
2358-84-1 2-Propenoic acid, 2-methyl-, oxydi-2,1-ethanediyl ester
2372-45-4 1-Butanol, sodium salt
2386-87-0 7-Oxabicyclo[4.1.0]heptane-3-carboxylic acid, 7-oxabicyclo[4.1.0]hept-3-ylmethyl ester
2401-85-6 Naphthalene, 1-chloro-2,4-dinitro-
2402-79-1 Pyridine, 2,3,5,6-tetrachloro-
2409-55-4 Phenol, 2-(1,1-dimethylethyl)-4-methyl-
2416-94-6 Phenol, 2,3,6-trimethyl-
2425-74-3 Formamide, N-(1,1-dimethylethyl)-
2425-79-8 Oxirane, 2,2'-[1,4-butanediylbis(oxymethylene)]bis-
2425-85-6 2-Naphthalenol, 1-[(4-methyl-2-nitrophenyl)azo]-
2426-08-6 Oxirane, (butoxymethyl)-
2426-54-2 2-Propenoic acid, 2-(diethylamino)ethyl ester
2431-50-7 1-Butene, 2,3,4-trichloro-
2432-74-8 Hexanenitrile, 6-amino-
2432-99-7 Undecanoic acid, 11-amino-
2444-90-8 Phenol, 4,4'-(1-methylethylidene)bis-, disodium salt
2455-24-5 2-Propenoic acid, 2-methyl-, (tetrahydro-2-furanyl)methyl ester
2459-10-1 1,2,4-Benzenetricarboxylic acid, trimethyl ester
2461-18-9 Oxirane, [(dodecyloxy)methyl]-
2465-27-2 Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl-, monohydrochloride
2465-29-4 3H-Xanthen-6-amine, N-methyl-3-(methylimino)-, monohydrochloride
2475-46-9 9,10-Anthracenedione, 1-[(2-hydroxyethyl)amino]-4-(methylamino)-
2489-77-2 Thiourea, trimethyl-
2492-26-4 2(3H)-Benzothiazolethione, sodium salt
2495-25-2 2-Propenoic acid, 2-methyl-, tridecyl ester
2495-27-4 2-Propenoic acid, 2-methyl-, hexadecyl ester
2495-39-8 2-Propene-1-sulfonic acid, sodium salt
2499-95-8 2-Propenoic acid, hexyl ester
2524-03-0 Phosphorochloridothioic acid, 0,0-dimethyl ester
2524-04-1 Phosphorochloridothioic acid, 0,0-diethyl ester
2528-36-1 Phosphoric acid, dibutyl phenyl ester
2530-85-0 2-Propenoic acid, 2-methyl-, 3-(trimethoxysilyl)propyl ester

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2549–53–3 2-propenoic acid, 2-methyl-, tetradecyl ester
2550–40–5 Disulfide, dicyclohexyl
2551–62–4 Sulfur fluoride, (OC-6-11)-
2580–78–1 2-Anthracenesulfonic acid, 1-amino-9,10-dihydro-9,10-dioxo-4-[[3-[[2-(sulfooxy)ethyl]sulfonyl]phenyl]amino]-, disodium salt
2581–69–3 Benzenamine, 4-[(4-nitrophenyl) azo]-N-phenyl-
2602–46–2 2,7-Naphthalenedisulfonic acid, 3,3'-[[1,1'-biphenyl]4,4'-diylbis (azo)]bis[5 amino-4-hydroxy-, tetrasodium salt
2610–05–1 1,3-Naphthalenedisulfonic acid, 6,6'-[(3,3'-dimethoxy[1,1'-biphenyl]-4,4'diyl)bis[azo]]bis[4-amino-5-hydroxy-, tetrasodium salt
2611–00–9 3-Cyclohexene-1-carboxylic acid, 3-cyclohexen-1-ylmethyl ester
2611–82–7 1,3-Naphthalenedisulfonic acid, 7-hydroxy-8-[(4-sulfo-1-naphthalenyl)azo]-, trisodium salt
2622–21–1 Cyclohexene, 1-ethenyl-
2627–06–7 Benzenesulfonic acid, 4-decyl-, sodium salt
2646–17–5 2-Naphthalenol, 1-[(2-methylphenyl)azo]-
2650–18–2 Benzenemethanaminium, N-ethyl-N-[4-[[4-[ethyl[(3-sulfophenyl)methyl]amino]phenyl](2-sulfophenyl)methylene]-2,5-cyclohexadien-1-ylidene]-3-sulfo-, hydroxide, inner salt, diammonium salt
2687–25–4 1,2-Benzenediamine, 3-methyl-
2691–41–0 1,3,5,7-Tetrazocine, octahydro-1,3,5,7-tetranitro-
2717–15–9 9-Octadecenoic acid (Z)-, compd. with 2,2',2''-nitrilotris[ethanol] (1:1)
2781–00–2 Peroxide, [1,4-phenylenebis(1-methylethylidene)]bis[(1,1-dimethylethyl)
2781–11–5 Phosphonic acid, [[bis(2-hydroxyethyl)amino]methyl]-, diethyl ester
2782–57–2 1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3-dichloro-
2809–21–4 Phosphonic acid, (1-hydroxyethylidene)bis-
2814–20–2 4(1H)-Pyrimidinone, 6-methyl-2-(1-methylethyl)-
2819–86–5 Phenol, pentamethyl-
2832–40–8 Acetamide, N-[4-[(2-hdroxy-5-methylphenyl) azo]phenyl]-
2855–19–8 Oxirane, decyl-
2867–47–2 2-Propenoic acid, 2-methyl-, 2-(dimethylamino)ethyl ester
2893–78–9 1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3-dichloro-, sodium salt
2905–60–4 Benzoyl chloride, 2,3-dichloro-
2905–61–5 Benzoyl chloride, 2,5-dichloro-
2905–65–9 Benzoic acid, 3-chloro-, methyl ester
2905–69–3 Benzoic acid, 2,5,-dichloro-, methyl ester
2917–73–9 Nonanedioic acid, dibutyl ester
2935–90–2 Propanoic acid, 3-mercapto-, methyl ester
2941–64–2 Carbonochloridothioic acid, S-ethyl ester
2948–46–1 1,4-Benzenedimethanol, .alpha.,.alpha.,.alpha.',.alpha.'-tetramethyl-
2971–22–4 Benzene, 1,1'-(2,2,2-trichloroethylidene)bis-
3001–61–4 2-Imidazolidinone, 4,5-dihydroxy-1,3-bis(methoxymethyl)-
3002–22–0 Octadecanoic acid, nitrilotri-2,1-ethanediyl ester

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3021–31–6 Chlorosulfurous acid, 2-(p-tert-butylphenoxy) cyclohexyl ester
3026–63–9 1-Tridecanol, hydrogen sulfate, sodium salt
3039–83–6 Ethenesulfonic acid, sodium salt
3041–23–4 Aluminum, trioctadecyl-
3047–33–4 1,3,5-Triazine-2,4,6(1H,3H,5H),trione, trisodium salt
3048–64–4 Bicyclo[2.2.1]hept-2-ene, 5-ethenyl-
3048–65–5 1H-Indene, 3a,4,7,7a-tetrahydro-
3070–15–3 Phosphorothoic acid, 0,0-diethyl 0-[4-(methylthio) phenyl] ester
3071–32–7 Hydroperoxide, 1-phenylethyl
3076–04–8 2-Propenoic acid, tridecyl ester
3081–01–4 1,4-Benzenediamine, N-(1,4-dimethylpentyl)-N'-phenyl-
3081–14–9 1,4-Benzenediamine, N,N'-bis(1,4-dimethylpentyl)-
3083–25–8 Oxirane, (2,2,2,-trichloroethyl)-
3085–30–1 1-Butanol, aluminum salt
3085–35–6 Methanol, butoxy-
3087–16–9 Methanaminium, N-[4-[[4-(dimethylamino)phenyl](2-hydroxy-3,6-disulfo-1-naphthalenyl) methylene]-2,5-cyclohexadien-1-ylidene]-N-methyl-, hydroxide, inner salt, monosodium salt
3088–31–1 Ethanol, 2-[2-(dodecyloxy)ethoxy]-, hydrogen sulfate, sodium-salt
3091–32–5 Stannane, chlorotricyclohexyl-
3118–97–6 2-Naphthalenol, 1-[(2,4-dimethylphenyl)azo]-
3129–91–7 Cyclohexanamine, N-cyclohexyl-, nitrite
3132–64–7 Oxirane, (bromomethyl)-
3159–62–4 Octadecanoic acid, 12-hydroxy-, calcium salt (2:1)
3165–93–3 Benzenamine, 4-chloro-2-methyl-, hydrochloride
3194–55–6 Cyclododecane, 1,2,5,6,9,10-hexabromo
3234–02–4 2-Butene-1,4-diol, 2,3-dibromo-
3268–49–3 Propanal, 3-(methylthio)-
3271–76–9 Anthra[2,1,9-mna]naphth[2,3-h]acridine-5,10,15(16H)-trione
3278–35–1 Thiodicarbonic acid, diethyl ester
3278–89–5 Benzene, 1,3,5-tribromo-2-(2-propenyloxy)-
3290–70–8 1-Butanol, 2,4,4,4-tetrachloro-
3290–92–4 2-Propenoic acid, 2-methyl-, 2-ethyl-2-[[(2-methyl-1-oxo-2-propenyl)oxy]methyl]-1,3-propanediyl ester
3294–03–9 Phenol, 2,2'-thiobis[4-(1,1,3,3-tetramethylbutyl)-
3296–90–0 1,3-Propanediol, 2,2-bis(bromomethyl)-
3302–10–1 Hexanoic acid, 3,5,5-trimethyl-
3319–31–1 1,2,4-Benzenetricarboxylic acid, tris(2-ethylhexyl) ester
3322–93–8 Cyclohexane, 1,2-dibromo-4-(1,2-dibromoethyl)-
3323–53–3 Hexanedioic acid, compd. with 1,6-hexanediamine (1:1)
3327–22–8 1-Propanaminium, 3-chloro-2-hydroxy-N,N,N-trimethyl-, chloride
3333–67–3 Carbonic acid, nickel (2+) salt (1:1)
3338–24–7 Phosphorodithioic acid, 0,0-diethyl ester, sodium salt
3389–71–7 Bicyclo[2.2.1]hepta-2,5-diene, 1,2,3,4,7,7-hexachloro-
3401–80–7 Benzoic acid, 3,6-dichloro-2-hydroxy-
3404–67–9 1-Pentene, 2-ethyl-3-methyl-

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3457–46–3 Ethanedione, bis(4-chlorophenyl)-
3497–00–5 Phosphonothioic dichloride, phenyl-
3564–21–4 2-Naphthalenecarboxylic acid, 4-[(5-chloro-4-methyl-2-sulfophenyl) azo]-3-hydroxy-, disodium salt
3566–10–7 Carbamodithioic acid, 1,2-ethanediylbis-, diammonium salt
3567–69–9 1-Naphthalenesulfonic acid, 4-hydroxy-3-[(4-sulfo-1-naphthalenyl) azo]-, disodium salt
3648–20–2 1,2-Benzenedicarboxylic acid, diundecyl ester
3710–84–7 Ethanamine, N-ethyl-N-hydroxy-
3724–65–0 2-Butenoic acid
3734–48–3 4,7-Methano-1H-indene, 4,5,6,7,8,8-hexachloro-3a,4,7,7a-tetrahydro-
3759–61–3 Carbonochloridic acid, 1-naphthalenyl ester
3761–53–3 2,7-Naphthalenedisulfonic acid, 4-[(2,4-dimethylphenyl)azo]-3-hydroxy-, disodium salt
3775–90–4 2-Propenoic acid, 2-methyl-, 2-[(1,1-dimethylethyl)amino]ethyl ester
3844–45–9 Benzenemethanaminium, N-ethyl-N-[4-[[4-[ethyl[(3-sulfophenyl)methyl]amino]phenyl](2-sulfophenyl)methylene]-2,5-cyclohexadien-1-ylidene]-3-sulfo-, hydroxide, inner salt, disodium salt
3926–62–3 Acetic acid, chloro-, sodium salt
3938–95–2 Propanoic acid, 2,2-dimethyl-, ethyl ester
3953–10–4 2-propenoic acid, 2-ethylbutyl ester
3965–55–7 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester, sodium salt
3982–91–0 Thiophosphoryl chloride
3985–81–7 1-Octadecanol, aluminum salt
4016–11–9 Oxirane, (ethoxymethyl)-
4016–14–2 Oxirane, [(1-methylethoxy)methyl]-
4026–20–4 Butanoic acid, 2-hydroxy-3,3-dimethyl-
4035–89–6 Imidodicarbonic diamide, N,N', 2-tris(6-isocyanatohexyl)-
4075–79–0 Acetamide, N-[1,1'-biphenyl]-4-yl
4088–22–6 1-Octadecanamine, N-methyl-N-octadecyl-
4098–71–9 Cyclohexane, 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethyl-
4116–10–3 Butanamide, 2-chloro-N-methyl-3-oxo-
4170–30–3 2-Butenal
4180–23–8 Benzene, 1-methoxy-4-(1-propenyl)-, (E)-
4208–80–4 3H-Indolium, 2-[2-[(2,4-dimethoxyphenyl)amino]ethenyl]-1,3,3-trimethyl-, chloride
4259–15–8 Phosphorodithioic acid, O,O-bis(2-ethylhexyl) ester, zinc salt
4316–73–8 Glycine, N-methyl-, monosodium salt
4316–74–9 Ethanesulfonic acid, 2-(methylamino)-, monosodium salt
4404–43–7 Benzenesulfonic acid, 2,2'-(1,2-ethenediyl)bis[5-[[4-[bis(2-hydroxyethyl)amino]-6-(phenylamino)-1,3,5-triazin-2-yl]amino]-
4439–20–7 Ethanol, 2,2'-(1,2-ethanediyldiimino)bis-
4454–05–1 2H-Pyran, 3,4-dihydro-2-methoxy-
4461–52–3 Methanol, methoxy-
4548–53–2 1-Naphthalenesulfonic acid, 3-[(2,4-dimethyl-5-sulfophenyl)azo]-4-hydroxy-, disodium salt

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4553–62–2 Pentanedinitrile, 2-methyl-
4635–87–4 3-Pentenenitrile
4680–78–8 Benzenemethanaminium, N-ethyl-N-[4-[[4-[ethyl[(3-sulfophenyl)methyl]amino]phenyl]-phenylmethylene]-2,5-cyclohexadien-1-ylidene]-3-sulfo-, hydroxide, inner salt, sodium salt
4835–11–4 1,6-Hexanediamine, N,N'-dibutyl-
4861–19–2 Urea, phosphate (1:1)
5064–31–3 Glycine, N,N-bis(carboxymethyl)-, trisodium salt
5075–13–8 Phosphonochloridothioic acid, phenyl-, O-ethyl ester
5124–30–1 Cyclohexane, 1,1'-methylenebis[4-isocyanato-
5141–20–8 Benzenemethanaminium, N-ethyl-N-[4-[[4-[ethyl[(3-sulfophenyl)methyl]amino]phenyl][4-sulfophenyl)methylene]-2,5-cyclohexadien-1-ylidene]-3-sulfo-, hydroxide, inner salt, disodium salt
5153–63–9 Pyridine, acetate
5160–02–1 Benzenesulfonic acid, 5-chloro-2-[(2-hydroxy-1-naphthalenyl)azo]-4-methyl-, barium salt (2:1)
5188–07–8 Methanethiol, sodium salt
5216–25–1 Benzene, 1-chloro-4-(trichloromethyl)-
5274–68–0 3,6,9,12-Tetraoxatetracosan-1-ol
5281–04–9 2-Naphthalenecarboxylic acid, 3-hydroxy-4-[(4-methyl-2-sulfophenyl)azo]-, calcium salt (1:1)
5329–14–6 Sulfamic acid
5330–17–6 Acetic acid, chloro-, 2-butoxyethyl ester
5388–62–5 Benzenamine, 4-chloro-2,6-dinitro-
5390–94–3 Sulfamic acid, methoxymethyl-, sodium salt
5412–25–9 1-Propanol, 2,3-dibromo-, hydrogen phosphate
5455–98–1 1H-Isoindole-1,3(2H)-dione, 2-(oxiranylmethyl)-
5460–09–3 2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-, monosodium salt
5468–75–7 Butanamide, 2,2'-[(3,3'-dichloro[1,1'-biphenyl]-4,4'-diyl)bis(azo)]bis[N-(2-methylphenyl)-3-oxo-
5500–21–0 Cyclopropanecarbonitrile
5536–61–8 2-Propenoic acid, 2-methyl-, sodium salt
5616–32–0 Acetonitrile, (methylamino)-
5650–20–4 3,6,9,12-Tetraoxatetradecan-1-ol
5685–06–3 2(3H)-Thiazolethione, 4-methyl-
5766–67–6 Acetonitrile, 2,2',2'',2'''-(1,2-ethanediyldinitrilo)tetrakis-
5810–88–8 Phosphorodithioic acid, O,O-bis(2-ethylhexyl) ester
5858–82–2 2-Naphthalenecarboxylic acid, 4-[(4-chloro-5-methyl-2-sulfophenyl)azo]-3-hydroxy-, disodium salt
5873–54–1 Benzene, 1-isocyanato-2-[(4-isocyanatophenyl)methyl]-
5915–41–3 1,3,5-Triazine-2,4-diamine, 6-chloro-N-(1,1-dimethylethyl)-N'-ethyl-
5930–71–2 Thioperoxydiphosphoric acid, tetramethyl ester
5959–89–7 D-Glucitol, 1,4-anhydro-, 6-dodecanoate
5970–61–6 Zincate(4-), bis[carbonato(2-)]pentaoxopenta-, tetrahydrogen
5989–27–5 Cyclohexene, 1-methyl-4-(1-methylethenyl)-, (R)-
6033–05–2 Morphinan-3,6-diol, 7,8-didehydro-4,5-epoxy-17-methyl-, (5.alpha.,6.alpha.)-, (Z)-9-octadecenoate (salt)
6104–30–9 Urea, N,N''-(2-methylpropylidene)bis-
6106–46–3 Benzeneacetic acid, .alpha.-(hydroxymethyl)-, 9-methyl-3-oxa-9-azatricyclo[3.3.1.02,4]non-7-yl ester, [7(S)-(1.alpha.,2.beta.,4.beta.,5.alpha.,7.beta.)]-, compd. with methyl nitrate (1:1)
6106–81–6 Benzeneacetic acid, .alpha.-(hydroxymethyl)-, 9-methyl-3-oxa-9-azatricyclo[3.3.1.02,4]non-7-yl ester, N-oxide, hydrobromide, [7(S)-1.alpha.,2.beta.,4.beta.,5.alpha.,7.beta.)]-
6140–74–5 2-Propenoic acid, 2-methyl-, pentadecyl ester
6144–04–3 Benzene, (1-methylethenyl)-, dimer
6158–45–8 Naphthalene, 1-(1-methylethyl)-
6219–66–5 1,2-Anthracenedicarboxylic acid, 7-acetyl-6-ethyl-9,10-dihydro-3,5,8-trihydroxy-9,10-dioxo-
6250–23–3 Phenol, 4-[[4-(phenylazo)phenyl]azo]-
6283–25–6 Benzenamine, 2-chloro-5-nitro-
6300–07–8 Benzenesulfonic acid, 3-[(4-amino-3-methoxyphenyl)azo]-, monosodium salt
6343–88–0 Ammonium, (oxydiethylene)bis[trimethyl-, dichloride
6358–31–2 Butanamide, 2-[(2-methoxy-4-nitrophenyl)azo]-N-(2-methoxyphenyl)-3-oxo-
6358–85–6 Butanamide, 2,2'-[(3,3'-dichloro[1,1'-biphenyl]-4,4'-diyl)bis(azo)]bis[3-oxo-N-phenyl-
6368–72–5 2-Naphthalenamine, N-ethyl-1-[[4-(phenylazo)phenyl]azo]-
6369–59–1 1,4-Benzenediamine, 2-methyl-, sulfate
6386–38–5 Benzenepropanoic acid, 3,5-bis(1,1-dimethylethyl)-4-hydroxy-, methyl ester
6416–57–5 1,3-Benzenediamine, 4-(1-naphthalenylazo)-
6422–86–2 1,4-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
6422–99–7 Decanedioic acid, compd. with 1,6-hexanediamine (1:1)
6423–43–4 1,2-Propanediol, dinitrate
6531–38–0 1,4-Piperazinediethanamine
6651–25–8 Aluminum, tridocosyl-
6651–26–9 Aluminum, tritetracosyl-
6683–19–8 Benzenepropanoic acid, 3,5-bis(1,1-dimethylethyl)-4-hydroxy-, 2,2-bis[[3-[3,5-bis(1,1-dimethylethyl)-4-hydroxyphenyl]-1-oxopropoxy]methyl]-1,3-propanediyl ester
6693–29–4 Cyclohexanamine, 4,4'-methylenebis-, [trans(trans)]-
6693–30–7 Cyclohexanamine, 4,4'-methylenebis-, [trans(cis)]-
6693–31–8 Cyclohexanamine, 4,4'-methylenebis-, [cis(cis)]-
6742–54–7 Benzene, undecyl-
6834–92–0 Silicic acid, disodium salt
6842–15–5 1-Propene, tetramer
6846–50–0 Propanoic acid, 2-methyl-, 2,2-dimethyl-1-(1-methylethyl)-1,3-propanediyl ester
6863–58–7 Butane, 2,2'-oxybis-
6865–97–0 Butane, 2-chloro-3-nitroso-, dimer
6876–13–7 Bicyclo[3.1.1]heptane, 2,6,6-trimethyl-, (1.alpha.,2.beta.,5.alpha.)-
6973–13–3 Benzenesulfonic acid, 5-chloro-4-methyl-2-nitro-
7173–62–8 1,3-Propanediamine, N-9-octadecenyl-, (Z)-
7320–34–5 Diphosphoric acid, tetrapotassium salt
7320–37–8 Oxirane, tetradecyl-
7327–60–8 Acetonitrile, 2,2',2''-nitrilotris-
7334–33–0 Diazene, bis(2-chlorophenyl)-
7336–20–1 Benzenesulfonic acid, 2,2'-(1,2-ethenediyl)bis[5-amino-, disodium salt
7381–01–3 Dodecanoic acid, 2-sulfoethyl ester, sodium salt
7398–69–8 2-Propen-1-aminium, N,N-dimethyl-N-2-propenyl-, chloride
7408–18–6 Butanedioic acid, 2,2'-oxybis-
7428–48–0 Octadecanoic acid, lead salt
7440–36–0 Antimony
7446–14–2 Sulfuric acid, lead (2+) salt (1:1)
7446–26–6 Diphosphoric acid, zinc salt (1:2)
7446–81–3 2-Propenoic acid, sodium salt
7447–39–4 Copper chloride
7487–94–7 Mercury chloride
7534–94–3 2-Propenoic acid, 2-methyl-, 1,7,7-trimethylbicyclo[2.2.1]hept-2-yl ester, exo-
7550–45–0 Titanium chloride, (T–4)-
7553–56–2 Iodine
7601–89–0 Perchloric acid, sodium salt
7620–77–1 Octadecanoic acid, 12-hydroxy-, monolithium salt
7631–90–5 Sulfurous acid, monosodium salt
7632–00–0 Nitrous acid, sodium salt
7632–04–4 Perboric acid, sodium salt
7637–07–2 Borane, trifluoro-
7646–78–8 Stannane, tetrachloro-
7681–11–0 Potassium iodide
7681–49–4 Sodium fluoride
7681–57–4 Disulfurous acid, disodium salt
7693–13–2 1,2,3-Propanetricarboxylic acid, 2-hydroxy-, calcium salt
7695–91–2 2H-1-Benzopyran-6-ol, 3,4-dihydro-2,5,7,8-tetramethyl-2-(4,8, 12-trimethyltridecyl)-, acetate
7699–41–4 Silicic acid
7699–43–6 Zirconium, dichlorooxo-
7705–07–9 Titanium chloride
7718–54–9 Nickel chloride
7719–09–7 Thionyl chloride
7722–86–3 Peroxymonosulfuric acid
7722–88–5 Diphosphoric acid, tetrasodium salt
7727–21–1 Peroxydisulfuric acid, dipotassium salt
7727–54–0 Peroxydisulfuric acid, diammonium salt
7757–83–7 Sulfurous acid, disodium salt
7757–88–2 Sulfurous acid, magnesium salt (1:1)
7758–11–4 Phosphoric acid, dipotassium salt
7758–16–9 Diphosphoric acid, disodium salt
7758–19–2 Chlorous acid, sodium salt
7758–29–4 Triphosphoric acid, pentasodium salt
7758–89–6 Copper chloride
7758–94–3 Iron chloride
7758–97–6 Chromic acid, lead(2+) salt (1:1)
7760–50–1 Magnesium, tetrakis[carbonato(2−)]dihydroxypenta-
7772–99–8 Tin chloride
7773–06–6 Sulfamic acid, monoammonium salt
7775–14–6 Dithionous acid, disodium salt
7775–27–1 Peroxydisulfuric acid, disodium salt
7778–50–9 Chromic acid, dipotassium salt
7778–53–2 Phosphoric acid, tripotassium salt
7778–54–3 Hypochlorous acid, calcium salt

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7778-66-7 Hypochlorous acid, potassium salt
7778-77-0 Phosphoric acid, monopotassium salt
7779-88-6 Nitric acid, zinc salt
7779-90-0 Phosphoric acid, zinc salt (2:3)
7782-41-4 Fluorine
7782-77-6 Nitrous acid
7782-78-7 Nitrosyl sulfate
7782-79-8 Hydrazoic acid
7782-92-5 Sodium amide
7782-99-2 Sulfurous acid
7783-07-5 Hydrogen selenide
7783-18-8 Thiosulfuric acid, diammonium salt
7783-28-0 Phosphoric acid, diammonium salt
7783-40-6 Magnesium fluoride
7784-21-6 Aluminum hydride
7784-42-1 Arsine
7784-46-5 Arsenenous acid, sodium salt
7785-21-9 Phosphoric acid, ammonium magnesium salt (1:1:1)
7785-23-1 Silver bromide
7785-84-4 Metaphosphoric acid, trisodium salt
7785-88-8 Phosphoric acid, aluminum sodium salt
7789-00-6 Chromic acid, dipotassium salt
7789-06-2 Chromic acid, strontium salt (1:1)
7789-21-1 Fluorosulfuric acid
7789-23-3 Potassium fluoride
7789-41-5 Calcium bromide
7790-76-3 Diphosphoric acid, calcium salt (1:2)
7790-91-2 Chlorine fluoride
7790-92-3 Hypochlorous acid
7790-94-5 Chlorosulfuric acid
7790-98-9 Perchloric acid, ammonium salt
7791-21-1 Chlorine oxide
7791-25-5 Sulfuryl chloride
7795-95-1 1-Octanesulfonyl chloride
7803-51-2 Phosphine
7803-63-6 Sulfuric acid, monoammonium salt
8005-02-5 C.I. Solvent Black 7
8007-18-9 C.I. Pigment Yellow 53
8048-07-5 C.I. Pigment Yellow 35
10022-31-8 Nitric acid, barium salt
10025-78-2 Silane, trichloro-
10025-91-9 Stibine, trichloro-
10025-99-7 Platinate(2-), tetrachloro-, dipotassium, (SP-4-1)-
10026-04-7 Silane, tetrachloro-
10026-11-6 Zirconium chloride
10026-13-8 Phosphorane, pentachloro-
10028-22-5 Sulfuric acid, iron (3+) salt (3:2)
10031-26-2 Iron bromide
10034-77-2 Silicic acid, calcium salt (1:2)
10039-54-0 Hydroxylamine, sulfate (2:1)
10042-76-9 Nitric acid, strontium salt
10043-91-1 Phosphorodiamidic acid
10045-86-0 Phosphoric acid, iron (3+) salt (1:1)
10049-04-4 Chlorine oxide
10049-07-7 Rhodium chloride
10099-74-8 Nitric acid, lead(2+) salt
10099-76-0 Silicic acid, lead(2+) salt (1:1)
10101-39-0 Silicic acid, calcium salt (1:1)
10101-52-7 Silicic acid, zirconium(4+) salt (1:1)
10101-53-8 Sulfuric acid, chromium(3+) salt (3:2)
10103-43-2 Thiosulfuric acid, monoammonium salt
10117-38-1 Sulfurous acid, dipotassium salt

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10119-31-0 Zirconium chloride hydroxide
10124-36-4 Sulfuric acid, cadmium salt (1:1)
10124-43-3 Sulfuric acid, cobalt(2+) salt (1:1)
10124-49-9 Sulfuric acid, iron salt
10124-56-8 Metaphosphoric acid, hexasodium salt
10141-05-6 Nitric acid, cobalt(2+) salt
10143-22-3 Carbamic acid, bis(hydroxymethyl)-, 2-methoxyethyl ester
10192-30-0 Sulfurous acid, monoammonium salt
10196-04-0 Sulfurous acid, diammonium salt
10213-78-2 Ethanol, 2,2'-(octadecylimino)bis-
10257-55-3 Sulfurous acid, calcium salt (1:1)
10265-69-7 Glycine, N-phenyl-, monosodium salt
10278-71-4 Methanimidamide, N,N-dimethyl-N'-(2-methylphenyl)-
10294-56-1 Phosphorous acid
10294-64-1 Manganic acid, dipotassium salt
10302-15-5 Aziridine, 1-(phenylsulfonyl)-
10305-79-0 Diphosphoric acid, aluminum sodium salt
10343-61-0 Sulfuric acid, titanium(3+) salt (3:2)
10361-37-2 Barium chloride
10377-48-7 Sulfuric acid, dilithium salt
10377-60-3 Nitric acid, magnesium salt
10380-08-2 Triphosphoric acid
10436-39-2 1-Propene, 1,1,2,3-tetrachloro-
10533-67-2 Acetaldehyde, (methylthio)-, oxime
10545-99-0 Sulfur chloride
10588-01-9 Chromic acid, disodium salt
10605-21-7 Carbamic acid, 1H-benzimidazol-2-yl-, methyl ester
11098-84-3 Molybdic acid, ammonium salt
11099-03-9 C.I. Solvent Black 5
11099-07-3 Octadecanoic acid, ester with 1,2,3-propanetriol
11103-86-9 Chromate(1-), hydorxyoctaoxodizincatedi-, potassium
11104-61-3 Cobalt oxide
11113-70-5 Silicic acid, chromium lead salt
11118-57-3 Chromium oxide
11120-22-2 Silicic acid, lead salt
11120-25-5 Tungstic acid, decaammonium salt
11138-11-7 Barium iron oxide
12003-13-3 Aluminum titanium chloride
12004-14-7 Aluminate(12-), hexaoxotris[sulfato(2-)]di-, calcium (1:6)
12004-78-3 Aluminum, compd. with titanium (3:1)
12004-83-0 Aluminum, compd. with zirconium (3:1)
12008-41-2 Boric acid, disodium salt
12011-77-7 Aluminate(1-), [carbonato(2-)-O]dihydroxy-, sodium
12013-15-9 Copper hydroxide sulfate
12015-73-5 Calcium fluoride phosphate
12018-01-8 Chromium oxide
12018-10-9 Chromium copper oxide
12023-91-5 Ferrate, strontium (1:1)
12027-67-7 Molybdic acid, hexaammonium salt
12027-83-7 Zirconate(2-), [orthosilicato(4-)-O]oxo-, disodium
12030-97-6 Titanate, dipotassium
12034-30-9 Plumbate, disodium
12035-72-2 Nickel sulfide
12036-22-5 Tungsten oxide

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12040-43-6 Silicic acid, aluminum magnesium sodium salt
12042-68-1 Aluminate, calcium (2:1)
12042-91-0 Aluminum chloride hydroxide
12047-27-7 Titanate (Ti032-) barium (1:1)
12053-26-8 Chromate, magnesium (2:1)
12054-72-7 Tin hydroxide
12063-66-1 Stannate, disodium
12058-19-3 Iron zinc oxide
12065-90-6 Lead oxide sulfate
12068-03-0 Benzenesulfonic acid, methyl-, sodium salt
12068-40-5 Aluminosilicic acid, lithium salt
12069-69-1 Copper, [carbonato(2-)]dihydroxydi-
12070-12-1 Tungsten carbide
12075-68-2 Aluminum, trichlorotriethyldi-
12079-65-1 Manganese, tricarbonyl(.eta.5-2,4-cyclopentadien-1-yl)-
12124-97-9 Ammonium bromide
12135-76-1 Ammonium sulfide
12142-41-5 Manganate, tripotassium
12161-82-9 Bertrandite
12168-85-3 Silicic acid, calcium salt (1:3)
12200-88-3 Vanadic acid, hexasodium salt
12214-12-9 Cadmium selenide sulfide
12252-33-4 Aluminosilicic acid, calcium salt (1:1)
12259-92-6 Ammonium sulfide
12262-23-6 C.I. Leuco Sulphur Black 10
12336-95-7 Chromium hydroxide sulfate
12384-38-2 Titanate, disodium
12542-85-7 Aluminum, trichlorotrimethyldi-
12593-60-1 Ammonium phosphate sulfate
12607-70-4 Nickel, [carbonato(2-)]tetrahydorxytri-
12608-26-3 Tungsten oxide
12650-28-1 Silicic acid, barium salt
12656-85-8 C.I. Pigment Red 104
12713-24-5 Zirconium carbide nitride
12736-96-8 Silicic acid, aluminum potassium sodium salt
12765-06-9 Silicic acid, calcium magnesium salt
12789-64-9 Iron titanium oxide
13005-36-2 Benzeneacetic acid, potassium salt
13007-85-7 D-glycero-D-gulo-Heptonic acid, monosodium salt
13042-02-9 2-Hexenedinitrile
13048-33-4 2-Propenoic acid, 1,6-hexanediyl ester
13138-45-9 Nitric acid, nickel(2+) salt
13150-00-0 Ethanol, 2-[2-[2-(dodecyloxy)ethoxy]ethoxy]-, hydorgen sulfate, sodium salt
13188-60-8 Dodecanedioic acid, compd. with 1,6-hexanediamine (1:1)
13189-00-9 2-Propenoic acid, 2-methyl-, zinc salt
13236-02-7 Oxirane, 2,2',2''-[1,2,3-propanetriyltris(oxymethylene)]tris-
13253-44-6 2,4-Imidazolidinedione, 5-[2-(methylthio)ethyl]-
13308-51-5 Boron phosphate
13327-32-7 Beryllium hydroxide
13360-63-9 1-Butanamine, N-ethyl-
13393-93-6 1-Phenanthrenemethanol, tetradecahydro-1,4a-dimethyl-7-(1-methylethyl)-
13410-01-0 Selenic acid, disodium salt
13414-54-5 Benzene, 1-[(2-methyl-2-propenyl)oxy]-2-nitro-
13414-55-6 Benzofuran, 2,3-dihydro-2,2-dimethyl-7-nitro-
13414-58-9 Phenol, 2-(2-methylallyl)-6-nitro-

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13419–59–5 Butanedioic acid, sulfo-, trisodium salt
13446–48–5 Nitrous acid, ammonium salt
13463–39–3 Nickel carbonyl, (T–4)-
13463–40–6 Iron carbonyl, (TB-5-11)-
13472–30–5 Silicic acid, tetrasodium salt
13472–45–2 Tungstic acid, disodium salt
13510–49–1 Sulfuric acid, beryllium salt (1:1)
13510–89–9 Antimonic acid, lead(2+) salt (2:3)
13556–84–8 Diazene, bis(2-chlorophenyl)-, 1-oxide
13560–89–9 1,4:7,10-Dimethanodibenzo[a,e]cyclooctene, 1,2,3,4,7,8,9,10,13,13,14,14-dodecachloro-1,4,4a,5,6,6a,7,10,10a,11,12,12a-dodecahydro-
13561–08–5 Oxirane, 2,2'-(oxiranylmethoxy)-1,3-phenylene]bis(methylene)]bis-
13586–82–8 Hexanoic acid, 2-ethyl-, cobalt salt
13598–36–2 Phosphonic acid
13598–37–3 Phosphoric acid, zinc salt (2:1)
13601–19–9 Ferrate(4-), hexakis (cyano-C)-, tetrasodium, (OC-6-11)-
13631–64–6 4-Thiazolecarboxamidine, N-phenyl-, hydrochloride
13654–09–6 1,1'-Biphenyl, 2,2',3,3',4,4',5,5', 6,6',-decabromo-
13674–84–5 2-Propanol, 1-chloro-, phosphate (3:1)
13674–87–8 2-Propanol, 1,3-dichloro-, phosphate (3:1)
13693–11–3 Sulfuric acid, titanium(4+) salt (2:1)
13701–59–2 Boric acid, barium salt
13718–26–8 Vanadic acid, sodium salt
13746–66–2 Ferrate(3-), hexakis(cyano-C)-, tripotassium, (OC-6-11)-
13749–94–5 Ethanimidothioic acid, N-hydroxy-, methyl ester
13769–43–2 Vanadic acid, potassium salt
13770–89–3 Sulfamic acid, nickel(2+) salt (2:1)
13774–25–9 Sulfurous acid, magnesium salt (2:1)
13776–84–6 Thioantimonic acid, trisodium salt
13780–03–5 Sulfurous acid, calcium salt (2:1)
13780–11–5 Nitric acid, ammonium calcium salt (3:1:1)
13780–17–1 Phosphoric acid, calcium sodium salt (1:1:1)
13814–87–4 Sulfuric acid, ammonium zinc salt (2:2:1)
13825–74–6 Titanium, oxo[sulfato(2-)-0,0']-
13840–33–0 Hypochlorous acid, lithium salt
13845–36–8 Triphosphoric acid, pentapotassium salt
13847–17–1 Phosphoric acid, cadmium salt
13863–31–5 Benzenesulfonic acid, 2,2'-(1,2-ethenediyl)bis[5-[[4-[(2-hydroxyethyl)methylamino]-6-(phenylamino)-1,3,5-triazin-2-yl]amino]-, disodium salt
13886–99–2 9-Phosphabicyclo[4.2.1]nonane, 9-eicosyl-
13887–00–8 9-Phosphabicyclo[3.3.1]nonane, 9-eicosyl-
13889–92–4 Carbonochloridothioic acid, S-propyl ester
13918–37–1 Fayalite
13927–77–0 Nickel, bis(dibutylcarbamodithioato-S,S')-, (SP-4-1)-
13952–84–6 2-Butanamine

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14025–21–9 Zincate(2-), [[N,N'-1,2-ethanediylbis[N-(carboxymethyl)glycinato]](4-)-N,N',O,O',ON,ON']-, disodium, (OC-6-21)-
14031–86–8 1-Heptene, 2,4,4,6,6-pentamethyl-
14075–53–7 Borate(1-), tetrafluoro-, potassium
14143–60–3 2-Pyridinecarbonitrile, 4-amino-3,5,6-trichloro-
14239–68–0 Cadmium, bis(diethylcarbamodithioato-S,S')-, (T-4)-
14287–04–8 Butanoic acid, ammonium salt
14324–55–1 Zinc, bis(diethylcarbamodithioato-S,S')-, (T-4)-
14426–21–2 Ethanol, 2,2'-iminobis-, hydrochloride
14481–60–8 Butanoic acid, 4-(octadecylamino)-4-oxo-2-sulfo-, disodium salt
14484–69–6 Aluminate(1-), tetrafluoro-, potassium, (T-4)-
14542–23–5 Fluorite
14624–13–6 1-Octanol, aluminum salt
14624–15–8 1-Dodecanol, aluminum salt
14639–97–5 Zincate(2-), tetrachloro-, diammonium, (T-4)-
14806–72–5 Ethanol, 2,2',2''-nitrilotris-, acetate (salt)
14995–38–1 Benzenesulfonic acid, 4-ethyl-, sodium salt
15075–85–1 9-octadecene-1-sulfonic acid, sodium salt, (Z)-
15214–89–8 1-Propanesulfonic acid, 2-methyl-2-[(1-oxo-2-propenyl)amino]-
15233–47–3 1,4-Benzenediamine, N-(1-methylheptyl)-N'-phenyl-
15245–12–2 Nitric acid, ammonium calcium salt
15547–17–8 9,10-Anthracenedione, 6-ethyl-1,2,3,4-tetrahydro-
15663–27–1 Platinum, diamminedichloro-, (SP-4-2)-
15699–18–0 Sulfuric acid, ammonium nickel (2+) salt (2:2:1)
15883–59–7 Benzenesulfonic acid, 2,2'-(1,2-ethenediyl)bis[5-nitro-, sodium salt
16066–35–6 Benzenesulfonic acid, 4-(1-methylethyl)-
16090–02–1 Benzenesulfonic acid, 2,2'-(1,2-ethenediyl-)bis[5-[[4-(4-morpholinyl)-6-(phenylamino)-1,3,5-triazin-2-yl]amino]-, disodium salt
16110–89–7 Benzenesulfonic acid, 4-][(4,6-dichloro-1,3,5-triazin-2-yl)amino]-
16219–75–3 Bicyclo[2.2.1]hept-2-ene, 5-ethylidene-
16349–83–0 Sulfuric acid, potassium sodium salt (2:3:1)
16470–24–9 Benzenesulfonic acid, 2,2'-(1,2-ethenediyl)bis[5-[[4-[bis(2-hydroxyethyl)amino]-6-[(4-sulfophenyl)amino)]-1,3,5-triazin-2-yl]amino]-, tetrasodium salt
16529–56–9 3-Butenenitrile, 2-methyl-
16715–83–6 2-Propenoic acid, 2-methyl-, 2-[bis(1-methylethyl)amino]ethyl ester
16731–55–8 Disulfurous acid, dipotassium salt
16812–54–7 Nickel sulfide
16871–90–2 Silicate(2-), hexafluoro-, dipotassium
16872–11–0 Borate(1-), tetrafluoro-, hydrogen
16883–83–3 Phthalic acid, benzyl 3-hydroxy-1-isopropyl-2,2-dimethylpropyl ester isobutyrate

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16893–85–9 Silicate(2-), hexafluoro-, disodium
16919–19–0 Silicate(2-), hexafluoro-, diammonium
16919–27–0 Titanate(2-), hexafluoro-, dipotassium, (OC-6-11)-
16924–00–8 Tantalate(2-), heptafluoro-, dipotassium
16925–39–6 Silicate(2-), hexafluoro-, calcium (1:1)
16940–66–2 Borate(1-), tetrahydro-, sodium
16958–92–2 Hexanedioic acid, ditridecyl ester
16961–83–4 Silicate(2-), hexafluoro-, dihydrogen
17026–81–2 Acetamide, N-(3-amino-4-ethoxyphenyl)-
17256–39–2 2-Propanamine, 1-chloro-N,N-dimethyl-, hydrochloride
17321–47–0 Phosphoramidothioic acid, O,O-dimethyl ester
17372–87–1 Spiro[isobenzofuran-1(3H),9'-[9H]xanthen]-3-one, 2',4',5',7'-tetrabromo-3',6'-dihydroxy-, disodium salt
17611–82–4 Butanedinitrile, ethyl-
17702–41–9 Decaborane(14)
17756–73–9 Neodecanoic acid, vinyl ester
17773–41–0 Butanenitrile, 2-hydroxy-4-(methylthio)-
17804–35–2 Carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]- methyl ester
17824–83–8 2-Pyridinecarbonitrile, 3,4,5,6-tetrachloro-
17902–23–7 2,4(1H,3H)-Pyrimidinedione, 5-fluoro-1-(tetrahydro-2-furanyl)-
17977–09–2 2-Propenoic acid, 2,2-dinitropropyl ester
18282–10–5 Tin oxide
18777–54–3 Benzenesulfonic acid, 4-(1-ethyldecyl)-
18868–43–4 Molybdenum oxide
19010–66–3 Lead, bis(dimethylcarbamodithioato-S,S')-, (T-4)-
19141–82–3 1-Hexadecanol, aluminum salt
19277–91–9 Phenol, 4-ethyl-, sodium salt
19355–69–2 Propanenitrile, 2-amino-2-methyl-
19525–59–8 Glycine, N-phenyl-, monopotassium salt
19660–16–3 2-Propenoic acid, 2,3-dibromopropyl ester
19780–25–7 2-Butenal, 2-ethyl-
20068–02–4 2-Butenenitrile, 2-methyl-, (Z)-
20109–39–1 1-Propanol, 2-[2-(benzoyloxy)propoxy]-, benzoate
20132–74–5 Acetoacetamide, 2,2-dichloro-N-methyl-
20227–53–6 Phosphorous acid, 2-(1,1-dimethylethyl)-4-[1-[3-(1,1-dimethylethyl)-4-hydroxyphenyl]-1-methylethyl]phenyl bis(4-nonylphenyl) ester
20306–75–6 Butanamide, N-methyl-3-oxo-
20325–40–0 [1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-, dihydrochloride
20338–08–3 Titanium hydroxide, (T-4)-
20427–58–1 Zinc hydroxide
20469–71–0 Hydrazinecarbodithioic acid, compd. with hydrazine (1:1)
20633–11–8 Nitric acid, hexyl ester
20748–72–5 Ethanol, 2-amino-, nitrate (salt)
21041–93–0 Cobalt hydroxide
21056–98–4 Phosphonic acid, calcium salt (1:1)

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21083–47–6 4-Imidazolidinone, 5,5-diphenyl-2-thioxo-
21260–46–8 Bismuth, tris(dimethylcarbamodithioato-S,S')-, (OC-6-11)-
21615–29–2 Acetamide, N-[3-[bis(2-hydroxyethyl)amino]-4-ethoxyphenyl]-
21645–51–2 Aluminum hydroxide
21729–98–6 Carbamic acid, cyano-, methyl ester
22113–87–7 Methanamine, nitrate
22132–71–4 Phosphonic acid, diammonium salt
22205–45–4 Copper sulfide
22228–82–6 Propanoic acid, 2-methyl-, ammonium salt
22473–78–5 Glycine, N,N'-1,2-ethanediylbis[N-(carboxymethyl)-, tetraammonium salt
22527–63–5 Isobutyric acid, 3-hydroxy-2,2,4-trimethylpentyl ester benzoate
22591–21–5 2-Butanone, 1,1-dichloro-3,3-dimethyl-
22708–90–3 Silicic acid, aluminum salt (1:2)
23184–71–6 Ethanol, 2,2',2''-nitrilotri-, compd. with phenol (1:1)
23275–26–5 1-Hexanol, aluminum salt
23307–05–3 Methanamine, N-methyl-, sulfate (1:1)
23386–52–9 Butanedioic acid, sulfo-, 1,4-dicyclohexyl ester, sodium salt
23436–19–3 2-Propanol, 1-(2-methylpropoxy)-
23606–32–8 Silver(1+), diammine-, nitrate
23746–34–1 Carbamodithioic acid, bis(2-hydroxyethyl)-, monopotassium salt
23778–52–1 2,5,8,11,14-Pentaoxahexadecan-16-ol
24310–41–6 1,2,3-Benzotriazin-4(3H)-one, 3-(chloromethyl)-
24442–57–7 Ethanol, 1,2-dibromo-, acetate
24530–53–8 1-Naphthalenesulfonic acid, 2-[(2-hydroxy-1-naphthalenyl)azo]-, barium salt (1:1)
24623–77–6 Aluminum hydroxide oxide
24948–81–0 2-Propanamine, N-chloro-N-(1-methylethyl)-
25013–15–4 Benzene, ethenylmethyl-
25057–89–0 1H-2,1,3-Benzothiadiazin-4(3H)-one, 3-(1-methylethyl)-, 2,2-dioxide
25059–14–7 1-Naphthalenesulfonic acid, 2-hydroxy-, monosodium salt
25085–99–8 Oxirane, 2,2'-[(1-methylethylidene)bis(4,1-phenyleneoxymethylene)]bis-, homopolymer
25103–09–7 Acetic acid, mercapto-, isooctyl ester
25103–54–2 Isodecanol, hydrogen phosphorodithioate, zinc salt
25134–21–8 4,7-Methanoisobenzofuran-1,3-dione, 3a,4,7,7a-tetrahydromethyl-
25154–52–3 Phenol, nonyl-
25155–23–1 Phenol, dimethyl-, phosphate (3:1)
25155–30–0 Benzenesulfonic acid, dodecyl-, sodium salt
25167–67–3 Butene
25167–70–8 Pentene, 2,4,4-trimethyl-
25167–81–1 Phenol, dichloro-
25167–83–3 Phenol, tetrachloro-
25168–05–2 Benzene, chloromethyl-
25168–06–3 Phenol, (1-methylethyl)-
25168–24–5 Acetic acid, 2,2'-[(dibutylstannylene)bis(thio)]bis-, diisooctyl ester

CAS No., Chemical Name

25264–93–1 Hexene
25265–71–8 Propanol, oxybis-
25265–77–4 Propanoic acid, 2-methyl-, monoester with 2,2,4-trimethyl-1,3-pentanediol
25306–75–6 Carbonodithioic acid, O-(2-methylpropyl) ester, sodium salt
25321–09–9 Benzene, bis(1-methylethyl)-
25321–14–6 Benzene, methyldinitro-
25321–41–9 Benzenesulfonic acid, dimethyl-
25322–17–2 Naphthalenesulfonic acid, dinonyl-
25322–20–7 Ethane, tetrachloro-
25339–56–4 Heptene
25340–17–4 Benzene, diethyl-
25360–10–5 tert-Nonanethiol
25377–72–4 Pentene
25417–20–3 Naphthalenesulfonic acid, dibutyl-, sodium salt
25496–01–9 Benzenesulfonic acid, tridecyl-
25496–72–4 9-Octadecenoic acid (Z)-, monoester with 1,2,3-propanetriol
25498–49–1 Propanol, [2-(2-methoxymethylethoxy)methylethoxy]-
25550–14–5 Benzene, ethylmethyl-
25550–98–5 Phosphorous acid, diisodecyl phenyl ester
25551–13–7 Benzene, trimethyl-
25567–10–6 Benzoic acid, methyl-
25567–40–2 Phenol, (1,1-dimethylethyl)-4-methyl-
25584–83–2 2-Propenoic acid, monoester with 1,2-propanediol
25586–42–9 Phosphorous acid, tris(methylphenyl) ester
25619–56–1 Naphthalenesulfonic acid, dinonyl-, barium salt
25637–99–4 Cyclododecane, hexabromo-
25638–17–9 Naphthalenesulfonic acid, butyl-, sodium salt
25640–28–2 Phosphoric acid, magnesium sodium salt
25640–78–2 1,1'-Biphenyl, (1-methylethyl)-
25714–71–0 Butanal, 4-hydroxy-
25724–58–7 1,2-Benzenedicarboxylic acid, decyl hexyl ester
25834–80–4 Benzenamine, 2,4-bis[(4-aminophenyl)methyl]-
25899–50–7 2-Pentenenitrile, (Z)-
25973–55–1 Phenol, 2-(2H-benzotriazol-2-yl)-4,6-bis(1,1-dimethylpropyl)-
26248–24–8 Benzenesulfonic acid, tridecyl-, sodium salt
26264–05–1 Benzenesulfonic acid, dodecyl-, compd. with 2-propanamine (1:1)
26264–06–2 Benzenesulfonic acid, dodecyl-, calcium salt
26266–57–9 Sorbitan, monohexadecanoate
26266–68–2 Hexenal, 2-ethyl-
26303–54–8 1-Decanol, aluminum salt
26377–29–7 Phosphorodithioic acid, O,O-dimethyl ester, sodium salt
26389–60–6 Cyclopropanemethanamine, N-propyl-
26401–27–4 Phosphorous acid, isooctyl diphenyl ester
26444–49–5 Phosphoric acid, methylphenyl diphenyl ester
26447–14–3 Oxirane, [(methylphenoxy)methyl]-
26447–40–5 Benzene, 1,1'-methylenebis[isocyanato-
26471–62–5 Benzene, 1,3-diisocyanatomethyl-
26472–00–4 4,7-Methano-1H-indene, 3a,4,7,7a-tetrahydrodimethyl-

CAS No., Chemical Name

26523–78–4 Phenol, nonyl-, phosphite (3:1)
26544–23–0 Phosphorous acid, isodecyl diphenyl ester
26545–73–3 Propanol, dichloro-
26636–01–1 Acetic acid, 2,2'-[(dimethylstannylene)bis(thio)]bis-, diisooctyl ester
26760–64–5 Butene, methyl-
26761–40–0 1,2-Benzenedicarboxylic acid, diisodecyl ester
26761–45–5 Neodecanoic acid, 2,3-epoxypropyl ester
26761–50–2 9-Octadecenoic acid (Z)-, isooctyl ester
26762–92–5 Cyclohexane, 1-methyl-4-(1-methylethyl)-, monohydroperoxy deriv.
26896–20–8 Neodecanoic acid
26998–97–0 Phenol, thiobis[dodecyl-, calcium salt (1:1)
26999–29–1 Phosphorodithioic acid, O,O-diisooctyl ester
27070–59–3 Cyclododecatriene
27157–94–4 Phosphorodithioic acid, O,O-bis(methylphenyl) ester
27159–90–6 Methanesulfonamide, N-[2-[ethyl(3-methylphenyl)amino]ethyl]-, sodium salt
27176–87–0 Benzenesulfonic acid, dodecyl-
27193–28–8 Phenol, (1,1,3,3-tetramethylbutyl)-
27193–86–8 Phenol, dodecyl-
27322–34–5 Benzene, tris(1-methylethyl)-
27323–41–7 Benzenesulfonic acid, dodecyl-, compd. with 2,2',2''-nitrilotris[ethanol] (1:1)
27457–28–9 Benzenesulfonic acid, ethenyl-, sodium salt
27515–66–8 Phenol, bis(2-methylpropyl)-
27546–07–2 Molybdic acid, diammonium salt
27576–86–9 Phenol, (1-methyl-1-phenylethyl)-
27636–75–5 Benzenesulfonic acid, undecyl-, sodium salt
27813–02–1 2-Propenoic acid, 2-methyl-, monoester with 1,2-propanediol
27858–07–7 1,1'-Biphenyl, ar,ar,ar,ar,ar',ar',ar',ar'-octabromo-
27960–69–6 Sulfuric acid, titanium(4+) salt
28099–67–4 Ethanol, 2-methoxy-, calcium salt
28324–52–9 Hydroperoxide, 2,6,6-trimethylbicyclo[3.1.1]heptyl
28348–53–0 Benzenesulfonic acid, (1-methylethyl)-, sodium salt
28473–21–4 Nonanol
28519–02–0 Benzenesulfonic acid, dodecyl(sulfophenoxy)-, disodium salt
28629–66–5 Phosphorodithioic acid, O,O-diisooctyl ester, zinc salt
28631–44–9 Phosphorodithioic acid, O,O-diisodecyl ester
28652–72–4 1,1'-Biphenyl, methyl-
28680–45–7 Bicyclo[2.2.1]hept-2-ene, heptachloro-
28757–00–8 Naphthalenesulfonic acid, bis(1-methylethyl)-
28983–26–8 Phenol, 2-isononyl-4-methyl-
28987–17–9 Phenol, nonyl-, barium salt
29171–20–8 6-Octen-1-yn-3-ol, 3,7-dimethyl-
29194–31–8 2-Propenamide, 2-methyl-, sulfate
29385–43–1 1H-Benzotriazole, methyl-
29590–42–9 2-Propenoic acid, isooctyl ester
29761–21–5 Phosphoric acid, isodecyl diphenyl ester
29964–84–9 2-Propenoic acid, 2-methyl-, isodecyl ester

CAS No., Chemical Name

30080–50–3 D-glycero-D-ido-Heptonic acid, monosodium salt
30304–41–7 Phenol, dodecyl-, hydrogen phosphorodithioate
30399–84–9 Isooctadecanoic acid
30526–22–8 Benzenesulfonic acid, methyl-, potassium salt
30574–97–1 2-Butenenitrile, 2-methyl-, (E)-
30638–10–9 Cuprate(4-), [29H,31H-phthalocyaninetetrasulfonato(6-)-N29,N30,N31,N32]-, tetrapotassium
30951–95–2 3-Hexene, 3,4-dimethyl-
30995–65–4 Benzenesulfonic acid, ethyl-, sodium salt
31045–95–1 Stannane, dibutylbis[[(isooctylthio)acetyl]oxy]-
31138–65–5 Glucoheptonic acid, monosodium salt
31148–95–5 1-Phenanthrenecarbonitrile, 1,2,3,4,4a,9,10,10a-octahydro-1,4a-dimethyl-7-(1-methylethyl)-, [1R-(1.alpha.,4a.beta.,10a.a1pha.)]-
31186–36–4 Imidodisulfuric acid, hydroxy-, disodium salt
31198–76–2 2-Cyclohexen-1-one, 2-methyl-5-(1-methylethenyl)-, oxime
31295–54–2 1,4-Piperazinediethanamine, N-(2-aminoethyl)-
31394–54–4 Isoheptane
31423–92–4 Butene, 1,4-dichloro-
31566–31–1 Octadecanoic acid, monoester with 1,2,3-propanetriol
32360–05–7 2-Propenoic acid, 2-methyl-, octadecyl ester
32534–81–9 Benzene, 1,1'-oxybis-, pentabromo deriv.
32536–52–0 Benzene, 1,1'-oxybis-, octabromo deriv.
32741–92–7 [1,1'-Biphenyl]-2,4',5-tricarboxylic acid, trimethyl ester
32762–51–9 Phenol, bromo-
33113–08–5 Carbonic acid, ammonium copper salt
33125–86–9 Phosphoric acid, 1,2-ethanediyl tetrakis(2-chloroethyl) ester
33509–43–2 1,2,4-Triazin-5(2H)-one, 4-amino-6-(1,1-dimethylethyl)-3,4-dihydro-3-thioxo-
33791–58–1 Acrylic acid, 3a,4,5,6,7,7a-hexahydro-4,7-methanoindenyl ester
34090–76–1 1,3-Isobenzofurandione, tetrahydro-5-methyl-
34408–25–8 Benzoic acid, 2,5-dichloro-3-nitro-, methyl ester
34590–94–8 Propanol, (2-methoxymethylethoxy)-
34689–46–8 Phenol, methyl-, sodium salt
35200–02–3 Carbonodithioic acid, S-methyl O-(1-methylethyl) ester
35884–66–3 Nickel, tetrakis[tris(methylphenyl) phosphite-P]-, (T-4)-
36445–71–3 Benzenesulfonic acid, decyl(sulfophenoxy)-, disodium salt
36452–21–8 1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, disodium salt
36483–57–5 1-Propanol, 2,2-dimethyl-, tribromo deriv.
36653–82–4 1-Hexadecanol
36673–16–2 Titanium, bis[[2,2',2''-nitrilotris[ethanolato]](1−)-N,O]bis-(2-propanolato)-
36878–20–3 Benzenamine, ar-nonyl-N-(nonylphenyl)-
37224–61–6 Phenol, isooctyldinitro-
37247–91–9 Calcium magnesium oxide

CAS No., Chemical Name

37292–80–1 Silicic acid, calcium iron magnesium salt
37339–32–5 Methanone, (2-hydroxy-5-nonylphenyl)phenyl-, oxime
37439–34–2 2(1H)-Pyridinone, 3,5,6-trichloro-, sodium salt
37475–88–0 Benzenesulfonic acid, (1-methylethyl)-, ammonium salt
37726–18–4 Phosphoric acid, dilithium sodium salt
37764–25–3 Acetamide, 2,2-dichloro-N,N-di-2-propenyl-
37853–59–1 Benzene, 1,1'-[1,2-ethanediylbis(oxy)]bis[2,4,6-tribromo-
37941–69–8 Butanamide, 4-hydroxy-N-methyl-
38051–10–4 Phosphoric acid, 2,2-bis(chloromethyl)-1,3-propanediyl tetrakis(2-chloroethyl) ester
38185–06–7 Benzenesulfonic acid, 4-chloro-3,5-dinitro-, potassium salt
38640–62–9 Naphthalene, bis(1-methylethyl)-
38888–98–1 Benzene, (phenylethyl)-
39318–18–8 Tungsten oxide
39390–00–6 Lead chloride silicate
39445–23–3 Calcium magnesium hydroxide
39635–79–5 Phenol, 4,4'-sulfonylbis[2,6-dibromo-
39638–32–9 Propane, 2,2'-oxybis[2-chloro-
39761–68–7 2-Heptene, 2,4,4,6,6-pentamethyl-
39788–53–9 Sulfamic acid, hydroxy-, monoammonium salt
40137–60–8 Acetic acid, chloro-, 1-methyl-2-(2-methylpropoxy)ethyl ester
40188–83–8 Benzoic acid, 3,6-dichloro-2-nitro-, methyl ester
40630–63–5 1-Octanesulfonyl fluoride
40861–29–8 Carbonic acid, ammonium zinc salt (2:1:2)
42072–27–5 Phosphoramidothioic acid, acetyl-, 0,0-dimethyl ester
42452–55–1 Ethanol, 2-[[2,6-dinitro-4-(trifluoromethyl)phenyl]propylamino]-
45294–18–6 2-Propenoic acid, 2-methyl-, eicosyl ester
50770–19–9 Benzene, 1-methoxy-4-(propenyl)-
50854–94–9 Benzenesulfonic acid, undecyl-
50884–30–5 Phenol, 2,4-dichloro-, potassium salt
51142–87–1 Sodium titanium oxide
51274–00–1 C.I. Pigment Yellow 42
51282–49–6 Benzoic acid, 5-chloro-2-nitro-, methyl ester
51363–64–5 Phosphoric acid, diisodecyl phenyl ester
51404–69–4 Acetic acid, lead salt, basic
52166–72–0 Phenol, 2,5-dichloro-, sodium salt
52304–17–3 Carbamic acid, bis(hydroxymethyl)-, 2-methylpropyl ester
52663–57–7 Ethanol, 2-butoxy-, sodium salt
52871–18–8 Butanoic acid, 4-(octadecylamino)-4-oxosulfo-, disodium salt
53705–85–4 Phosphoramidothioic acid, acetyl-, 0-methyl ester, monoammonium salt
53980–88–4 2-Cyclohexene-1-octanoic acid, 5(or 6)-carboxy-4-hexyl-
54261–67–5 Phenol, dodecyl-, hydrogen phosphorodithioate, zinc salt
54322–31–5 Benzenesulfonic acid, 4-(2-bromoethyl)-

CAS No., Chemical Name

54771–30–1 Phosphorous acid, dinonylphenyl bis(nonylphenyl) ester
54849–38–6 Acetic acid, 2,2',2''-[(methylstannylidyne)tris(thio)]tris-, triisooctyl ester
55334–51–5 1,4-Benzenedicarboxylic acid, [4-(methoxycarbonyl)phenyl]methyl methyl ester
55465–40–2 Aluminosilicic acid, potassium sodium salt
55566–30–8 Phosphonium, tetrakis(hydroxymethyl)-, sulfate (2:1) (salt)
56802–99–4 Sodium hypchlorite phosphate
56803–37–3 Phosphoric acid, (1,1-dimethylethyl)phenyl diphenyl ester
56974–57–3 Propanoic acid, 3-hydroxy-2,2-dimethyl-, monosodium salt
57219–64–4 Zirconium carbonate hydroxide oxide
57352–34–8 Benzenesulfonic acid, ethyl-
57455–37–5 C.I. Pigment Blue 29
58085–73–7 Methanone, (2-hydroxy-5-nonylphenyl)phenyl-
58182–50–6 1,3-Isobenzofurandione, polymer with 1,2-ethanediol, 2,5-furandione, 2,2'-oxybis[ethanol] and 1,2-propanediol
58353–63–2 Benzene, dodecylnitro-
58398–71–3 Calcium magnesium hydroxide oxide
58654–67–4 2-Octanone, 5-methyl-
59118–78–4 9-Octadecenoic acid (Z)-, 2-mercaptoethyl ester
59808–78–5 Cyclopentane, tetrachloro-
60304–36–1 Aluminum potassium fluoride
61180–58–3 Sepiolite
61788–32–7 Terphenyl, hydrogenated
61788–33–8 Terphenyl, chlorinated
61931–82–6 1,4-Benzenediamine, N-(1,3-dimethylbutyl-N-phenyl-
62010–10–0 Zirconium oxide sulfate
62533–93–1 Phosphorus acid, pentadecasodium salt
62947–40–4 Imidodisulfuric acid, hydroxy-, trisodium salt
63175–99–5 Ethanol, 2-(octylphenoxy)-, hydrogen sulfate, sodium salt
63302–49–8 Phosphorochloridous acid, bis(4-nonylphenyl) ester
63302–54–5 2-Propanamine, 2-methyl-, sulfate (2:1)
63405–85–6 Benzenesulfonic acid, 3-[[3-methoxy-4-[(4-methoxyphenyl)azo]phenyl]azo]-, sodium salt
63450–73–7 Imidodisulfuric acid, methoxy-, disodium salt
63451–40–1 2,5-Cyclohexadien-1-one, 4-(phenylimino)-, oxime, sodium salt
63494–59–7 Ethanesulfonamide, 2-[ethyl(3-methyl-4-nitrosophenyl)amino]-N-methyl-
63512–64–1 Naphthalene, diisononyl-
64147–47–3 Aluminate(2-), difluoro[phosphato(3-)-0]-, sodium hydrogen
64147–48–4 Ferrate(2-), difluoro[phosphato(3-)-0]-, sodium hydrogen
64474–06–2 1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-trichloro-, compd. with 1,3-dichloro-1,3,5-triazine-2,4,6(1H,3H,5H)-trione potassium salt (1:4)
64800–83–5 Benzene, ethyl (phenylethyl)-
65105–00–2 Carbamic acid, (3-isocyanatomethylphenyl)-, 1-methyl-1,3-propanediyl ester

CAS No., Chemical Name

65185-91-3 Phosphoric acid, sodium salt (2:3)
65208-42-6 2,4(1H,3H)-Pyrimidinedione, 6-methyl-3-(1-methylpropyl)-, sodium salt
66028-01-1 Benzene, 1-[2-[2-[2-chloroethoxy]ethoxy]ethoxy]-4-octyl-
66108-37-0 Phosphoric acid, 2,2-bis(bromomethyl)-3-chloropropyl bis[2-chloro-1-(chloromethyl)ethyl] ester
66241-11-0 C.I. Leuco Sulphur Black 1
67124-09-8 2-Propanol, 1-(tert-dodecylthio)-
67711-86-8 Lead silicate sulfate
67755-97-9 Butanal, 2-hydroxy-3-methyl-
67801-54-1 9H-Fluorene-2,6-dicarboxylic acid, 9-oxo-, dimethyl ester
67845-26-5 4H-Pyran-4-one, tetrahydro-3,5-bis(hydroxymethyl)-
67859-51-2 Zincate(2-), [[N,N'-1,2-ethanediylbis[N-(carboxymethyl)glycinato]](4-)-N,N',O,O',ON,ON']-, diammonium, (OC-6-21-)-
67874-35-5 Isodecanediamine
67874-38-8 9,12-Octadecadienoic acid (Z,Z)-, isooctyl ester
67874-55-9 Imidodisulfuric acid, methoxy-, monosodium salt
67905-29-7 1-Tetracosanol, aluminum salt
67905-30-0 1-Docosanol, aluminum salt
67905-31-1 1-Eicosanol, aluminum salt
67923-88-0 9,10-Anthracenediol, ethyl-9,10-dihydro-
67953-32-6 Carbamic acid, (hydroxymethyl)-, 2-methylpropyl ester
67969-81-7 Propanoic acid, 2-chloro-, 1-methyl-2-(2-methylpropoxy)ethyl ester
67990-32-3 Phenol, 2,4,6-tribromo-, carbonate (2:1)
68052-49-3 1,6-Hexanediaminium, N,N,N',N'-tetrabutyl-N,N'-diethyl-, bis(ethyl sulfate)
68140-45-4 Ethanol, 2,2',2''-nitrilotris-, tris(dihydrogen phosphate) (ester)
68155-68-0 Benzensulfonic acid, 2,2'-(1,2-ethenediyl)bis[5-[[4-chloro-6-[(4-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-, dipotassium disodium salt
68171-29-9 Ethanol, 2, 2',2''-nitrilotris-, tris(dihydrogen phosphate)(ester), sodium salt
68186-31-2 1,2,4-Benzenetricarboxylic acid, 2-ethylhexyl ester
68201-84-3 9,12-Octadecadienoic acid, 12-sulfo-, (?,Z)-
68258-91-3 Cyclopentane, hexachloro-
68279-54-9 9,10-Anthracenediol, 6-ethyl-1,2,3,4-tetrahydro-
68298-46-4 7-Benzofuranamine, 2,3-dihydro-2,2-dimethyl-
68298-47-5 7-Benzofurandiazonium, 2,3-dihydro-2,2-dimethyl-, sulfate (2:1)
68310-32-7 Benzenedisulfonic acid, hydroxyisooctyl-
68310-49-6 1H-Azepine-1-carboxamide, N,N',N''-[(2,4,6-trioxo-1,3,5-triazine-1,3,5(2H,4H,6H)-triyl)tris(methyl-3,1-phenylene)]tris[hexahydro-2-oxo-
68366-16-5 Cyclohexanol, methyl(1-methylethyl)-, didehydro deriv.
68389-46-8 C.I. Sovlent Blue 3, leuco base
68400-29-3 Benzenesulfonic acid, 3-[[4-[(4-hydroxyphenyl)azo]-3-methoxyphenyl]azo]-, monosodium salt
68400-41-9 Benzenesulfonic acid, 3-[[4-[(4-hydroxyphenyl)azo]-3-methoxyphenyl]azo]-

CAS No., Chemical Name

68400-79-3 Thiodiphosphonic acid, bis(2,6,6-trimethylbicyclo[3.1.1.]hept-2-enyl)-, bis(2,6,6-trimethylbicyclo[3.1.1]hept-2-enyl) ester
68411-32-5 Benzenesulfonic acid, dodecyl-, branched
68411-80-3 1,3-Isobenzofurandione, oxidized
68411-81-4 2-Imidazolidinone, 4,5-dihydroxy-1,3-bis(hydroxymethyl)-, methylated
68412-04-4 1,6-Octadiene, 7-methyl-3-methylene-, acetylaled
68413-83-2 Carbamic acid, bis(hydroxymethyl)-, 2-(1-methylethoxy)ethylester
68460-03-7 Phosphoric acid, bis[2-chloro-1-(chloromethyl)ethyl] 2,3-dichloropropyl ester
68510-99-6 Vanadic acid, disodium salt
68516-02-9 Phosphorodithioic acid, 0,0-diester with phenol nonyl derivs.
68516-03-0 Phosphorodithioic acid, 0,0-diester with phenol nonyl derivs., zinc salts
68516-12-1 Quaterphenyl, hydrogenated
68516-71-2 2-Cyclohexen-1-ol, 3-methyl-6-(1-methylethyl)-, formate
68527-62-8 Phenol, 2,2'-methylenebis[4-(1,1,3,3-tetramethylbutyl)-, calcium salt
68540-40-9 Benzoic acid, 5-hexadecyl-2-hydroxy-, calcium salt (2:1)
68540-41-0 1-Naphthalenesulfonic acid, 2-amino-, monoammonium salt
68568-46-7 1,3,5-Triazine-2,4,6-triamine, tris(methoxymethyl)tris[(octadecyloxy) methyl]-
68568-63-8 Pentaric acid, calcium salt
68631-02-7 Benzene, 1,1'-(tetrachloroethylidene)bis[chloro-
68647-44-9 Imidazolium, 1-(carboxymethyl)-4,5-dihydro-1(or 3)-(2-hydroxyethyl)-2-undecyl-, hydroxide, monosodium salt
68679-99-2 Benzene, 1,1'-(dichloroethenylidene)bis[chloro-
68797-39-7 1H-Imidazolium, 1(or 3)-(carboxymethyl)-4,5-dihydro-1-(2-hydroxyethyl)-2-undecyl-, salt with .alpha.-sulfo-.omega.-(tridecyloxy)poly(oxy-1,2-ethanediyl), monosodium salt
68938-79-4 Benzoic acid, 3,6-dichloro-2-hydroxy-, postassium sodium salt
68938-80-7 Benzoic acid, 3,6-dichloro-2-hydroxy-, dipotassium salt
68938-81-8 Phenol, 2,5-dichloro-, potassium salt
68959-02-4 9-Octadecenoic acid, 9-sulfo-, monosodium salt
68974-78-7 Phenol, thiobis[(tetrapropenyl)-, magnesium salt
69011-11-6 Sodium carbonate sulfate

(b) [Reserved]

Appendix I—Preliminary Assessment Information Report Instructions for Filling Out the Form

Chemical and Respondent Identity

Chemical Identity—enter the CAS number and name listed in 40 CFR 712.18 for which the report is submitted. If the chemical identity is confidential, enter the category name as listed in 40 CFR 712.18 and attach the Chemical Substance Inventory Report Form C number used to submit the chemical substance to the EPA according to 40 CFR 710.

Company Name—enter the name and address of the reporting company. This should be the headquarters address.

Dun and Bradstreet Number—enter the Ultimate Dun and Bradstreet number for the company.

Number of Plant Sites—enter the number of plant sites whose manufacture/import of the chemical substance is reported on this form.

Form Parts A and B, General Instructions

All questions concern quantities manufactured or imported in the calendar year specified in section 712.18.

Importers should answer only applicable questions: 1 and 5–12. Enter "NA", if not applicable.

Questions 1, 2, 3, and 5–12 refer to the total quantity of a chemical substance manufactured, imported, or processed by a firm at all of its plant sites *LESS the quantity that is not regulable under the Toxic Substances Control Act. Total* quantity manufactured is to be reported in number 4, regardless of ultimate use.

Quantities are to be reported in KILOGRAMS (1 kilogram = 2.2 pounds). Values given must be at least accurate to within ±50%. If the uncertainty in the number is greater than that, answer "unknown".

Part A: Manufacturer's Activities

This part concerns manufacture, import, and use of the chemical by the manufacturer/importer, including all plants owned or controlled by the parent, reporting company.

1. Report the total quantity of the chemical substance imported in bulk for TSCA regulable products. Include the total quantity of technical grade chemicals.

2. Report the net quantity manufactured and recovered for sale or use that is regulable under TSCA.

3. Report the net quantity that is made but NOT recovered because it is lost to the environment or remains in process wastes or otherwise is not collected. If possible, fill in the quantities lost in the following three ways. If this information is not known within the required accuracy enter "Unknown".

3a. *Lost to the Environment During Production, Use, Storage, and Transfer*—including intentional or accidental venting, spills, evaporation, leaks and other fugitive emissions, dust dispersal, effluents and stack emissions to the air, land or water.

3b. *Process Wastes Treated to Destroy the Chemical*—including incineration, chemical reaction, or other means to destroy the chemical.

3c. *Process Wastes Where Chemical is Not Destroyed*—including any landfill, surface impoundment, municipal sewage, or storage.

Questions 4, 5, and 6

Process Categories

Questions 4, 5 and 6 concern handling of the chemical in the manufacturer's workplace. You are to specify how many workers are involved with how much of the chemical, and the duration of their involvement. The term "workers" for these questions includes not only those directly involved in manufacturing, but also those involved with equipment inspection and

maintenance, transportation and distribution, and clean-up. Average figures may be used based on actual practice for the reportable year. You must also specify what type of process was used in handling the chemical. Three general process types are given:

Enclosed Process means the entire process is designed so that there are no intentional releases of the chemical. Only fugitive or inadvertent release occurs and special measures are taken to prevent worker exposure and environmental contamination.

Controlled Release Process means the main production process is designed and operated so that deliberate or planned release of the chemical is permitted within prescribed limits. These limits will be dictated either by company guidelines or imposed by government regulations. Count workers who are only involved in controlled release processes; if they work where parts of the process are enclosed and other parts have controlled release, report quantities and workers under "Controlled Release".

Open Process means the chemical is routinely in direct contact with the atmosphere and no measures are taken to prevent environmental release; e.g., reaction vessels are open, or the chemical is transported or stored in open containers. If any part of the process is open, report quantities and workers under "Open".

Filling in the Chart

Fill in the chart for the calendar year specified in 40 CFR 712.18 for each category. Enter the total quantity of the subject chemical and the total number of workers involved. Count only those workers involved with processes where the chemical is present.

Columns A and B require the calculation of worker involvement according to hours/week and the number of weeks/year they are involved with the chemical. Column A is for those workers averaging 10 or less hours per week involvement. Column B is calculated in the same way as column A except that it is for those workers involved with the chemical for more than 10 hours per week.

To Calculate

The figure to be entered in column A or B for each process category is to be calculated as in the following example. If 5 workers are involved with a chemical each for twenty weeks and 10 workers are involved each for ½ week, calculate:

5 workers × 20 weeks =	100
10 workers × ½ week =	5
and enter the total	105

4. Fill in the chart for process types used in manufacturing the chemical. *Include the TOTAL quantity of chemical manufactured whether used in TSCA regulated products or not.* Count the number of workers directly invloved in manufacture, equipment inspection and maintenance, quality control, and cleaning.

5. Fill in the chart for use of the chemical at your plant sites as a reactant or intermediate where the molecular structure of the chemical is altered by breaking a chemical bond(s) or making new chemical bonds between the original substance and some other substances. Count the number of workers directly involved in the process using the chemical, plus inspection and maintenance workers.

6. Fill in the chart for use of the chemical at your plant sites, other than as a reactant, for uses regulable under TSCA. A chemical is considered to be a non-reactant if its molecular structure is maintained throughout the normal course of its use. The chemical may undergo physical changes (e.g., changes in state or density, physical mixing with other substances) as long as no chemical changes occur. Examples include solvents, dielectric fluids, emulsifiers, and lubricants. List catalysts under this category. Include in this chart the number of workers processing the chemical, if separate from its manufacture; this includes producing products containing the chemical, preparing the chemical for distribution to customers, packaging, labeling; and transporting products containing the chemical.

7. Specify the quantity of the chemical substance you put in consumer products. For purposes of filling out this form only, "consumer products" is defined as in the Consumer Product Safety Act, 15 U.S.C. 2052 section 3(a)(1). Three consumer product types are given:

Articles With No Release are articles constructed in a way to prevent human exposure or release to the environment of the chemical substance during normal use and storage; e.g., chemicals in thermometers, in internal components, and in components inside sealed articles.

Articles With Some Release are articles whose material components are made of chemicals which come in direct contact with persons using the article, the atmosphere, land or water; i.e., exposure can come from leaching, evaporation, or surface contact. This includes such articles as plastic containers, chemically treated textiles, printed paper, coated appliances, etc. If the chemical itself is sold in a bottle or other container it should be reported under "Chemical Substance or Mixture," not as an article. Only the container itself is an article for purposes of this form.

Chemical Substance or Mixture is for use directly by the consumer, e.g., as cleansers, paints, inks, deodorizers and other formulations containing the chemical.

8. Specify the quantity of the chemical substance you sell to persons who are *distributors only* of the substance. If the chemical is used or processed in any way report this under Part B.

Part B: Use of the Chemical by Others

This part of the form applies to use of the chemical by your industrial customers either to make consumer products or industrial products. The category "unknown" is provided when either (1) the respondent does not know or cannot reasonably ascertain the answer within the accuracy required, or (2) the respondent knows the answer only because he has promised his customer that he will not reveal it further.

9. Specify the total quantity distributed to customers. As possible, fill in the chart provided for the uses and process types applicable to those customers.

10. Specify the quantity of chemical substance manufactured by you that is used by your customers to make consumer products. If you know some quantity is used in consumer products but cannot make a reasonable estimate, mark "Unknown".

11. If a quantity is reported in number 10, separate the total into one or more of the types of products listed.

12. Specify how much of your product is exported as a bulk chemical.

BILLING CODE 6560-01-M

U.S. ENVIRONMENTAL PROTECTION AGENCY

PRELIMINARY ASSESSMENT INFORMATION REPORT

(Section 8(a) Toxic Substances Control Act. 15 USC 2607)

Form Approved OMB No. 158-R0000

CAS NUMBER	NAME OF CHEMICAL REPORTED	EPA USE ONLY MID

☐ COMPANY NAME AND ADDRESS *(Include ZIP code)*

NAME OF PRINCIPLE TECHNICAL CONTACT(S)

NUMBER OF PLANT SITES COVERED BY REPORT

HQ DUN AND BRADSTREET NUMBER

PART A – MANUFACTURER ACTIVITIES *(Enter quantities in kg)*

☐ 1. TOTAL QUANTITY IMPORTED _____

☐ 2. NET QUANTITY MANUFACTURED FOR SALE OR USE _____

☐ 3. NET QUANTITY MANUFACTURED BUT NOT RECOVERED _____

☐ 3a. QUANTITY LOST TO THE ENVIRONMENT DURING PRODUCTION, USE, STORAGE AND TRANSFER _____

☐ 3b. QUANTITY IN PROCESS WASTES TREATED TO DESTROY THE CHEMICAL _____

☐ 3c. QUANTITY IN PROCESS WASTES WHERE CHEMICAL IS NOT DESTROYED _____

4. MANUFACTURE OF THE CHEMICAL

	TOTALS		WORKERS' HOURS	
			≤ 10 HOURS/WK (A)	> 10 HOURS/WK (B)
PROCESS CATEGORY	QUANTITY (kg)	NO. WORKERS	NO. WORKERS X WKS	NO. WORKERS X WKS
ENCLOSED	☐	☐	☐	☐
CONTROLLED RELEASE	☐	☐	☐	☐
OPEN	☐	☐	☐	☐

5. USE AS A REACTANT

	TOTALS		WORKERS' HOURS	
			≤ 10 HOURS/WK (A)	> 10 HOURS/WK (B)
PROCESS CATEGORY	QUANTITY (kg)	NO. WORKERS	NO. WORKERS X WKS	NO. WORKERS X WKS
ENCLOSED	☐	☐	☐	☐
CONTROLLED RELEASE	☐	☐	☐	☐
OPEN	☐	☐	☐	☐

6. USE OTHER THAN AS A REACTANT

	TOTALS		WORKERS' HOURS	
			≤ 10 HOURS/WK (A)	> 10 HOURS/WK (B)
PROCESS CATEGORY	QUANTITY (kg)	NO. WORKERS	NO. WORKERS X WKS	NO. WORKERS X WKS
ENCLOSED	☐	☐	☐	☐
CONTROLLED RELEASE	☐	☐	☐	☐
OPEN	☐	☐	☐	☐

7. QUANTITY USED IN CONSUMER PRODUCTS MANUFACTURED BY SUBMITTER *(Enter in kg)*

☐ IN ARTICLES WITH NO RELEASE _____

☐ IN ARTICLES WITH SOME RELEASE _____

☐ AS CHEMICAL SUBSTANCE OR MIXTURE _____

☐ TOTAL _____

☐ 8. QUANTITY SOLD TO DISTRIBUTORS _____ kg

EPA Form 7710-35 (12-79)

Continued on Reverse.

PART B – USE OF THE CHEMICAL BY OTHERS

☐ 9. TOTAL QUANTITY USED OR PROCESSED BY CUSTOMERS _____ kg

USE	PROCESS CATEGORIES (Enter quantities in kg)				SUBTOTAL (kg)
	ENCLOSED	CONTROLLED	OPEN	UNKNOWN	
REACTANT	☐	☐	☐	☐	☐
NON-REACTANT	☐	☐	☐	☐	☐
ARTICLE	☐	☐	☐	☐	☐
UNKNOWN	☐	☐	☐	☐	☐

☐ 10. WHAT QUANTITY OF YOUR PRODUCT IS USED BY OTHERS TO MAKE CONSUMER PRODUCTS?

_____ kg ☐ NONE ☐ UNKNOWN

11. IF A QUANTITY IS GIVEN IN NUMBER 10, SPECIFY QUANTITIES USED BY CONSUMERS

☐ IN ARTICLES _____ kg ☐ AS A CHEMICAL SUBSTANCE OR MIXTURE _____ kg

☐ 12. QUANTITY EXPORTED AS BULK CHEMICAL _____ kg

COMMENTS

EPA Form 7710-35 (12-79) (Reverse)

BILLING CODE 6560-01-C

APPENDIX II—Instructions For Asserting and Substantiating Claims of Confidentiality

Introduction

These are the instructions for asserting and substantiating claims of confidentiality for any information you submit in this Preliminary Assessment Information Report. (EPA Preliminary Assessment Information Form No. 7710–35 will be referred to in this appendix as the "form".) You may request confidential treatment for any item of information you submit.

To make this request, you must follow the procedures set out in these instructions. More specifically:

1. You must *assert* a claim of confidentiality, identifying the information that you claim to be confidential. You must do this in accordance with these instructions, at the time you submit the form. Boxes are provided for each item on the form. Place a check mark in the box if the item is claimed confidential. Any information you do not claim as confidential will be included in the public record without further notice to you.

2. You must *substantiate* your claims of confidentiality. You must do this in accordance with these instructions, at the time you submit the form. Otherwise, EPA may determine that you have waived your claims, and may then release the information in question, in accordance with section 712.16(c).

I. Categories of Claims

EPA had identified five categories of information into which most confidentiality claims will fall:

1. Manufacturer's (Importer's) Identity
2. Specific Chemical Identity
3. Production Volume
4. Uses of the Chemical Substance
5. Process Information

Specific chemical identity can be claimed as confidential only if that chemical was previously claimed as confidential on Form C of the Inventory Reporting Regulations (40 CFR 710).

You may wish to claim confidential treatment for information that does not fall under any of the above categories. These claims will be referred to in these instructions as "other" claims.

The instructions that follow explain how these six categories are to be used.

II. Asserting Confidentiality Claims

The Agency is developing a method for asserting confidential claims similar to that which appears in the October 16, 1979, Proposed Premanufacture Notification Rule (44 FR 59764) and requests comment on possible alternatives.

III. Substantiating Claims of Confidentiality

In addition to asserting a claim as explained in section I and II of the instructions, form submitters must do the following to substantiate claims of confidentiality for information on the form.

A. *General Certification.*—The person who signs the form must certify the truth and accuracy of the following four statements which apply to *all* information claimed confidential. (*Note:* The Certification is only to be signed once for the entire form.)

a. My company has taken measures to protect the confidentiality of the information, and it will continue to take these measures;

b. The information is not, and has not been, reasonably obtainable by other persons (other than governmental bodies) by using legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding) without my company's consent;

c. The information is not publicly available elsewhere; and

d. Disclosure of the information claimed confidential would cause substantial harm to my company's competitive position.

B. *Manufacturer's (Importer's) Identity and Chemical Identity.*—To substantiate claims for Manufacturer's Identity and/or Chemical Identity, you need only sign the confidentiality certification. You are not required to answer any specific questions for these categories.

C. *Specific Questions.*—In addition to the certification, you must answer the following questions if you claim information confidential in these categories. (*Note: for each category, you must answer the questions only once,* regardless of the number of times you claim information confidential in that category.)

Production Volume

1. If you have claimed confidentiality for manufacturer's identity and EPA keeps confidential the link between your company identity and production volume, your identity will not be associated in any way with the production volume. In this case, what harm to your competitive position would result from disclosing the production volume? How could a competitor use this information? What is the causal relationship between the disclosure and the harm?

2. If you have claimed confidentiality for chemical identity so that the chemical identity category is not associated in any way with production volume, what harm to your competitive position would result from disclosing the production volume? How could a competitor use this information? What is the causal relationship between the disclosure and the harm?

Use Data

1. If you have claimed confidentiality for manufacturer's identity and EPA keeps confidential the link between your company identity and the use data, your identity will not be associated in any way with the use data. In this case, what harm to your competitive position would result from disclosing the use data? How could a competitor use this information? What is the causal relationship between the disclosure and the harm?

2. If you have claimed confidentiality for chemical identity so that the chemical identity category is not associated in any way with the use data, what harm to your competitive position would result from disclosing the use data. How could a competitor use this information? What is the causal relationship between the disclosure and the harm?

Process Information

1. If you have claimed confidentiality for manufacturer's identity and EPA keeps confidential the link between your company identity and process information, your identity will not be associated in any way with this information. In this case, what harm to your competitive position would result from disclosing the process information? What is the causal relationship between the disclosure and the harmful effects?

2. If you have claimed confidentiality for chemical identity so that the chemical identity category is not associated in any way with the process information, what harm to your competitive position would result from disclosing the process information? How could a competitor use this information? What is the causal relationship between the disclosure and the harm?

D. *Other Information—Specific Questions.*—For the other information category, you must answer the following questions *each time* you claim information confidential for that category:

1. Is the item confidential in and of itself? If so, what is revealed by its disclosure?

2. Is the item confidential because it will reveal some other confidential information, whether or not that other information is reported on this form? If so, what is the information that will be revealed?

3. Is the item confidential because it will reveal other confidential information when the item is disclosed in association with some other item(s) submitted on this form? If so, what are those item(s)?

4. If the answer to 1, 2, or 3 is yes, what harm would disclosing the confidential information cause to your competitive position? How would disclosure lead to this harm?

5. If you have claimed confidentiality for manufacturer's identity and EPA maintains the confidentiality of the link between your company identity and this information, your identity will not be associated in any way with the item claimed. In this case what harm to your competitive position would result from disclosing the item? How could a competitor use this information? What is the causal relationship between the disclosure and the harm?

6. If you have claimed confidentiality for chemical identity so that the chemical identity (other than category name) is not associated in any way with the item claimed, what harm to your competitive position would result from disclosing the item? How could a competitor use this information? What is the causal relationship between the disclosure and the harm?

[FR Doc. 80–5168 Filed 2–28–80; 8:45 am]

BILLING CODE 6560–01–M

federal register

Friday
February 29, 1980

Part V

Department of Labor

Employment Standards Administration

Standards for Determining Coal Miners' Total Disability or Death Due To Pneumoconiosis

DEPARTMENT OF LABOR

Employment Standards Administration

20 CFR Part 718

Standards for Determining Coal Miners' Total Disability or Death Due To Pneumoconiosis

AGENCY: Employment Standards Administration, Department of Labor.

ACTION: Final rulemaking.

SUMMARY: On April 25, 1978, the Department of Labor published a notice of proposed rulemaking in the **Federal Register** (43 FR 17722–17732) which set forth proposed procedures for determining coal miners' total disability or death due to pneumoconiosis. This part revises Part 718 to set forth the standards to be applied by the Secretary of Labor, pursuant to the authority conferred upon him by Section 402(f) of Title IV of the Federal Mine Safety and Health Act of 1977, as amended, in determining whether a coal miner is or was totally disabled due to pneumoconiosis or died from pneumoconiosis. This revised Part 718 also specifies the procedures and requirements to be followed in conducting medical examinations and in administering various tests relevant to such determinations.

DATE: The revision of Part 718 is effective March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Eula Ossofsky, Chief, Branch of Medical Services, Division of Coal Mine Workers' Compensation, U.S. Department of Labor, Room C–3516, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone 202–523–6711.

SUPPLEMENTARY INFORMATION: Under Title IV of the Federal Mine Safety and Health Act of 1977, as amended by the Black Lung Benefits Reform Act of 1977, (Pub. L. 95–239), and the Black Lung Benefits Revenue Act of 1977 (Pub. L. 95–227), benefits are provided to miners who are totally disabled due to pneumoconiosis and to certain survivors of a miner who died due to or while totally disabled by pneumoconiosis. Before the enactment of the Black Lung Benefits Reform Act of 1977, the authority for establishing standards of eligibility for miners and their survivors was placed with the Secretary of Health, Education, and Welfare. These standards were set forth by the Secretary of Health, Education, and Welfare in subpart D of Part 410 of this title, and adopted by the Secretary of Labor for application to all claims filed with the Secretary of Labor.

Amendments made to section 402(f) of the Act by the Black Lung Benefits Reform Act of 1977 authorize the Secretary of Labor to establish criteria for determining total or partial disability or death due to pneumoconiosis to be applied in the processing and adjudication of claims filed under part C of Title IV of the Act. Section 402(f) of the Act as amended further authorizes the Secretary of Labor, in consultation with the National Institute for Occupational Safety and Health, to establish criteria for all appropriate medical tests administered in connection with a claim for benefits. Section 413(b) of the Act also authorizes the Secretary of Labor to establish criteria for the techniques to be used to take chest roentgenograms (X-rays) in connection with a claim for benefits under the Act. The Act as now amended substantially alters the standards for determining eligibility for benefits, modifies the evidentiary requirements necessary to establish entitlement to benefits, eliminates certain restrictions on the filing of claims, establishes penalties to be imposed if a coal mine operator fails to meet its obligations, and makes technical, correcting, and other administrative, procedural, and substantive changes which make it necessary to completely revise Part 718 of this subchapter. Public hearings on the proposed Part 718 were held in Washington, D.C. on June 14 and 15, 1978, in Charleston, West Virginia on June 20 and 21, 1978, and in Pikeville, Kentucky on July 10, 1978. Testimony and written comments were received from individual black lung claimants, claimant representatives, coal mine operators, and coal mine construction companies and their representatives. The vast majority of comments received were substantive, detailed and very useful to the Department.

The Department has responded to all relevant and substantive comments and has made changes in the rules where necessary. Following each final rule set forth, the Department has responded, in discussion form, to the comments received and changes made in the rules. These discussions are entitled *Comments received* and *Discussion and changes.* Our purpose is to respond to all relevant and substantive comments and to specify those changes made in the rules. Wherever possible, comments which are essentially similar are considered together.

The discussion following each rule contained in this document shall not be considered a part of the rule and will not be published in the Code of Federal Regulations.

A few of the revisions made reflect technical, clarifying, and correcting changes felt necessary by the Department of Labor. Changes of this nature appear without additional explanation.

Because these rules impose new requirements on the medical personnel who provide services to claimants, operators and the Department of Labor, I find that good cause exists to delay the effective date of these rules for 30 days from the date of publication to permit the Department to disseminate information concerning these new requirements to all physicians and medical facilities which provide such services as well as other affected persons.

The Department of Labor has determined that this document is not a major regulation requiring a regulatory analysis since the financial and other impact of these regulations is less than that specified in the Department of Labor criteria implementing Executive Order 12044. See 44 FR 5576 (January 26, 1979). Therefore, the preparation of a regulatory analysis is not required for these regulations.

Accordingly, 20 CFR Chapter VI, Subchapter B, Part 718, is revised as follows:

PART 718—STANDARDS FOR DETERMINING COAL MINERS' TOTAL DISABILITY OR DEATH DUE TO PNEUMOCONIOSIS

Subpart A—General

718.1 Statutory provisions.
718.2 Applicability of this part.
718.3 Scope and intent of this part.
718.4 Definitions and use of terms.

Subpart B—Criteria for the Development of Medical Evidence

718.101 General.
718.102 Chest roentgenograms (X-rays).
718.103 Pulmonary function tests.
718.104 Report of physical examinations.
718.105 Arterial blood-gas studies.
718.106 Autopsy; biospy.
718.107 Other medical evidence.

Subpart C—Determining Entitlement to Benefits

718.201 Definition of pneumoconiosis.
718.202 Determining the existence of pneumoconiosis.
718.203 Establishing relationship of pneumoconiosis to coal mine employment.
718.204 Criteria for determining total disability.
718.205 Death due to pneumoconiosis.
718.206 Effect of findings by persons or agencies.

Subpart D—Presumptions Applicable to Eligibility Determinations

718.301 Establishing length of employment as a coal miner.

Sec.

718.302 Relationship of pneumoconiosis to coal mine employment.
718.303 Death from a respirable disease.
718.304 Irrebuttable presumption of total disability or death due to pneumoconiosis.
718.305 Presumption of pneumoconiosis.
718.306 Presumption of entitlement applicable to certain death claims.
718.307 Applicability of 33 U.S.C. 920(a).

Subpart E—Miscellaneous Provisions

718.401 Right to obtain evidence.
718.402 Failure to furnish required medical evidence.
718.403 Burden of proof.
718.404 Cessation of entitlement.

Appendix A—Standards for administration and interpretation of chest roentgenograms (X-rays).

Appendix B—Standards for administration and interpretation of pulmonary function tests. Tables B1, B2, B3, B4, B5, B6.

Appendix C—Blood gas tables.

Authority: 5 U.S.C. 301, Reorganization Plan No. 6 of 1950, 15 FR 3174, 30 U.S.C. 901 et seq. 902(f), 925, 932, 934, 936, 945; 33 U.S.C. 901 et seq.

Subpart A—General

§ 718.1 Statutory provisions.

(a) Under Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972, the Federal Mine Safety and Health Amendments Act of 1977, the Black Lung Benefits Reform Act of 1977, and the Black Lung Benefits Revenue Act of 1977, benefits are provided to miners who are totally disabled due to pneumoconiosis and to certain survivors of a miner who died due to or while totally or partially disabled by pneumoconiosis. Before the enactment of the Black Lung Benefits Reform Act of 1977, the authority for establishing standards of eligibility for miners and their survivors was placed with the Secretary of Health, Education, and Welfare. These standards were set forth by the Secretary of Health, Education, and Welfare in subpart D of part 410 of this title, and adopted by the Secretary of Labor for application to all claims filed with the Secretary of Labor (see 20 CFR 718.2, 1978). Amendments made to section 402(f) of the Act by the Black Lung Benefits Reform Act of 1977 authorize the Secretary of Labor to establish criteria for determining total or partial disability or death due to pneumoconiosis to be applied in the processing and adjudication of claims filed under part C of Title IV of the Act. Section 402(f) of the Act further authorizes the Secretary of Labor, in consultation with the National Institute for Occupational Safety and Health, to establish criteria for all appropriate medical tests administered in connection with a claim for benefits. Section 413(b) of the Act authorizes the Secretary of Labor to establish criteria for the techniques to be used to take chest roentgenograms (X-rays) in connection with a claim for benefits under the Act.

(b) The Black Lung Benefits Reform Act of 1977 provides that with respect to a claim filed prior to the effective date of this part or reviewed under section 435 of the Act, the standards to be applied in the adjudication of such claim shall not be more restrictive than the criteria applicable to a claim filed on June 30, 1973, with the Social Security Administration, whether or not the final disposition of the claim occurs after the effective date of this part. All such claims shall be reviewed under the criteria set forth in Part 727 of this title.

Comments received: One commenter stated that this section should be amended to exclude miners who do not have pneumoconiosis.

Discussion and changes: Section 401(a) of Title IV of the Federal Mine Safety and Health Act as amended broadly defines those individuals entitled to black lung benefits. Section 401(a) provides, in pertinent part, "It is, therefore, the purpose of this title to provide benefits in cooperation with the states, to coal miners who are totally disabled due to pneumoconiosis and to the surviving dependents of miners whose death was due to such disease or who were totally disabled by this disease at the time of their deaths * * *" This definition is included in this section of the regulations; therefore, no change is necessary.

§ 718.2 Applicability of this part.

This part is applicable to the adjudication of all claims filed after the effective date of this part and considered by the Secretary of Labor under section 422 of the Act and Part 725 of this subchapter. If a claim subject to the provisions of section 435 of the Act and Subpart C of Part 727 of this subchapter cannot be approved under that subpart, such claim may be approved, if appropriate, under the provisions contained in this part. The provisions of this part shall, to the extent appropriate, be construed together in the adjudication of all claims.

Comments received: None.

§ 718.3 Scope and intent of this part.

(a) This part sets forth the standards to be applied in determining whether a coal miner is or was totally, or in the case of a claim subject to § 718.306 , partially, disabled due to pneumoconiosis or died due to pneumoconiosis. It also specifies the procedures and requirements to be followed in conducting medical examinations and in administering various tests relevant to such determinations.

(b) This part is designed to interpret the presumptions contained in section 411(c) of the Act, evidentiary standards and criteria contained in section 413(b) of the Act and definitional requirements and standards contained in section 402(f) of the Act within a coherent framework for the adjudication of claims. It is intended that these enumerated provisions of the Act be construed as provided in this part.

(c) In enacting Title IV of the Act, Congress intended that claimants be given the benefit of all reasonable doubt as to the existence of total or partial disability or death due to pneumoconiosis. This part shall be construed and applied in that spirit and is designed to reflect that intent. However, no claim shall be approved unless the record considered as a whole, in light of any applicable presumptions, provides a reasonable basis for determining that the criteria for eligibility under the Act and this part have been met.

Comments received: Only supportive comments received.

§ 718.4 Definitions and use of terms.

Except as is otherwise provided by this part, the definitions and usages of terms contained in § 725.101 of Subpart A of Part 725 of this title, as amended from time to time, shall be applicable to this part.

Discussion and changes: This is a new section adopted to clarify the applicability of Part 725 definitions and terms to this part.

Subpart B—Criteria for the Development of Medical Evidence

§ 718.101 General.

The Office of Workers' Compensation Programs (hereinafter OWCP or the Office) shall develop the medical evidence necessary for a determination with respect to each claimant's entitlement to benefits. Each miner who files a claim for benefits under the Act shall be provided an opportunity to substantiate his or her claim by means of a complete pulmonary evaluation including, but not limited to, a chest roentgenogram (X-ray), physical examination, pulmonary function tests and a blood-gas study.

Comments received: (a) One comment suggests that a phrase be added indicating that a claimant may request other medical tests in addition to those enumerated in the regulation. (b) Another comment recommends that medical evidence be based on objective criteria, such as a complete pulmonary evaluation. (c) One commenter supports the provisions, stating that OWCP is responsible for the development of the medical evidence.

Discussion and changes: (a) Section 718.107 provides that "the results of any medically acceptable test or procedure reported by a physician not addressed in this subpart which test or procedure tends to demonstrate the presence or absence of pneumoconiosis or the sequelae of pneumoconiosis or the presence or absence of a respiratory or pulmonary impairment may be submitted in connection with a claim and shall be considered as appropriate." The phrase, "but not limited to," has been added to reflect this principle. (b) Section 413(b) of the Act, as amended, provides each miner who files a claim for benefits an opportunity to substantiate his or her claim by means of a complete pulmonary evaluation. In addition, § 718.104 requires that "any physical examination conducted in connection with a claim shall include the miner's medical and employment history." (c) The Department agrees that OWCP is responsible for development of the medical evidence; therefore, no change is necessary.

§ 718.102 Chest roentgenograms (X-rays).

(a) A chest roentgenogram (X-ray) shall be of suitable quality for proper classification of pneumoconiosis and shall conform to the standards for administration and interpretation of chest X-rays as described in Appendix A.

(b) A chest X-ray to establish the existence of pneumoconiosis shall be classified as Category 1, 2, 3, A, B, or C, according to the International Labour Organization Union Internationale Contra Cancer/Cincinnati (1971) International Classification of Radiographs of the Pneumoconioses (ILO–U/C 1971), or subsequent revisions thereof. A chest X-ray classified as Category Z under the ILO Classification (1958) or Short Form (1968) shall be reclassified as Category O or Category 1 as appropriate, and only the latter accepted as evidence of pneumoconiosis. A chest X-ray classified under any of the foregoing classifications as Category O, including sub-categories 0/–, 0/0, or 0/1 under the UICC/Cincinnati (1968) Classification or the ILO–U/C 1971 Classification does not constitute evidence of pneumoconiosis.

(c) A description and interpretation of the findings in terms of the classifications described in paragraph (b) of this section shall be submitted by the examining physician along with the film. The report shall specify the name and qualifications of the person who took the film and the name and qualifications of the physician interpreting the film. If the physician interpreting the film is a Board-certified or Board-eligible radiologist or a certified "B" reader (see § 718.202), he or she shall so indicate. The report shall further specify that the film was interpreted in compliance with this paragraph.

(d) The original film on which the X-ray report is based shall be supplied to the Office, unless prohibited by law, in which event the report shall be considered as evidence only if the original film is otherwise available to the Office and other parties. Where the chest X-ray of a deceased miner has been lost, destroyed or is otherwise unavailable, a report of a chest X-ray submitted by any party shall be considered in connection with the claim.

(e) No chest X-ray shall constitute evidence of the presence or absence of pneumoconiosis unless it is in substantial compliance with the requirements of this section and Appendix A, except that special consideration shall be given in the case of a deceased miner where the only available X-ray is of sufficient quality for determining the presence or absence of pneumoconiosis and such X-ray was interpreted by a Board-certified or Board-eligible radiologist or a certified "B" reader (see § 718.202). It shall be presumed, in the absence of evidence to the contrary, that the requirements of Appendix A have been met.

Comments received: (a) One commenter supports the concept of quality standards for X-rays, but disagrees with the method of promulgating such standards in regulatory form. This commenter recommends that local clinics should be certified as meeting the quality control standards of the Department. Another commenter suggests that the regulations specify how quality control is to be accomplished. (b) Testimony was received endorsing the continued adherence by the Department to the ILO–U/C Classification System. Another commenter recommends that upon reinterpretation of a film classified as "Z" under the 1958 system, the irregular opacities must be included in estimating the degree of profusion. This commenter also suggests that "and" in the last sentence of the proposed § 718.102(b) be changed to "or" to avoid the charge that additional interpretations can be made, and notes that the correct title of the 1971 system is "ILO–U/C 1971 Classification." (c) One commenter states that a chest X-ray classified as 0/1 should constitute evidence of pneumoconiosis. (d) Another commenter suggests that the regulation requires too much detail in the examining physician's report, and that it would be sufficient to require the physician to state whether he or she is Board-certified or Board-eligible and that the film was taken in conformity with the regulations. This commenter also suggests that the physician need not state whether he or she is a "B" reader. One person testified that the term "B" reader should be clearly defined. (e) A number of commenters object to the requirement that the original X-ray film be sent to the Department, and question what use the Department will make of such films. They state that the Department should not be rereading films. Other persons state that the Department should review all X-rays for diagnostic quality. One commenter states that the provision permitting a report of an X-ray to be submitted where the X-ray of a deceased miner has been lost would preclude meaningful cross-examination and might lead to abuse. Another comment suggests that, even in the case of a living miner, an X-ray interpretation made by a qualified radiologist should be admissible where the film itself is unavailable, and that the unavailability of the film should go only to the weight, rather than to the admissibility, of the interpretation. (f) Some commenters suggest that even those X-rays not in substantial compliance with the requirements of Appendix A should be considered, but at a reduced evidentiary value. Other commenters suggest that the special consideration given X-rays or X-ray reports in the case of a deceased miner, where interpreted by a Board-certified or Board-eligible radiologist, should also be given to interpretations by a certified "B" reader. One commenter contends that if the only available X-ray or X-ray report concerning a deceased miner was not interpreted by a Board-certified or Board-eligible radiologist, it should still be submitted with the claim for whatever probative value it might have, while another commenter suggests that the subsection is appropriate if the radiologist specializes in pulmonary disease. One commenter states that the phrase "absence of pneumoconiosis" should be deleted from subsection (e). The commenter further suggests that the subsection should state that special consideration *shall* be given in the case of a deceased miner. (g) Some commenters suggest that no X-ray should be taken if medically contraindicated. (h) One commenter agrees in general with the provision, but states that no competent physician, whatever his or her specialty, should be excluded from being held to be expert in reading chest X-rays. (i) Several commenters want express prohibitions against the rereading of X-rays.

Discussion and changes: (a) The Department does not have the resources necessary to certify local clinics for the taking of X-rays in connection with black lung claims. The regulatory standards found in this section and in Appendix A provide an alternative method by which the Department can insure that claims are determined on the basis of quality chest films. The standards which have been promulgated for the guidance of physicians and radiologic technicians to insure that uniform procedures are used in the administration and interpretation of chest X-rays appear in Appendix A. These standards are established in accordance with sections 402(f)(1)(D) and 413(b) of the Act and were developed in consultation with NIOSH. By requiring these standards to be followed, the Department will insure that quality X-ray films will be submitted in connection with a claim for black lung benefits. (b) The Department will continue to adhere to the ILO–U/C 1971 classification or subsequent revisions thereto and has corrected the printing of this classification to read "ILO–U/C 1971." When a film classified as "Z" under the 1958 ILO–

U/C system is being re-classified under the ILO–U/C 1971 classification, both irregular and rounded opacities are included when estimating the degree of profusion. Therefore, no change is required in the language of the regulation. However, the word "and" in the last line of § 718.102(b), has been changed to "or" to make clear that an additional interpretation need not be made. (c) The International Labour Organization Union Internationale Contra Cancer/Cincinnati (1971) International Classification of Radiographs of the Pneumoconioses (ILO–U/C 1971) defines Category O as a radiograph in which there are no small opacities, or if a few are thought to be present, they are not sufficiently numerous for Category 1 to be considered. Category O is the equivalent of 0/–, 0/0, 0/1 in the complete classification and is defined to constitute no evidence of pneumoconiosis, even though the chest is not necessarily normal. (d) Section 413(b) of the Act requires that where there is other evidence of a pulmonary or respiratory impairment "the Secretary shall accept a board certified or board eligible radiologist's interpretation of a chest roentgenogram which is of a quality sufficient to demonstrate the presence of pneumoconiosis," and "in order to provide for uniform quality in the roentgenograms, the Secretary of Labor may, by regulation, establish specific requirements for the techniques used to take roentgenograms of the chest." The detail required in the examining physician's report is necessary in order to provide for uniform review of the roentgenograms. In order to clarify the definition of a "B" reader the Secretary has added to § 718.202 the definition promulgated by the National Institute for Occupational Safety and Health (NIOSH) at 42 CFR 37.51(b)(2). (e) The purpose of § 718.102(c) is to properly implement the requirements of section 413(b) of the Act. The reason the Department requires that the original film be submitted to the Office is that copies of films are not reliable and may, in fact, result in an unclear or distorted image. Furthermore, it is necessary for the Department to receive or have access to the original film in order to review the film for diagnostic quality. These regulations insure that uniform procedures will be applied to all evidence submitted so that the best available medical evidence will be submitted in connection with a claim for black lung benefits. In the case of a deceased miner, where the only chest X-ray, or all chest X-rays, have been lost, destroyed or are otherwise unavailable, a report of a chest X-ray which is not accompanied by the original film constitutes the best available medical evidence submitted in connection with a claim. Under such circumstances, it would be inappropriate to reject such evidence solely because the original film is not available for review. The Department does not intend that, in every case, such an X-ray or X-ray report should be considered to be conclusive evidence concerning the presence or absence or pneumoconiosis. The weight to be given to such evidence will always be determined by the appropriate adjudication officer. This regulation only prohibits the consideration of an X-ray report unaccompanied by the original film in any case involving a living miner unless the film is otherwise available to the Office. In any case involving the claim of a living miner in which the only available X-ray report is unaccompanied by the original film, the Department will either require that the film be made available or schedule the miner for an additional chest X-ray. Such procedure will insure that quality medical evidence will be available for consideration in connection with such claims and will work no hardship on the claimant. (f) Because of the special qualifications of "B" readers, the Department agrees that special consideration should also be given to the interpretation of a "certified 'B' reader" in the case of a deceased miner where the "B" reader's interpretation is the only available report of an X-ray which is of sufficient quality for determining the presence or absence of pneumoconiosis. The term certified "B" reader has, therefore, been added to the last sentence in paragraph (e) of the regulation. This regulation does not prohibit the submission of an X-ray or X-ray report interpreted by a physician other than a Board-certified or Board-eligible radiologist, and such X-ray's or X-ray report's evidentiary value will be considered by the adjudication officer. If the radiologist submitting an X-ray or X-ray report specializes in pulmonary disease, the adjudicator may also consider whatever probative value that might have in the case. Therefore, no changes are required on the basis of these two comments. Since X-ray evidence is relevant to a determination of either the presence or the absence of pneumoconiosis, the phrase "absence of pneumoconiosis" will not be deleted. The Department agrees that special consideration should be given in the case of a deceased miner and the wording of the regulation has been changed accordingly. (g) Testimony presented by expert radiologists and NIOSH establishes that if chest X-rays are taken in conformance with Appendix A there is no reason to consider the taking of the X-ray to be a harmful procedure. However, the Department may defer to the medical judgment of the physician on an individual case basis should any test or procedure be judged to be medically contraindicated. (h) Nothing in this part excludes from consideration a chest X-ray of suitable quality interpreted by a competent physician, whatever his or her specialty. (i) X-ray readings are discussed at § 718.202.

§ 718.103 Pulmonary function tests.

(a) Any report of pulmonary function tests submitted in connection with a claim for benefits shall record the results of the forced expiratory volume in one second (FEV_1) and either the forced vital capacity (FVC) or the maximum voluntary ventilation (MVV) or both. If the MVV is reported, the results of such test shall be obtained independently rather than calculated from the results of the FEV_1. Such tests shall be administered and reported in accordance with the standards for the administration and interpretation of pulmonary function tests as described in Appendix B. It shall be presumed, in the absence of evidence to the contrary, that these requirements have been met.

(b) All pulmonary function test results submitted in connection with a claim for benefits shall be accompained by three tracings of each test performed, unless the results of two tracings of the MVV are within 5% of each other, in which case two tracings for that test shall be sufficient. Pulmonary function test results submitted in connection with a claim for benefits shall also include a statement signed by the physician or technician conducting the test setting forth the following:

(1) Date and time of test;

(2) Name, DOL claim number, age, height, and weight of claimant at the time of the test;

(3) Name of technician;

(4) Name and signature of physician supervising the test;

(5) Claimant's ability to understand the instructions, ability to follow directions and degree of cooperation in performing the tests. If the claimant is unable to complete the test, the person executing the report shall set forth the reasons for such failure;

(6) Paper speed of the instrument used;

(7) Name of the instrument used;

(8) Whether a bronchodilator was administered. If a bronchodilator is administered, the physician's report must detail values obtained both before and after administration of the bronchodilator and explain the significance of the results obtained; and

(9) That the requirements of paragraph (b) and (c) of this section have been complied with.

(c) No results of pulmonary function tests shall constitute evidence of a respiratory or pulmonary impairment unless such tests are conducted and reported in substantial compliance with this section and Appendix B. Special consideration shall be given in the case of a deceased miner where, in the opinion of the adjudication officer, the only available tests demonstrate technically valid results obtained with good cooperation of the miner.

Comments received: (a) Although several commenters commend the Department on the use of the forced expiratory volume in one second (FEV_1) to assess impairment, testimony was received criticizing the maximum voluntary ventilation (MVV) as a measurement of pulmonary function. Critics state that the MVV test is difficult to administer, has a high probability of erroneous results in that the test is greatly affected by submaximal effort, is strenuous, and that the instrument requirements are very rigid. Several commenters note that many laboratories have discontinued the use of the MVV test and therefore, the technicians in those laboratories are

inexperienced in this test's administration. A number of commenters contend that it is illogical to set up specifications for actual performance of the MVV test while deriving normal standards for the MVV by merely multiplying Knudson's FEV_1 normal values by 40. Commenters also object to the requirement that three tracings be obtained. One person testified that the best test obtained should be used to represent at least a minimal value. Others testified that three tracings are not needed where two tests are congruent within 5 percent. (b) A number of persons advocate the use of the forced vital capacity (FVC) measurement. (c) One commenter states that the regulation requires the physician's or technician's report to include too much detail. This commenter also states that the Department should not disregard studies which are unaccompanied by the requested tracings. (d) A number of comments were received concerning the required statement of the claimant's degree of cooperation in performing the tests. One person testified that physicians should be precluded from stating that the patient did not cooperate. Another suggests that a physician should be required to state, in detail, his or her basis for concluding that cooperation was poor. Many persons suggest that the inability of a person to complete a pulmonary function test despite good effort and cooperation, should, in and of itself, be evidence of impairment. (e) One commenter suggests that no pulmonary function study should be performed if medically contraindicated. Other commenters contend that the regulation should specify that a bronchodilator need not be used. One person testified that the regulation should state that if a bronchodilator is used, tests should be conducted both before and after its use. (f) One person states that subsection (c) conflicts with Appendix B, and that the language of the latter, permitting the adjudicator to consider an improperly reported test at a reduced evidentiary value should remain intact.

Discussion and changes: (a) The Department considers that many of the criticisms raised concerning the MVV test are valid. Compared to the forced expiratory volume maneuver, the maximum voluntary ventilation maneuver is indeed more difficult for the patient. It is more fatiguing and much more dependent upon patient cooperation for the test result to be reliable. It is true that some pulmonary function laboratories do not perform this test on a routine basis and that the predictive values available are not nearly as reliable as those for simple spirometry. It is also true that many factors other than pulmonary disease affect the results of the MVV test, such as muscular coordination, heart disease, discomfort during the test, etc. However, the Department will continue to allow the claimant to submit the results of the MVV test where the claimant or physician so desires. The Department continues to believe that the FEV_1 and MVV represent an excellent combination of simplicity, objectivity, reliability, applicant convenience and cost. The formula for deriving FEV_1 and MVV values is discussed at Table B (*Discussion and changes*). Several commenters state that the requirement of three tracings for the FEV_1 is not excessive and this requirement is, therefore, maintained in the regulation. However, the Department agrees that the requirement of three tracings for the MVV can be excessive. If the results of two tracings are congruent within 5 percent, two tracings will be sufficient. The regulation has been reworded to reflect this change. (b) The Department agrees with the many commenters who advocate the use of the forced vital capacity (FVC) measurement and the regulation has been changed accordingly. This test has been in use for more than 100 years, it does not require additional time or effort and, without it, it is impossible for the physician to state whether the FEV_1 was reduced as a result of obstruction or because of lung volume restriction or both. Thus, the FVC will permit a more accurate interpretation of the meaning of a reduced FEV_1. The Department is of the opinion that both the MVV and the FVC are of value in assessing pulmonary impairment. However, due to the strenuous nature of the MVV test, the Department has decided to make this test optional. (c) The Department is of the opinion that the reporting requirements listed in the regulation constitute the minimum requirements necessary in order to ascertain the validity of the tests conducted. Accordingly, no change in the regulation has been made. The Department has based its requirement that the test results be accompanied by the appropriate tracings on the American Thoracic Society's Snowbird Workshop Report which states that "diagnostic spirometry requires a graphic recording." No valid diagnostic conclusions can be made concerning pulmonary function studies without the benefit of a tracing. The pulmonary function study is incomplete without a tracing. Therefore, no change in the regulation is necessary. (d) Comments questioning the need for a statement regarding the cooperation of the patient from the supervising physician or technician conducting pulmonary function tests are not well founded. Pulmonary function testing always requires a degree of understanding and cooperation by the subject to produce valid results. It is essential that the person conducting the tests be required to comment on the degree of understanding and cooperation, using his or her judgment and experience as a guide. This also serves to benefit the claimant who gives maximum cooperation, but, because of the severity of his or her impairment, produces tracings which appear to be invalid. This can occur, for example, when an attempt at maximal expiration produces a fit of coughing; while the result of the pulmonary function test itself is invalid, the fact that an attempt at a forced expiratory maneuver produced uncontrolled coughing may be considered as evidence of a pulmonary impairment. The regulation has been amended to require that if the claimant is unable to complete the tests, that fact shall be noted on the report submitted pursuant to § 718.204(c)(5) and the weight to be attached to that report will be evaluated by the adjudication officer. (e) The supervising physician who is responsible for the conduct of the tests should use his or her own medical judgment whenever a claimant is scheduled for pulmonary function testing. If the physician believes that pulmonary function testing would impose a risk to the patient's well-being, the physician should so state and refuse to have the patient perform the pulmonary function tests. This procedure is accepted medical practice and the Department does not believe that it is necessary that an explicit statement to this effect be included in the regulation. Although the use of a bronchodilator does not provide an adequate assessment of the miner's disability, it may aid in determining the presence or absence of pneumoconiosis. There is no reason, therefore, to exclude from consideration the results of testing done after the administration of a bronchodilator. The commenter who stated that in the event a bronchodilator is used, tests should be conducted before and after its use, is correct. The regulation has been changed to incorporate that requirement. Pulmonary function testing must always initially be performed without the use of a bronchodilator. If, for purposes of diagnosis, the physician feels that repeat spirometry after the administration of a bronchodilator is indicated, bronchodilation could then be performed. (f) The first paragraph in Appendix B reflects the Congressional intent that all of the information in a claimant's file must be considered. It is not the purpose of this regulation to negate that principle.

§ 718.104 Report of physical examinations.

A report of any physical examination conducted in connection with a claim shall include the miner's medical and employment history. A medical report form supplied by the Office or a report containing substantially the same information shall be completed for all findings. In addition to the chest X-ray and pulmonary function tests, the physician shall use his or her judgment in the selection of other procedures such as electrocardiogram, blood-gas studies, and other blood analyses in his or her evaluation of the miner. All manifestations of chronic respiratory disease shall be noted. Any pertinent findings not specifically listed on the form shall be added by the examining physician. If heart disease secondary to lung disease is found, all symptoms and significant findings shall be noted.

Comments received: (a) Many commenters state that reports of physical examinations and courses of treatment that do not include a medical and employment history should not be excluded. One person suggests that while an examination conducted in connection with a black lung claim could be required to include such information, the regulation should more clearly state that the requirement does not apply to evidence of treatment or a course of treatment that a miner has received. Another comment argues for the deletion of this section. Many people urge that evidence of prior physical examinations, symptoms, days missed from work, medication taken and the manifestations of any disease which may

contribute to the symptoms complained of should be noted. (b) One person testified that the regulation should state that the physician should conduct the proper physical examination to determine all cardiac and pulmonary impairments and that he or she should be required to document such impairments and describe their probable causes. (c) One person recommends that the record include a statement of the physician's qualifications, e.g., his or her experience in working with coal miners, and that these qualifications should be considered by an administrative law judge.

Discussion and changes: (a) This regulation clearly states that it is applicable only to a physical examination "conducted in connection with a claim." Reports of other physical examinations, courses of treatment, hospital records, work histories, etc., may be relevant and can be submitted in connection with a claim as other medical evidence. See § 718.107. Such records will be weighed accordingly by the adjudication officer. This regulation does not act to limit the introduction of evidence other than that evidence obtained in connection with a claim. It does, however, set forth the standards to be followed in any examination specifically conducted in connection with a claim. With regard to any physical examination conducted in connection with a black lung claim, it is critical that a thorough occupational history be obtained for each miner. A history of other dusty occupations is sought in order to assist in the interpretation of radiographs which may appear similar for a variety of pneumoconioses. A complete occupational history may also assist in the interpretation of chest X-ray findings other than pneumoconiosis. (b) The regulation clearly notes that "any pertinent findings" should be noted by the examining physician. This would include any cardiac impairment that the physician deems notable. The medical report form supplied by the Office requests that the physician comment on the possible causality of any impairment noted. No change in the regulation is therefore required. (c) Statements of the physician's qualifications are certainly not precluded by this regulation and it is within the province of the adjudication officer to consider such statements. However, the Department does not believe that it is necessary for a physician to detail his or her qualifications on every report submitted to the Office. Medical impairments that occur in coal miners often do not differ from those which occur in non-coal miners, and a competent physician is capable of examining both miners and non-miners to determine their medical impairments.

§ 718.105 Arterial blood-gas studies.

(a) Blood-gas studies are performed to detect an impairment in the process of alveolar gas exchange. This defect will manifest itself primarily as a fall in arterial oxygen tension either at rest or during exercise. No blood-gas study shall be performed if medically contraindicated.

(b) A blood-gas study shall initially be administered at rest and in a sitting position. If the results of the blood-gas test at rest do not satisfy the requirements of Appendix C, an exercise blood-gas test shall be offered to the miner unless medically contraindicated. If an exercise blood-gas test is administered, blood shall be drawn during exercise.

(c) Any report of a blood-gas study submitted in connection with a claim shall specify:

(1) Date and time of test;

(2) Altitude and barometric pressure at which the test was conducted;

(3) Name and DOL claim number of the claimant;

(4) Name of technician;

(5) Name and signature of physician supervising the study;

(6) The recorded values for $_pCO_2$, $_pO_2$, and pH, which have been collected simultaneously (specify values at rest and, if performed, during exercise);

(7) Duration and type of exercise;

(8) Pulse rate at the time the blood sample was drawn;

(9) Time between drawing of sample and analysis of sample; and

(10) Whether equipment was calibrated before and after each test.

Comments received: (a) One person suggests that section (a) of the regulation leaves the impression that arterial oxygen tension is the primary test for determining an impairment in alveolar gas exchange. He contends that the (A-a)O_2 gradient should be used. Another person recommends that arterial blood-gas studies be eliminated, or used only as a last resort, and states that pulmonary function tests are more reliable. Still another commenter points out that arterial blood-gas studies do not correlate well with pulmonary function test results. (b) Some commenters suggest that since the object of the tests is to determine whether the miner is capable of performing his or her usual job, the claimant should be exercised regardless of whether the resting sample meets the requirements of Appendix C. Others suggest that the attending physician should make a non-binding preliminary judgment as to whether the at-rest results meet the standards. If they do not, an exercise blood-gas test should be given immediately, unless contraindicated. (c) One commenter believes that the ten criteria listed in subsection (c) should improve the standardization of blood-gas studies, but suggests that an eleventh item be added to indicate the use of tonometered blood as a quality control procedure. He states that the results of the quality control procedure should be submitted in the blood-gas report, which should indicate whether the equipment was working properly at the time the test was performed. (d) One commenter suggests that the equipment should be set up with precision gases that have been micro-scholandered, and that calibration should be checked before and after each test. (e) The suggestion was made that the regulation specify that blood-gas studies be performed on a patient breathing room air. (f) One commenter states that many physicians administer blood-gas tests to patients who are in a recumbent position. It was also argued that obstructive airway disease (e.g., asthma or bronchitis), cigarette smoking, obesity, age and other factors can cause a decrease in pO_2.

Discussion and changes: (a) Although several commenters disparage the utility or reliability of arterial blood-gas studies, many commenters state, and it is the Department's position, that the most useful measurement of the efficiency of the heart-lung system is the arterial oxygen tension. Arterial blood measurements are extremely helpful in the evaluation of functional impairment, particularly when the ventilatory test results are inconsistent, or the symptoms are out of proportion to the measurable ventilatory defect. Arterial blood-gas studies do not always correlate with pulmonary function studies. Indeed, arterial blood-gas studies sometimes demonstrate significant impairment when ventilatory functions are relatively normal. Likewise, ventilatory function studies may indicate several abnormalities when blood-gas studies show little impairment. The two tests measure different components of lung function. Therefore, both tests will continue to be accepted. The tests supplement one another, and both are useful. Several commenters recommend that the Department establish criteria for the administration and analysis of the (A-a)O_2 gradient. The Department does not deem it advisable to establish such criteria at this time because the measure is extremely laborious, difficult to administer, and few laboratories are equipped to make this measurement. In addition, the arterial blood oxygen tension measures the overall ability of the lung to properly provide oxygen for body metabolism and thus provides a more useful measurement in order to determine the overall ability of the individual to function. These remarks are not meant to indicate an objection to the use of the (A-a)O_2 gradient in appropriate cases as supplemental information in assessing impairment. For this reason, the Department believes that it is best included in the category of other medical evidence discussed in § 718.107. (b) The regulation states that where the results of the blood-gas study at rest do not satisfy the requirements of Appendix C, an exercise blood-gas test shall be offered to the miner unless it is medically contraindicated. Implicit in this statement is the fact that the attending physician must make a preliminary judgment as to whether the at-rest results meet the standards. Therefore, no change in the wording of the regulation is necessary. There is no need to conduct an exercise blood-gas study in every case, as suggested by some commenters. While it is true that arterial blood oxygen tension actually increases during exercise in some subjects, as compared to the resting level, this is seldom a dramatic increase. Furthermore, such information is more useful in determining what type of pulmonary impairment exists rather than whether a significant pulmonary impairment exists at all. The Department does not believe that individuals who have arterial blood oxygen

pressures below the disabling level at rest should be subjected to an exercise test to determine whether there is a slight rise in their oxygen tension during exercise. (c) At present, few laboratories are equipped to use tonometered blood as a means of quality control. To require the use of tonometered blood would unduly restrict the number of laboratories available to the miner for the administration of arterial blood-gas tests. For this reason, the Department has not added this requirement to the regulation. (d) Similarly, few laboratories are equipped to calibrate instruments with precision gases that have been micro-scholandered. Each manufacturer of equipment has set up its own guidelines for the calibration of that equipment. It will be assumed, unless there is evidence to the contrary, that these guidelines will be followed by the testing laboratory. The Department agrees that calibration should be checked both before and after each test and this fact must be noted on each test report submitted. (e) The comment that blood-gas tests should be performed with a patient breathing room air is certainly valid. Such requirement is implicit in the standard medical practice for the administration of blood-gas tests and does not need to be specifically noted in the regulation. (f) It is true that many physicians perform arterial blood-gas studies with the patient in a recumbent position. However, it is not difficult for a physician to perform the study with the patient in a sitting position, as required by the regulation. It is important that all blood-gas studies which are performed for disability evaluation under this regulation be conducted in the same manner. The sitting position is preferable to the recumbent position for several reasons. First, there is a significant fall in arterial oxygen tension from the upright to the recumbent position even in normal individuals. This is accentuated by obesity, even in the absence of lung disease. Additionally, because most workers perform their work activities in the upright position, it is appropriate to use the sitting position when drawing the arterial blood gases. This method insures that the results will be comparable to those with the patient standing. The comment that many other factors besides pneumoconiosis can result in lowered arterial blood oxygen tension is true. This is also true of any pulmonary function test. In every case it is the responsibility of the adjudication officer to determine, from all the evidence, whether the impairment demonstrated by the medical test is due to pneumoconiosis. The fact that a medical test does not indicate the cause of an impairment does not make that test invalid as to the determination of whether an impairment exists.

§ 718.106 Autopsy; biopsy.

(a) A report of an autopsy or biopsy submitted in connection with a claim shall include a detailed gross macroscopic and microscopic description of the lungs or visualized portion of a lung. If a surgical procedure has been performed to obtain a portion of a lung, the evidence shall include a copy of the surgical note and the pathology report of the gross and microscopic examination of the surgical specimen. If an autopsy has been performed, a complete copy of the autopsy report shall be submitted to the Office.

(b) No report of an autopsy or biopsy submitted in connection with a claim shall be considered unless the report complies with the requirements of this section. Special consideration shall, however, be given to the report of a biopsy or autopsy of a miner who died before the effective date of this part, even where the report is not in substantial compliance with the requirements of this section.

(c) A negative biopsy is not conclusive evidence that the miner does not have pneumoconiosis. However, where positive findings are obtained on biopsy, the results will constitute evidence of the presence of pneumoconiosis.

Comments received: (a) A number of comments suggest that standards be established for the performance of autopsies and the reporting of biopsy results. (b) Some comments urge that an autopsy or biopsy report should be admissible, for whatever probative value it has, regardless of whether it complies with the standards of this regulation. The commenters point out that at the time an autopsy or biopsy was performed, the physician may not have been aware of the Department's regulations. Another comment states that, while the regulation requires compliance with the requirements of this section, no requirements are specified. (c) One person testified that if an autopsy is performed, it should include all of the vital organs. Another testified that an autopsy of the heart, lungs and trachea should be required in all cases in which black lung benefits have been paid. One comment states that autopsies should not be required, and that those performed should be limited to the lung and heart regions. (d) One comment objects to the failure of the regulation to establish pathological criteria on which to base a diagnosis of pneumoconiosis. Some comments urge that histological preparations and slides supporting the existence of pneumoconiosis should be retained for examination by other physicians, including Department consultants. They also urge that a pathologist's report should not, by itself, be sufficient proof of pneumoconiosis where reasonable doubt exists about the presence of pneumoconiosis. (e) One comment suggests that the provision that special consideration "may" be given to the reports concerning miners who died before the effective date of this part should be made mandatory. (f) Several persons testified that a negative biopsy should not be interpreted as evidence that the miner does not have pneumoconiosis. Another comment states that a negative biopsy does not prove the absence of pneumoconiosis because the lesions are scattered throughout the lungs in a non-uniform fashion. For this reason, the commenter urges that biopsy results should be used only in cases where positive findings are obtained.

Discussion and changes: (a) In response to comments received, the Department intends to promulgate additional standards for conducting autopsies. Section 718.106(a) includes standards for reporting biopsy results. (b) The Department does not agree with those commenters who argue that an autopsy or biopsy report should be admissible regardless of its compliance with the standards of this regulation. The standards set forth in this section are the minimum standards which must be followed in order to accurately ascertain the presence or absence of pneumoconiosis on biopsy or autopsy. Therefore, these standards must be followed in connection with all biopsies and autopsies performed after the effective date of this part. However, the Department agrees that it would be unduly harsh to reject the report of an autopsy or biopsy conducted on a miner who died before the effective date of this part, where the autopsy or biopsy was not conducted in compliance with the relevant requirements. For this reason, the regulation specifies that special consideration shall be given to the report of such biopsy or autopsy. (c) This regulation is not meant to be construed to require an autopsy or biopsy in every case. It simply deals with the standards to be applied to the conduct and reporting of any autopsy or biopsy which is performed. At a minimum, an autopsy performed to determine the presence or absence of pneumoconiosis requires an examination of the heart and lungs. Of course, the pathologist may choose to conduct a more complete autopsy in any individual case. (d) In the absence of a consensus in the medical community concerning pathological criteria for the diagnosis of pneumoconiosis, the Department does not believe that it is appropriate to specify such criteria in these regulations. The Department agrees that histological preparations and slides should be retained for review. (e) The Department is in agreement that special consideration must be given reports concerning miners who died before the effective date of this part and the regulation has been changed accordingly. (f) The Department agrees that lung biopsies are usually unrepresentative of the whole lung, and the Department has added a new subsection to reflect these comments.

§ 718.107 Other medical evidence.

The results of any medically acceptable test or procedure reported by a physician not addressed in this subpart which test or procedure tends to demonstrate the presence or absence of pneumoconiosis or the sequelae of pneumoconiosis or the presence or absence of a respiratory or pulmonary impairment, may be submitted in connection with a claim and shall be given appropriate consideration.

Comments received: (a) Some commenters urge that the phrase "medically accepted," used in the proposed regulation, be deleted on the grounds that it is vague and would promote litigation. They further state that the claimant should not have the burden of proving what is "medically accepted," and that knowledge of what is "medically accepted" is not necessarily within the scope

of an adjudication officer's expertise. Another commenter testified that the term "medically accepted" should be changed to "medically acceptable." (b) Some commenters also suggest that the phrase "or absence" be deleted. (c) Other commenters suggest that the regulation should specify some of the tests which constitute other relevant evidence such as: lung volumes; diffusion capacity; oxygen uptake; EKG stress testing; CO_2 production studies; and arterial to alveolar oxygen gradient ((A-a) O_2 gradient).

Discussion and changes: (a) The Department agrees that the term "medically accepted" should be changed to "medically acceptable," and the regulation has been changed accordingly. Medically acceptable tests are those used by a significant segment of the medical community to determine the existence of a particular condition or impairment. The Department is retaining the requirement that a test be medically acceptable in order to be considered as evidence. This is a reasonable requirement which is intended to insure that all eligibility determinations are based on valid medical evidence. (b) The Department has not deleted the phrase "or absence" from the regulation. If the test demonstrating the absence of pneumoconiosis is a "medically acceptable" test, the results of such a test should be considered. (c) The comments received regarding a specific listing of medically acceptable tests are inconsistent with the purpose of this regulation. The express purpose of this regulation is to allow consideration of any medically acceptable evidence which the examining physician deems appropriate in connection with a claim for benefits. Thus, any list of medically acceptable tests might imply that tests not specifically listed are not deemed acceptable. This is not the intent of the regulation.

Subpart C—Determining Entitlement to Benefits

§ 718.201 Definition of pneumoconiosis.

For the purpose of the Act, "pneumoconiosis" means a chronic dust disease of the lung and its sequelae, including respiratory and pulmonary impairments, arising out of coal mine employment. This definition includes, but is not limited to, coal workers' pneumoconiosis, anthracosilicosis, anthracosis, anthrosilicosis, massive pulmonary fibrosis, progressive massive fibrosis, silicosis or silicotuberculosis, arising out of coal mine employment. For purposes of this definition, a disease "arising out of coal mine employment" includes any chronic pulmonary disease resulting in respiratory or pulmonary impairment significantly related to, or substantially aggravated by, dust exposure in coal mine employment.

Comments received: (a) A number of comments were received concerning the types of diseases that should be included within the definition of "pneumoconiosis." Several members of Congress urged that anthracosis and silicotuberculosis be included in the list of diseases specifically enumerated in the regulation. Many commenters object to the exclusion in the proposed regulation of cancer and diseases of bacteriological or viral origin from being considered to have arisen out of dust exposure in coal mine employment. A smaller number of comments agree with this exclusion. Several persons testified that emphysema and bronchitis should be included as chronic pulmonary diseases which may result in respiratory or pulmonary impairment arising out of coal mine employment, and that the regulation should specify precisely which diseases are included in the definition. One commenter urged that the definition not include pulmonary impairment caused by chronic obstructive lung diseases and another testified that massive pulmonary fibrosis and progressive massive fibrosis should not be included in the definition. (b) A number of commenters suggest that portions of the regulations are vague. These commenters question the meaning of "aggravated" by dust exposure and whether temporary as well as permanent aggravation is included. One person urges that the word "permanently" be added before "aggravated" and another suggests that "substantially" or "materially" be substituted for "significantly," since the suggested words have been given meaning by decisions under other workers' compensation statutes. Another comment urges that the word "aggravated" be stricken since it can be argued that all chronic pulmonary diseases, regardless of etiology, might be aggravated by exposure to coal dust, and that it is beyond the Department's statutory authority to provide compensation for all such diseases.

Discussion and changes: (a) The definition of pneumoconiosis is changed to include anthracosis and silicotuberculosis. These diseases were previously included in the list of diseases within the definition of "pneumoconiosis" (see 20 CFR 410.40(b)(1) and 727.202) and available medical evidence does not justify their exclusion from this regulation. The exclusion of cancer and diseases of bacteriological or viral origin has been deleted. It is possible that a relationship between these diseases and exposure to coal mine dust can be established by medical evidence in a particular case, e.g., an increased propensity for persons with pneumoconiosis for developing a bacterial disease. The Department has, therefore, determined that the exclusion contained in the proposed rule is not appropriate. By deleting the exclusion, findings of a relationship between these diseases and dust exposure in coal mine employment are permitted if the medical evidence supports such a finding. See *Discussion and changes* accompanying § 727.202 (43 FR 36825, Aug. 18, 1978). The recommendation that the regulation should specify precisely which diseases are to be included is not accepted. The regulation states that the definition includes, but is not limited to, the listed diseases. It would be almost impossible to list all possible diseases, particularly in view of the constantly changing state of medical knowledge. The Department rejects the view that massive pulmonary fibrosis and progressive massive fibrosis should not be included in the definition. These diseases are generally accepted as establishing the existence of complicated pneumoconiosis and their inclusion in the regulation is consistent with section 411(c)(3) of the Act. (b) The recommendation that the term "substantially" be added to the phrase "aggravated by dust exposure" is accepted. It is a commonly agreed-upon principle of workers' compensation law that an employer takes an employee with whatever underlying conditions the employee has. Accordingly, aggravation of a preexisting condition to the point of disability is considered a proper basis for awarding benefits under many compensation laws including the Longshoremen's and Harbor Workers' Compensation Act and is consistent with the amended statutory definition of pneumoconiosis. It is intended by this regulation that the significant and permanent aggravation of a preexisting condition by coal dust exposure should be considered a basis for eligibility where all other requirements have been met. The Department also rejects the view that the term "aggravated" should be stricken from the regulation. See *Discussion and changes* accompanying § 727.202 (43 FR 36825, Aug. 18, 1978).

§ 718.202 Determining the existence of pneumoconiosis.

(a) A finding of the existence of pneumoconiosis may be made as follows:

(1) A chest X-ray conducted and classified in accordance with § 718.102 may form the basis for a finding of the existence of pneumoconiosis. Except as otherwise provided in this section, where two or more X-ray reports are in conflict, in evaluating such X-ray reports consideration shall be given to the radiological qualifications of the physicians interpreting such X-rays.

(i) In all claims where there is other evidence of pulmonary or respiratory impairment, a Board-certified or Board-eligible radiologist's interpretation of a chest X-ray shall be accepted by the Office if the X-ray is in compliance with the requirements of § 718.102 and if such X-ray has been taken by a radiologist or qualified radiologic technologist or technician and there is no evidence that the claim has been fraudulently represented.

(ii) The following definitions shall apply when making a finding in accordance with this paragraph.

(A) The term "other evidence" means medical tests such as blood-gas studies, pulmonary function studies or physicial examinations or medical histories which establish the presence of a chronic pulmonary, respiratory or cardio-pulmonary condition, and in the case of a deceased miner, in the absence of medical evidence to the contrary, affidavits of persons with knowledge of the miner's physical condition.

(B) "Pulmonary or respiratory impairment" means inability of the human respiratory apparatus to perform in a normal manner one or more of the three components of respiration, namely, ventilation, perfusion and diffusion.

(C) "Board-certified" means certification in radiology or diagnostic roentgenology by the American Board of Radiology, Inc. or the American Osteopathic Association.

(D) "Board-eligible" means the successful completion of a formal accredited residency program in radiology or diagnostic roentgenology.

(E) "Certified 'B' reader" or " 'B' reader" means a physician who has demonstrated proficiency in evaluating chest roentgenograms for roentgenographic quality and in the use of the ILO–U/C classification for interpreting chest roentgenograms for pneumoconiosis and other diseases by taking and passing a specially designed proficiency examination given on behalf of or by the Appalachian Laboratory for Occupational Safety and Health. See 42 CFR 37.51(b)(2).

(F) "Qualified radiologic technologist or technician" means an individual who is either certified as a registered technologist by the American Registry of Radiologic Technologists or licensed as a radiologic technologist by a state licensing board.

(2) A biopsy or autopsy conducted and reported in compliance with § 718.106 may be the basis for a finding of the existence of pneumoconiosis. A finding in an autopsy of anthracotic pigmentation, however, shall not be sufficient, by itself, to establish the existence of pneumoconiosis. A report of autopsy shall be accepted unless there is evidence that the report is not accurate or that the claim has been fraudulently represented.

(3) If the presumptions described in §§ 718.304, 718.305 or § 718.306 are applicable, it shall be presumed that the miner is or was suffering from pneumoconiosis.

(4) A determination of the existence of pneumoconiosis may also be made if a physician, exercising sound medical judgment, notwithstanding a negative X-ray, finds that the miner suffers or suffered from pneumoconiosis as defined in § 718.201. Any such finding shall be based on objective medical evidence such as blood-gas studies, electrocardiograms, pulmonary function studies, physical performance tests, physical examination, and medical and work histories. Such a finding shall be supported by a reasoned medical opinion.

(b) No claim for benefits shall be denied solely on the basis of a negative chest X-ray.

(c) A determination of the existence of pneumoconiosis shall not be made solely on the basis of a living miner's statements or testimony.

Comments received: This section generated many comments concerning the use of "B" readers, the definitions of "other evidence" and "pulmonary or respiratory impairment," the prescribed qualifications of radiologists and technicians, the use of biopsies and autopsies, the use of X-rays to show the presence or absence of pneumoconiosis, and the value of a living miner's testimony. (a) Many commenters object to the provision providing that where conflicting X-rays are received, consideration must be given to the radiological qualifications of the physicians interpreting such X-rays. This is seen by many commentators as a return to the "battle of the 'B' readers," not countenanced by the Reform Act. Other comments urge the Department to maintain and utilize the expertise of certified "B" readers. One commenter suggested that if conflicting films are submitted, all films should be interpreted by a radiologist of recognized stature, whose interpretation would then be the final opinion. Another commenter suggests that where there is a conflict in the evidence, special consideration should be given to the opinion of the claimant's family physician. Others suggest that X-rays may be reread only for quality and for discovery of other life-threatening diseases. One commenter supports the proposed subsection as written. Another commenter recommends that a definition of a certified "B" reader be added to this regulation because of the confusion surrounding the term, and that the definition specify that "B" readers must have taken and passed the improved examination of 125 test films now being given.

Another comment urges that the regulation explicitly require the same physician qualifications regardless of whether other evidence of pulmonary or respiratory impairment exists. (b) Some comments suggest that a pulmonary specialist certified by the American Board of Internal Medicine or one eligible for certification in pulmonary diseases by that Board should also be permitted to interpret X-rays. (c) A number of comments urge deletion of the proposed paragraph (a)(1)(ii) which states that consideration of any other relevant evidence in determining the presence or absence of pneumoconiosis is not precluded. (d) Many comments were received regarding the definitions to be applied when making a finding in accord with this section. Most of these urge that lay evidence should be included as "other evidence," regardless of the presence or absence of medical evidence to the contrary. One comment, however, contends that affidavits may be received from physicians, but not from lay persons. Another comment suggests that the terms "blood gas studies" and "pulmonary function studies" be clarified. (e) Some commenters contend that the definition of "pulmonary and respiratory impairment" is too restrictive. A number of comments suggest that the failure to mention symptoms such as chronic cough, bronchitis, and infection might leave the impression that they were meant to be excluded. One person suggests that the regulation state that impairment may be found in tests that do not meet the standards of the Appendices and Tables, since impairment may be less than total disability. (f) One person suggests that the definition of "Board-certified" and "Board-eligible" should include certification, or eligibility for certification, by the American Osteopathic Association in Radiology. One person testified that a physician who has successfully completed a formal, approved residency program in radiology or diagnostic roentgenology is eligible for examination by the American Board of Radiology. (g) Two comments were received regarding use of a biopsy or an autopsy as a basis for a finding of the existence of pneumoconiosis. One comment suggests that the regulation specify what, besides anthracotic pigmentation, is necessary to establish pneumoconiosis in an autopsy. One person testified that the regulation should not use the term "anthracotic" or anthracosis," because many doctors erroneously believe that these terms are related only to anthracite mining. (h) A number of comments were received concerning a determination of the existence of pneumoconiosis bases upon a physician's reasoned medical opinion. Some persons suggest that the existence of a negative X-ray should rule out pneumoconiosis. According to one commenter, in those cases in which there is a negative X-ray, it is erroneous to suggest that blood-gas studies, pulmonary function studies and electrocardiograms are objective medical evidence on which to base a diagnosis of coal workers' pneumoconiosis because, for example, there are many causes of blood-gas abnormalities, and pulmonary function abnormalities are non-specific, i.e., their presence does not necessarily indicate that coal mine employment was responsible. According to this same commentator, the measurement of long volumes and diffusing capacities will detect virtually all pulmonary impairments, and because almost all claimants say they have dyspnea, the description of dyspnea in a physical examination is not reliable. Another comment states that the thrust of this subsection is good, but that the regulation should make clear that the physician's opinion need not be based on all of the listed tests and factors. Another comment urges that the evidence not be limited to objective medical evidence. One comment states that a determination of pneumoconiosis cannot be made on the basis of blood-gas studies, electrocardiograms, pulmonary function studies, physical performance tests and physical examinations. Rather, it can only be made with the help of an X-ray or a pathologic examination in addition to the studies listed. Other comments suggest that the regulation provide that the existence of pneumoconiosis does not necessarily imply "total disability," "partial disability," or even "significant impairment." (i) Some commentators seek to refute the provision prohibiting denial of a claim solely on the basis of a negative chest X-ray. One comment suggests adding a new subsection providing

that no claim may be denied solely on the basis of a failure to show pulmonary function test values equal to or less than the values listed in Tables B1, 2, 3, or 4 in Appendix B. (j) A number of comments recommended that the subsection providing that the finding of the existence of pneumoconiosis shall not be made solely on the basis of a living miner's testimony be deleted. One person suggests that the provision is without basis in the statute and conflicts with the fact that such testimony can establish the presumption embodied in § 718.305(a). Another states that if a claimant who is too elderly to perform any of the physical performance tests has one positive and one negative X-ray, the only evidence the claimant can rely on is his or her lay testimony.

Discussion and changes: The purpose of § 718.202 is to properly implement the requirements of sections 413(b) and 402(f)(1)(D) of the Act. Responses to specific comments are as follows: (a) the Act requires that all relevant evidence be considered in determining the validity of claims. Where there are two or more X-ray reports based upon X-rays which are of sufficient quality to be considered relevant evidence, and such reports are in conflict, the radiological qualifications of the physicians interpreting such X-rays are material factors which may be considered by the adjudication officer in determining the weight to be given to the evidence submitted. Accordingly, the qualifications of the reader at the time of the interpretation shall be considered. (b) All relevant evidence will be considered for the purpose of determining the presence or absence of pneumoconiosis except where special rules have been imposed by Congress. (c) Proposed section (a)(1)(H) has been eliminated because it has been incorrectly interpreted to mean that the Department would reinterpret X-rays and use such reinterpretation for the purpose of denying claims. The intention of the Department is to re-read X-rays only to determine whether they are of sufficient quality to be considered relevant evidence. (d) It is made clear in the Act and its legislative history that the Department of Labor must accept the X-ray interpretation submitted by, or on behalf of, the claimant only in those cases where there is "other evidence that a miner has a pulmonary or respiratory impairment * * *" and the X-ray was interpreted by a Board-certified or Board-eligible radiologist. The statute does not require the Department to accept an X-ray interpretation in the absence of such evidence. The view that lay evidence alone should be considered sufficent "other evidence of impairment" in this connection in the case of a living miner cannot be accepted. The law requires, in the case of a living miner, that the presence of a respiratory or pulmonary impairment be established by medical evidence. The miner is entitled to free medical examinations and tests, and these will be provided. Although lay evidence may be considered in every claim, the results of these examinations and tests are the best evidence of a respiratory or pulmonary impairment. The recommendation that a listing of specific pulmonary function tests be included is not accepted. Such a listing may be interpreted to suggest that those tests listed were the favored "other medical evidence" tests. The examining physician is in the best position to judge which other medical evidence is indicated in any given case. (e) The definition of "pulmonary or respiratory impairment" has been changed to reflect that any measurable level of respiratory or pulmonary function which significantly deviates from normal shall be sufficient to establish impairment. (f) Suggestions by several commenters relating to the definitions of "Board-certified" and "Board-eligible" have been accepted and the definitions revised accordingly. (g) Suggestions relating to the content of a report of autopsy or biopsy used to establish the existence of pneumoconiosis are outside the scope of this section. Requirements for such reports are discussed in § 718.106. (h) The recommendations regarding use of a physician's reasoned medical opinion as a basis for determining the existence of pneumoconiosis have not been accepted. While it is true that a definitive diagnosis of pneumoconiosis is best made with pathologic examination of the lung, it is also true that a diagnosis can be made with reasonable certaintly on the basis of other factors. In the absence of a positive X-ray, when a significant pulmonary impairment has been demonstrated on the basis of objective tests, and no significant factors other than coal mine dust exposure causing pulmonary impairment are shown to exist, then a diagnosis by exclusion may be made. Each claim should be considered on the basis of all the relevant evidence available. (i) Section 413(b) of the Act prohibits denial of a claim solely on the basis of the results of a chest X-ray. Except where special rules have been imposed by Congress, all relevant evidence will be considered. (j) Suggestions relating to the sole use of a living miner's statements or testimony have not been accepted. This section does not prohibit consideration of a living miner's statements or testimony in concert with medical evidence.

§ 718.203 Establishing relationship of pneumoconiosis to coal mine employment.

(a) In order for a claimant to be found eligible for benefits under the Act, it must be determined that the miner's pneumoconiosis arose at least in part out of coal mine employment. The provisions in this section set forth the criteria to be applied in making such a determination.

(b) If a miner who is suffering or suffered from pneumoconiosis was employed for ten years or more in one or more coal mines, there shall be a rebuttable presumption that the pneumoconiosis arose out of such employment.

(c) If a miner who is suffering or suffered from pneumoconiosis was employed less than ten years in the nation's coal mines, it shall be determined that such pneumoconiosis arose out of that employment only if competent evidence establishes such a relationship.

Comments received: A number of comments were received on proposed subsection (c) of this regulation. These commenters urge that even if there is another "substantial source of the pneumoconiosis," the claimant should be permitted to demonstrate that coal mine employment, in fact, caused the pneumoconiosis. One person testified that the use of lay evidence should not be limited to cases involving a deceased miner. Several coal mine construction employers testified regarding the rebuttable presumption contained in this section, referencing § 718.310(b). The argued that the presumption should not be available to coal mine construction employees because they are, to some degree, transient (e.g., mine construction employees over a ten-year period may work for many different employers, or, alternatively, the workers are hired out of a union hiring hall) and the coal mine construction employers would be placed in a situation of being liable for the payment of benefits even though their employees may have been minimally, if at all, exposed to coal mine dust. It was also argued that the burden of establishing years of coal mine employment should be the responsibility of the employee and, further, there should be a requirement for employee record keeping. One coal mine construction employer testified that the company did retain payroll records and a calendar indicating the type of job the employee was performing.

Discussion and changes: This section is not intended to suggest that where there is another substantial source of the pneumoconiosis, because of dust exposure outside of the miner's coal mine employment, coal mine employment cannot also be a substantial source of the pneumoconiosis. Accordingly, the suggestion that subsection (c) be revised by deleting the last clause has been accepted to avoid any misunderstanding. Lay evidence may, of course, be considered in every claim. Subparagraph (c) has been revised to reflect this. However, in the case of a living miner, such person may not be able to establish the relationship of pneumoconiosis to coal mine employment on the basis of lay evidence alone, particularly where the file contains contrary medical evidence. Congress has determined that coal mine construction workers are to be included within the Act's definition of "miner" and has clearly so indicated in section 402(d) of the Act. There is no statutory authority to limit the application of presumptions contained in the Act. Further, section 422(h) of the Act authorizes the Secretary of Labor to "by regulation establish standards, which may include appropriate presumptions, for determining whether pneumoconiosis arose out of employment in a particular coal mine, or mines."

§ 718.204 Total disability defined. Criteria for determining total disability.

(a) *General.* Benefits are provided under the Act for or on behalf of miners who are totally disabled due to pneumoconiosis, or who were totally disabled due to pneumoconiosis at the time of death. The standards of this

section shall be applied to determine whether a miner is or was "totally disabled" for the purpose of the Act.

(b) *Total disability defined.* A miner shall be considered totally disabled if the irrebuttable presumption in § 718.304 applies. If the irrebuttable presumption described in § 718.304 does not apply, a miner shall be considered totally disabled if pneumoconiosis as defined in § 718.201 prevents or prevented the miner:

(1) From performing his or her usual coal mine work; and

(2) From engaging in gainful employment in the immediate area of his or her residence requiring the skills or abilities comparable to those of any employment in a mine or mines in which he or she previously engaged with some regularity over a substantial period of time.

(c) *Criteria.* In the absence of contrary probative evidence, evidence which meets the standards of either paragraph (1), (2), (3), (4) or (5) of this subsection shall establish a miner's total disability:

(1) Pulmonary function tests showing values equal to or less than those listed in Table B1 (Males) or Table B2 (Females) in Appendix B to this part for an individual of the miner's age, sex, and height for the FEV_1 test; if, in addition, such tests also reveal the values specified in either subparagraphs (1) (i) or (ii) or (iii) of this paragraph:

(i) Values equal to or less than those listed in Table B3 (Males) or Table B4 (Females) in Appendix B of this part, for an individual of the miner's age, sex, and height for the FVC test, or

(ii) Values equal to or less than those listed in Table B5 (Males) or Table B6 (Females) in Appendix B to this part, for an individual of the miner's age, sex, and height for the MVV test, or

(iii) A percentage of 55 or less when the results of the FEV_1 test are divided by the results of the FVC test (FEV_1/FVC equal to or less than 55%), or

(2) Arterial blood-gas tests show the values listed in Appendix C to this part, or

(3) The miner has pneumoconiosis and has been shown by the medical evidence to be suffering from cor pulmonale with right sided congestive heart failure, or

(4) Where total disability cannot be established under paragraphs (c)(1), (c)(2) or (c)(3) of this section, or where pulmonary function tests and/or blood-gas studies are medically contraindicated, total disability may nevertheless be found if a physician exercising reasoned medical judgment, based on medically acceptable clinical and laboratory diagnostic techniques, concludes that a miner's respiratory or pulmonary condition prevents or prevented the miner from engaging in employment as described in paragraph (b) of this section, or

(5) In the case of a claim filed by the survivor of a miner, where there is no medical or other relevant evidence, the affidavits of persons knowledgeable of the miner's physical condition shall be sufficient to establish total disability.

(d) In determining total disability, the following shall apply to statements made by miners about their condition:

(1) Statements made before death by a deceased miner about his or her physical condition are relevant and shall be considered in making a determination as to whether the miner was totally disabled at the time of death.

(2) In the case of a living miner's claim, a finding of total disability shall not be made solely on the miner's statements or testimony.

(e) In determining total disability to perform usual coal mine work, the following shall apply in evaluating the miner's employment activities:

(1) In the case of a deceased miner, employment in a mine at the time of death shall not be conclusive evidence that the miner was not totally disabled. To disprove total disability, it must be shown that at the time the miner died, there were no changed circumstances of employment indicative of his or her reduced ability to perform his or her usual coal mine work.

(2) In the case of a living miner, proof of current employment in a coal mine shall not be conclusive evidence that the miner is not totally disabled unless it can be shown that there are no changed circumstances of employment indicative of his or her reduced ability to perform his or her usual coal mine work.

(3) Changed circumstances of employment indicative of a miner's reduced ability to perform his or her usual coal mine work may include but are not limited to:

(i) The miner's reduced ability to perform his or her customary duties without help; or

(ii) The miner's reduced ability to perform his or her customary duties at his or her usual levels of rapidity, continuity or efficiency; or

(iii) The miner's transfer by request or assignment to less vigorous duties or to duties in a less dusty part of the mine.

(f) No miner who is engaged in coal mine employment shall (except as provided in § 718.304) be entitled to any benefit under this part while so employed. Any miner who has been determined to be eligible for benefits shall be entitled to benefits only if the miner's employment terminates within one year after the date such determination becomes final.

Comments received: (a) One commenter recommends that the parenthetical phrase "(that is, 'comparable and gainful work')" be eliminated because that phrase leaves out the concepts of regularity, availability, and duration, which must also characterize work if a miner is to be determined able to perform it. The commenter feels that this disparity raises an unnecessary ambiguity that might lead to an impermissibly broad definition of the type of work that may preclude a miner from being considered totally disabled. (b) Several commenters suggest that the Department forego use of the MVV test to assess total disability. The grounds for this suggestion are that the MVV test is difficult to administer, involves significant patient discomfort, and may not be as accurate an indicator of disability as other pulmonary function tests. Some of these commenters also suggest that the Department utilize the FVC test instead of, or in conjunction with, the MVV test to assess total disability. In their view, the FVC test is preferable for a number of reasons. First, the FVC test is an automatically performed extension of the FEV_1 test, which is the primary test the Department uses to assess total disability. Second, the FVC test is accurate and easy to administer. Third, in conjunction with the FEV_1 test, the FVC will identify types of disabilities which neither test alone measures. (c) Several commenters suggest that pneumoconiosis in conjunction with conditions other than cor pulmonale with right sided congestive heart failure ought to establish total disability. One physician states that a valid diagnosis of cor pulmonale with right sided congestive heart failure, where a miner also has pneumoconiosis, conclusively establishes total disability. He, therefore, recommends that the regulations eliminate the opportunity to rebut a finding of total disability where such a diagnosis is made by competent medical authorities. (d) Several commenters object to the requirement that a diagnosis of total disability be made based on "medically accepted" clinical and diagnostic techniques because in many cases there is legitimate medical debate as to what is "accepted" and what is not. (e) One commenter objects to the prohibition against proving a living miner's claim solely by the miner's own statements and testimony. The commenter feels that this prohibition will promote frivolous appeals by employers who will automatically assert that benefits in a successful claim were awarded solely on the basis of a miner's testimony or statements. In the commenter's view, this risk is unwarranted because the miner's testimony and statements are competent evidence and should be considered by the adjudication officer without restriction for whatever they are worth. (f) Several commenters object to the provision that in survivor's claims, affidavits of those other than a survivor may not establish the miner's total disability. These commenters argue that such a restriction directly contradicts section 413(b) of the Act as amended by section 5(a) of the Black Lung Benefits Reform Act of 1977 which states that: "Where there is no medical or other relevant evidence in the case of a

deceased miner" the affidavits of "persons with knowledge of the miner's physical condition . . . shall be sufficient to establish that the miner was totally disabled due to pneumoconiosis." (g) One commenter objects to the use of the statements of a deceased miner to prove a survivor's claim because it deprives the employer of the right of cross examination. Another commenter, however, objects to the provision that such statements are to be admitted only "as appropriate." In this commenter's view, all such statments are relevant and should be considered by the adjudication officer for whatever they are worth. (h) Several commenters object to the requirement that working miners show "changed circumstances of employment," as an indication of reduced ability to work, if their employment is not to foreclose a finding of total disability. The basis for this objection is the belief that one purpose of the Black Lung Benefits Act was to eliminate the fact of employment as a means to rebut claims. As support for this position, these commenters point out that the Black Lung Benefits Reform Act of 1977 allows a miner to have his or her eligibility determined and then to choose whether to leave employment in the mines. These commenters are especially fearful that if a disabled miner continues to do his or her job through sheer determination alone, the miner will not be found to be working under "changed circumstances of employment" and will be denied benefits. Taking the opposing view, another commenter suggests that if a miner is working, by definition he or she is not totally disabled and should be denied total disability benefits even if the miner meets medical standards for total disability.

Discussion and changes: (a) It is possible that the parenthetical phrase "(that is, 'comparable and gainful work')" might cause confusion about the precise type of available work which would deny a miner benefits. The regulation has been rearranged to refer to the full definition of such work, and the parenthetical phrase has been eliminated. (b) The Department agrees that there are some drawbacks to the MVV test. These drawbacks do not, however, outweight the advantages of retaining the option for a miner to establish total disability through this test. The Department also agrees that the FVC test has been shown to be a reliable and easily administered test of pulmonary capacity. Thus, the regulations have been amended to included both tests. Under Appendix B, a miner will be able to establish total disability by first qualifying under the FEV_1 standards and, in addition, qualifying under the standards for either the FVC or the MVV tests, or by showing a specified ratio between the results of FEV_1 and FVC testing. (c) The record is devoid of medical evidence demonstrating that a diagnosis of pneumoconiosis in conjunction with conditions other than cor pulmonale with right sided congestive heart failure should entitle a miner to a determination of total disability. Thus, no change in the regulation has been made on this point.

The contention that a diagnosis of pneumoconiosis and cor pulmonale with right sided congestive heart failure should entitle a miner to an irrebuttable presumption of total disability is equally unsupportable. Section 411(c)(3) of the Act specifies the only types of diagnosis which may give rise to an irrebuttable presumption of total disability: If a miner is suffering or suffered from a chronic dust disease of the lung which (A) when diagnosed by chest roentgenogram, yields one or more large opacities (greater than one centimeter in diameter) and would be classified in category A, B, or C in the International Classification of Radiographs of the Pneumoconioses by the International Labor Organization, (B) when diagnosed by biopsy or autopsy yields massive lesions in the lung, or (C) when diagnosis is made by other means, would be a condition which could reasonably be expected to yield results described in clause (A) or (B) if diagnosis had been made in the manner prescribed in clause (A) or (B), then there shall be an irrebuttable presumption that he is totally disabled due to pneumoconiosis or that his death was due to pneumoconiosis, or that at the time of his death he was totally disabled by pneumoconiosis, as the case may be.

A diagnosis of pneumoconiosis and right sided congestive heart failure is specified in neither (A) or (B) of section 411(c)(3). Nor is there anything in the record to support the contention that it is the type of diagnosis that would meet the requirements of (C). Accordingly, the regulation as originally proposed accurately reflects the mandate of the Act. (d) The Department agrees that there is debate among practitioners on whether various clinical and diagnostic techniques should be used to diagnose total disability. Therefore, the term "medically accepted" has been changed to "medically acceptable" so that any technique with a body of respectable medical support will be allowable. (e) The Department disagrees with the suggestion that the prohibition against proving a living miner's claim solely on the basis of his or her testimony be dropped. Living miners are available to undergo the medical tests and examinations which are the best evidence of disability and its extent. If a miner is unable because of the extent of his or her physical condition to undergo such tests or examinations, that is an independent fact which may, by itself, be relevant to establish total disability. Thus, there is no logical reason to allow a living miner to establish total disability on the basis of his or her statement alone. Furthermore, the possibility of frivolous appeals by the employers contending that awards are based solely on the testimony of living miners is remote. The Administrative Procedure Act, 5 U.S.C. 557(c), and 20 CFR 725.417, 725.477, require administrative law judges and deputy commissioners to specify the basis of their findings in each claim. Accordingly, except where the record clearly shows sole reliance on a living miner's testimony, there should be no room for argument on this point, and the certainty of increased costs and attorneys' fees in a losing cause ought to provide an adequate deterrent to frivolous appeals. (f) The Department agrees with the commenters who argue that the plain language of the Act fails to support the restriction that in survivors' claims where there is no medical or other relevant evidence, only the affidavit of a miner's survivor may establish total disability. The regulation has been amended to provide that the affidavit of any person having knowledge of the miner's physical condition may establish that a deceased miner was totally disabled by pneumoconiosis. (g) The Department disagrees with the position that because they are not subject to cross-examination, statements of a miner made before death should not be used to prove a survivor's claim. There is ample precedent in the law for the consideration of such statements because in many cases they will provide a reliable indication of symptoms bearing upon a miner's condition before death even though such statements are not subject to cross examination. As pointed out in the discussion of § 718.206, hereinafter, the Administrative Procedure Act specifically allows the introduction of such hearsay evidence in administrative proceedings. Furthermore, even under the far more stringent Federal Rules of Evidence which apply to jury trials, Rule 803(3) allows the introduction of similar evidence. For these reasons, the Department agrees with the commenter who argues that all statements concerning his or her condition made by a miner before death should be considered and given the weight to which they are entitled under the facts and circumstances of each individual case. Thus, the regulation has been amended to make the right to introduce such statements unconditional by deleting the phrase "as appropriate." (h) The Department disagrees that a purpose of the Black Lung Benefits Reform Act of 1977 was to eliminate entirely the fact of present employment as an issue in determing the claims of living miners. It is true that the Black Lung Benefits Reform Act of 1977 allows living miners to have their eligibility for benefits determined while they are working and then choose whether to leave coal mine employment. It is also true, however, that section 2(c)(B) of the Black Lung Benefits Reform Act of 1977 specifies that the fact of employment in the mines is not to be conclusive in the claims of both living miners and survivors, and the regulation tracks these statutory instructions exactly. Nevertheless, to allay the possibility that the regulation might incorrectly be construed to require, as an indication of reduced ability to perform usual coal mine work, some formal change in employment status, the regulation has been amended to include examples which show that such a formal change in status is unnecessary. (i) To promote greater clarity, the structure of the regulation has been substantially altered. The new structure:

(1) Deletes redundant material;

(2) Makes clear that the tests of "comparable and gainful work" and inability to perform usual work do not apply where an irrebuttable presumption of total disability due to pneumoconiosis has been established; and

(3) Clarifies the evidentiary requirements for establishing and rebutting total disability where the irrebuttable presumption does not apply.

Regarding these evidentiary requirements, in accordance with the legislative history of the Act, the regulation specifies that although the claimant has the burden of meeting the evidentiary standards of paragraph (c) of

§ 718.204, these do not include proof of inability to perform usual coal mine work, even where the miner is currently working or was working at death, or proof of inability to perform "comparable and gainful work." Having met the evidentiary standards of paragraph (c), the claimant has established a *prima facie* case, which must be overcome by contrary probative evidence if total disability is to be disproved. Paragraphs (e) and (f) of the regulation also describe the differing weight which the Act and the accompanying conference report accord to current employment in a mine, or employment in a mine at the time of death, in rebutting total disability. Thus, to rebut total disability it must be shown that there were no changed circumstances of employment indicative of the miner's reduced ability to perform his or her usual coal mine work.

§ 718.205 Death due to pneumoconiosis.

(a) Benefits are provided to eligible survivors of a miner whose death was due to pneumoconiosis.

(b) Death will be considered due to pneumoconiosis if any of the following criteria is met:

(1) Where competent medical evidence established that the miner's death was due to pneumoconiosis, or

(2) Where death was due to multiple causes including pneumoconiosis and it is not medically feasible to distinguish which disease caused death or the extent to which pneumoconiosis contributed to the cause of death, or

(3) Where the presumption set forth at § 718.304 is applicable, or

(4) Where either of the presumptions set forth at § 718.303 or § 718.305 is applicable and has not been rebutted.

(c) For the purpose of this section, death shall be considered to be due to pneumoconiosis where the cause of death is significantly related to or aggravated by pneumoconiosis.

Comments received: One commenter argues that to consider death to be due to pneumoconiosis where the cause of death is only significantly related to or aggravated by pneumoconiosis would expand coverage beyond the limits established by the Act.

Discussion and changes: The Department disagrees that the Act specifies that death may be found to be due to pneumoconiosis only where pneumoconiosis is the sole cause of death. In fact, the Act does not define what constitutes "death due to pneumoconiosis." Congress gave the Secretary of Labor the sole discretion to define that term, the conference report plainly stating: "The conferees intend that the Secretary of Labor shall promulgate regulations for the determination of total disability or death due to pneumoconiosis." (H. REP. NO. 864, 95th Cong., 2d Sess. 2 (1978).) In the Department's view, to award benefits only where it could be proved that pneumoconiosis was the proximate cause of death would be to construe the Act in an artificial, restrictive and inequitable fashion entirely at odds with both common sense and the remedial intent of Congress. Thus, the Senate Committee on Human Resources, reporting on S. 1538, from which the authority of the Secretary of Labor to set standards for death and disability due to pneumoconiosis emerged in the Act intact, stated: It is also intended that traditional workers' compensation principles such as those, for example, which permit a finding of eligibility where the totally disabling condition was significantly related to or aggravated by the occupational exposure be included within such regulations. (S. REP. NO. 209, 95th Cong., 1st Sess. 13–14 (1977)).

Accordingly, the regulation has not been amended in the manner suggested.

§ 718.206 Effect of findings by persons or agencies.

Decisions, statements, reports, opinions, or the like, of agencies, organizations, physicians or other individuals, about the existence, cause, and extent of a miner's disability, or the cause of a miner's death, are admissible. If properly submitted, such evidence shall be considered and given the weight to which it is entitled as evidence under all the facts before the adjudication officer in the claim.

Comments received: A number of commenters vigorously objected to the provision that "decision(s)" of organizations, agencies or individuals as to whether a miner's death or disability is or is not due to a particular cause, may not be considered by the adjudication officer in deciding a claim. The argued generally that such evidence should be admissible and given the value to which it is entitled under all the facts and circumstances of the particular claim before the adjudication officer.

Discussion and changes: The Department agrees. Section 7 of the Administrative Procedure Act, 5 U.S.C. 556(d), allows administrative agencies to accept hearsay evidence instructing only that "the agency as a matter of policy shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence." The types of evidence this regulation, as proposed, would have excluded, certainly do not fall in the categories of evidence against which section 7 admonishes. In fact, the evidence the proposed regulation would have prohibited in many circumstances is admissible, even in jury trials, under Rule 803(6) of the Federal Rules of Evidence which allows the introduction of records of regularly conducted business activity and "factual findings resulting from an investigation made pursuant to authority granted by law * * *" (Rule 803(8)). Therefore, the regulation has been redrafted to allow the introduction of decisions of organizations, agencies, and individuals on the causes of a miner's disability or death for whatever it is worth. This change, however, it in no way meant to detract from the duty of the adjudication officer to decide the ultimate issues before him or her, and it goes without saying that conclusions on such issues in documents now admissible under the regulation as redrafted are not binding upon the adjudication officer in any manner whatsoever.

Subpart D—Presumptions Applicable to Eligibility Determinations

§ 718.301 Establishing length of employment as a miner.

(a) The presumptions set forth in §§ 718.302, 718.303, 718.305 and 718.306 apply only if a miner has been employed in one or more coal mines for specified periods. Regular employment may be established on the basis of any evidence presented, including the testimony of a claimant or other witnesses, and shall not be contingent upon a finding of a specific number of days of employment within a given period.

(b) For the purposes of the presumptions described in this subpart, a year of employment means a period of one year, or partial periods totalling one year, during which the miner was regularly employed in or around a coal mine by the operator or other employer. A "working day" means any day or part of a day for which a miner received pay for work as a miner. If an operator or other employer proves that the miner was not employed in or around a coal mine for a period of at least 125 working days during a year, such operator or other employer shall be determined to have established that the miner was not regularly employed for a year for the purposes of this section. If a miner worked in or around one or more coal mines for fewer than 125 days in a calendar year, he or she shall be credited with a fractional year based on the ratio of the actual number of days worked to 125. No periods of coal mine employment occurring outside the United States shall be credited toward the use of any presumption contained in this part.

Comments received: (a) A number of comments urge that the regulation provide that the Department has the responsibility to secure SSA earnings records. Another comment recommends that responsibility be placed on coal operators to supply accurate records, which must be furnished to the miner upon request. (b) The greatest number of comments received on this section concerned the proposed definition of a "year" of coal mine employment. The comments uniformly object to the 125-day figure; some argue that it is too long, others that it is too short, and some that it is arbitrary. One commenter recommends that receipt of a union pension should be presumptive of twenty years of coal mine employment. (c) Coal mine construction employers object to the application of the definition to their employees. They contend that the regulation is inconsistent with section 2(b) of the Reform Act, which defines a "miner" to include an employee of a coal mine construction company only to the extent that the miner was exposed to coal dust similar to that encountered in underground coal mining.

Discussion and changes: (a) It has been the practice of the Department of Labor to assist claimants in developing evidence which may prove to be supportive of their black lung claims. It would be unnecessarily duplicative for the Department to request, in every instance, a claimant's earnings records from the Social Security Administration when those records may contain the same information contained in the claimant's Department of Labor claim file. (See § 725.404(a)). However, in those situations where there is insufficient evidence in the file upon which to base a decision regarding a claim, the Department will forward to the claimant a "waiver" form which will permit the Department to obtain the records from the Social Security Administration. Additionally, if a claimant believes that his or her Social Security Administration earnings records are necessary to prove certain elements of a claim, the claimant can write the Social Security Administration and request copies of those records. Operators or employers of miners, in many instances, will have copies of their employees' wage and earnings statements. When an operator or other employer controverts a claim based upon the alleged failure of the miner to work during the periods claimed, the burden will be upon the operator or employer to support this allegation by documentary evidence. Section 725.404 requires the submission of all documentary evidence to be offered into evidence at a hearing before an Administrative Law Judge at least 20 days prior to the hearing. The evidence must be exchanged between the parties. This requirement should serve to adequately notify the claimant of any additional proof necessary to substantiate a claim.

(b) The same comments as to what constitutes a "year" were submitted to the Department during its drafting of part 725 of this title. These comments were fully considered and discussed in the *Discussion and changes* following § 725.493 published in the **Federal Register** on August 18, 1978 (43 FR 36804).

(c) Section 2(d) of the amendments to the Act defines the term "miner" to include "an individual who works or has worked in coal mine construction or transportation in or around a coal mine, to the extent such individual was exposed to coal dust as a result of such employment." Section 7(b) of the amendments to the Act exempts construction employers from the insurance purchase requirements of the Act and from penalties for noncompliance with those requirements, unless such employers are "operators" within the meaning of section 3(d) of the Act, but clearly sets forth the proposition that coal mine construction employers are otherwise liable for benefits awarded on account of pneumoconiosis arising out of coal mine construction employment (Act, section 422(b)). Moreover, section 3(d) of the Act was amended to include in the definition of "operator," "any independent contractor performing services or construction at [a] mine." During consideration of these amendments, Congress heard testimony from coal mine construction business representatives and others who urged that coal mine construction employers should be required to both observe safety and health standards when working on jobs in or around coal mines and to provide adequate compensation benefits to employees who were affected by pneumoconiosis as a result of such work.

Upon consideration of information received, Congress determined to settle the previously litigated coverage question, and unequivocally did so in favor of coal mine construction employees by explicitly covering coal mine construction employers. The Department cannot, by regulation, reconsider Congress' determination.

§ 718.302 Relationship of pneumoconiosis to coal mine employment.

If a miner who is suffering or suffered from pneumoconiosis was employed for ten years or more in one or more coal mines, there shall be a rebuttable presumption that the pneumoconiosis arose out of such employment. (See § 718.203.)

Comments received (a) One comment suggests that application of the presumption should depend on the type of work the miner performed prior to or after his or her coal mine employment. (b) Another comment contends that the presumptions contained in §§ 718.302(b), 718.302, 718.303, 718.305, and 718.306 are contrary to statistical data and medical evidence and are violative of due process. (c) Several commenters discussed coal construction workers and their inclusion within the definition of "miner." They describe the jobs and working conditions of coal construction workers as including, but not limited to, the following activities: (1) Surface operations such as highway construction; (2) limited surface mining; (3) excavation—moving rock and earth to construct mine roads or plant sites, facing up mine openings, etc.; (4) digging shafts or slopes where there may be some exposure to dust; (5) building preparation plants, bath houses and most mine facilities; and (6) erecting drag lines and shovels. They state that coal construction workers are not normally exposed to coal mine dust, and, if and when exposed, their exposure is of either rare or limited duration. One individual stated that coal mine dust could be controlled by watering. Additionally, it was stated that coal construction workers are transient. Because of the above-stated conditions, one commenter stated that it was his opinion that coal construction workers were not exposed to conditions similar to conditions in underground mines. However, a coal miner stated that when these coal mine construction workers are working around the tipple, they are exposed to coal mine dust. One of the commenters requested that the regulation provision should be modified to make it clear that coal construction workers are "miners" only during periods when they are exposed to coal mine dust.

Discussion and changes. (a) This regulation is based on section 411(c)(1) of the Act and there is nothing in the Act, or in its legislative history, to support the view that the application of the presumption is dependent upon the miner's pre- or Post-coal mine employment. (b) The presumptions contained in §§ 718.301(b), 718.302, 718.303, 718.305, and 718.306 are all dervied from statutory presumptions contained in section 411(c) of the Act. Upon consideration of information from various groups, Congress determined that these presumptions should be available to any qualified claimant, subject, in most instances, to the presentation of rebuttal evidence. The presumptions are not violative of due process as all parties to a black lung claim have the opportunity to be heard, to present evidence, and to participate fully in the proceedings. Furthermore, if there is a hearing held in connection with the claim, the Office of Administrative Law Judges is required to hold the hearing in accordance with the provisions of the Administrative Procedure Act. Moreover, in *Usery v. Turner-Elkhorn Mining Co.*, 428 U.S. 1 (1976), the Supreme Court upheld the constitutionality of the presumptions then contained in the Act. (c) The coal mine construction contractors have strongly objected to this regulation on the grounds that their employees are not exposed to coal mine dust and that they (the contractors) will not be able to prove non-exposure during periods of coal mine construction employment. There is no limitation on the evidence which can be presented in order to rebut the presumption, and, if a contractor's claim of non-exposure is valid, it would not be liable for the claim. If the contractor does not keep records of the miner's employment history, the contractor can solicit testimony from current or former employees regarding the alleged absence of dust in certain employment situations.

§ 718.303 Death from a respirable disease.

(a) If a deceased miner was employed for ten or more years in one or more coal mines and died from a respirable disease, there shall be a rebuttable presumption that his or her death was due to pneumoconiosis.

(1) Under this presumption, death shall be found due to a respirable disease in any case in which the evidence establishes that death was due to multiple causes, including a respirable disease, and it is not medically feasible to distinguish which disease caused death or the extent to which the respirable disease contributed to the cause of death.

(b) The presumption of paragraph (a) of this section may be rebutted by a showing that the deceased miner did not have pneumoconiosis, that his or her death was not due to pneumoconiosis or that pneumoconiosis did not contribute to his or her death.

Comments received: (a) A number of comments urge that the regulation not exclude lung cancer and diseases of bacteriological or viral origin as links to pneumoconiosis. (b) Another comment suggests that, in light of the definition of pneumoconiosis, proposed § 718.303(c) is a non-sequitur, and, moreover, the mere presence of pneumoconiosis does not entitle an individual to benefits if death was not caused by, or significantly hastened by,

pneumoconiosis. (c) Another commenter testified that it was inappropriate to suggest that a miner's death can be caused by coal workers' pneumoconiosis.

Discussion and changes: (a) The Department has considered and accepts the comments urging that the regulation not exclude lung cancer and diseases of bacteriological or viral origin as links to pneumoconiosis. Since it is possible that a relationship between these diseases and exposure to coal mine dust and death may be established by medical evidence in a particular case, the exclusion of these conditions from those which may trigger the presumption is inappropriate. (See also 43 FR 36825, August 18, 1978, *Discussion and changes* accompanying § 727.202.) (b) Section 422(h) of the Act states: "The Secretary of Labor shall by regulation establish standards, which may include appropriate presumptions, for determining whether pneumoconiosis arose out of employment in a coal mine or mines." Consistent with the above-stated statutory provision, the Department has a responsibility to advise the parties concerning the type of rebuttal evidence which may be presented in the claims adjudication process to rebut the ten year presumption. Proposed subsection (c) has been revised to state more clearly how the presumption of subsection (a) may be rebutted. This revision is contained in subsection (b). (c) Section 411(c)(2) of the Act explicitly recognizes that a miner's death can be caused by pneumoconiosis. The Department cannot, by regulation, reconsider or change this Congressional determination.

Note.—Because the statute uses the term "respirable disease," the Department has incorporated this term in this final regulation. The Department understands this term to mean "respiratory disease" as that term is accepted by the medical community.

§ 718.304 Irrebuttable presumption of total disability or death due to pneumoconiosis.

There is an irrebuttable presumption that a miner is totally disabled due to pneumoconiosis, that a miner's death was due to pneumoconiosis or that a miner was totally disabled due to pneumoconiosis at the time of death, if such miner is suffering or suffered from a chronic dust disease of the lung which:

(a) When diagnosed by chest X-ray (see § 718.202 concerning the standards for X-rays and the effect of interpretations of X-rays by physicians) yields one or more large opacities (greater than 1 centimeter in diameter) and would be classified in Category A, B, or C in:

(1) The ILO–U/C International Classification of Radiographs of the Pneumoconioses, 1971, or subsequent revisions thereto; or

(2) The International Classification of the Radiographs of the Pneumoconioses of the International Labour Office, Extended Classification (1968) (which may be referred to as the "ILO Classification (1968)"); or

(3) The Classification of the Pneumoconioses of the Union Internationale Contra Cancer/Cincinnati (1968) (which may be referred to as the "UICC/Cincinnati (1968) Classification"); or

(b) When diagnosed by biopsy or autopsy, yields massive lesions in the lung; or

(c) When diagnosed by means other than those specified in paragraphs (a) and (b) of this section, would be a condition which could reasonably be expected to yield the results described in paragraph (a) or (b) of this section had diagnosis been made as therein described: *Provided, however,* That any diagnosis made under this paragraph shall accord with acceptable medical procedures.

Comments received: (a) One comment contends that the presumptions of this section are "highly unscientific pronouncements not borne out by the facts." For example, this commenter contends, many people with large opacities are very active. (b) Another comment suggests that the reference to the 1971 ILO system refer to subsequent revisions. (c) Several comments recommend that the proviso contained in § 718.304(c) be eliminated because it is unnecessary.

Discussion and changes: (a) Section 411(c)(3) of the Act serves as the specific statutory authority for the promulgation of § 718.304, and the concerns expressed by this comment are, therefore, not properly addressed to the Secretary. (b) Clarifying changes have been made in the regulations in order to incorporate subsequent revisions to the ILO–U/C International Classification of Radiographs of the Pneumoconioses, 1971. The inserted phrase, "or subsequent revisions thereto," refers to any future revisions. (c) The Department does not agree that the proviso contained in § 718.304(c) is unnecessary or that it should be eliminated. The purpose of this proviso, which is also stated in 20 CFR 410.416(a), is to provide an acceptable medical basis for diagnosing "complicated" coal workers' pneumoconiosis. Such a diagnosis, in the Department's opinion, must be premised upon objective medical findings based upon recognized standards acceptable to, and in current use by, the medical community. The Department believes that only such findings and standards are reliable in diagnosing complicated pneumoconiosis. Accordingly, the proviso will not be deleted. In order to make clear, however, that the Department does not intend to be overly restrictive in accepting alternative methods of diagnosing complicated pneumoconiosis, the Department has deleted the word "generally" from the proposed regulation and has changed "accepted" to "acceptable." These changes should clarify both the restrictions and the flexibility of the proviso.

§ 718.305 Presumption of pneumoconiosis.

(a) If a miner was employed for fifteen years or more in one or more underground coal mines, and if there is a chest X-ray submitted in connection with such miner's or his or her survivor's claim and it is interpreted as negative with respect to the requirements of § 718.304, and if other evidence demonstrates the existence of a totally disabling respiratory or pulmonary impairment, then there shall be a rebuttable presumption that such miner is totally disabled due to pneumoconiosis, that such miner's death was due to pneumoconiosis, or that at the time of death such miner was totally disabled by pneumoconiosis. In the case of a living miner's claim, a spouse's affidavit or testimony may not be used by itself to establish the applicability of the presumption. The Secretary shall not apply all or a portion of the requirement of this paragraph that the miner work in an underground mine where it is determined that conditions of the miner's employment in a coal mine were substantially similar to conditions in an underground mine. The presumption may be rebutted only by establishing that the miner does not, or did not have pneumoconiosis, or that his or her respiratory or pulmonary impairment did not arise out of, or in connection with, employment in a coal mine.

(b) In the case of a deceased miner, where there is no medical or other relevant evidence, affidavits of persons having knowledge of the miner's condition shall be considered to be sufficient to establish the existence of a totally disabling respiratory or pulmonary impairment for purposes of this section.

(c) The determination of the existence of a totally disabling respiratory or pulmonary impairment, for purposes of applying the presumption described in this section, shall be made in accordance with § 718.204.

(d) Where the cause of death or total disability did not arise in whole or in part out of dust exposure in the miner's coal mine employment or the evidence establishes that the miner does not or did not have pneumoconiosis, the presumption will be considered rebutted. However, in no case shall the presumption be considered rebutted on the basis of evidence demonstrating the existence of a totally disabling obstructive respiratory or pulmonary disease of unknown origin.

Comments received: (a) One comment notes that, while the regulation is worded in terms of a miner employed in an underground mine, the statutory definition of a "miner" is not so limited, and that the Act's broader definition should be applied. (b) One comment suggests that the provision in subparagraph (b) prohibiting use of a spouse's affidavit in the case of a miner's

claim should state that this applies to a *living* miner's claim. (c) Many comments object to the use of the word "may" in subsection (b), and state that section 413(b) of the Act *requires* that affidavits be considered in the case of a deceased miner. (d) Some comments suggest that the parenthetical expression contained in proposed subsection (d) be eliminated.

Discussion and changes: (a) Section 411(c)(4) of the Act states, in pertinent part: "If a miner was employed for fifteen years or more in one or more underground coal mines * * * " Based upon this statutory language, the Department is obligated to use the phrase "underground coal mines" in setting forth the criteria for establishing the fifteen-year presumption. However, that section also provides that "The Secretary shall not apply all or a portion of the requirement of this paragraph that the miner worked in an underground mine where he determines that conditions of a miner's employment in a coal mine other than an undergrund mine were substantially similar conditions in an underground mine." The purpose of § 718.305(a) is not to define the term "miner," which is defined in section 402(d) of the Act, but to set forth the relevant criteria which can be used, and the evidence which can be submitted, in either establishing or rebutting the presumption. The broader definition of "miner" is inappropriate in the context of § 718.305(a). (b) The Department agrees that section 411(c)(4) of the Act prohibits the use of a spouse's affidavit, by itself, as a basis for establishing the fifteen-year presumption of total disability due to pneumoconiosis in the case of a living miner. Therefore, the Department has inserted the word "living" in the second sentence of § 718.305(a). (c) Consistent with the comments urging the Department to reword § 718.305(b) to conform to the language contained in section 413(b) of the Act, the Department has reworded this provision to conform to the explicit statutory language. (d) The Department has agreed to delete all reference to lung cancer, or diseases of bacteriological or viral origin, in the regulations promulgated following passage of the Black Lung Benefits Reform Act. See *Discussion and changes* accompanying § 727.202, 43 FR 36825 (Aug. 18, 1978). Therefore, in conformity with the many comments urging deletion of the parenthetical expression contained in § 718.305(d) (e.g., lung cancer or bacteriological or viral infection), this section has been amended accordingly. (See also *Discussion and changes* following § 718.303(a).)

§ 718.306 Presumption of entitlement applicable to certain death claims.

(a) In the case of a miner who dies on or before March 1, 1978, who was employed for 25 or more years in one or more coal mines prior to June 30, 1971, the eligible survivors of such miner shall be entitled to the payment of benefits, unless it is established that at the time of death such miner was not partially or totally disabled due to pneumoconiosis. Eligible survivors shall, upon request, furnish such evidence as is available with respect to the health of the miner at the time of death, and the length of the miner's coal mine employment.

(b) For the purpose of this section, a miner will be considered to have been "partially disabled" if he or she had reduced ability to engage in work as defined in § 718.204(b).

(c) In order to rebut this presumption the evidence must demonstrate that the miner's ability to perform work as defined in § 718.204(b) was not reduced at the time of his or her death or that the miner did not have pneumoconiosis.

(d) None of the following items, by itself, shall be sufficient to rebut the presumption:

(1) Evidence that a deceased miner was employed in a coal mine at the time of death;

(2) Evidence pertaining to a deceased miner's level of earnings prior to death;

(3) A chest X-ray interpreted as negative for the existence of pneumoconiosis;

(4) A death certificate which makes no mention of pneumoconiosis.

Comments received: One commenter expresses support for the provisions of subsection (d). Another objects to what the commenter views as the categorical refutation of evidence that would normally be considered relevant, and urges that all four items listed be considered.

Discussion and changes: The Department recognizes that each of the four items listed in subsection (d) may be relevant to a rebuttal of the 25-year presumption, and it is not the intent of this regulation to exclude any of these items or to prohibit the adjudication officer from considering them. Rather, the regulation provides that none of the items listed may, by itself, rebut the presumption, and the language of subsection (d) has been changed to more clearly reflect this intent. This change is not intended to suggest that the submission of more than one of the items listed necessarily rebuts the presumption. The reasons for this subsection are as follows: (1) Section 411(c)(5) of the statute provides that the presumption may be rebutted only if it is established that, at the time of his or her death, the miner was not partially or totally disabled due to pneumoconiosis. The statute requires that benefits be paid to the survivors if the miner was employed at least 25 years prior to June 30, 1971; there is no requirement that the miner have left the mines prior to his death. Therefore, evidence of coal mine employment at the time of death cannot, by itself, defeat entitlement. Moreover, since section 411(c)(5) permits payment of full benefits for partial disability, evidence of employment cannot, of itself, rebut the presumption. (2) Similarly, evidence of the miner's level of earnings, which is an indication of employment, cannot defeat the presumption. (3) Section 413(b) of the statute provides that no claim may be denied solely on the basis of the results of a chest X-ray, and subsection (d)(3) of this regulation reflects this statutory prohibition. (4) Finally, the subsection provides that a death certificate which makes no mention of pneumoconiosis cannot, by itself, rebut the 25-year presumption. This provision is necessary because death certificates often reflect only the immediate cause of death. Moreover, the purpose of a death certificate is not to list conditions which may have been partially or totally disabling.

§ 718.307 Applicability of 33 U.S.C. 920(a).

(a) Section 20(a) of the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 920(a), provides that in any claim for benefits under the Longshoremen's Act it shall be presumed, in the absence of substantial evidence to the contrary, that the claim comes within the provisions of the Act. Section 422(a) of the Act incorporates such provision except as the Secretary provides by regulation.

(b) Where one or more of the presumptions contained in §§ 718.302–718.305 is or may be applicable to a claim, the provisions of Section 20(a) of the Longshoremen's Act shall not apply to relieve a claimant from the burden of proving the facts necessary to give rise to the presumption, nor do the provisions of Section 20(a) relieve a claimant of the burden of proving any element of the claim. See § 718.403.

Comments received: None for which a response is required.

Discussion and changes: Changes have been made to clarify the Department's position regarding the application of Section 20(a) of the Longshoremen's Act to Black Lung claims. That position is set forth in paragraph (b).

Subpart E—Miscellaneous Provisions

§ 718.401 Right to obtain evidence.

Each miner who files a claim for benefits under the Act shall be provided an opportunity to substantiate his or her claim by means of a complete pulmonary evaluation. Accordingly, the Office shall assist each claimant in obtaining the evidence, including medical evidence, necessary for a complete adjudication of a claim. In the case of a miner's claim, initial medical tests and examinations shall be arranged for the miner by the Office, at no cost to the miner (See §§ 725.405 and 725.406 of this subchapter). If a conflict in medical evidence is determined to exist by the deputy commissioner or if a miner is dissatisfied with the results of medical evidence obtained by the deputy commissioner, additional medical evidence may be obtained by the miner or the deputy commissioner, as provided in § 725.407 of this subchapter.

Comments received: (a) Several comments suggest that the regulation should clearly

state that the miner may have medical tests and examinations at a facility of his or her choice. (b) Another suggests that the Department should advise claimants that it will assist them in pursuing their claims and in gathering necessary evidence.

Discussion and changes: (a) This regulation contains an explicit cross-reference to 20 CFR 725.406, which provides that, subject to approval, the miner may choose the physician or medical facility to conduct tests and examinations. Therefore, no change is required. (b) The regulation already states that the Office shall assist each claimant in obtaining evidence. In addition, the regulation contains a cross-reference to § 725.405, which imposes responsibilities on the deputy commissioner to collect evidence. Therefore, no change is necessary.

§ 718.402 Failure to furnish required medical evidence.

An individual shall not be determined entitled to benefits unless he or she furnishes such medical evidence as is reasonably required to establish his or her claim. A miner who unreasonably refuses (a) to provide the Office or a coal mine operator with a complete statement of his or her medical history and/or to authorize access to his or her medical records, or (b) to submit to an examination or test requested by the deputy commissioner or a coal mine operator which may be liable for the payment of a claim, shall not be found eligible for benefits under this subchapter (See §§ 725.408 and 725.414 of this subchapter).

Comments received: (a) A number of comments suggest that the regulations should recognize a miner's right to refuse to submit to duplicate X-rays. (b) One commenter states that if a claimant unreasonably refuses to cooperate with an examining physician to such an extent that the examination is rendered meaningless, the costs of the examination should be assessed against the claimant and he or she should be required to submit to a reexamination. (c) The same commenter suggests that the regulations should provide a mechanism for the operator to obtain a medical authorization from the claimant to permit access to the claimant's medical records. The comment notes that the examining physician needs the claimant's complete medical history so that an accurate diagnosis can be made and so that no test will be given that is medically contraindicated.

Discussion and changes: (a) The regulation assumes that an examining physician will exercise sound medical judgment in determining what tests or X-rays are medically contraindicated. (b) The Department has no statutory authority to assess the costs of an examination against a claimant who refuses to cooperate with an examining physician. Rather, since the claimant has the burden of proving his or her entitlement to benefits, the consequence of unreasonable refusal to cooperate in the gathering of evidence is denial of the claim. (c) The Department agrees that all parties are entitled to access to the medical records of other parties which may be relevant to a claim. Accordingly, the claimant is required to produce evidence reasonably required for the disposition of the claim.

§ 718.403 Burden of proof.

Except as provided in this subchapter, the burden of proving a fact alleged in connection with any provision of this part shall rest with the party making such allegation.

Comments received: None.

§ 718.404 Cessation of entitlement.

(a) An individual who has been finally adjudged to be totally disabled due to pneumoconiosis and is receiving benefits under the Act shall promptly notify the Office and the responsible coal mine operator, if any, if he or she engages in any work as defined in § 718.204(c).

(b) An individual who has been finally adjudged to be totally disabled due to pneumoconiosis shall, if requested to do so upon reasonable notice, where there is an issue pertaining to the validity of the original adjudication of disability, present himself or herself for, and submit to, examinations or tests as provided in § 718.101, and shall submit medical reports and other evidence necessary for the purpose of determining whether such individual continues to be under a disability. Benefits shall cease as of the month in which the miner is determined to be no longer eligible for benefits.

Comments received: (a) Although one comment praises this section, the overwhelming majority of comments on this section suggest that it be stricken. These comments note that pneumoconiosis is a progressive disease, and that while the symptoms may, on occasion, subside, the condition itself does not improve. Some of the comments caution that if the proposed regulation is left standing, miners will not take advantage of the respiratory clinics that may be available. (b) One comment notes that the regulation does not state what kind of evidence the Department would rely on in order to request reevaluation of a claim.

Discussion and changes: (a) Because of the overwhelming criticism of this section, the Department has stricken the language of proposed § 718.404(a)(1), which required notification of the Office if the respiratory or pulmonary condition of a recipient of benefits improved. This change is in response to comments and testimony stating that pneumoconiosis does not, in fact, improve. Section 413(d) of the statute, however, prohibits the payment of benefits to any miner who is engaged in coal mine employment, unless the miner has complicated pneumoconiosis, or unless the miner leaves his or her coal mine employment within one year after the determination of his or her entitlement becomes final. Therefore, the remaining parts of this section have been left intact, to reflect the Congressional intent that a miner who engages in coal mine employment is not entitled to receive benefits. In order to reflect the fact that the symptoms of pneumoconiosis generally continue, even though statutory entitlement may cease, the Department has changed the title of this section from "cessation of disability" to "cessation of entitlement." (b) Although the Department agrees that the disease does not improve, section 22 of the Longshoremen's and Harbor Workers' Compensation Act, which is incorporated into the Act, provides for modification of awards based on a change in condition or mistake in determination of fact. Subsection (b) of this regulation effectuates this provision.

Appendix A—Standards for Administration and Interpretation of Chest Roentgenographs (X-rays)

The following standards are established in accordance with sections 402(f) (1) (D) and 413(b) of the Act. They were developed in consultation with the National Institute for Occupational Safety and Health. These standards are promulgated for the guidance of physicians and medical technicians to insure that uniform procedures are used in administering and interpreting X-rays and that the best available medical evidence will be submitted in connection with a claim for black lung benefits. If it is established that one or more standards have not been met, the claims adjudicator may consider such fact in determining the evidentiary weight to be assigned to the physician's report of an X-ray.

(1) Every chest roentgenogram shall be a single posteroanterior projection at full inspiration on a 14 by 17 inch film. Additional chest films or views shall be obtained if they are necessary for clarification and classification. The film and cassette shall be capable of being positioned both vertically and horizontally so that the chest roentgenogram will include both apices and costophrenic angles. If a miner is too large to permit the above requirements, then a projection with minimum loss of costophrenic angle shall be made.

(2) Miners shall be disrobed from the waist up at the time the roentgenogram is given. The facility shall provide a dressing area and, for those miners who wish to use one, the facility shall provide a clean gown. Facilities shall be heated to a comfortable temperature.

(3) Roentgenograms shall be made only with a diagnostic X-ray machine having a rotating anode tube with a maximum of a 2 mm source (focal spot).

(4) Except as provided in paragraph (5), roentgenograms shall be made with units having generators which comply with the following: (a) the generators of

existing roentgenographic units acquired by the examining facility prior to July 27, 1973, shall have a minimum rating of 200 mA at 100 kVp; (b) generators of units acquired subsequent to that date shall have a minimum rating of 300 mA at 125 kVp.

Note.—A generator with a rating of 150 kVp is recommended.

(5) Roentgenograms made with battery-powered mobile or portable equipment shall be made with units having a minimum rating of 100 mA at 110 kVp at 500 Hz, or 200 mA at 110 kVp at 60 Hz.

(6) Capacitor discharge, and field emission units may be used.

(7) Roentgenograms shall be given only with equipment having a beam-limiting device which does not cause large unexposed boundaries. The use of such a device shall be discernible from an examination of the roentgenogram.

(8) To insure high quality chest roentgenograms:

(i) The maximum exposure time shall not exceed $\frac{1}{20}$ of a second except that with single phase units with a rating less than 300 mA at 125 kVp and subjects with chest over 28 cm postero-anterior, the exposure may be increased to not more than $\frac{1}{10}$ of a second;

(ii) The source or focal spot to film distance shall be at least 6 feet;

(iii) Only medium-speed film and medium-speed intensifying screens shall be used;

(iv) Film-screen contact shall be maintained and verified at 6-month or shorter intervals;

(v) Intensifying screens shall be inspected at least once a month and cleaned when necessary by the method recommended by the manufacturer;

(vi) All intensifying screens in a cassette shall be of the same type and made by the same manufacturer;

(vii) When using over 90 kV, a suitable grid or other means of reducing scattered radiation shall be used;

(viii) The geometry of the radiographic system shall insure that the central axis (ray) of the primary beam is perpendicular to the plane of the film surface and impinges on the center of the film.

(9) Radiographic processing:

(i) Either automatic or manual film processing is acceptable. A constant time-temperature technique shall be meticulously employed for manual processing.

(ii) If mineral or other impurities in the processing water introduce difficulty in obtaining a high-quality roentgenogram, a suitable filter or purification system shall be used.

(10) Before the miner is advised that the examination is concluded, the roentgenogram shall be processed and inspected and accepted for quality by the physician, or if the physician is not available, acceptance may be made by the radiologic technologist. In a case of a substandard roentgenogram, another shall be made immediately.

(11) An electric power supply shall be used which complies with the voltage, current, and regulation specified by the manufacturer of the machine.

(12) A densitometric test object may be required on each roentgenogram for an objective evaluation of film quality at the discretion of the Department of Labor.

(13) Each roentgenogram made hereunder shall be permanently and legibly marked with the name and address of the facility at which it is made, the miner's DOL claim number, the date of the roentgenogram, and left and right side of film. No other identifying markings shall be recorded on the roentgenogram.

Comments received: (a) Several commenters express strong endorsement of the contents of this Apendix. One comment suggests that the Department review the standards of Appendix A with a physician or X-ray technician to determine whether they are reasonable to those individuals in field facilities. (b) One comment takes issue with paragraph 6, which states that field emission units may be used. According to this commenter, these devices operate at very high kilovoltage (350 kVp), and calcifications are thereby obliterated. (c) Another commenter urges that the last sentence of paragraph 10 be deleted as it is useless and confusing. The commenter points out that the original intent of such a requirement was to protect the confidentiality of the miner. Such protection, it is said, is not a concern in the case of a miner who has a chest X-ray taken in connection with a claim for black lung benefits. (d) Two commenters recommend that paragraph 14 be dropped from the Appendix. They state that there is no significant risk to the miner when a well-columnated unit is used.

Discussion and changes: (a) The Department has reviewed the standards contained in Appendix A with physicians and X-ray technicians and it has been determined that the standards are reasonable and usable in field facilities. (b) Although field emission units may obliterate calcifications, they enhance the recording of soft tissue and opacities. Since the latter are particularly relevant in diagnosing coal workers' pneumoconiosis, the advantages of field emission units in the black lung claims process outweigh the disadvantages. (c) The Department agrees with the comment concerning the last sentence in section 10 and that sentence has been deleted. (d) The Department agrees with the comments concerning paragraph 14 and that paragraph has been deleted.

Appendix B—Standards for Administration and Interpretation of Ventilatory Function Tests

The following standards are established in accordance with section 402(f)(1)(D) of the Act. They were developed in consultation with the National Institute for Occupational Safety and Health (NIOSH). These standards are promulgated for the guidance of physicians and medical technicians to insure that uniform procedures are used in administering and interpreting ventilatory function tests and that the best available medical evidence will be submitted in support of a claim for black lung benefits. If it is established that one or more standards have not been met, the claims adjudicator may consider such fact in determining the evidentiary weight to be given to the results of the ventilatory function tests.

(1) Instruments to be used for the administration of pulmonary function tests shall be approved by NIOSH and shall conform to the following criteria:

(i) The instrument shall be accurate within ± 50 ml or within ± 3 percent of reading, whichever is greater.

(ii) The instrument shall be capable of measuring vital capacity from 0 to 7 liters BTPS.

(iii) The instrument shall have a low inertia and offer low resistance to airflow such that the resistance to airflow at 12 liters per second must be less than 1.5 cm H_2O/liter/sec.

(iv) The zero time point for the purpose of timing the FEV_1 shall be determined by extrapolating the steepest portion of the volume-time curve back to the maximal inspiration volume or by an equivalent method.

(v) Instruments incorporating measurements of airflow to determine volume shall conform to the same volume accuracy stated in subparagraph (1)(i) of this Appendix B when presented with flow rates from at least 0 to 12 liters per second.

(vi) The instrument or user of the instrument must have a means of correcting volumes to body temperature saturated with water vapor (BTPS) under conditions of varying ambient spirometer temperatures and barometric pressures.

(vii) The instrument used shall provide a tracing of either flow versus volume or volume versus time during the entire forced expiration and volume versus time during the MVV maneuver. A tracing is necessary to determine whether the patient has performed the test properly. The tracing must be of sufficient size that hand measurements may be made within the requirement of

subparagraph (1)(i) of this Appendix B. If a paper record is made it must have a paper speed of at least 2 cm/sec and a volume sensitivity of at least 10.0 mm of chart per liter of volume. The recorder tracing must display the entire FVC maneuver at a constant speed for at least 10 seconds after the onset of exhalation. This constant speed must be reached prior to the onset of exhalation.

(viii) The instrument shall be capable of accumulating volume for a minimum of 10 seconds after the onset of exhalation.

(ix) The forced expiratory volume in 1 sec (FEV_1) measurement shall comply with the accuracy requirements stated in subparagraph (1)(i) of this Appendix B. That is, they shall be accurately measured to within ±50 ml or with ±3 percent of reading, whichever is greater.

(x) The instrument must be capable of being calibrated in the field with respect to the FEV_1. This calibration of the FEV_1 may be done either directly or indirectly through volume and time base measurements. The volume calibration source shall provide a volume displacement of at least 3 liters and shall be accurate to within ±30 ml.

(xi) For measuring maximum voluntary ventilation (MVV) the instrument shall have a response which is flat within ±10 percent up to 4 Hz at flow rates up to 12 liters per second over the volume range. The time for exhaled volume integration or recording shall be no less than 12 sec. and no more than 15 sec. The indicated time shall be accurate to within ±3 percent.

A recording of the spirometer tracing is required, and the volume sensitivity shall be such that 10 mm or more deflection corresponds to 1 liter volume.

(2) The administration of pulmonary function tests shall conform to the following criteria:

(i) Tests shall not be performed during or soon after an acute respiratory illness.

(ii) For the FEV_1 and FVC, use of a nose clip is required. The procedures shall be explained in simple terms to the patient who shall be instructed to loosen any tight clothing and stand in front of the apparatus. The subject may sit, or stand, but care should be taken on repeat testing that the same position be used. Particular attention shall be given to insure that the chin is slightly elevated with the neck slightly extended. The patient shall be instructed to make a full inspiration, either from the spirometer or the open atmosphere, using a normal breathing pattern and then blow into the apparatus, without interruption, as hard, fast, and completely as possible. At least three forced expirations shall be carried out. During the maneuvers, the patient shall be observed for compliance with instructions. The expirations shall be checked visually for reproducibility from the flow-volume or volume-time tracings. The effort shall be judged unacceptable when the patient:

(A) Has not reached full inspiration preceding the forced expiration; or

(B) Has not used maximal effort during the entire forced expiration; or

(C) Has not continued the expiration for least 5 sec. or until an obvious plateau in the volume-time curve has occurred; or

(D) Has coughed or closed his glottis; or

(E) Has an obstructed mouthpiece or a leak around the mouthpiece (obstruction due to tongue being placed in front of mouthpiece, false teeth falling in front of mouthpiece, etc.); or

(F) Has an unsatisfactory start of expiration, one characterized by excessive hesitation (or false starts), and therefore not allowing back extrapolation of time 0 (extrapolated volume on the volume-time tracing must be less than 10 percent of the FVC); or

(G) Has an excessive variability between the three acceptable curves. The variation between the two largest FEV_1's of the three acceptable tracings should not exceed 5 percent of the largest FEV_1 or 100 ml, whichever is greater.

(iii) For the MVV, the subject shall be instructed before beginning the test that he or she will be asked to breathe as deeply and as rapidly as possible for approximately 15 seconds.

The test shall be performed with the subject in the standing position, if possible. Care shall be taken on repeat testing that the same position be used. The subject shall breathe normally into the mouthpiece of the apparatus for 10 to 15 seconds to become accustomed to the system. The subject shall then be instructed to breathe as deeply and as rapidly as possible, and shall be continually encouraged during the remainder of the maneuver. Subject shall continue the maneuver for 15 seconds. At least 5 minutes of rest shall be allowed between maneuvers. At least three MVV's shall be carried out. (But see § 718.103(b).) During the maneuvers the patient shall be observed for compliance with instructions. The effort shall be judged unacceptable when the patient:

(A) Has not maintained consistent effort for at least 12 to 15 seconds; or

(B) Has coughed or closed his glottis; or

(C) Has an obstructed mouthpiece or a leak around the mouthpiece (obstruction due to tongue being placed in front of mouthpiece, false teeth falling in front of mouthpiece, etc.); or

(D) Has an excessive variability between the three acceptable curves. The variation between the two largest MVV's of the three satisfactory tracings shall not exceed 10 percent.

(iv) A calibration check shall be performed on the instrument each day before use, using a volume source of at least three liters, accurate to within ±1 percent of full scale. The room air in the syringe is introduced into the spirometer once with a flow rate of approximately 0.5 liters per second (six seconds emptying time with a 3-liter syringe) and once with a higher flow rate of approximately 3.0 liters per second (one second emptying time with a 3-liter syringe). The volume measured by the spirometer shall be between 2.90 and 3.10 liters for both trials. Accuracy of the time measurement used in determining the FEV_1 shall be checked using the manufacturer's stated procedure and shall be within ±3 percent of actual. The procedure described herein shall be performed as well as any other procedures suggested by the manufacturer of the spirometer being used.

(v)(A) The first step in evaluating a spirogram for the FEV_1 shall be to determine whether or not the patient has performed the test properly or as described in (2)(ii) above. From the three satisfactory tracings, the forced expiratory volume in one second (FEV_1) shall be measured and recorded. The largest observed FEV_1 shall be used in the analysis, corrected to BPTS.

(B) Only MVV maneuvers which demonstrate consistent effort for at least 12 seconds shall be considered acceptable. The largest accumulated volume for a 12 second period corrected to BPTS and multiplied by five is to be reported as the MVV.

Comments received: (a) Testimony was received which approved of the criteria for spirometer performance and the requirements for measurement of tracings. One person comments that the regulations contain excessively meticulous detail in instrument design and calibration. One comment presents an alternative standard for spirometric equipment which is based upon a statement from the American College of Chest Physicians. One commenter states that NIOSH would probably want to avoid the responsibility and costliness of developing and operating a full-time testing facility. He states that certified documentation showing conformity to criteria should be provided for approval by NIOSH. (b) One comment suggests that NIOSH procedures for approval of instruments should be specified, and that paragraph (1)(i) be amended to require accuracy within ±5 percent of reading in view of the permitted 10 percent variation

between tracings and in the interest of the cost of equipment and testing. Another comment suggests that paragraph (1)(i) be reworded to provide that the instrument be accurate within ±50 ml or within ±3 percent of static volume, whichever is greater. (c) Another comment suggests that the term "low inertia" in paragraph (1)(iii) be defined and that the phrase "resistance to air flow" in the same paragraph should define the point of pressure pick-up in terms of distance from the subject's mouth. (d) The same comment states, in regard to paragraph (1)(vii), that a sensitivity of 10.0 mm/liter is too small to enable satisfactory discrimination of tracing against a chart grid or rule scale. (e) Another commenter suggests that paragraph (1)(viii) be rewritten by someone with a medical background in pulmonary function testing or according to the standards set by the American Thoracic Society. (f) One commenter suggests that paragraph (1)(ix) be reworded to read that the FEV_1 shall comply with the accuracy requirements of ±100 ml/second, or ±5 percent, whichever is greater. (g) This same person recommends that paragraph (1)(x) provide that the instrument be capable of being calibrated in the field with respect to the FEV_1, through simultaneous volume and time based measurements, and that the calibration be accurate within ±50 ml, or within ±3 percent of the reading, having a total volume displacement of at least three liters and a time constant of one, or an FEV_1 to FVC ratio of not less than 65 percent. (h) One commenter states that paragraph (1)(x) which indicates that the instrument must be capable of being calibrated in the field with respect to FEV_1 would require a volume displacement device which can deliver the calibrated volume within an exactly prescribed short time interval. The commenter states that no such portable device exists. (i) Regarding paragraph (1)(xi), two commenters suggest that this section be revised to provide that, for measuring MVV, the instrument must have a response which is flat within ±5 percent, using a sine wave at 250 liters per minute, generated by a stroke of two liters, using frequencies up to approximately two cycles per second. Another person suggests that this paragraph be rewritten so that 4Hz becomes 8Hz. One commenter objects to the term "Hertz," because it is, by definition, an electrical expression. (j) One comment states that paragraph (2)(ii) seems to describe a "closed" spirometry system, while 90 percent of the tests performed use an "open" spirometry system. It suggests that this paragraph be modified to avoid a misinterpretation of a preference for a particular spirometry system. One commenter also states that to be consistent with paragraph (1)(iv), the alternative should specifically permit either method of recording the maneuver for the FEV_1. Another comment recommends that the provision of paragraph (2)(ii) prescribing full inspiration from a normal breathing pattern should be amended to provide that this be from the open atmosphere following normal resting breathing. This comment notes that open-circuit FVC/FEV_1 testing predominates in international and industrial examinations on practical and hygienic grounds. (k) One comment states that the requirement of paragraph G is too lax, and that all three measurements, or, if more than three were made, the three largest, should meet these criteria. (l) In regard to paragraph (2)(iii), one person would reword the first paragraph, subpart (a), and paragraph (2)(v)(B) to state that the subject should continue the maneuver for ten to fifteen seconds. (m) On the calibration provision of paragraph (2)(iv), one comment states that the latest calibration method of the American Thoracic Society calls for a three-liter volume source and two speeds of two-second (normal) and six second (obstructed) injections per three liters of volume, and that these are more realistic to prevent artifacts than the speeds prescribed. (n) One comment would strike the provision of paragraph (2)(v)(B) calling for the MVV value to be multiplied by five.

Discussion and changes: (a) The requirements of this Appendix for the administration of ventilatory tests are for the guidance of physicians and medical technicians to insure that uniform procedures are used in the administration and interpretation of ventilatory function studies and also to insure that the best available medical evidence will be submitted in connection with a claim for black lung benefits. The criteria contained in this Appendix were developed by the American Thoracic Society (ATS) and the National Institute for Occupational Safety and Health (NIOSH), and are taken from the Report of the Snowbird Workshop on Standardization of Spirometry. (See *American Review of Respiratory Disease,* vol. 119 (1979) at Pp. 831–838.) The Snowbird Workshop had representation from both clinical and epidemiological areas of interest, and the report represents a consensus of the minimum requirements for ventilatory testing. NIOSH has reviewed the standards proposed by the commenter and has found them to be, in general, much less stringent. The Department has chosen to use the recommendations from the Snowbird Workshop for the following reasons: (1) There were more than 25 participants at the American Thoracic Society's Snowbird Workshop, representing a range of professional backgrounds. The American College of Chest Physician's committee had only nine members; (2) the American Thoracic Society's recommended standard was presented at the May 1977 annual ATS meeting and published in the August 1977 ATS News. During the period since May 1977, the ATS recommended standards have been open for comment. It has only been very recently that any objections have been raised concerning the ATS recommended standards, (3) the ACCP standard was only recently published; (4) each of the ATS statements which concern equipment requirements is followed by a rationale which most often is based on actual data and not merely opinion, and (5) while there are a few spirometers which will not meet these equipment requirements NIOSH's preliminary spirometer testing results indicate that many spirometers will meet these requirements, and at least two are "office" type spirometers costing less than $1,000.00. The most equitable method of determining if spirometers meet the requirements is to test all spirometers using the same testing protocol. The NIOSH testing protocol will be available for spirometer manufacturers' input and comment before it is implemented. Having each manufacturer submit documentation would place an undue hardship on the spirometer manufacturers and would be difficult to administer. NIOSH's experience with the testing of spirometers indicates that the testing protocol would require very little testing effort and would be simple to administer. NIOSH currently has available advance spirometer testing equipment which has been previously used in research programs and is suitable for routine spirometer testing. (b) The Department has reduced the acceptable variability between tracings from the FEV_1 from 10 percent to 5 percent in conformance with the recent recommendations of the ATS. The accuracy requirement of 3 percent is based on the ATS recommended requirement of 3 percent. This requirement is based on data which indicate that the within-subject biological variability of repeated measurements of the FEV_1 is approximately 3 percent. NIOSH's preliminary testings of spirometers indicate that a majority of spirometers currently manufactured will meet the 3 percent accuracy requirement. The standard uses FVC instead of static volume since FVC is the measurement of interest. (c) Inertia is defined in the resistance requirement of (1)(iii); that is, higher inertia will produce a higher resistance measurement at 12 liters per second with a simulated FVC maneuver. The minor details of resistance measurement will be covered in the NIOSH spirometery testing protocol. It should be obvious that the pressure pick up point for measurement of resistance would be at the mouthpiece or the point at which the patient is attached to the instrument. (d) The tracing sensitivity requirement is derived from the report of the ATS Snowbird Workshop. This requirement is only the minimum sensitivity necessary and the Department urges that a more sensitive recorder be used when possible. (e) The ATS has recently revised its standard in this area and (1)(viii) has been changed accordingly. (f) The FEV_1 accuracy requirement is identical to the recommendation of the ATS Snowbird Workshop. The ATS 3 percent accuracy requirement is based on actual data and the biological variability of the FEV_1 (which is approximately ½ of the FEV 25–75 percent). (g) The Department agrees that calibration of the spirometer before each day's use is important. For this reason the Department has also recommended the ATS 3-liter calibrating syringe procedure. Any calibrating source should be at least 3 times more accurate than the accuracy of the device being calibrated. Therefore, the 3-liter calibrating syringe should be accurate to within ±30 ml or 1 percent of full scale volume. The calibrating device described by the commenter is only manufactured by the commenter's company. It would be impractical to require this device's use. (h) The time measurement used in determining FEV_1 can be checked with a stop watch and careful monitoring of the chart speed, thereby verifying the tracing time base accuracy. In

addition, large syringes with simultaneous measurement of the time taken to empty a predetermined volume into a spirometer are now available. These techniques are capable of being employed in the field. (i) The requirements of this subpart are in accordance with the recommendations contained in the Snowbird Workshop, and the frequency response requirement of that Workshop has been actually lowered from eight to four Hertz, upon the advice of NIOSH. The requirement for a higher frequency response has been demonstrated by research studies which are referenced in the ATS recommended standard. In general, the high frequency response test is needed to detect those spirometers with an unacceptable amount of overshoot. However, aside from the two cycle suggestion, NIOSH is seriously considering the recommendations of the first two commenters, and if in the future NIOSH recommends the use of the MVV testing symbol described, the regulation will be amended. "Hertz" is defined in Webster's New World Dictionary as "the international unit of frequency, equal to one cycle per second." Since the regulation refers to frequency, the unit "Hertz" is entirely appropriate. (j) Either an "open" or "closed" spirometry system is acceptable and the wording of the regulation has been changed to so indicate. (k) The original recommendations of the American Thoracic Society's Snowbird Workshop was "the two best of three acceptable curves should not vary by more than 10 percent of reading, or 100 ml, whichever is greater." The Department of Labor criteria were identical to the ATS's original recommendations. Very recently, however, the ATS has modified its recommendations to read "the two best of the three acceptable curves should not vary by more than ±5 percent of reading or ±100 ml, whichever is greater." The regulation has been changed to conform with the latest ATS recommendation. The regulatory requirements are still less stringent than those proposed by the commenter as the Department does not believe that the requirements should be more stringent than those proposed by the Snowbird Workshop. (l) The wording of subparagraph (1)(xi) implies a 12 to 15 second period. Therefore, subparagraph (2)(iii)(A) has been changed accordingly. (m) The Department agrees with the recommendation of this commenter and (2)(iv) has been changed accordingly. (n) The unit of measurement for the MVV is liters per minute. In order to calculate liters per minute from a 12 second sample, the reported figure must be multiplied by five. Therefore, no change is necessary.

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PREDICTION EQUATIONS FOR FEV1 MALES * 80% OF PREDICTED **

HEIGHT (IN)	AGE (YEARS) 22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46
59.1	1.85	1.88	1.90	1.75	1.74	1.72	1.70	1.69	1.67	1.66	1.64	1.62	1.61	1.59	1.58	1.56	1.54	1.53	1.51	1.49	1.48	1.46	1.45	1.43	1.41
59.4	1.88	1.90	1.93	1.78	1.77	1.75	1.74	1.72	1.70	1.69	1.67	1.65	1.64	1.62	1.61	1.59	1.57	1.56	1.54	1.53	1.51	1.49	1.48	1.46	1.44
59.8	1.90	1.93	1.96	1.82	1.80	1.78	1.77	1.75	1.73	1.72	1.70	1.69	1.67	1.65	1.64	1.62	1.61	1.59	1.57	1.56	1.54	1.52	1.51	1.49	1.48
60.2	1.93	1.96	1.99	1.85	1.83	1.81	1.80	1.78	1.77	1.75	1.73	1.72	1.70	1.68	1.67	1.65	1.64	1.62	1.60	1.59	1.57	1.56	1.54	1.52	1.51
60.6	1.96	1.99	2.01	1.88	1.86	1.85	1.83	1.81	1.80	1.78	1.76	1.75	1.73	1.72	1.70	1.68	1.67	1.65	1.64	1.62	1.60	1.59	1.57	1.55	1.54
61.0	1.99	2.01	2.04	1.91	1.89	1.88	1.86	1.84	1.83	1.81	1.80	1.78	1.76	1.75	1.73	1.71	1.70	1.68	1.67	1.65	1.63	1.62	1.60	1.59	1.57
61.4	2.01	2.04	2.07	1.94	1.92	1.91	1.89	1.88	1.86	1.84	1.83	1.81	1.79	1.78	1.76	1.75	1.73	1.71	1.70	1.68	1.67	1.65	1.63	1.62	1.60
61.8	2.04	2.07	2.10	1.97	1.96	1.94	1.92	1.91	1.89	1.87	1.86	1.84	1.83	1.81	1.79	1.78	1.76	1.74	1.73	1.71	1.70	1.68	1.66	1.65	1.63
62.2	2.07	2.10	2.12	2.00	1.99	1.97	1.95	1.94	1.92	1.91	1.89	1.87	1.86	1.84	1.82	1.81	1.79	1.78	1.76	1.74	1.73	1.71	1.70	1.68	1.66
62.6	2.10	2.12	2.15	2.03	2.02	2.00	1.99	1.97	1.95	1.94	1.92	1.90	1.89	1.87	1.86	1.84	1.82	1.81	1.79	1.77	1.76	1.74	1.73	1.71	1.69
63.0	2.13	2.15	2.18	2.07	2.05	2.03	2.02	2.00	1.98	1.97	1.95	1.94	1.92	1.90	1.89	1.87	1.85	1.84	1.82	1.81	1.79	1.77	1.76	1.74	1.73
63.4	2.15	2.18	2.21	2.10	2.08	2.06	2.05	2.03	2.02	2.00	1.98	1.97	1.95	1.93	1.92	1.90	1.89	1.87	1.85	1.84	1.82	1.80	1.79	1.77	1.76
63.8	2.18	2.21	2.23	2.13	2.11	2.10	2.08	2.06	2.05	2.03	2.01	2.00	1.98	1.97	1.95	1.93	1.92	1.90	1.88	1.87	1.85	1.84	1.82	1.80	1.79
64.2	2.21	2.24	2.26	2.16	2.14	2.13	2.11	2.09	2.08	2.06	2.05	2.03	2.01	2.00	1.98	1.96	1.95	1.93	1.92	1.90	1.88	1.87	1.85	1.83	1.82
64.6	2.24	2.26	2.29	2.19	2.17	2.16	2.14	2.13	2.11	2.09	2.08	2.06	2.04	2.03	2.01	2.00	1.98	1.96	1.95	1.93	1.91	1.90	1.88	1.87	1.85
65.0	2.26	2.29	2.32	2.22	2.20	2.19	2.17	2.16	2.14	2.12	2.11	2.09	2.08	2.06	2.04	2.03	2.01	1.99	1.98	1.96	1.95	1.93	1.91	1.90	1.88
65.4	2.29	2.32	2.34	2.25	2.24	2.22	2.20	2.19	2.17	2.16	2.14	2.12	2.11	2.09	2.07	2.06	2.04	2.03	2.01	1.99	1.98	1.96	1.94	1.93	1.91
65.7	2.32	2.35	2.37	2.28	2.27	2.25	2.24	2.22	2.20	2.19	2.17	2.15	2.14	2.12	2.11	2.09	2.07	2.06	2.04	2.02	2.01	1.99	1.98	1.96	1.94
66.1	2.35	2.37	2.40	2.31	2.30	2.28	2.27	2.25	2.23	2.22	2.20	2.19	2.17	2.15	2.14	2.12	2.10	2.09	2.07	2.06	2.04	2.02	2.01	1.99	1.97
66.5	2.37	2.40	2.43	2.35	2.33	2.31	2.30	2.28	2.27	2.25	2.23	2.22	2.20	2.18	2.17	2.15	2.14	2.12	2.10	2.09	2.07	2.05	2.04	2.02	2.01
66.9	2.40	2.43	2.46	2.38	2.36	2.34	2.33	2.31	2.30	2.28	2.26	2.25	2.23	2.22	2.20	2.18	2.17	2.15	2.13	2.12	2.10	2.09	2.07	2.05	2.04
67.3	2.43	2.46	2.48	2.41	2.39	2.38	2.36	2.34	2.33	2.31	2.30	2.28	2.26	2.25	2.23	2.21	2.20	2.18	2.17	2.15	2.13	2.12	2.10	2.08	2.07
67.7	2.46	2.48	2.51	2.44	2.42	2.41	2.39	2.37	2.36	2.34	2.33	2.31	2.29	2.28	2.26	2.25	2.23	2.21	2.20	2.18	2.16	2.15	2.13	2.12	2.10
68.1	2.48	2.51	2.54	2.47	2.45	2.44	2.42	2.41	2.39	2.37	2.36	2.34	2.33	2.31	2.29	2.28	2.26	2.24	2.23	2.21	2.20	2.18	2.16	2.15	2.13
68.5	2.51	2.54	2.57	2.50	2.49	2.47	2.45	2.44	2.42	2.40	2.39	2.37	2.36	2.34	2.32	2.31	2.29	2.28	2.26	2.24	2.23	2.21	2.19	2.18	2.16
68.9	2.54	2.57	2.59	2.53	2.52	2.50	2.48	2.47	2.45	2.44	2.42	2.40	2.39	2.37	2.36	2.34	2.32	2.31	2.29	2.27	2.26	2.24	2.23	2.21	2.19
69.3	2.57	2.59	2.62	2.56	2.55	2.53	2.52	2.50	2.48	2.47	2.45	2.43	2.42	2.40	2.39	2.37	2.35	2.34	2.32	2.31	2.29	2.27	2.26	2.24	2.22
69.7	2.59	2.62	2.65	2.60	2.58	2.56	2.55	2.53	2.51	2.50	2.48	2.47	2.45	2.43	2.42	2.40	2.39	2.37	2.35	2.34	2.32	2.30	2.29	2.27	2.26
70.1	2.62	2.65	2.68	2.63	2.61	2.59	2.58	2.56	2.55	2.53	2.51	2.50	2.48	2.46	2.45	2.43	2.42	2.40	2.38	2.37	2.35	2.34	2.32	2.30	2.29
70.5	2.65	2.68	2.70	2.66	2.64	2.63	2.61	2.59	2.58	2.56	2.54	2.53	2.51	2.50	2.48	2.46	2.45	2.43	2.42	2.40	2.38	2.37	2.35	2.33	2.32
70.9	2.68	2.70	2.73	2.69	2.67	2.66	2.64	2.62	2.61	2.59	2.58	2.56	2.54	2.53	2.51	2.49	2.48	2.46	2.45	2.43	2.41	2.40	2.38	2.37	2.35
71.3	2.70	2.73	2.76	2.72	2.70	2.69	2.67	2.66	2.64	2.62	2.61	2.59	2.57	2.56	2.54	2.53	2.51	2.49	2.48	2.46	2.45	2.43	2.41	2.40	2.38
71.7	2.73	2.76	2.79	2.75	2.74	2.72	2.70	2.69	2.67	2.65	2.64	2.62	2.61	2.59	2.57	2.56	2.54	2.52	2.51	2.49	2.48	2.46	2.44	2.43	2.41
72.0	2.76	2.79	2.81	2.78	2.77	2.75	2.73	2.72	2.70	2.69	2.67	2.65	2.64	2.62	2.60	2.59	2.57	2.56	2.54	2.52	2.51	2.49	2.47	2.46	2.44
72.4	2.79	2.81	2.84	2.81	2.80	2.78	2.77	2.75	2.73	2.72	2.70	2.68	2.67	2.65	2.64	2.62	2.60	2.59	2.57	2.55	2.54	2.52	2.51	2.49	2.47
72.8	2.82	2.84	2.87	2.85	2.83	2.81	2.80	2.78	2.76	2.75	2.73	2.72	2.70	2.68	2.67	2.65	2.63	2.62	2.60	2.59	2.57	2.55	2.54	2.52	2.50
73.2	2.84	2.87	2.90	2.88	2.86	2.84	2.83	2.81	2.80	2.78	2.76	2.75	2.73	2.71	2.70	2.68	2.67	2.65	2.63	2.62	2.60	2.58	2.57	2.55	2.54
73.6	2.87	2.90	2.92	2.91	2.89	2.88	2.86	2.84	2.83	2.81	2.79	2.78	2.76	2.75	2.73	2.71	2.70	2.68	2.66	2.65	2.63	2.62	2.60	2.58	2.57
74.0	2.90	2.93	2.95	2.94	2.92	2.91	2.89	2.87	2.86	2.84	2.83	2.81	2.79	2.78	2.76	2.74	2.73	2.71	2.70	2.68	2.66	2.65	2.63	2.61	2.60
74.4	2.93	2.95	2.98	2.97	2.95	2.94	2.92	2.91	2.89	2.87	2.86	2.84	2.82	2.81	2.79	2.78	2.76	2.74	2.73	2.71	2.69	2.68	2.66	2.65	2.63
74.8	2.95	2.98	3.01	3.00	2.99	2.97	2.95	2.94	2.92	2.90	2.89	2.87	2.86	2.84	2.82	2.81	2.79	2.77	2.76	2.74	2.73	2.71	2.69	2.68	2.66
75.2	2.98	3.01	3.03	3.03	3.02	3.00	2.98	2.97	2.95	2.94	2.92	2.90	2.89	2.87	2.85	2.84	2.82	2.81	2.79	2.77	2.76	2.74	2.72	2.71	2.69
75.6	3.01	3.04	3.06	3.06	3.05	3.03	3.02	3.00	2.98	2.97	2.95	2.93	2.92	2.90	2.89	2.87	2.85	2.84	2.82	2.80	2.79	2.77	2.76	2.74	2.72
76.0	3.04	3.06	3.09	3.09	3.08	3.06	3.05	3.03	3.01	3.00	2.98	2.97	2.95	2.93	2.92	2.90	2.88	2.87	2.85	2.84	2.82	2.80	2.79	2.77	2.75
76.4	3.06	3.09	3.12	3.13	3.11	3.09	3.08	3.06	3.05	3.03	3.01	3.00	2.98	2.96	2.95	2.93	2.92	2.90	2.88	2.87	2.85	2.83	2.82	2.80	2.79
76.8	3.09	3.12	3.15	3.16	3.14	3.12	3.11	3.09	3.08	3.06	3.04	3.03	3.01	3.00	2.98	2.96	2.95	2.93	2.91	2.90	2.88	2.87	2.85	2.83	2.82
77.2	3.12	3.15	3.17	3.19	3.17	3.16	3.14	3.12	3.11	3.09	3.08	3.06	3.04	3.03	3.01	2.99	2.98	2.96	2.95	2.93	2.91	2.90	2.88	2.86	2.85
77.6	3.15	3.17	3.20	3.22	3.20	3.19	3.17	3.15	3.14	3.12	3.11	3.09	3.07	3.06	3.04	3.03	3.01	2.99	2.98	2.96	2.94	2.93	2.91	2.90	2.88
78.0	3.17	3.20	3.23	3.25	3.23	3.22	3.20	3.19	3.17	3.15	3.14	3.12	3.11	3.09	3.07	3.06	3.04	3.02	3.01	2.99	2.98	2.96	2.94	2.93	2.91
78.3	3.20	3.23	3.26	3.28	3.27	3.25	3.23	3.22	3.20	3.18	3.17	3.15	3.14	3.12	3.10	3.09	3.07	3.06	3.04	3.02	3.01	2.99	2.97	2.96	2.94
78.7	3.23	3.26	3.28	3.31	3.30	3.28	3.26	3.25	3.23	3.22	3.20	3.18	3.17	3.15	3.14	3.12	3.10	3.09	3.07	3.05	3.04	3.02	3.01	2.99	2.97
79.1	3.26	3.28	3.31	3.34	3.33	3.31	3.30	3.28	3.26	3.25	3.23	3.21	3.20	3.18	3.17	3.15	3.13	3.12	3.10	3.09	3.07	3.05	3.04	3.02	3.00
79.5	3.28	3.31	3.34	3.36	3.36	3.34	3.33	3.31	3.29	3.28	3.26	3.25	3.23	3.21	3.20	3.18	3.17	3.15	3.13	3.12	3.10	3.08	3.07	3.05	3.04
79.9	3.31	3.34	3.37	3.41	3.39	3.37	3.36	3.34	3.33	3.31	3.29	3.28	3.26	3.24	3.23	3.21	3.20	3.18	3.16	3.15	3.13	3.12	3.10	3.08	3.07
80.3	3.34	3.37	3.39	3.44	3.42	3.41	3.39	3.37	3.36	3.34	3.32	3.31	3.29	3.28	3.26	3.24	3.23	3.21	3.19	3.18	3.16	3.15	3.13	3.11	3.10
80.7	3.37	3.39	3.42	3.47	3.45	3.44	3.42	3.40	3.39	3.37	3.36	3.34	3.32	3.31	3.29	3.27	3.26	3.24	3.23	3.21	3.19	3.18	3.16	3.15	3.13
81.1	3.39	3.42	3.45	3.50	3.48	3.47	3.45	3.44	3.42	3.40	3.39	3.37	3.35	3.34	3.32	3.31	3.29	3.27	3.26	3.24	3.22	3.21	3.19	3.18	3.16
81.5	3.42	3.45	3.48	3.53	3.52	3.50	3.48	3.47	3.45	3.43	3.42	3.40	3.39	3.37	3.35	3.34	3.32	3.30	3.29	3.27	3.26	3.24	3.22	3.21	3.19
81.9	3.45	3.48	3.50	3.56	3.55	3.53	3.51	3.50	3.48	3.47	3.45	3.43	3.42	3.40	3.38	3.37	3.35	3.34	3.32	3.30	3.29	3.27	3.25	3.24	3.22
82.3	3.48	3.50	3.53	3.59	3.58	3.56	3.55	3.53	3.51	3.50	3.48	3.46	3.45	3.43	3.42	3.40	3.38	3.37	3.35	3.33	3.32	3.30	3.29	3.27	3.25
82.7	3.51	3.53	3.56	3.63	3.61	3.59	3.58	3.56	3.54	3.53	3.51	3.50	3.48	3.46	3.45	3.43	3.41	3.40	3.38	3.37	3.35	3.33	3.32	3.30	3.29

PREDICTION EQUATIONS FOR FEV1 — MALES — * 80% OF PREDICTED **

HEIGHT (IN)	AGE (YEARS) 47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71
59.1	1.40	1.38	1.36	1.35	1.33	1.32	1.30	1.28	1.27	1.25	1.23	1.22	1.20	1.19	1.17	1.15	1.14	1.12	1.11	1.09	1.07	1.06	1.04	1.02	1.01
59.4	1.43	1.41	1.40	1.38	1.36	1.35	1.33	1.31	1.30	1.28	1.27	1.25	1.23	1.22	1.20	1.18	1.17	1.15	1.14	1.12	1.10	1.09	1.07	1.06	1.04
59.8	1.46	1.44	1.43	1.41	1.39	1.38	1.36	1.35	1.33	1.31	1.30	1.28	1.26	1.25	1.23	1.22	1.20	1.18	1.17	1.15	1.14	1.12	1.10	1.09	1.07
60.2	1.49	1.47	1.46	1.44	1.43	1.41	1.39	1.38	1.36	1.34	1.33	1.31	1.30	1.28	1.26	1.25	1.23	1.22	1.20	1.18	1.17	1.15	1.13	1.12	1.10
60.6	1.52	1.51	1.49	1.47	1.46	1.44	1.42	1.41	1.39	1.38	1.36	1.34	1.33	1.31	1.29	1.28	1.26	1.25	1.23	1.21	1.20	1.18	1.17	1.15	1.13
61.0	1.55	1.54	1.52	1.50	1.49	1.47	1.46	1.44	1.42	1.41	1.39	1.37	1.36	1.34	1.33	1.31	1.29	1.28	1.26	1.25	1.23	1.21	1.20	1.18	1.16
61.4	1.58	1.57	1.55	1.54	1.52	1.50	1.49	1.47	1.45	1.44	1.42	1.41	1.39	1.37	1.36	1.34	1.32	1.31	1.29	1.28	1.26	1.24	1.23	1.21	1.20
61.8	1.62	1.60	1.58	1.57	1.55	1.53	1.52	1.50	1.49	1.47	1.45	1.44	1.42	1.40	1.39	1.37	1.36	1.34	1.32	1.31	1.29	1.28	1.26	1.24	1.23
62.2	1.65	1.63	1.61	1.60	1.58	1.57	1.55	1.53	1.52	1.50	1.48	1.47	1.45	1.44	1.42	1.40	1.39	1.37	1.35	1.34	1.32	1.31	1.29	1.27	1.26
62.6	1.68	1.66	1.65	1.63	1.61	1.60	1.58	1.56	1.55	1.53	1.52	1.50	1.48	1.47	1.45	1.43	1.42	1.40	1.39	1.37	1.35	1.34	1.32	1.31	1.29
63.0	1.71	1.69	1.68	1.66	1.64	1.63	1.61	1.60	1.58	1.56	1.55	1.53	1.51	1.50	1.48	1.47	1.45	1.43	1.42	1.40	1.38	1.37	1.35	1.34	1.32
63.4	1.74	1.72	1.71	1.69	1.68	1.66	1.64	1.63	1.61	1.59	1.58	1.56	1.55	1.53	1.51	1.50	1.48	1.46	1.45	1.43	1.42	1.40	1.38	1.37	1.35
63.8	1.77	1.75	1.74	1.72	1.71	1.69	1.67	1.66	1.64	1.63	1.61	1.59	1.58	1.56	1.54	1.53	1.51	1.50	1.48	1.46	1.45	1.43	1.41	1.40	1.38
64.2	1.80	1.79	1.77	1.75	1.74	1.72	1.71	1.69	1.67	1.66	1.64	1.62	1.61	1.59	1.58	1.56	1.54	1.53	1.51	1.49	1.48	1.46	1.45	1.43	1.41
64.6	1.83	1.82	1.80	1.78	1.77	1.75	1.74	1.72	1.70	1.69	1.67	1.66	1.64	1.62	1.61	1.59	1.57	1.56	1.54	1.53	1.51	1.49	1.48	1.46	1.44
65.0	1.86	1.85	1.83	1.82	1.80	1.78	1.77	1.75	1.74	1.72	1.70	1.69	1.67	1.65	1.64	1.62	1.61	1.59	1.57	1.56	1.54	1.52	1.51	1.49	1.48
65.4	1.90	1.88	1.86	1.85	1.83	1.81	1.80	1.78	1.77	1.75	1.73	1.72	1.70	1.69	1.67	1.65	1.64	1.62	1.60	1.59	1.57	1.56	1.54	1.52	1.51
65.7	1.93	1.91	1.89	1.88	1.86	1.85	1.83	1.81	1.80	1.78	1.77	1.75	1.73	1.72	1.70	1.68	1.67	1.65	1.64	1.62	1.60	1.59	1.57	1.55	1.54
66.1	1.96	1.94	1.93	1.91	1.89	1.88	1.86	1.84	1.83	1.81	1.80	1.78	1.76	1.75	1.73	1.72	1.70	1.68	1.67	1.65	1.63	1.62	1.60	1.59	1.57
66.5	1.99	1.97	1.96	1.94	1.92	1.91	1.89	1.88	1.86	1.84	1.83	1.81	1.80	1.78	1.76	1.75	1.73	1.71	1.70	1.68	1.67	1.65	1.63	1.62	1.60
66.9	2.02	2.00	1.99	1.97	1.96	1.94	1.92	1.91	1.89	1.88	1.86	1.84	1.83	1.81	1.79	1.78	1.76	1.75	1.73	1.71	1.70	1.68	1.66	1.65	1.63
67.3	2.05	2.04	2.02	2.00	1.99	1.97	1.95	1.94	1.92	1.91	1.89	1.87	1.86	1.84	1.83	1.81	1.79	1.78	1.76	1.74	1.73	1.71	1.70	1.68	1.66
67.7	2.08	2.07	2.05	2.03	2.02	2.00	1.99	1.97	1.95	1.94	1.92	1.91	1.89	1.87	1.86	1.84	1.82	1.81	1.79	1.78	1.76	1.74	1.73	1.71	1.69
68.1	2.11	2.10	2.08	2.07	2.05	2.03	2.02	2.00	1.98	1.97	1.95	1.94	1.92	1.90	1.89	1.87	1.86	1.84	1.82	1.81	1.79	1.77	1.76	1.74	1.73
68.5	2.15	2.13	2.11	2.10	2.08	2.06	2.05	2.03	2.02	2.00	1.98	1.97	1.95	1.94	1.92	1.90	1.89	1.87	1.85	1.84	1.82	1.81	1.79	1.77	1.76
68.9	2.18	2.16	2.14	2.13	2.11	2.10	2.08	2.06	2.05	2.03	2.01	2.00	1.98	1.97	1.95	1.93	1.92	1.90	1.89	1.87	1.85	1.84	1.82	1.80	1.79
69.3	2.21	2.19	2.18	2.16	2.14	2.13	2.11	2.09	2.08	2.06	2.05	2.03	2.01	2.00	1.98	1.97	1.95	1.93	1.92	1.90	1.88	1.87	1.85	1.84	1.82
69.7	2.24	2.22	2.21	2.19	2.17	2.16	2.14	2.13	2.11	2.09	2.08	2.06	2.04	2.03	2.01	2.00	1.98	1.96	1.95	1.93	1.92	1.90	1.88	1.87	1.85
70.1	2.27	2.25	2.24	2.22	2.21	2.19	2.17	2.16	2.14	2.12	2.11	2.09	2.08	2.06	2.04	2.03	2.01	2.00	1.98	1.96	1.95	1.93	1.91	1.90	1.88
70.5	2.30	2.29	2.27	2.25	2.24	2.22	2.20	2.19	2.17	2.16	2.14	2.12	2.11	2.09	2.07	2.06	2.04	2.03	2.01	1.99	1.98	1.96	1.95	1.93	1.91
70.9	2.33	2.32	2.30	2.28	2.27	2.25	2.24	2.22	2.20	2.19	2.17	2.15	2.14	2.12	2.11	2.09	2.07	2.06	2.04	2.03	2.01	1.99	1.98	1.96	1.94
71.3	2.36	2.35	2.33	2.32	2.30	2.28	2.27	2.25	2.23	2.22	2.20	2.19	2.17	2.15	2.14	2.12	2.10	2.09	2.07	2.06	2.04	2.02	2.01	1.99	1.98
71.7	2.40	2.38	2.36	2.35	2.33	2.31	2.30	2.28	2.27	2.25	2.23	2.22	2.20	2.18	2.17	2.15	2.14	2.12	2.10	2.09	2.07	2.05	2.04	2.02	2.01
72.0	2.43	2.41	2.39	2.38	2.36	2.35	2.33	2.31	2.30	2.28	2.26	2.25	2.23	2.22	2.20	2.18	2.17	2.15	2.13	2.12	2.10	2.09	2.07	2.05	2.04
72.4	2.46	2.44	2.43	2.41	2.39	2.38	2.36	2.34	2.33	2.31	2.30	2.28	2.26	2.25	2.23	2.21	2.20	2.18	2.17	2.15	2.13	2.12	2.10	2.08	2.07
72.8	2.49	2.47	2.46	2.44	2.42	2.41	2.39	2.38	2.36	2.34	2.33	2.31	2.29	2.28	2.26	2.25	2.23	2.21	2.20	2.18	2.16	2.15	2.13	2.12	2.10
73.2	2.52	2.50	2.49	2.47	2.46	2.44	2.42	2.41	2.39	2.37	2.36	2.34	2.33	2.31	2.29	2.28	2.26	2.24	2.23	2.21	2.20	2.18	2.16	2.15	2.13
73.6	2.55	2.54	2.52	2.50	2.49	2.47	2.45	2.44	2.42	2.41	2.39	2.37	2.36	2.34	2.32	2.31	2.29	2.28	2.26	2.24	2.23	2.21	2.19	2.18	2.16
74.0	2.58	2.57	2.55	2.53	2.52	2.50	2.49	2.47	2.45	2.44	2.42	2.40	2.39	2.37	2.36	2.34	2.32	2.31	2.29	2.27	2.26	2.24	2.23	2.21	2.19
74.4	2.61	2.60	2.58	2.57	2.55	2.53	2.52	2.50	2.48	2.47	2.45	2.44	2.42	2.40	2.39	2.37	2.35	2.34	2.32	2.31	2.29	2.27	2.26	2.24	2.22
74.8	2.64	2.63	2.61	2.60	2.58	2.56	2.55	2.53	2.52	2.50	2.48	2.47	2.45	2.43	2.42	2.40	2.39	2.37	2.35	2.34	2.32	2.30	2.29	2.27	2.26
75.2	2.68	2.66	2.64	2.63	2.61	2.60	2.58	2.56	2.55	2.53	2.51	2.50	2.48	2.47	2.45	2.43	2.42	2.40	2.38	2.37	2.35	2.34	2.32	2.30	2.29
75.6	2.71	2.69	2.67	2.66	2.64	2.63	2.61	2.59	2.58	2.56	2.55	2.53	2.51	2.50	2.48	2.46	2.45	2.43	2.42	2.40	2.38	2.37	2.35	2.33	2.32
76.0	2.74	2.72	2.71	2.69	2.67	2.66	2.64	2.63	2.61	2.59	2.58	2.56	2.54	2.53	2.51	2.50	2.48	2.46	2.45	2.43	2.41	2.40	2.38	2.37	2.35
76.4	2.77	2.75	2.74	2.72	2.70	2.69	2.67	2.66	2.64	2.62	2.61	2.59	2.58	2.56	2.54	2.53	2.51	2.49	2.48	2.46	2.45	2.43	2.41	2.40	2.38
76.8	2.80	2.78	2.77	2.75	2.74	2.72	2.70	2.69	2.67	2.66	2.64	2.62	2.61	2.59	2.57	2.56	2.54	2.53	2.51	2.49	2.48	2.46	2.44	2.43	2.41
77.2	2.83	2.82	2.80	2.78	2.77	2.75	2.73	2.72	2.70	2.69	2.67	2.65	2.64	2.62	2.61	2.59	2.57	2.56	2.54	2.52	2.51	2.49	2.48	2.46	2.44
77.6	2.86	2.85	2.83	2.81	2.80	2.78	2.77	2.75	2.73	2.72	2.70	2.69	2.67	2.65	2.64	2.62	2.60	2.59	2.57	2.56	2.54	2.52	2.51	2.49	2.47
78.0	2.89	2.88	2.86	2.85	2.83	2.81	2.80	2.78	2.76	2.75	2.73	2.72	2.70	2.68	2.67	2.65	2.64	2.62	2.60	2.59	2.57	2.55	2.54	2.52	2.51
78.3	2.93	2.91	2.89	2.88	2.86	2.84	2.83	2.81	2.80	2.78	2.76	2.75	2.73	2.72	2.70	2.68	2.67	2.65	2.63	2.62	2.60	2.59	2.57	2.55	2.54
78.7	2.96	2.94	2.92	2.91	2.89	2.88	2.86	2.84	2.83	2.81	2.79	2.78	2.76	2.75	2.73	2.71	2.70	2.68	2.67	2.65	2.63	2.62	2.60	2.58	2.57
79.1	2.99	2.97	2.96	2.94	2.92	2.91	2.89	2.87	2.86	2.84	2.83	2.81	2.79	2.78	2.76	2.75	2.73	2.71	2.70	2.68	2.66	2.65	2.63	2.62	2.60
79.5	3.02	3.00	2.99	2.97	2.95	2.94	2.92	2.91	2.89	2.87	2.86	2.84	2.82	2.81	2.79	2.78	2.76	2.74	2.73	2.71	2.70	2.68	2.66	2.65	2.63
79.9	3.05	3.03	3.02	3.00	2.99	2.97	2.95	2.94	2.92	2.90	2.89	2.87	2.86	2.84	2.82	2.81	2.79	2.77	2.76	2.74	2.73	2.71	2.69	2.68	2.66
80.3	3.08	3.07	3.05	3.03	3.02	3.00	2.98	2.97	2.95	2.94	2.92	2.90	2.89	2.87	2.85	2.84	2.82	2.81	2.79	2.77	2.76	2.74	2.73	2.71	2.69
80.7	3.11	3.10	3.08	3.06	3.05	3.03	3.02	3.00	2.98	2.97	2.95	2.93	2.92	2.90	2.89	2.87	2.85	2.84	2.82	2.80	2.79	2.77	2.76	2.74	2.72
81.1	3.14	3.13	3.11	3.10	3.08	3.06	3.05	3.03	3.01	3.00	2.98	2.97	2.95	2.93	2.92	2.90	2.88	2.87	2.85	2.84	2.82	2.80	2.79	2.77	2.76
81.5	3.18	3.16	3.14	3.13	3.11	3.09	3.08	3.06	3.05	3.03	3.01	3.00	2.98	2.96	2.95	2.93	2.92	2.90	2.88	2.87	2.85	2.84	2.82	2.80	2.79
81.9	3.21	3.19	3.17	3.16	3.14	3.13	3.11	3.09	3.08	3.06	3.04	3.03	3.01	3.00	2.98	2.96	2.95	2.93	2.91	2.90	2.88	2.87	2.85	2.83	2.82
82.3	3.24	3.22	3.21	3.19	3.17	3.16	3.14	3.12	3.11	3.09	3.08	3.06	3.04	3.03	3.01	2.99	2.98	2.96	2.95	2.93	2.91	2.90	2.88	2.86	2.85
82.7	3.27	3.25	3.24	3.22	3.20	3.19	3.17	3.16	3.14	3.12	3.11	3.09	3.07	3.06	3.04	3.03	3.01	2.99	2.98	2.96	2.94	2.93	2.91	2.90	2.88

PREDICTION EQUATIONS FOR FEV1 FEMALES * 80% OF PREDICTED **

HEIGHT (IN)	AGE (YEARS) 22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46
51.2	1.35	1.34	1.33	1.31	1.30	1.29	1.28	1.26	1.25	1.24	1.23	1.21	1.20	1.19	1.18	1.16	1.15	1.14	1.13	1.11	1.10	1.09	1.08	1.06	1.05
51.6	1.37	1.36	1.34	1.33	1.32	1.31	1.29	1.28	1.27	1.26	1.24	1.23	1.22	1.20	1.19	1.18	1.17	1.15	1.14	1.13	1.12	1.10	1.09	1.08	1.07
52.0	1.38	1.37	1.36	1.35	1.33	1.32	1.31	1.30	1.28	1.27	1.26	1.25	1.23	1.22	1.21	1.20	1.18	1.17	1.16	1.15	1.13	1.12	1.11	1.10	1.08
52.4	1.40	1.39	1.38	1.36	1.35	1.34	1.33	1.31	1.30	1.29	1.28	1.26	1.25	1.24	1.22	1.21	1.20	1.19	1.17	1.16	1.15	1.14	1.12	1.11	1.10
52.8	1.42	1.40	1.39	1.38	1.37	1.35	1.34	1.33	1.32	1.30	1.29	1.28	1.27	1.25	1.24	1.23	1.22	1.20	1.19	1.18	1.17	1.15	1.14	1.13	1.11
53.1	1.43	1.42	1.41	1.40	1.38	1.37	1.36	1.35	1.33	1.32	1.31	1.29	1.28	1.27	1.26	1.24	1.23	1.22	1.21	1.19	1.18	1.17	1.16	1.14	1.13
53.5	1.45	1.44	1.42	1.41	1.40	1.39	1.37	1.36	1.35	1.34	1.32	1.31	1.30	1.29	1.27	1.26	1.25	1.24	1.22	1.21	1.20	1.19	1.17	1.16	1.15
53.9	1.47	1.45	1.44	1.43	1.42	1.40	1.39	1.38	1.37	1.35	1.34	1.33	1.31	1.30	1.29	1.28	1.26	1.25	1.24	1.23	1.21	1.20	1.19	1.18	1.16
54.3	1.48	1.47	1.46	1.44	1.43	1.42	1.41	1.39	1.38	1.37	1.36	1.34	1.33	1.32	1.31	1.29	1.28	1.27	1.26	1.24	1.23	1.22	1.20	1.19	1.18
54.7	1.50	1.49	1.47	1.46	1.45	1.44	1.42	1.41	1.40	1.38	1.37	1.36	1.35	1.33	1.32	1.31	1.30	1.28	1.27	1.26	1.25	1.23	1.22	1.21	1.20
55.1	1.51	1.50	1.49	1.48	1.46	1.45	1.44	1.43	1.41	1.40	1.39	1.38	1.36	1.35	1.34	1.33	1.31	1.30	1.29	1.28	1.26	1.25	1.24	1.22	1.21
55.5	1.53	1.52	1.51	1.49	1.48	1.47	1.46	1.44	1.43	1.42	1.40	1.39	1.38	1.37	1.35	1.34	1.33	1.32	1.30	1.29	1.28	1.27	1.25	1.24	1.23
55.9	1.55	1.53	1.52	1.51	1.50	1.48	1.47	1.46	1.45	1.43	1.42	1.41	1.40	1.38	1.37	1.36	1.35	1.33	1.32	1.31	1.29	1.28	1.27	1.26	1.24
56.3	1.56	1.55	1.54	1.53	1.51	1.50	1.49	1.47	1.46	1.45	1.44	1.42	1.41	1.40	1.39	1.37	1.36	1.35	1.34	1.32	1.31	1.30	1.29	1.27	1.26
56.7	1.58	1.57	1.55	1.54	1.53	1.52	1.50	1.49	1.48	1.47	1.45	1.44	1.43	1.42	1.40	1.39	1.38	1.37	1.35	1.34	1.33	1.31	1.30	1.29	1.28
57.1	1.60	1.58	1.57	1.56	1.55	1.53	1.52	1.51	1.49	1.48	1.47	1.46	1.44	1.43	1.42	1.41	1.39	1.38	1.37	1.36	1.34	1.33	1.32	1.31	1.29
57.5	1.61	1.60	1.59	1.57	1.56	1.55	1.54	1.52	1.51	1.50	1.49	1.47	1.46	1.45	1.44	1.42	1.41	1.40	1.38	1.37	1.36	1.35	1.33	1.32	1.31
57.9	1.63	1.62	1.60	1.59	1.58	1.56	1.55	1.54	1.53	1.51	1.50	1.49	1.48	1.46	1.45	1.44	1.43	1.41	1.40	1.39	1.38	1.36	1.35	1.34	1.33
58.3	1.64	1.63	1.62	1.61	1.59	1.58	1.57	1.56	1.54	1.53	1.52	1.51	1.49	1.48	1.47	1.46	1.44	1.43	1.42	1.40	1.39	1.38	1.37	1.35	1.34
58.7	1.66	1.65	1.64	1.62	1.61	1.60	1.58	1.57	1.56	1.55	1.53	1.52	1.51	1.50	1.48	1.47	1.46	1.45	1.43	1.42	1.41	1.40	1.38	1.37	1.36
59.1	1.68	1.66	1.65	1.64	1.63	1.61	1.60	1.59	1.58	1.56	1.55	1.54	1.53	1.51	1.50	1.49	1.47	1.46	1.45	1.44	1.42	1.41	1.40	1.39	1.37
59.4	1.69	1.68	1.67	1.65	1.64	1.63	1.62	1.60	1.59	1.58	1.57	1.55	1.54	1.53	1.52	1.50	1.49	1.48	1.47	1.45	1.44	1.43	1.42	1.40	1.39
59.8	1.71	1.70	1.68	1.67	1.66	1.65	1.63	1.62	1.61	1.60	1.58	1.57	1.56	1.55	1.53	1.52	1.51	1.49	1.48	1.47	1.46	1.44	1.43	1.42	1.41
60.2	1.73	1.71	1.70	1.69	1.67	1.66	1.65	1.64	1.62	1.61	1.60	1.59	1.57	1.56	1.55	1.54	1.52	1.51	1.50	1.49	1.47	1.46	1.45	1.44	1.42
60.6	1.74	1.73	1.72	1.70	1.69	1.68	1.67	1.65	1.64	1.63	1.62	1.61	1.59	1.58	1.56	1.55	1.54	1.53	1.51	1.50	1.49	1.48	1.46	1.45	1.44
61.0	1.76	1.74	1.73	1.72	1.71	1.69	1.68	1.67	1.66	1.64	1.63	1.62	1.61	1.59	1.58	1.57	1.56	1.54	1.53	1.52	1.51	1.49	1.48	1.47	1.46
61.4	1.77	1.76	1.75	1.74	1.72	1.71	1.70	1.69	1.67	1.66	1.65	1.63	1.62	1.61	1.60	1.58	1.57	1.56	1.55	1.53	1.52	1.51	1.50	1.48	1.47
61.8	1.79	1.78	1.76	1.75	1.74	1.73	1.71	1.70	1.69	1.68	1.66	1.65	1.64	1.63	1.61	1.60	1.59	1.58	1.56	1.55	1.54	1.53	1.51	1.50	1.49
62.2	1.81	1.79	1.78	1.77	1.76	1.74	1.73	1.72	1.71	1.69	1.68	1.67	1.65	1.64	1.63	1.62	1.60	1.59	1.58	1.57	1.55	1.54	1.53	1.52	1.50
62.6	1.82	1.81	1.80	1.78	1.77	1.76	1.75	1.73	1.72	1.71	1.70	1.68	1.67	1.66	1.65	1.63	1.62	1.61	1.60	1.58	1.57	1.56	1.55	1.53	1.52
63.0	1.84	1.83	1.81	1.80	1.79	1.78	1.76	1.75	1.74	1.73	1.71	1.70	1.69	1.67	1.66	1.65	1.64	1.62	1.61	1.60	1.59	1.57	1.56	1.55	1.54
63.4	1.85	1.84	1.83	1.82	1.80	1.79	1.78	1.77	1.75	1.74	1.73	1.72	1.70	1.69	1.68	1.67	1.65	1.64	1.63	1.62	1.60	1.59	1.58	1.56	1.55
63.8	1.87	1.86	1.85	1.83	1.82	1.81	1.80	1.78	1.77	1.76	1.74	1.73	1.72	1.71	1.69	1.68	1.67	1.66	1.64	1.63	1.62	1.61	1.59	1.58	1.57
64.2	1.89	1.87	1.86	1.85	1.84	1.82	1.81	1.80	1.79	1.77	1.76	1.75	1.74	1.72	1.71	1.70	1.69	1.67	1.66	1.65	1.64	1.62	1.61	1.60	1.58
64.6	1.90	1.89	1.88	1.87	1.85	1.84	1.83	1.82	1.80	1.79	1.78	1.76	1.75	1.74	1.73	1.71	1.70	1.69	1.68	1.66	1.65	1.64	1.63	1.61	1.60
65.0	1.92	1.91	1.89	1.88	1.87	1.86	1.84	1.83	1.82	1.81	1.79	1.78	1.77	1.76	1.74	1.73	1.72	1.71	1.69	1.68	1.67	1.65	1.64	1.63	1.62
65.4	1.94	1.92	1.91	1.90	1.89	1.87	1.86	1.85	1.83	1.82	1.81	1.80	1.78	1.77	1.76	1.75	1.73	1.72	1.71	1.70	1.68	1.67	1.66	1.65	1.63
65.7	1.95	1.94	1.93	1.91	1.90	1.89	1.88	1.86	1.85	1.84	1.83	1.81	1.80	1.79	1.78	1.76	1.75	1.74	1.73	1.71	1.70	1.69	1.67	1.66	1.65
66.1	1.97	1.96	1.94	1.93	1.92	1.91	1.89	1.88	1.87	1.85	1.84	1.83	1.82	1.80	1.79	1.78	1.77	1.75	1.74	1.73	1.72	1.70	1.69	1.68	1.67
66.5	1.98	1.97	1.96	1.95	1.93	1.92	1.91	1.90	1.88	1.87	1.86	1.85	1.83	1.82	1.81	1.80	1.78	1.77	1.76	1.74	1.73	1.72	1.71	1.69	1.68
66.9	2.00	1.99	1.98	1.96	1.95	1.94	1.92	1.91	1.90	1.89	1.87	1.86	1.85	1.84	1.82	1.81	1.80	1.79	1.77	1.76	1.75	1.74	1.72	1.71	1.70
67.3	2.02	2.00	1.99	1.98	1.97	1.95	1.94	1.93	1.92	1.90	1.89	1.88	1.87	1.85	1.84	1.83	1.82	1.80	1.79	1.78	1.76	1.75	1.74	1.73	1.71
67.7	2.03	2.02	2.01	2.00	1.98	1.97	1.96	1.94	1.93	1.92	1.91	1.89	1.88	1.87	1.86	1.84	1.83	1.82	1.81	1.79	1.78	1.77	1.76	1.74	1.73
68.1	2.05	2.04	2.02	2.01	2.00	1.99	1.97	1.96	1.95	1.94	1.92	1.91	1.90	1.89	1.87	1.86	1.85	1.83	1.82	1.81	1.80	1.78	1.77	1.76	1.75
68.5	2.07	2.05	2.04	2.03	2.01	2.00	1.99	1.98	1.96	1.95	1.94	1.93	1.91	1.90	1.89	1.88	1.86	1.85	1.84	1.83	1.81	1.80	1.79	1.78	1.76
68.9	2.08	2.07	2.06	2.04	2.03	2.02	2.01	1.99	1.98	1.97	1.96	1.94	1.93	1.92	1.91	1.89	1.88	1.87	1.85	1.84	1.83	1.82	1.80	1.79	1.78
69.3	2.10	2.09	2.07	2.06	2.05	2.03	2.02	2.01	2.00	1.98	1.97	1.96	1.95	1.93	1.92	1.91	1.90	1.88	1.87	1.86	1.85	1.83	1.82	1.81	1.80
69.7	2.11	2.10	2.09	2.08	2.06	2.05	2.04	2.03	2.01	2.00	1.99	1.98	1.96	1.95	1.94	1.92	1.91	1.90	1.89	1.87	1.86	1.85	1.84	1.82	1.81
70.1	2.13	2.12	2.10	2.09	2.08	2.07	2.05	2.04	2.03	2.02	2.00	1.99	1.98	1.97	1.95	1.94	1.93	1.92	1.90	1.89	1.88	1.87	1.85	1.84	1.83
70.5	2.15	2.13	2.12	2.11	2.10	2.08	2.07	2.06	2.05	2.03	2.02	2.01	2.00	1.98	1.97	1.96	1.94	1.93	1.92	1.91	1.89	1.88	1.87	1.86	1.84
70.9	2.16	2.15	2.14	2.12	2.11	2.10	2.09	2.07	2.06	2.05	2.04	2.02	2.01	2.00	1.99	1.97	1.96	1.95	1.94	1.92	1.91	1.90	1.89	1.87	1.86
71.3	2.18	2.17	2.15	2.14	2.13	2.12	2.10	2.09	2.08	2.07	2.05	2.04	2.03	2.01	2.00	1.99	1.98	1.96	1.95	1.94	1.93	1.91	1.90	1.89	1.88
71.7	2.19	2.18	2.17	2.16	2.14	2.13	2.12	2.11	2.09	2.08	2.07	2.06	2.04	2.03	2.02	2.01	1.99	1.98	1.97	1.96	1.94	1.93	1.92	1.91	1.89
72.0	2.21	2.20	2.19	2.17	2.16	2.15	2.14	2.12	2.11	2.10	2.09	2.07	2.06	2.05	2.03	2.02	2.01	2.00	1.98	1.97	1.96	1.95	1.93	1.92	1.91
72.4	2.23	2.21	2.20	2.19	2.18	2.16	2.15	2.14	2.13	2.11	2.10	2.09	2.08	2.06	2.05	2.04	2.03	2.01	2.00	1.99	1.98	1.96	1.95	1.94	1.92
72.8	2.24	2.23	2.22	2.21	2.19	2.18	2.17	2.16	2.14	2.13	2.12	2.10	2.09	2.08	2.07	2.05	2.04	2.03	2.02	2.00	1.99	1.98	1.97	1.95	1.94
73.2	2.26	2.25	2.23	2.22	2.21	2.20	2.18	2.17	2.16	2.15	2.13	2.12	2.11	2.10	2.08	2.07	2.06	2.05	2.03	2.02	2.01	2.00	1.98	1.97	1.96
73.6	2.28	2.26	2.25	2.24	2.23	2.21	2.20	2.19	2.18	2.16	2.15	2.14	2.12	2.11	2.10	2.09	2.07	2.06	2.05	2.04	2.02	2.01	2.00	1.99	1.97
74.0	2.29	2.28	2.27	2.25	2.24	2.23	2.22	2.20	2.19	2.18	2.17	2.15	2.14	2.13	2.12	2.10	2.09	2.08	2.07	2.05	2.04	2.03	2.01	2.00	1.99
74.4	2.31	2.30	2.28	2.27	2.26	2.25	2.23	2.22	2.21	2.19	2.18	2.17	2.16	2.14	2.13	2.12	2.11	2.09	2.08	2.07	2.06	2.04	2.03	2.02	2.01
74.8	2.32	2.31	2.30	2.29	2.27	2.26	2.25	2.24	2.22	2.21	2.20	2.19	2.17	2.16	2.15	2.14	2.12	2.11	2.10	2.09	2.07	2.06	2.05	2.03	2.02

PREDICTION EQUATIONS FOR FEV1 FEMALES * 80% OF PREDICTED **

HEIGHT	AGE (YEARS)																								
(IN)	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71
51.2	1.04	1.02	1.01	1.00	0.99	0.97	0.96	0.95	0.94	0.92	0.91	0.90	0.89	0.87	0.86	0.85	0.84	0.82	0.81	0.80	0.79	0.77	0.76	0.75	0.73
51.6	1.05	1.04	1.03	1.02	1.00	0.99	0.98	0.97	0.95	0.94	0.93	0.92	0.90	0.89	0.88	0.86	0.85	0.84	0.83	0.81	0.80	0.79	0.78	0.76	0.75
52.0	1.07	1.06	1.04	1.03	1.02	1.01	0.99	0.98	0.97	0.96	0.94	0.93	0.92	0.91	0.89	0.88	0.87	0.86	0.84	0.83	0.82	0.81	0.79	0.78	0.77
52.4	1.09	1.07	1.06	1.05	1.04	1.02	1.01	1.00	0.99	0.97	0.96	0.95	0.93	0.92	0.91	0.90	0.88	0.87	0.86	0.85	0.83	0.82	0.81	0.80	0.78
52.8	1.10	1.09	1.08	1.06	1.05	1.04	1.03	1.01	1.00	0.99	0.98	0.96	0.95	0.94	0.93	0.91	0.90	0.89	0.88	0.86	0.85	0.84	0.83	0.81	0.80
53.1	1.12	1.11	1.09	1.08	1.07	1.06	1.04	1.03	1.02	1.00	0.99	0.98	0.97	0.95	0.94	0.93	0.92	0.90	0.89	0.88	0.87	0.85	0.84	0.83	0.82
53.5	1.13	1.12	1.11	1.10	1.08	1.07	1.06	1.05	1.03	1.02	1.01	1.00	0.98	0.97	0.96	0.95	0.93	0.92	0.91	0.90	0.88	0.87	0.86	0.84	0.83
53.9	1.15	1.14	1.13	1.11	1.10	1.09	1.08	1.06	1.05	1.04	1.02	1.01	1.00	0.99	0.97	0.96	0.95	0.94	0.92	0.91	0.90	0.89	0.87	0.86	0.85
54.3	1.17	1.15	1.14	1.13	1.12	1.10	1.09	1.08	1.07	1.05	1.04	1.03	1.02	1.00	0.99	0.98	0.97	0.95	0.94	0.93	0.92	0.90	0.89	0.88	0.86
54.7	1.18	1.17	1.16	1.15	1.13	1.12	1.11	1.10	1.08	1.07	1.06	1.04	1.03	1.02	1.01	0.99	0.98	0.97	0.96	0.94	0.93	0.92	0.91	0.89	0.88
55.1	1.20	1.19	1.17	1.16	1.15	1.14	1.12	1.11	1.10	1.09	1.07	1.06	1.05	1.04	1.02	1.01	1.00	0.99	0.97	0.96	0.95	0.93	0.92	0.91	0.90
55.5	1.22	1.20	1.19	1.18	1.17	1.15	1.14	1.13	1.11	1.10	1.09	1.08	1.06	1.05	1.04	1.03	1.01	1.00	0.99	0.98	0.96	0.95	0.94	0.93	0.91
55.9	1.23	1.22	1.21	1.19	1.18	1.17	1.16	1.14	1.13	1.12	1.11	1.09	1.08	1.07	1.06	1.04	1.03	1.02	1.00	0.99	0.98	0.97	0.95	0.94	0.93
56.3	1.25	1.24	1.22	1.21	1.20	1.19	1.17	1.16	1.15	1.13	1.12	1.11	1.10	1.08	1.07	1.06	1.05	1.03	1.02	1.01	1.00	0.98	0.97	0.96	0.95
56.7	1.26	1.25	1.24	1.23	1.21	1.20	1.19	1.18	1.16	1.15	1.14	1.13	1.11	1.10	1.09	1.08	1.06	1.05	1.04	1.02	1.01	1.00	0.99	0.97	0.96
57.1	1.28	1.27	1.26	1.24	1.23	1.22	1.20	1.19	1.18	1.17	1.15	1.14	1.13	1.12	1.10	1.09	1.08	1.07	1.05	1.04	1.03	1.02	1.00	0.99	0.98
57.5	1.30	1.28	1.27	1.26	1.25	1.23	1.22	1.21	1.20	1.18	1.17	1.16	1.15	1.13	1.12	1.11	1.10	1.08	1.07	1.06	1.04	1.03	1.02	1.01	0.99
57.9	1.31	1.30	1.29	1.28	1.26	1.25	1.24	1.22	1.21	1.20	1.19	1.17	1.16	1.15	1.14	1.12	1.11	1.10	1.09	1.07	1.06	1.05	1.04	1.02	1.01
58.3	1.33	1.32	1.30	1.29	1.28	1.27	1.25	1.24	1.23	1.22	1.20	1.19	1.18	1.17	1.15	1.14	1.13	1.11	1.10	1.09	1.08	1.06	1.05	1.04	1.03
58.7	1.35	1.33	1.32	1.31	1.29	1.28	1.27	1.26	1.24	1.23	1.22	1.21	1.19	1.18	1.17	1.16	1.14	1.13	1.12	1.11	1.09	1.08	1.07	1.06	1.04
59.1	1.36	1.35	1.34	1.32	1.31	1.30	1.29	1.27	1.26	1.25	1.24	1.22	1.21	1.20	1.19	1.17	1.16	1.15	1.13	1.12	1.11	1.10	1.08	1.07	1.06
59.4	1.38	1.37	1.35	1.34	1.33	1.31	1.30	1.29	1.28	1.26	1.25	1.24	1.23	1.21	1.20	1.19	1.18	1.16	1.15	1.14	1.13	1.11	1.10	1.09	1.08
59.8	1.39	1.38	1.37	1.36	1.34	1.33	1.32	1.31	1.29	1.28	1.27	1.26	1.24	1.23	1.22	1.20	1.19	1.18	1.17	1.15	1.14	1.13	1.12	1.10	1.09
60.2	1.41	1.40	1.38	1.37	1.36	1.35	1.33	1.32	1.31	1.30	1.28	1.27	1.26	1.25	1.23	1.22	1.21	1.20	1.18	1.17	1.16	1.15	1.13	1.12	1.11
60.6	1.43	1.41	1.40	1.39	1.38	1.36	1.35	1.34	1.33	1.31	1.30	1.29	1.28	1.26	1.25	1.24	1.22	1.21	1.20	1.19	1.17	1.16	1.15	1.14	1.12
61.0	1.44	1.43	1.42	1.40	1.39	1.38	1.37	1.35	1.34	1.33	1.32	1.30	1.29	1.28	1.27	1.25	1.24	1.23	1.22	1.20	1.19	1.18	1.17	1.15	1.14
61.4	1.46	1.45	1.43	1.42	1.41	1.40	1.38	1.37	1.36	1.35	1.33	1.32	1.31	1.29	1.28	1.27	1.26	1.24	1.23	1.22	1.21	1.19	1.18	1.17	1.16
61.8	1.47	1.46	1.45	1.44	1.42	1.41	1.40	1.39	1.37	1.36	1.35	1.34	1.32	1.31	1.30	1.29	1.27	1.26	1.25	1.24	1.22	1.21	1.20	1.19	1.17
62.2	1.49	1.48	1.47	1.45	1.44	1.43	1.42	1.40	1.39	1.38	1.37	1.35	1.34	1.33	1.31	1.30	1.29	1.28	1.26	1.25	1.24	1.23	1.21	1.20	1.19
62.6	1.51	1.49	1.48	1.47	1.46	1.44	1.43	1.42	1.41	1.39	1.38	1.37	1.36	1.34	1.33	1.32	1.31	1.29	1.28	1.27	1.26	1.24	1.23	1.22	1.20
63.0	1.52	1.51	1.50	1.49	1.47	1.46	1.45	1.44	1.42	1.41	1.40	1.38	1.37	1.36	1.35	1.33	1.32	1.31	1.30	1.28	1.27	1.26	1.25	1.23	1.22
63.4	1.54	1.53	1.51	1.50	1.49	1.48	1.46	1.45	1.44	1.43	1.41	1.40	1.39	1.38	1.36	1.35	1.34	1.33	1.31	1.30	1.29	1.28	1.26	1.25	1.24
63.8	1.56	1.54	1.53	1.52	1.51	1.49	1.48	1.47	1.46	1.44	1.43	1.42	1.40	1.39	1.38	1.37	1.35	1.34	1.33	1.32	1.30	1.29	1.28	1.27	1.25
64.2	1.57	1.56	1.55	1.53	1.52	1.51	1.50	1.48	1.47	1.46	1.45	1.43	1.42	1.41	1.40	1.38	1.37	1.36	1.35	1.33	1.32	1.31	1.29	1.28	1.27
64.6	1.59	1.58	1.56	1.55	1.54	1.53	1.51	1.50	1.49	1.47	1.46	1.45	1.44	1.42	1.41	1.40	1.39	1.37	1.36	1.35	1.34	1.32	1.31	1.30	1.29
65.0	1.60	1.59	1.58	1.57	1.55	1.54	1.53	1.52	1.50	1.49	1.48	1.47	1.45	1.44	1.43	1.42	1.40	1.39	1.38	1.37	1.35	1.34	1.33	1.31	1.30
65.4	1.62	1.61	1.60	1.58	1.57	1.56	1.55	1.53	1.52	1.51	1.49	1.48	1.47	1.46	1.44	1.43	1.42	1.41	1.39	1.38	1.37	1.36	1.34	1.33	1.32
65.7	1.64	1.62	1.61	1.60	1.59	1.57	1.56	1.55	1.54	1.52	1.51	1.50	1.49	1.47	1.46	1.45	1.44	1.42	1.41	1.40	1.38	1.37	1.36	1.35	1.33
66.1	1.65	1.64	1.63	1.62	1.60	1.59	1.58	1.56	1.55	1.54	1.53	1.51	1.50	1.49	1.48	1.46	1.45	1.44	1.43	1.41	1.40	1.39	1.38	1.36	1.35
66.5	1.67	1.66	1.64	1.63	1.62	1.61	1.59	1.58	1.57	1.56	1.54	1.53	1.52	1.51	1.49	1.48	1.47	1.46	1.44	1.43	1.42	1.40	1.39	1.38	1.37
66.9	1.69	1.67	1.66	1.65	1.64	1.62	1.61	1.60	1.58	1.57	1.56	1.55	1.53	1.52	1.51	1.50	1.48	1.47	1.46	1.45	1.43	1.42	1.41	1.40	1.38
67.3	1.70	1.69	1.68	1.66	1.65	1.64	1.63	1.61	1.60	1.59	1.58	1.56	1.55	1.54	1.53	1.51	1.50	1.49	1.47	1.46	1.45	1.44	1.42	1.41	1.40
67.7	1.72	1.71	1.69	1.68	1.67	1.65	1.64	1.63	1.62	1.60	1.59	1.58	1.57	1.55	1.54	1.53	1.52	1.50	1.49	1.48	1.47	1.45	1.44	1.43	1.42
68.1	1.73	1.72	1.71	1.70	1.68	1.67	1.66	1.65	1.63	1.62	1.61	1.60	1.58	1.57	1.56	1.55	1.53	1.52	1.51	1.49	1.48	1.47	1.46	1.44	1.43
68.5	1.75	1.74	1.73	1.71	1.70	1.69	1.67	1.66	1.65	1.64	1.62	1.61	1.60	1.59	1.57	1.56	1.55	1.54	1.52	1.51	1.50	1.49	1.47	1.46	1.45
68.9	1.77	1.75	1.74	1.73	1.72	1.70	1.69	1.68	1.67	1.65	1.64	1.63	1.62	1.60	1.59	1.58	1.56	1.55	1.54	1.53	1.51	1.50	1.49	1.48	1.46
69.3	1.78	1.77	1.76	1.74	1.73	1.72	1.71	1.69	1.68	1.67	1.66	1.64	1.63	1.62	1.61	1.59	1.58	1.57	1.56	1.54	1.53	1.52	1.51	1.49	1.48
69.7	1.80	1.79	1.77	1.76	1.75	1.74	1.72	1.71	1.70	1.69	1.67	1.66	1.65	1.64	1.62	1.61	1.60	1.58	1.57	1.56	1.55	1.53	1.52	1.51	1.50
70.1	1.82	1.80	1.79	1.78	1.76	1.75	1.74	1.73	1.71	1.70	1.69	1.68	1.66	1.65	1.64	1.63	1.61	1.60	1.59	1.58	1.56	1.55	1.54	1.53	1.51
70.5	1.83	1.82	1.81	1.79	1.78	1.77	1.76	1.74	1.73	1.72	1.71	1.69	1.68	1.67	1.65	1.64	1.63	1.62	1.60	1.59	1.58	1.57	1.55	1.54	1.53
70.9	1.85	1.83	1.82	1.81	1.80	1.78	1.77	1.76	1.75	1.73	1.72	1.71	1.70	1.68	1.67	1.66	1.65	1.63	1.62	1.61	1.60	1.58	1.57	1.56	1.55
71.3	1.86	1.85	1.84	1.83	1.81	1.80	1.79	1.78	1.76	1.75	1.74	1.73	1.71	1.70	1.69	1.67	1.66	1.65	1.64	1.62	1.61	1.60	1.59	1.57	1.56
71.7	1.88	1.87	1.85	1.84	1.83	1.82	1.80	1.79	1.78	1.77	1.75	1.74	1.73	1.72	1.70	1.69	1.68	1.67	1.65	1.64	1.63	1.62	1.60	1.59	1.58
72.0	1.90	1.88	1.87	1.86	1.85	1.83	1.82	1.81	1.80	1.78	1.77	1.76	1.74	1.73	1.72	1.71	1.69	1.68	1.67	1.66	1.64	1.63	1.62	1.61	1.59
72.4	1.91	1.90	1.89	1.87	1.86	1.85	1.84	1.82	1.81	1.80	1.79	1.77	1.76	1.75	1.74	1.72	1.71	1.70	1.69	1.67	1.66	1.65	1.63	1.62	1.61
72.8	1.93	1.92	1.90	1.89	1.88	1.87	1.85	1.84	1.83	1.82	1.80	1.79	1.78	1.76	1.75	1.74	1.73	1.71	1.70	1.69	1.68	1.66	1.65	1.64	1.63
73.2	1.94	1.93	1.92	1.91	1.89	1.88	1.87	1.86	1.84	1.83	1.82	1.81	1.79	1.78	1.77	1.76	1.74	1.73	1.72	1.71	1.69	1.68	1.67	1.65	1.64
73.6	1.96	1.95	1.94	1.92	1.91	1.90	1.89	1.87	1.86	1.85	1.83	1.82	1.81	1.80	1.78	1.77	1.76	1.75	1.73	1.72	1.71	1.70	1.68	1.67	1.66
74.0	1.98	1.96	1.95	1.94	1.93	1.91	1.90	1.89	1.88	1.86	1.85	1.84	1.83	1.81	1.80	1.79	1.78	1.76	1.75	1.74	1.73	1.71	1.70	1.69	1.67
74.4	1.99	1.98	1.97	1.96	1.94	1.93	1.92	1.91	1.89	1.88	1.87	1.85	1.84	1.83	1.82	1.80	1.79	1.78	1.77	1.75	1.74	1.73	1.72	1.70	1.69
74.8	2.01	2.00	1.98	1.97	1.96	1.95	1.93	1.92	1.91	1.90	1.88	1.87	1.86	1.85	1.83	1.82	1.81	1.80	1.78	1.77	1.76	1.74	1.73	1.72	1.71

PREDICTION EQUATIONS FOR FVC MALES * 60% OF PREDICTED **

HEIGHT (IN)	AGE (YEARS) 22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46
59.1	2.22	2.27	2.32	2.14	2.12	2.10	2.09	2.07	2.05	2.04	2.02	2.00	1.98	1.97	1.95	1.93	1.91	1.90	1.88	1.86	1.84	1.83	1.81	1.79	1.77
59.4	2.25	2.30	2.35	2.16	2.16	2.14	2.13	2.11	2.09	2.07	2.06	2.04	2.02	2.00	1.99	1.97	1.95	1.93	1.92	1.90	1.88	1.87	1.85	1.83	1.81
59.8	2.28	2.33	2.38	2.22	2.20	2.18	2.17	2.15	2.13	2.11	2.10	2.08	2.06	2.04	2.03	2.01	1.99	1.97	1.96	1.94	1.92	1.90	1.89	1.87	1.85
60.2	2.31	2.36	2.41	2.26	2.24	2.22	2.20	2.19	2.17	2.15	2.13	2.12	2.10	2.08	2.07	2.05	2.03	2.01	2.00	1.98	1.96	1.94	1.93	1.91	1.89
60.6	2.34	2.39	2.44	2.30	2.28	2.26	2.24	2.23	2.21	2.19	2.17	2.16	2.14	2.12	2.10	2.09	2.07	2.05	2.03	2.02	2.00	1.98	1.96	1.95	1.93
61.0	2.37	2.42	2.47	2.33	2.32	2.30	2.28	2.26	2.25	2.23	2.21	2.20	2.18	2.16	2.14	2.13	2.11	2.09	2.07	2.06	2.04	2.02	2.00	1.99	1.97
61.4	2.40	2.45	2.50	2.37	2.36	2.34	2.32	2.30	2.29	2.27	2.25	2.23	2.22	2.20	2.18	2.16	2.15	2.13	2.11	2.10	2.08	2.06	2.04	2.03	2.01
61.8	2.43	2.48	2.53	2.41	2.40	2.38	2.36	2.34	2.33	2.31	2.29	2.27	2.26	2.24	2.22	2.20	2.19	2.17	2.15	2.13	2.12	2.10	2.08	2.06	2.05
62.2	2.46	2.51	2.56	2.45	2.43	2.42	2.40	2.38	2.36	2.35	2.33	2.31	2.29	2.28	2.26	2.24	2.23	2.21	2.19	2.17	2.16	2.14	2.12	2.10	2.09
62.6	2.49	2.54	2.59	2.49	2.47	2.46	2.44	2.42	2.40	2.39	2.37	2.35	2.33	2.32	2.30	2.28	2.26	2.25	2.23	2.21	2.19	2.18	2.16	2.14	2.13
63.0	2.52	2.57	2.62	2.53	2.51	2.49	2.48	2.46	2.44	2.43	2.41	2.39	2.37	2.36	2.34	2.32	2.30	2.29	2.27	2.25	2.23	2.22	2.20	2.18	2.16
63.4	2.55	2.60	2.65	2.57	2.55	2.53	2.52	2.50	2.48	2.46	2.45	2.43	2.41	2.39	2.38	2.36	2.34	2.32	2.31	2.29	2.27	2.26	2.24	2.22	2.20
63.8	2.58	2.63	2.68	2.61	2.59	2.57	2.56	2.54	2.52	2.50	2.49	2.47	2.45	2.43	2.42	2.40	2.38	2.36	2.35	2.33	2.31	2.29	2.28	2.26	2.24
64.2	2.61	2.66	2.71	2.65	2.63	2.61	2.59	2.58	2.56	2.54	2.52	2.51	2.49	2.47	2.46	2.44	2.42	2.40	2.39	2.37	2.35	2.33	2.32	2.30	2.28
64.6	2.64	2.69	2.74	2.69	2.67	2.65	2.63	2.62	2.60	2.58	2.56	2.55	2.53	2.51	2.49	2.48	2.46	2.44	2.42	2.41	2.39	2.37	2.36	2.34	2.32
65.0	2.67	2.72	2.77	2.72	2.71	2.69	2.67	2.65	2.64	2.62	2.60	2.59	2.57	2.55	2.53	2.52	2.50	2.48	2.46	2.45	2.43	2.41	2.39	2.38	2.36
65.4	2.70	2.75	2.80	2.76	2.75	2.73	2.71	2.69	2.68	2.66	2.64	2.62	2.61	2.59	2.57	2.55	2.54	2.52	2.50	2.49	2.47	2.45	2.43	2.42	2.40
65.7	2.73	2.78	2.83	2.80	2.79	2.77	2.75	2.73	2.72	2.70	2.68	2.66	2.65	2.63	2.61	2.59	2.58	2.56	2.54	2.52	2.51	2.49	2.47	2.45	2.44
66.1	2.76	2.81	2.86	2.84	2.82	2.81	2.79	2.77	2.75	2.74	2.72	2.70	2.68	2.67	2.65	2.63	2.62	2.60	2.58	2.56	2.55	2.53	2.51	2.49	2.48
66.5	2.79	2.84	2.89	2.88	2.86	2.85	2.83	2.81	2.79	2.78	2.76	2.74	2.72	2.71	2.69	2.67	2.65	2.64	2.62	2.60	2.58	2.57	2.55	2.53	2.52
66.9	2.82	2.87	2.92	2.92	2.90	2.88	2.87	2.85	2.83	2.82	2.80	2.78	2.76	2.75	2.73	2.71	2.69	2.68	2.66	2.64	2.62	2.61	2.59	2.57	2.55
67.3	2.85	2.90	2.95	2.96	2.94	2.92	2.91	2.89	2.87	2.85	2.84	2.82	2.80	2.78	2.77	2.75	2.73	2.71	2.70	2.68	2.66	2.65	2.63	2.61	2.59
67.7	2.88	2.93	2.98	3.00	2.98	2.96	2.95	2.93	2.91	2.89	2.88	2.86	2.84	2.82	2.81	2.79	2.77	2.75	2.74	2.72	2.70	2.68	2.67	2.65	2.63
68.1	2.91	2.96	3.01	3.04	3.02	3.00	2.98	2.97	2.95	2.93	2.91	2.90	2.88	2.86	2.85	2.83	2.81	2.79	2.78	2.76	2.74	2.72	2.71	2.69	2.67
68.5	2.94	2.99	3.04	3.08	3.06	3.04	3.02	3.01	2.99	2.97	2.95	2.94	2.92	2.90	2.88	2.87	2.85	2.83	2.81	2.80	2.78	2.76	2.74	2.73	2.71
68.9	2.97	3.02	3.07	3.11	3.10	3.08	3.06	3.05	3.03	3.01	2.99	2.98	2.96	2.94	2.92	2.91	2.89	2.87	2.85	2.84	2.82	2.80	2.78	2.77	2.75
69.3	3.00	3.05	3.10	3.15	3.14	3.12	3.10	3.08	3.07	3.05	3.03	3.01	3.00	2.98	2.96	2.94	2.93	2.91	2.89	2.88	2.86	2.84	2.82	2.81	2.79
69.7	3.03	3.08	3.13	3.19	3.18	3.16	3.14	3.12	3.11	3.09	3.07	3.05	3.04	3.02	3.00	2.98	2.97	2.95	2.93	2.91	2.90	2.88	2.86	2.84	2.83
70.1	3.06	3.11	3.16	3.23	3.21	3.20	3.18	3.16	3.14	3.13	3.11	3.09	3.07	3.06	3.04	3.02	3.01	2.99	2.97	2.95	2.94	2.92	2.90	2.88	2.87
70.5	3.09	3.14	3.19	3.27	3.25	3.24	3.22	3.20	3.18	3.17	3.15	3.13	3.11	3.10	3.08	3.06	3.04	3.03	3.01	2.99	2.97	2.96	2.94	2.92	2.91
70.9	3.12	3.17	3.22	3.31	3.29	3.27	3.26	3.24	3.22	3.21	3.19	3.17	3.15	3.14	3.12	3.10	3.08	3.07	3.05	3.03	3.01	3.00	2.98	2.96	2.94
71.3	3.15	3.20	3.25	3.35	3.33	3.31	3.30	3.28	3.26	3.24	3.23	3.21	3.19	3.17	3.16	3.14	3.12	3.10	3.09	3.07	3.05	3.04	3.02	3.00	2.98
71.7	3.18	3.23	3.28	3.39	3.37	3.35	3.34	3.32	3.30	3.28	3.27	3.25	3.23	3.21	3.20	3.18	3.16	3.14	3.13	3.11	3.09	3.07	3.06	3.04	3.02
72.0	3.21	3.26	3.31	3.43	3.41	3.39	3.37	3.36	3.34	3.32	3.30	3.29	3.27	3.25	3.24	3.22	3.20	3.18	3.17	3.15	3.13	3.11	3.10	3.08	3.06
72.4	3.24	3.29	3.34	3.47	3.45	3.43	3.41	3.40	3.38	3.36	3.34	3.33	3.31	3.29	3.27	3.26	3.24	3.22	3.20	3.19	3.17	3.15	3.13	3.12	3.10
72.8	3.27	3.32	3.37	3.50	3.49	3.47	3.45	3.43	3.42	3.40	3.38	3.37	3.35	3.33	3.31	3.30	3.28	3.26	3.24	3.23	3.21	3.19	3.17	3.16	3.14
73.2	3.30	3.35	3.40	3.54	3.53	3.51	3.49	3.47	3.46	3.44	3.42	3.40	3.39	3.37	3.35	3.33	3.32	3.30	3.28	3.27	3.25	3.23	3.21	3.20	3.18
73.6	3.33	3.38	3.43	3.58	3.57	3.55	3.53	3.51	3.50	3.48	3.46	3.44	3.43	3.41	3.39	3.37	3.36	3.34	3.32	3.30	3.29	3.27	3.25	3.23	3.22
74.0	3.36	3.41	3.46	3.62	3.60	3.59	3.57	3.55	3.53	3.52	3.50	3.48	3.46	3.45	3.43	3.41	3.40	3.38	3.36	3.34	3.33	3.31	3.29	3.27	3.26
74.4	3.39	3.44	3.49	3.66	3.64	3.63	3.61	3.59	3.57	3.56	3.54	3.52	3.50	3.49	3.47	3.45	3.43	3.42	3.40	3.38	3.36	3.35	3.33	3.31	3.30
74.8	3.42	3.47	3.52	3.70	3.68	3.66	3.65	3.63	3.61	3.60	3.58	3.56	3.54	3.53	3.51	3.49	3.47	3.46	3.44	3.42	3.40	3.39	3.37	3.35	3.33
75.2	3.45	3.50	3.55	3.74	3.72	3.70	3.69	3.67	3.65	3.63	3.62	3.60	3.58	3.56	3.55	3.53	3.51	3.50	3.48	3.46	3.44	3.43	3.41	3.39	3.37
75.6	3.48	3.53	3.58	3.78	3.76	3.74	3.73	3.71	3.69	3.67	3.66	3.64	3.62	3.60	3.59	3.57	3.55	3.53	3.52	3.50	3.48	3.46	3.45	3.43	3.41
76.0	3.51	3.56	3.61	3.82	3.80	3.78	3.76	3.75	3.73	3.71	3.69	3.68	3.66	3.64	3.63	3.61	3.59	3.57	3.56	3.54	3.52	3.50	3.49	3.47	3.45
76.4	3.54	3.59	3.64	3.86	3.84	3.82	3.80	3.79	3.77	3.75	3.73	3.72	3.70	3.68	3.66	3.65	3.63	3.61	3.59	3.58	3.56	3.54	3.52	3.51	3.49
76.8	3.57	3.62	3.67	3.89	3.88	3.86	3.84	3.82	3.81	3.79	3.77	3.76	3.74	3.72	3.70	3.69	3.67	3.65	3.63	3.62	3.60	3.58	3.56	3.55	3.53
77.2	3.60	3.65	3.70	3.93	3.92	3.90	3.88	3.86	3.85	3.83	3.81	3.79	3.78	3.76	3.74	3.72	3.71	3.69	3.67	3.66	3.64	3.62	3.60	3.59	3.57
77.6	3.63	3.68	3.73	3.97	3.96	3.94	3.92	3.90	3.89	3.87	3.85	3.83	3.82	3.80	3.78	3.76	3.75	3.73	3.71	3.69	3.68	3.66	3.64	3.62	3.61
78.0	3.66	3.71	3.76	4.01	3.99	3.98	3.96	3.94	3.92	3.91	3.89	3.87	3.86	3.84	3.82	3.80	3.79	3.77	3.75	3.73	3.72	3.70	3.68	3.66	3.65
78.3	3.69	3.74	3.79	4.05	4.03	4.02	4.00	3.98	3.96	3.95	3.93	3.91	3.89	3.88	3.86	3.84	3.82	3.81	3.79	3.77	3.75	3.74	3.72	3.70	3.69
78.7	3.72	3.77	3.82	4.09	4.07	4.05	4.04	4.02	4.00	3.99	3.97	3.95	3.93	3.92	3.90	3.88	3.86	3.85	3.83	3.81	3.79	3.78	3.76	3.74	3.72
79.1	3.75	3.80	3.85	4.13	4.11	4.09	4.08	4.06	4.04	4.02	4.01	3.99	3.97	3.95	3.94	3.92	3.90	3.88	3.87	3.85	3.83	3.82	3.80	3.78	3.76
79.5	3.78	3.83	3.88	4.17	4.15	4.13	4.12	4.10	4.08	4.06	4.05	4.03	4.01	3.99	3.98	3.96	3.94	3.92	3.91	3.89	3.87	3.85	3.84	3.82	3.80
79.9	3.81	3.86	3.91	4.21	4.19	4.17	4.15	4.14	4.12	4.10	4.08	4.07	4.05	4.03	4.02	4.00	3.98	3.96	3.95	3.93	3.91	3.89	3.88	3.86	3.84
80.3	3.84	3.89	3.94	4.25	4.23	4.21	4.19	4.18	4.16	4.14	4.12	4.11	4.09	4.07	4.05	4.04	4.02	4.00	3.98	3.97	3.95	3.93	3.91	3.90	3.88
80.7	3.87	3.92	3.97	4.28	4.27	4.25	4.23	4.22	4.20	4.18	4.16	4.15	4.13	4.11	4.09	4.08	4.06	4.04	4.02	4.01	3.99	3.97	3.95	3.94	3.92
81.1	3.90	3.95	4.00	4.32	4.31	4.29	4.27	4.25	4.24	4.22	4.20	4.18	4.17	4.15	4.13	4.11	4.10	4.08	4.06	4.05	4.03	4.01	3.99	3.98	3.96
81.5	3.93	3.98	4.03	4.36	4.35	4.33	4.31	4.29	4.28	4.26	4.24	4.22	4.21	4.19	4.17	4.15	4.14	4.12	4.10	4.08	4.07	4.05	4.03	4.01	4.00
81.9	3.96	4.01	4.06	4.40	4.38	4.37	4.35	4.33	4.31	4.30	4.28	4.26	4.24	4.23	4.21	4.19	4.18	4.16	4.14	4.12	4.11	4.09	4.07	4.05	4.04
82.3	3.99	4.04	4.09	4.44	4.42	4.41	4.39	4.37	4.35	4.34	4.32	4.30	4.28	4.27	4.25	4.23	4.21	4.20	4.18	4.16	4.14	4.13	4.11	4.09	4.08
82.7	4.02	4.07	4.12	4.48	4.46	4.44	4.43	4.41	4.39	4.38	4.36	4.34	4.32	4.31	4.29	4.27	4.25	4.24	4.22	4.20	4.18	4.17	4.15	4.13	4.11

PREDICTION EQUATIONS FOR FVC MALES * 60% OF PREDICTED **

HEIGHT	AGE (YEARS)																								
(IN)	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71
59.1	1.76	1.74	1.72	1.70	1.69	1.67	1.65	1.63	1.62	1.60	1.58	1.57	1.55	1.53	1.51	1.50	1.48	1.46	1.44	1.43	1.41	1.39	1.37	1.36	1.34
59.4	1.80	1.78	1.76	1.74	1.73	1.71	1.69	1.67	1.66	1.64	1.62	1.60	1.59	1.57	1.55	1.53	1.52	1.50	1.48	1.47	1.45	1.43	1.41	1.40	1.38
59.8	1.83	1.82	1.80	1.78	1.77	1.75	1.73	1.71	1.70	1.68	1.66	1.64	1.63	1.61	1.59	1.57	1.56	1.54	1.52	1.50	1.49	1.47	1.45	1.43	1.42
60.2	1.87	1.86	1.84	1.82	1.80	1.79	1.77	1.75	1.73	1.72	1.70	1.68	1.66	1.65	1.63	1.61	1.60	1.58	1.56	1.54	1.53	1.51	1.49	1.47	1.46
60.6	1.91	1.90	1.88	1.86	1.84	1.83	1.81	1.79	1.77	1.76	1.74	1.72	1.70	1.69	1.67	1.65	1.63	1.62	1.60	1.58	1.56	1.55	1.53	1.51	1.50
61.0	1.95	1.93	1.92	1.90	1.88	1.86	1.85	1.83	1.81	1.80	1.78	1.76	1.74	1.73	1.71	1.69	1.67	1.66	1.64	1.62	1.60	1.59	1.57	1.55	1.53
61.4	1.99	1.97	1.96	1.94	1.92	1.90	1.89	1.87	1.85	1.83	1.82	1.80	1.78	1.76	1.75	1.73	1.71	1.69	1.68	1.66	1.64	1.63	1.61	1.59	1.57
61.8	2.03	2.01	2.00	1.98	1.96	1.94	1.93	1.91	1.89	1.87	1.86	1.84	1.82	1.80	1.79	1.77	1.75	1.73	1.72	1.70	1.68	1.66	1.65	1.63	1.61
62.2	2.07	2.05	2.03	2.02	2.00	1.98	1.96	1.95	1.93	1.91	1.89	1.88	1.86	1.84	1.83	1.81	1.79	1.77	1.76	1.74	1.72	1.70	1.69	1.67	1.65
62.6	2.11	2.09	2.07	2.06	2.04	2.02	2.00	1.99	1.97	1.95	1.93	1.92	1.90	1.88	1.86	1.85	1.83	1.81	1.79	1.78	1.76	1.74	1.73	1.71	1.69
63.0	2.15	2.13	2.11	2.09	2.08	2.06	2.04	2.02	2.01	1.99	1.97	1.96	1.94	1.92	1.90	1.89	1.87	1.85	1.83	1.82	1.80	1.78	1.76	1.75	1.73
63.4	2.19	2.17	2.15	2.13	2.12	2.10	2.08	2.06	2.05	2.03	2.01	1.99	1.98	1.96	1.94	1.92	1.91	1.89	1.87	1.86	1.84	1.82	1.80	1.79	1.77
63.8	2.22	2.21	2.19	2.17	2.16	2.14	2.12	2.10	2.09	2.07	2.05	2.03	2.02	2.00	1.98	1.96	1.95	1.93	1.91	1.89	1.88	1.86	1.84	1.82	1.81
64.2	2.26	2.25	2.23	2.21	2.19	2.18	2.16	2.14	2.12	2.11	2.09	2.07	2.05	2.04	2.02	2.00	1.99	1.97	1.95	1.93	1.92	1.90	1.88	1.86	1.85
64.6	2.30	2.29	2.27	2.25	2.23	2.22	2.20	2.18	2.16	2.15	2.13	2.11	2.09	2.08	2.06	2.04	2.02	2.01	1.99	1.97	1.95	1.94	1.92	1.90	1.89
65.0	2.34	2.32	2.31	2.29	2.27	2.25	2.24	2.22	2.20	2.19	2.17	2.15	2.13	2.12	2.10	2.08	2.06	2.05	2.03	2.01	1.99	1.98	1.96	1.94	1.92
65.4	2.38	2.36	2.35	2.33	2.31	2.29	2.28	2.26	2.24	2.22	2.21	2.19	2.17	2.15	2.14	2.12	2.10	2.09	2.07	2.05	2.03	2.02	2.00	1.98	1.96
65.7	2.42	2.40	2.38	2.37	2.35	2.33	2.32	2.30	2.28	2.26	2.25	2.23	2.21	2.19	2.18	2.16	2.14	2.12	2.11	2.09	2.07	2.05	2.04	2.02	2.00
66.1	2.46	2.44	2.42	2.41	2.39	2.37	2.35	2.34	2.32	2.30	2.28	2.27	2.25	2.23	2.22	2.20	2.18	2.16	2.15	2.13	2.11	2.09	2.08	2.06	2.04
66.5	2.50	2.48	2.46	2.45	2.43	2.41	2.39	2.38	2.36	2.34	2.32	2.31	2.29	2.27	2.25	2.24	2.22	2.20	2.18	2.17	2.15	2.13	2.11	2.10	2.08
66.9	2.54	2.52	2.50	2.48	2.47	2.45	2.43	2.41	2.40	2.38	2.36	2.35	2.33	2.31	2.29	2.28	2.26	2.24	2.22	2.21	2.19	2.17	2.15	2.14	2.12
67.3	2.58	2.56	2.54	2.52	2.51	2.49	2.47	2.45	2.44	2.42	2.40	2.38	2.37	2.35	2.33	2.31	2.30	2.28	2.26	2.25	2.23	2.21	2.19	2.18	2.16
67.7	2.61	2.60	2.58	2.56	2.55	2.53	2.51	2.49	2.48	2.46	2.44	2.42	2.41	2.39	2.37	2.35	2.34	2.32	2.30	2.28	2.27	2.25	2.23	2.21	2.20
68.1	2.65	2.64	2.62	2.60	2.58	2.57	2.55	2.53	2.51	2.50	2.48	2.46	2.44	2.43	2.41	2.39	2.38	2.36	2.34	2.32	2.31	2.29	2.27	2.25	2.24
68.5	2.69	2.68	2.66	2.64	2.62	2.61	2.59	2.57	2.55	2.54	2.52	2.50	2.48	2.47	2.45	2.43	2.41	2.40	2.38	2.36	2.34	2.33	2.31	2.29	2.28
68.9	2.73	2.71	2.70	2.68	2.66	2.64	2.63	2.61	2.59	2.58	2.56	2.54	2.52	2.51	2.49	2.47	2.45	2.44	2.42	2.40	2.38	2.37	2.35	2.33	2.31
69.3	2.77	2.75	2.74	2.72	2.70	2.68	2.67	2.65	2.63	2.61	2.60	2.58	2.56	2.54	2.53	2.51	2.49	2.47	2.46	2.44	2.42	2.41	2.39	2.37	2.35
69.7	2.81	2.79	2.77	2.76	2.74	2.72	2.71	2.69	2.67	2.65	2.64	2.62	2.60	2.58	2.57	2.55	2.53	2.51	2.50	2.48	2.46	2.44	2.43	2.41	2.39
70.1	2.85	2.83	2.81	2.80	2.78	2.76	2.74	2.73	2.71	2.69	2.67	2.66	2.64	2.62	2.61	2.59	2.57	2.55	2.54	2.52	2.50	2.48	2.47	2.45	2.43
70.5	2.89	2.87	2.85	2.84	2.82	2.80	2.78	2.77	2.75	2.73	2.71	2.70	2.68	2.66	2.64	2.63	2.61	2.59	2.57	2.56	2.54	2.52	2.50	2.49	2.47
70.9	2.93	2.91	2.89	2.87	2.86	2.84	2.82	2.80	2.79	2.77	2.75	2.74	2.72	2.70	2.68	2.67	2.65	2.63	2.61	2.60	2.58	2.56	2.54	2.53	2.51
71.3	2.97	2.95	2.93	2.91	2.90	2.88	2.86	2.84	2.83	2.81	2.79	2.77	2.76	2.74	2.72	2.70	2.69	2.67	2.65	2.64	2.62	2.60	2.58	2.57	2.55
71.7	3.00	2.99	2.97	2.95	2.94	2.92	2.90	2.88	2.87	2.85	2.83	2.81	2.80	2.78	2.76	2.74	2.73	2.71	2.69	2.67	2.66	2.64	2.62	2.60	2.59
72.0	3.04	3.03	3.01	2.99	2.97	2.96	2.94	2.92	2.90	2.89	2.87	2.85	2.83	2.82	2.80	2.78	2.77	2.75	2.73	2.71	2.70	2.68	2.66	2.64	2.63
72.4	3.08	3.07	3.05	3.03	3.01	3.00	2.98	2.96	2.94	2.93	2.91	2.89	2.87	2.86	2.84	2.82	2.80	2.79	2.77	2.75	2.73	2.72	2.70	2.68	2.67
72.8	3.12	3.10	3.09	3.07	3.05	3.03	3.02	3.00	2.98	2.97	2.95	2.93	2.91	2.90	2.88	2.86	2.84	2.83	2.81	2.79	2.77	2.76	2.74	2.72	2.70
73.2	3.16	3.14	3.13	3.11	3.09	3.07	3.06	3.04	3.02	3.00	2.99	2.97	2.95	2.93	2.92	2.90	2.88	2.86	2.85	2.83	2.81	2.80	2.78	2.76	2.74
73.6	3.20	3.18	3.16	3.15	3.13	3.11	3.10	3.08	3.06	3.04	3.03	3.01	2.99	2.97	2.96	2.94	2.92	2.90	2.89	2.87	2.85	2.83	2.82	2.80	2.78
74.0	3.24	3.22	3.20	3.19	3.17	3.15	3.13	3.12	3.10	3.08	3.06	3.05	3.03	3.01	3.00	2.98	2.96	2.94	2.93	2.91	2.89	2.87	2.86	2.84	2.82
74.4	3.28	3.26	3.24	3.23	3.21	3.19	3.17	3.16	3.14	3.12	3.10	3.09	3.07	3.05	3.03	3.02	3.00	2.98	2.96	2.95	2.93	2.91	2.89	2.88	2.86
74.8	3.32	3.30	3.28	3.26	3.25	3.23	3.21	3.19	3.18	3.16	3.14	3.13	3.11	3.09	3.07	3.06	3.04	3.02	3.00	2.99	2.97	2.95	2.93	2.92	2.90
75.2	3.36	3.34	3.32	3.30	3.29	3.27	3.25	3.23	3.22	3.20	3.18	3.16	3.15	3.13	3.11	3.09	3.08	3.06	3.04	3.03	3.01	2.99	2.97	2.96	2.94
75.6	3.39	3.38	3.36	3.34	3.33	3.31	3.29	3.27	3.26	3.24	3.22	3.20	3.19	3.17	3.15	3.13	3.12	3.10	3.08	3.06	3.05	3.03	3.01	2.99	2.98
76.0	3.43	3.42	3.40	3.38	3.36	3.35	3.33	3.31	3.29	3.28	3.26	3.24	3.22	3.21	3.19	3.17	3.16	3.14	3.12	3.10	3.09	3.07	3.05	3.03	3.02
76.4	3.47	3.46	3.44	3.42	3.40	3.39	3.37	3.35	3.33	3.32	3.30	3.28	3.26	3.25	3.23	3.21	3.19	3.18	3.16	3.14	3.12	3.11	3.09	3.07	3.06
76.8	3.51	3.49	3.48	3.46	3.44	3.42	3.41	3.39	3.37	3.36	3.34	3.32	3.30	3.29	3.27	3.25	3.23	3.22	3.20	3.18	3.16	3.15	3.13	3.11	3.09
77.2	3.55	3.53	3.52	3.50	3.48	3.46	3.45	3.43	3.41	3.39	3.38	3.36	3.34	3.32	3.31	3.29	3.27	3.25	3.24	3.22	3.20	3.19	3.17	3.15	3.13
77.6	3.59	3.57	3.55	3.54	3.52	3.50	3.49	3.47	3.45	3.43	3.42	3.40	3.38	3.36	3.35	3.33	3.31	3.29	3.28	3.26	3.24	3.22	3.21	3.19	3.17
78.0	3.63	3.61	3.59	3.58	3.56	3.54	3.52	3.51	3.49	3.47	3.45	3.44	3.42	3.40	3.39	3.37	3.35	3.33	3.32	3.30	3.28	3.26	3.25	3.23	3.21
78.3	3.67	3.65	3.63	3.62	3.60	3.58	3.56	3.55	3.53	3.51	3.49	3.48	3.46	3.44	3.42	3.41	3.39	3.37	3.35	3.34	3.32	3.30	3.28	3.27	3.25
78.7	3.71	3.69	3.67	3.65	3.64	3.62	3.60	3.59	3.57	3.55	3.53	3.52	3.50	3.48	3.46	3.45	3.43	3.41	3.39	3.38	3.36	3.34	3.32	3.31	3.29
79.1	3.75	3.73	3.71	3.69	3.68	3.66	3.64	3.62	3.61	3.59	3.57	3.55	3.54	3.52	3.50	3.48	3.47	3.45	3.43	3.42	3.40	3.38	3.36	3.35	3.33
79.5	3.78	3.77	3.75	3.73	3.72	3.70	3.68	3.66	3.65	3.63	3.61	3.59	3.58	3.56	3.54	3.52	3.51	3.49	3.47	3.45	3.44	3.42	3.40	3.38	3.37
79.9	3.82	3.81	3.79	3.77	3.75	3.74	3.72	3.70	3.68	3.67	3.65	3.63	3.62	3.60	3.58	3.56	3.55	3.53	3.51	3.49	3.48	3.46	3.44	3.42	3.41
80.3	3.86	3.85	3.83	3.81	3.79	3.78	3.76	3.74	3.72	3.71	3.69	3.67	3.65	3.64	3.62	3.60	3.58	3.57	3.55	3.53	3.51	3.50	3.48	3.46	3.45
80.7	3.90	3.88	3.87	3.85	3.83	3.81	3.80	3.78	3.76	3.75	3.73	3.71	3.69	3.68	3.66	3.64	3.62	3.61	3.59	3.57	3.55	3.54	3.52	3.50	3.48
81.1	3.94	3.92	3.91	3.89	3.87	3.85	3.84	3.82	3.80	3.78	3.77	3.75	3.73	3.71	3.70	3.68	3.66	3.64	3.63	3.61	3.59	3.58	3.56	3.54	3.52
81.5	3.98	3.96	3.94	3.93	3.91	3.89	3.88	3.86	3.84	3.82	3.81	3.79	3.77	3.75	3.74	3.72	3.70	3.68	3.67	3.65	3.63	3.61	3.60	3.58	3.56
81.9	4.02	4.00	3.98	3.97	3.95	3.93	3.91	3.90	3.88	3.86	3.84	3.83	3.81	3.79	3.78	3.76	3.74	3.72	3.71	3.69	3.67	3.65	3.64	3.62	3.60
82.3	4.06	4.04	4.02	4.01	3.99	3.97	3.95	3.94	3.92	3.90	3.88	3.87	3.85	3.83	3.81	3.80	3.78	3.76	3.74	3.73	3.71	3.69	3.67	3.66	3.64
82.7	4.10	4.08	4.06	4.04	4.03	4.01	3.99	3.97	3.96	3.94	3.92	3.91	3.89	3.87	3.85	3.84	3.82	3.80	3.78	3.77	3.75	3.73	3.71	3.70	3.68

PREDICTION EQUATIONS FOR FVC FEMALES * 80% OF PREDICTED **

HEIGHT	AGE (YEARS)																								
(IN)	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46
51.2	1.53	1.52	1.50	1.49	1.48	1.47	1.45	1.44	1.43	1.41	1.40	1.39	1.37	1.36	1.35	1.33	1.32	1.31	1.29	1.28	1.27	1.25	1.24	1.23	1.21
51.6	1.55	1.54	1.53	1.51	1.50	1.49	1.47	1.46	1.45	1.43	1.42	1.41	1.40	1.38	1.37	1.36	1.34	1.33	1.32	1.30	1.29	1.28	1.26	1.25	1.24
52.0	1.58	1.56	1.55	1.54	1.52	1.51	1.50	1.48	1.47	1.46	1.44	1.43	1.42	1.40	1.39	1.38	1.36	1.35	1.34	1.32	1.31	1.30	1.29	1.27	1.26
52.4	1.60	1.58	1.57	1.56	1.54	1.53	1.52	1.51	1.49	1.48	1.47	1.45	1.44	1.43	1.41	1.40	1.39	1.37	1.36	1.35	1.33	1.32	1.31	1.29	1.28
52.8	1.62	1.61	1.59	1.58	1.57	1.55	1.54	1.53	1.51	1.50	1.49	1.47	1.46	1.45	1.44	1.42	1.41	1.40	1.38	1.37	1.36	1.34	1.33	1.32	1.30
53.1	1.64	1.63	1.62	1.60	1.59	1.58	1.56	1.55	1.54	1.52	1.51	1.50	1.48	1.47	1.46	1.44	1.43	1.42	1.40	1.39	1.38	1.37	1.35	1.34	1.33
53.5	1.66	1.65	1.64	1.62	1.61	1.60	1.59	1.57	1.56	1.55	1.53	1.52	1.51	1.49	1.48	1.47	1.45	1.44	1.43	1.41	1.40	1.39	1.37	1.36	1.35
53.9	1.69	1.67	1.66	1.65	1.63	1.62	1.61	1.59	1.58	1.57	1.55	1.54	1.53	1.52	1.50	1.49	1.48	1.46	1.45	1.44	1.42	1.41	1.40	1.38	1.37
54.3	1.71	1.70	1.68	1.67	1.66	1.64	1.63	1.62	1.60	1.59	1.58	1.56	1.55	1.54	1.52	1.51	1.50	1.48	1.47	1.46	1.44	1.43	1.42	1.41	1.39
54.7	1.73	1.72	1.70	1.69	1.68	1.67	1.65	1.64	1.63	1.61	1.60	1.59	1.57	1.56	1.55	1.53	1.52	1.51	1.49	1.48	1.47	1.45	1.44	1.43	1.41
55.1	1.75	1.74	1.73	1.71	1.70	1.69	1.67	1.66	1.65	1.63	1.62	1.61	1.59	1.58	1.57	1.56	1.54	1.53	1.52	1.50	1.49	1.48	1.46	1.45	1.44
55.5	1.78	1.76	1.75	1.74	1.72	1.71	1.70	1.68	1.67	1.66	1.64	1.63	1.62	1.60	1.59	1.58	1.56	1.55	1.54	1.52	1.51	1.50	1.49	1.47	1.46
55.9	1.80	1.78	1.77	1.76	1.74	1.73	1.72	1.71	1.69	1.68	1.67	1.65	1.64	1.63	1.61	1.60	1.59	1.57	1.56	1.55	1.53	1.52	1.51	1.49	1.48
56.3	1.82	1.81	1.79	1.78	1.77	1.75	1.74	1.73	1.71	1.70	1.69	1.67	1.66	1.65	1.63	1.62	1.61	1.60	1.58	1.57	1.56	1.54	1.53	1.52	1.50
56.7	1.84	1.83	1.82	1.80	1.79	1.78	1.76	1.75	1.74	1.72	1.71	1.70	1.68	1.67	1.66	1.64	1.63	1.62	1.60	1.59	1.58	1.56	1.55	1.54	1.53
57.1	1.86	1.85	1.84	1.82	1.81	1.80	1.79	1.77	1.76	1.75	1.73	1.72	1.71	1.69	1.68	1.67	1.65	1.64	1.63	1.61	1.60	1.59	1.57	1.56	1.55
57.5	1.89	1.87	1.86	1.85	1.83	1.82	1.81	1.79	1.78	1.77	1.75	1.74	1.73	1.71	1.70	1.69	1.68	1.66	1.65	1.64	1.62	1.61	1.60	1.58	1.57
57.9	1.91	1.90	1.88	1.87	1.86	1.84	1.83	1.82	1.80	1.79	1.78	1.76	1.75	1.74	1.72	1.71	1.70	1.68	1.67	1.66	1.64	1.63	1.62	1.61	1.59
58.3	1.93	1.92	1.90	1.89	1.88	1.86	1.85	1.84	1.83	1.81	1.80	1.79	1.77	1.76	1.75	1.73	1.72	1.71	1.69	1.68	1.67	1.65	1.64	1.63	1.61
58.7	1.95	1.94	1.93	1.91	1.90	1.89	1.87	1.86	1.85	1.83	1.82	1.81	1.79	1.78	1.77	1.75	1.74	1.73	1.72	1.70	1.69	1.68	1.66	1.65	1.64
59.1	1.98	1.96	1.95	1.94	1.92	1.91	1.90	1.88	1.87	1.86	1.84	1.83	1.82	1.80	1.79	1.78	1.76	1.75	1.74	1.72	1.71	1.70	1.68	1.67	1.66
59.4	2.00	1.98	1.97	1.96	1.94	1.93	1.92	1.90	1.89	1.88	1.87	1.85	1.84	1.83	1.81	1.80	1.79	1.77	1.76	1.75	1.73	1.72	1.71	1.69	1.68
59.8	2.02	2.01	1.99	1.98	1.97	1.95	1.94	1.93	1.91	1.90	1.89	1.87	1.86	1.85	1.83	1.82	1.81	1.80	1.78	1.77	1.76	1.74	1.73	1.72	1.70
60.2	2.04	2.03	2.02	2.00	1.99	1.98	1.96	1.95	1.94	1.92	1.91	1.90	1.88	1.87	1.86	1.84	1.83	1.82	1.80	1.79	1.78	1.76	1.75	1.74	1.73
60.6	2.06	2.05	2.04	2.02	2.01	2.00	1.98	1.97	1.96	1.95	1.93	1.92	1.91	1.89	1.88	1.87	1.85	1.84	1.83	1.81	1.80	1.79	1.77	1.76	1.75
61.0	2.09	2.07	2.06	2.05	2.03	2.02	2.01	1.99	1.98	1.97	1.95	1.94	1.93	1.91	1.90	1.89	1.88	1.86	1.85	1.84	1.82	1.81	1.80	1.78	1.77
61.4	2.11	2.10	2.08	2.07	2.06	2.04	2.03	2.02	2.00	1.99	1.98	1.96	1.95	1.94	1.92	1.91	1.90	1.88	1.87	1.86	1.84	1.83	1.82	1.80	1.79
61.8	2.13	2.12	2.10	2.09	2.08	2.06	2.05	2.04	2.03	2.01	2.00	1.99	1.97	1.96	1.95	1.93	1.92	1.91	1.89	1.88	1.87	1.85	1.84	1.83	1.81
62.2	2.15	2.14	2.13	2.11	2.10	2.09	2.07	2.06	2.05	2.03	2.02	2.01	1.99	1.98	1.97	1.95	1.94	1.93	1.92	1.90	1.89	1.88	1.86	1.85	1.84
62.6	2.17	2.16	2.15	2.14	2.12	2.11	2.10	2.08	2.07	2.06	2.04	2.03	2.02	2.00	1.99	1.98	1.96	1.95	1.94	1.92	1.91	1.90	1.88	1.87	1.86
63.0	2.20	2.18	2.17	2.16	2.14	2.13	2.12	2.10	2.09	2.08	2.07	2.05	2.04	2.03	2.01	2.00	1.99	1.97	1.96	1.95	1.93	1.92	1.91	1.89	1.88
63.4	2.22	2.21	2.19	2.18	2.17	2.15	2.14	2.13	2.11	2.10	2.09	2.07	2.06	2.05	2.03	2.02	2.01	2.00	1.98	1.97	1.96	1.94	1.93	1.92	1.90
63.8	2.24	2.23	2.22	2.20	2.19	2.18	2.16	2.15	2.14	2.12	2.11	2.10	2.08	2.07	2.06	2.04	2.03	2.02	2.00	1.99	1.98	1.96	1.95	1.94	1.92
64.2	2.26	2.25	2.24	2.22	2.21	2.20	2.18	2.17	2.16	2.15	2.13	2.12	2.11	2.09	2.08	2.07	2.05	2.04	2.03	2.01	2.00	1.99	1.97	1.96	1.95
64.6	2.29	2.27	2.26	2.25	2.23	2.22	2.21	2.19	2.18	2.17	2.15	2.14	2.13	2.11	2.10	2.09	2.07	2.06	2.05	2.04	2.02	2.01	2.00	1.98	1.97
65.0	2.31	2.30	2.28	2.27	2.26	2.24	2.23	2.22	2.20	2.19	2.18	2.16	2.15	2.14	2.12	2.11	2.10	2.08	2.07	2.06	2.04	2.03	2.02	2.00	1.99
65.4	2.33	2.32	2.30	2.29	2.28	2.26	2.25	2.24	2.22	2.21	2.20	2.19	2.17	2.16	2.15	2.13	2.12	2.11	2.09	2.08	2.07	2.05	2.04	2.03	2.01
65.7	2.35	2.34	2.33	2.31	2.30	2.29	2.27	2.26	2.25	2.23	2.22	2.21	2.19	2.18	2.17	2.15	2.14	2.13	2.12	2.10	2.09	2.08	2.06	2.05	2.04
66.1	2.37	2.36	2.35	2.34	2.32	2.31	2.30	2.28	2.27	2.26	2.24	2.23	2.22	2.20	2.19	2.18	2.16	2.15	2.14	2.12	2.11	2.10	2.08	2.07	2.06
66.5	2.40	2.38	2.37	2.36	2.34	2.33	2.32	2.30	2.29	2.28	2.27	2.25	2.24	2.23	2.21	2.20	2.19	2.17	2.16	2.15	2.13	2.12	2.11	2.09	2.08
66.9	2.42	2.41	2.39	2.38	2.37	2.35	2.34	2.33	2.31	2.30	2.29	2.27	2.26	2.25	2.23	2.22	2.21	2.19	2.18	2.17	2.16	2.14	2.13	2.12	2.10
67.3	2.44	2.43	2.42	2.40	2.39	2.38	2.36	2.35	2.34	2.32	2.31	2.30	2.28	2.27	2.26	2.24	2.23	2.22	2.20	2.19	2.18	2.16	2.15	2.14	2.12
67.7	2.46	2.45	2.44	2.42	2.41	2.40	2.38	2.37	2.36	2.34	2.33	2.32	2.31	2.29	2.28	2.27	2.25	2.24	2.23	2.21	2.20	2.19	2.17	2.16	2.15
68.1	2.49	2.47	2.46	2.45	2.43	2.42	2.41	2.39	2.38	2.37	2.35	2.34	2.33	2.31	2.30	2.29	2.27	2.26	2.25	2.24	2.22	2.21	2.20	2.18	2.17
68.5	2.51	2.49	2.48	2.47	2.46	2.44	2.43	2.42	2.40	2.39	2.38	2.36	2.35	2.34	2.32	2.31	2.30	2.28	2.27	2.26	2.24	2.23	2.22	2.20	2.19
68.9	2.53	2.52	2.50	2.49	2.48	2.46	2.45	2.44	2.42	2.41	2.40	2.38	2.37	2.36	2.35	2.33	2.32	2.31	2.29	2.28	2.27	2.25	2.24	2.23	2.21
69.3	2.55	2.54	2.53	2.51	2.50	2.49	2.47	2.46	2.45	2.43	2.42	2.41	2.39	2.38	2.37	2.35	2.34	2.33	2.31	2.30	2.29	2.28	2.26	2.25	2.24
69.7	2.57	2.56	2.55	2.54	2.52	2.51	2.50	2.48	2.47	2.46	2.44	2.43	2.42	2.40	2.39	2.38	2.36	2.35	2.34	2.32	2.31	2.30	2.28	2.27	2.26
70.1	2.60	2.58	2.57	2.56	2.54	2.53	2.52	2.50	2.49	2.48	2.46	2.45	2.44	2.43	2.41	2.40	2.39	2.37	2.36	2.35	2.33	2.32	2.31	2.29	2.28
70.5	2.62	2.61	2.59	2.58	2.57	2.55	2.54	2.53	2.51	2.50	2.49	2.47	2.46	2.45	2.43	2.42	2.41	2.39	2.38	2.37	2.36	2.34	2.33	2.32	2.30
70.9	2.64	2.63	2.61	2.60	2.59	2.58	2.56	2.55	2.54	2.52	2.51	2.50	2.48	2.47	2.46	2.44	2.43	2.42	2.40	2.39	2.38	2.36	2.35	2.34	2.32
71.3	2.66	2.65	2.64	2.62	2.61	2.60	2.58	2.57	2.56	2.54	2.53	2.52	2.50	2.49	2.48	2.47	2.45	2.44	2.43	2.41	2.40	2.39	2.37	2.36	2.35
71.7	2.69	2.67	2.66	2.65	2.63	2.62	2.61	2.59	2.58	2.57	2.55	2.54	2.53	2.51	2.50	2.49	2.47	2.46	2.45	2.43	2.42	2.41	2.40	2.38	2.37
72.0	2.71	2.69	2.68	2.67	2.65	2.64	2.63	2.62	2.60	2.59	2.58	2.56	2.55	2.54	2.52	2.51	2.50	2.48	2.47	2.46	2.44	2.43	2.42	2.40	2.39
72.4	2.73	2.72	2.70	2.69	2.68	2.66	2.65	2.64	2.62	2.61	2.60	2.58	2.57	2.56	2.55	2.53	2.52	2.51	2.49	2.48	2.47	2.45	2.44	2.43	2.41
72.8	2.75	2.74	2.73	2.71	2.70	2.69	2.67	2.66	2.65	2.63	2.62	2.61	2.59	2.58	2.57	2.55	2.54	2.53	2.51	2.50	2.49	2.48	2.46	2.45	2.44
73.2	2.77	2.76	2.75	2.73	2.72	2.71	2.70	2.68	2.67	2.66	2.64	2.63	2.62	2.60	2.59	2.58	2.56	2.55	2.54	2.52	2.51	2.50	2.48	2.47	2.46
73.6	2.80	2.78	2.77	2.76	2.74	2.73	2.72	2.70	2.69	2.68	2.66	2.65	2.64	2.63	2.61	2.60	2.59	2.57	2.56	2.55	2.53	2.52	2.51	2.49	2.48
74.0	2.82	2.81	2.79	2.78	2.77	2.75	2.74	2.73	2.71	2.70	2.69	2.67	2.66	2.65	2.63	2.62	2.61	2.59	2.58	2.57	2.55	2.54	2.53	2.52	2.50
74.4	2.84	2.83	2.81	2.80	2.79	2.78	2.76	2.75	2.74	2.72	2.71	2.70	2.68	2.67	2.66	2.64	2.63	2.62	2.60	2.59	2.58	2.56	2.55	2.54	2.52
74.8	2.86	2.85	2.84	2.82	2.81	2.80	2.78	2.77	2.76	2.74	2.73	2.72	2.70	2.69	2.68	2.67	2.65	2.64	2.63	2.61	2.60	2.59	2.57	2.56	2.55

PREDICTION EQUATIONS FOR FVC FEMALES * 80% OF PREDICTED **

HEIGHT (IN)	AGE (YEARS) 47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71
51.2	1.20	1.19	1.17	1.16	1.15	1.14	1.12	1.11	1.10	1.08	1.07	1.06	1.04	1.03	1.02	1.00	0.99	0.98	0.96	0.95	0.94	0.92	0.91	0.90	0.88
51.6	1.22	1.21	1.20	1.18	1.17	1.16	1.14	1.13	1.12	1.10	1.09	1.08	1.07	1.05	1.04	1.03	1.01	1.00	0.99	0.97	0.96	0.95	0.93	0.92	0.91
52.0	1.25	1.23	1.22	1.21	1.19	1.18	1.17	1.15	1.14	1.13	1.11	1.10	1.09	1.07	1.06	1.05	1.03	1.02	1.01	0.99	0.98	0.97	0.96	0.94	0.93
52.4	1.27	1.25	1.24	1.23	1.21	1.20	1.19	1.18	1.16	1.15	1.14	1.12	1.11	1.10	1.08	1.07	1.06	1.04	1.03	1.02	1.00	0.99	0.98	0.96	0.95
52.8	1.29	1.28	1.26	1.25	1.24	1.22	1.21	1.20	1.18	1.17	1.16	1.14	1.13	1.12	1.11	1.09	1.08	1.07	1.05	1.04	1.03	1.01	1.00	0.99	0.97
53.1	1.31	1.30	1.29	1.27	1.26	1.25	1.23	1.22	1.21	1.19	1.18	1.17	1.15	1.14	1.13	1.11	1.10	1.09	1.07	1.06	1.05	1.03	1.02	1.01	1.00
53.5	1.33	1.32	1.31	1.29	1.28	1.27	1.26	1.24	1.23	1.22	1.20	1.19	1.18	1.16	1.15	1.14	1.12	1.11	1.10	1.08	1.07	1.06	1.04	1.03	1.02
53.9	1.36	1.34	1.33	1.32	1.30	1.29	1.28	1.26	1.25	1.24	1.22	1.21	1.20	1.19	1.17	1.16	1.15	1.13	1.12	1.11	1.09	1.08	1.07	1.05	1.04
54.3	1.38	1.37	1.35	1.34	1.33	1.31	1.30	1.29	1.27	1.26	1.25	1.23	1.22	1.21	1.19	1.18	1.17	1.15	1.14	1.13	1.11	1.10	1.09	1.08	1.06
54.7	1.40	1.39	1.37	1.36	1.35	1.34	1.32	1.31	1.30	1.28	1.27	1.26	1.24	1.23	1.22	1.20	1.19	1.18	1.16	1.15	1.14	1.12	1.11	1.10	1.08
55.1	1.42	1.41	1.40	1.38	1.37	1.36	1.34	1.33	1.32	1.30	1.29	1.28	1.26	1.25	1.24	1.23	1.21	1.20	1.19	1.17	1.16	1.15	1.13	1.12	1.11
55.5	1.45	1.43	1.42	1.41	1.39	1.38	1.37	1.35	1.34	1.33	1.31	1.30	1.29	1.27	1.26	1.25	1.23	1.22	1.21	1.19	1.18	1.17	1.15	1.14	1.13
55.9	1.47	1.45	1.44	1.43	1.41	1.40	1.39	1.38	1.36	1.35	1.34	1.32	1.31	1.30	1.28	1.27	1.26	1.24	1.23	1.22	1.20	1.19	1.18	1.16	1.15
56.3	1.49	1.48	1.46	1.45	1.44	1.42	1.41	1.40	1.38	1.37	1.36	1.34	1.33	1.32	1.30	1.29	1.28	1.27	1.25	1.24	1.23	1.21	1.20	1.19	1.17
56.7	1.51	1.50	1.49	1.47	1.46	1.45	1.43	1.42	1.41	1.39	1.38	1.37	1.35	1.34	1.33	1.31	1.30	1.29	1.27	1.26	1.25	1.23	1.22	1.21	1.20
57.1	1.53	1.52	1.51	1.49	1.48	1.47	1.46	1.44	1.43	1.42	1.40	1.39	1.38	1.36	1.35	1.34	1.32	1.31	1.30	1.28	1.27	1.26	1.24	1.23	1.22
57.5	1.56	1.54	1.53	1.52	1.50	1.49	1.48	1.46	1.45	1.44	1.42	1.41	1.40	1.38	1.37	1.36	1.35	1.33	1.32	1.31	1.29	1.28	1.27	1.25	1.24
57.9	1.58	1.57	1.55	1.54	1.53	1.51	1.50	1.49	1.47	1.46	1.45	1.43	1.42	1.41	1.39	1.38	1.37	1.35	1.34	1.33	1.31	1.30	1.29	1.28	1.26
58.3	1.60	1.59	1.57	1.56	1.55	1.53	1.52	1.51	1.50	1.48	1.47	1.46	1.44	1.43	1.42	1.40	1.39	1.38	1.36	1.35	1.34	1.32	1.31	1.30	1.28
58.7	1.62	1.61	1.60	1.58	1.57	1.56	1.54	1.53	1.52	1.50	1.49	1.48	1.46	1.45	1.44	1.43	1.41	1.40	1.39	1.37	1.36	1.35	1.33	1.32	1.31
59.1	1.65	1.63	1.62	1.61	1.59	1.58	1.57	1.55	1.54	1.53	1.51	1.50	1.49	1.47	1.46	1.45	1.43	1.42	1.41	1.39	1.38	1.37	1.35	1.34	1.33
59.4	1.67	1.65	1.64	1.63	1.61	1.60	1.59	1.57	1.56	1.55	1.54	1.52	1.51	1.50	1.48	1.47	1.46	1.44	1.43	1.42	1.40	1.39	1.38	1.36	1.35
59.8	1.69	1.68	1.66	1.65	1.64	1.62	1.61	1.60	1.58	1.57	1.56	1.54	1.53	1.52	1.50	1.49	1.48	1.47	1.45	1.44	1.43	1.41	1.40	1.39	1.37
60.2	1.71	1.70	1.69	1.67	1.66	1.65	1.63	1.62	1.61	1.59	1.58	1.57	1.55	1.54	1.53	1.51	1.50	1.49	1.47	1.46	1.45	1.43	1.42	1.41	1.40
60.6	1.73	1.72	1.71	1.69	1.68	1.67	1.65	1.64	1.63	1.62	1.60	1.59	1.58	1.56	1.55	1.54	1.52	1.51	1.50	1.48	1.47	1.46	1.44	1.43	1.42
61.0	1.76	1.74	1.73	1.72	1.70	1.69	1.68	1.66	1.65	1.64	1.62	1.61	1.60	1.58	1.57	1.56	1.55	1.53	1.52	1.51	1.49	1.48	1.47	1.45	1.44
61.4	1.78	1.77	1.75	1.74	1.73	1.71	1.70	1.69	1.67	1.66	1.65	1.63	1.62	1.61	1.59	1.58	1.57	1.55	1.54	1.53	1.51	1.50	1.49	1.47	1.46
61.8	1.80	1.79	1.77	1.76	1.75	1.73	1.72	1.71	1.69	1.68	1.67	1.66	1.64	1.63	1.62	1.60	1.59	1.58	1.56	1.55	1.54	1.52	1.51	1.50	1.48
62.2	1.82	1.81	1.80	1.78	1.77	1.76	1.74	1.73	1.72	1.70	1.69	1.68	1.66	1.65	1.64	1.62	1.61	1.60	1.59	1.57	1.56	1.55	1.53	1.52	1.51
62.6	1.84	1.83	1.82	1.81	1.79	1.78	1.77	1.75	1.74	1.73	1.71	1.70	1.69	1.67	1.66	1.65	1.63	1.62	1.61	1.59	1.58	1.57	1.55	1.54	1.53
63.0	1.87	1.85	1.84	1.83	1.81	1.80	1.79	1.77	1.76	1.75	1.74	1.72	1.71	1.70	1.68	1.67	1.66	1.64	1.63	1.62	1.60	1.59	1.58	1.56	1.55
63.4	1.89	1.88	1.86	1.85	1.84	1.82	1.81	1.80	1.78	1.77	1.76	1.74	1.73	1.72	1.70	1.69	1.68	1.67	1.65	1.64	1.63	1.61	1.60	1.59	1.57
63.8	1.91	1.90	1.89	1.87	1.86	1.85	1.83	1.82	1.81	1.79	1.78	1.77	1.75	1.74	1.73	1.71	1.70	1.69	1.67	1.66	1.65	1.63	1.62	1.61	1.59
64.2	1.93	1.92	1.91	1.89	1.88	1.87	1.85	1.84	1.83	1.82	1.80	1.79	1.78	1.76	1.75	1.74	1.72	1.71	1.70	1.68	1.67	1.66	1.64	1.63	1.62
64.6	1.96	1.94	1.93	1.92	1.90	1.89	1.88	1.86	1.85	1.84	1.82	1.81	1.80	1.78	1.77	1.76	1.74	1.73	1.72	1.71	1.69	1.68	1.67	1.65	1.64
65.0	1.98	1.97	1.95	1.94	1.93	1.91	1.90	1.89	1.87	1.86	1.85	1.83	1.82	1.81	1.79	1.78	1.77	1.75	1.74	1.73	1.71	1.70	1.69	1.67	1.66
65.4	2.00	1.99	1.97	1.96	1.95	1.93	1.92	1.91	1.89	1.88	1.87	1.86	1.84	1.83	1.82	1.80	1.79	1.78	1.76	1.75	1.74	1.72	1.71	1.70	1.68
65.7	2.02	2.01	2.00	1.98	1.97	1.96	1.94	1.93	1.92	1.90	1.89	1.88	1.86	1.85	1.84	1.82	1.81	1.80	1.78	1.77	1.76	1.75	1.73	1.72	1.71
66.1	2.04	2.03	2.02	2.01	1.99	1.98	1.97	1.95	1.94	1.93	1.91	1.90	1.89	1.87	1.86	1.85	1.83	1.82	1.81	1.79	1.78	1.77	1.75	1.74	1.73
66.5	2.07	2.05	2.04	2.03	2.01	2.00	1.99	1.97	1.96	1.95	1.94	1.92	1.91	1.90	1.88	1.87	1.86	1.84	1.83	1.82	1.80	1.79	1.78	1.76	1.75
66.9	2.09	2.08	2.06	2.05	2.04	2.02	2.01	2.00	1.98	1.97	1.96	1.94	1.93	1.92	1.90	1.89	1.88	1.86	1.85	1.84	1.83	1.81	1.80	1.79	1.77
67.3	2.11	2.10	2.09	2.07	2.06	2.05	2.03	2.02	2.01	1.99	1.98	1.97	1.95	1.94	1.93	1.91	1.90	1.89	1.87	1.86	1.85	1.83	1.82	1.81	1.79
67.7	2.13	2.12	2.11	2.09	2.08	2.07	2.05	2.04	2.03	2.01	2.00	1.99	1.98	1.96	1.95	1.94	1.92	1.91	1.90	1.88	1.87	1.86	1.84	1.83	1.82
68.1	2.16	2.14	2.13	2.12	2.10	2.09	2.08	2.06	2.05	2.04	2.02	2.01	2.00	1.98	1.97	1.96	1.94	1.93	1.92	1.91	1.89	1.88	1.87	1.85	1.84
68.5	2.18	2.16	2.15	2.14	2.13	2.11	2.10	2.09	2.07	2.06	2.05	2.03	2.02	2.01	1.99	1.98	1.97	1.95	1.94	1.93	1.91	1.90	1.89	1.87	1.86
68.9	2.20	2.19	2.17	2.16	2.15	2.13	2.12	2.11	2.09	2.08	2.07	2.05	2.04	2.03	2.02	2.00	1.99	1.98	1.96	1.95	1.94	1.92	1.91	1.90	1.88
69.3	2.22	2.21	2.20	2.18	2.17	2.16	2.14	2.13	2.12	2.10	2.09	2.08	2.06	2.05	2.04	2.02	2.01	2.00	1.98	1.97	1.96	1.95	1.93	1.92	1.91
69.7	2.24	2.23	2.22	2.21	2.19	2.18	2.17	2.15	2.14	2.13	2.11	2.10	2.09	2.07	2.06	2.05	2.03	2.02	2.01	1.99	1.98	1.97	1.95	1.94	1.93
70.1	2.27	2.25	2.24	2.23	2.21	2.20	2.19	2.17	2.16	2.15	2.13	2.12	2.11	2.10	2.08	2.07	2.06	2.04	2.03	2.02	2.00	1.99	1.98	1.96	1.95
70.5	2.29	2.28	2.26	2.25	2.24	2.22	2.21	2.20	2.18	2.17	2.16	2.14	2.13	2.12	2.10	2.09	2.08	2.06	2.05	2.04	2.03	2.01	2.00	1.99	1.97
70.9	2.31	2.30	2.28	2.27	2.26	2.25	2.23	2.22	2.21	2.19	2.18	2.17	2.15	2.14	2.13	2.11	2.10	2.09	2.07	2.06	2.05	2.03	2.02	2.01	1.99
71.3	2.33	2.32	2.31	2.29	2.28	2.27	2.25	2.24	2.23	2.21	2.20	2.19	2.18	2.16	2.15	2.14	2.12	2.11	2.10	2.08	2.07	2.06	2.04	2.03	2.02
71.7	2.36	2.34	2.33	2.32	2.30	2.29	2.28	2.26	2.25	2.24	2.22	2.21	2.20	2.18	2.17	2.16	2.14	2.13	2.12	2.10	2.09	2.08	2.07	2.05	2.04
72.0	2.38	2.36	2.35	2.34	2.33	2.31	2.30	2.29	2.27	2.26	2.25	2.23	2.22	2.21	2.19	2.18	2.17	2.15	2.14	2.13	2.11	2.10	2.09	2.07	2.06
72.4	2.40	2.39	2.37	2.36	2.35	2.33	2.32	2.31	2.29	2.28	2.27	2.25	2.24	2.23	2.22	2.20	2.19	2.18	2.16	2.15	2.14	2.12	2.11	2.10	2.08
72.8	2.42	2.41	2.40	2.38	2.37	2.36	2.34	2.33	2.32	2.30	2.29	2.28	2.26	2.25	2.24	2.22	2.21	2.20	2.18	2.17	2.16	2.15	2.13	2.12	2.11
73.2	2.44	2.43	2.42	2.40	2.39	2.38	2.37	2.35	2.34	2.33	2.31	2.30	2.29	2.27	2.26	2.25	2.23	2.22	2.21	2.19	2.18	2.17	2.15	2.14	2.13
73.6	2.47	2.45	2.44	2.43	2.41	2.40	2.39	2.37	2.36	2.35	2.33	2.32	2.31	2.30	2.28	2.27	2.26	2.24	2.23	2.22	2.20	2.19	2.18	2.16	2.15
74.0	2.49	2.48	2.46	2.45	2.44	2.42	2.41	2.40	2.38	2.37	2.36	2.34	2.33	2.32	2.30	2.29	2.28	2.26	2.25	2.24	2.22	2.21	2.20	2.19	2.17
74.4	2.51	2.50	2.48	2.47	2.46	2.44	2.43	2.42	2.41	2.39	2.38	2.37	2.35	2.34	2.33	2.31	2.30	2.29	2.27	2.26	2.25	2.23	2.22	2.21	2.19
74.8	2.53	2.52	2.51	2.49	2.48	2.47	2.45	2.44	2.43	2.41	2.40	2.39	2.37	2.36	2.35	2.34	2.32	2.31	2.30	2.28	2.27	2.26	2.24	2.23	2.22

PREDICTION EQUATIONS FOR MVV — MALES — * 80% OF PREDICTED **

HEIGHT (IN)	AGE (YEARS) 22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46
59.1	74.	75.	76.	70.	69.	69.	68.	68.	67.	66.	66.	65.	64.	64.	63.	62.	62.	61.	60.	60.	59.	58.	58.	57.	57.
59.4	75.	76.	77.	71.	71.	70.	69.	69.	68.	67.	67.	66.	66.	65.	64.	64.	63.	62.	62.	61.	60.	60.	59.	58.	58.
59.8	76.	77.	78.	73.	72.	71.	71.	70.	69.	69.	68.	67.	67.	66.	65.	65.	64.	64.	63.	62.	62.	61.	60.	60.	59.
60.2	77.	78.	79.	74.	73.	73.	72.	71.	71.	70.	69.	69.	68.	67.	67.	66.	65.	65.	64.	64.	63.	62.	62.	61.	60.
60.6	78.	79.	81.	75.	74.	74.	73.	73.	72.	71.	71.	70.	69.	69.	68.	67.	67.	66.	65.	65.	64.	63.	63.	62.	62.
61.0	79.	81.	82.	76.	76.	75.	74.	74.	73.	72.	72.	71.	71.	70.	69.	69.	68.	67.	67.	66.	65.	65.	64.	63.	63.
61.4	81.	82.	83.	78.	77.	76.	76.	75.	74.	74.	73.	72.	72.	71.	70.	70.	69.	69.	68.	67.	67.	66.	65.	65.	64.
61.8	82.	83.	84.	79.	78.	78.	77.	76.	76.	75.	74.	74.	73.	72.	72.	71.	70.	70.	69.	68.	68.	67.	67.	66.	65.
62.2	83.	84.	85.	80.	79.	79.	78.	78.	77.	76.	76.	75.	74.	74.	73.	72.	72.	71.	70.	70.	69.	68.	68.	67.	67.
62.6	84.	85.	86.	81.	81.	80.	79.	79.	78.	77.	77.	76.	76.	75.	74.	74.	73.	72.	72.	71.	70.	70.	69.	68.	68.
63.0	85.	86.	87.	83.	82.	81.	81.	80.	79.	79.	78.	77.	77.	76.	75.	75.	74.	74.	73.	72.	72.	71.	70.	70.	69.
63.4	86.	87.	88.	84.	83.	83.	82.	81.	81.	80.	79.	79.	78.	77.	77.	76.	75.	75.	74.	73.	73.	72.	72.	71.	70.
63.8	87.	88.	89.	85.	84.	84.	83.	83.	82.	81.	81.	80.	79.	79.	78.	77.	77.	76.	75.	75.	74.	73.	73.	72.	71.
64.2	88.	89.	90.	86.	86.	85.	84.	84.	83.	82.	82.	81.	81.	80.	79.	79.	78.	77.	77.	76.	75.	75.	74.	73.	73.
64.6	89.	91.	92.	88.	87.	86.	86.	85.	84.	84.	83.	82.	82.	81.	80.	80.	79.	79.	78.	77.	77.	76.	75.	75.	74.
65.0	91.	92.	93.	89.	88.	88.	87.	86.	86.	85.	84.	84.	83.	82.	82.	81.	80.	80.	79.	78.	78.	77.	77.	76.	75.
65.4	92.	93.	94.	90.	89.	89.	88.	88.	87.	86.	86.	85.	84.	84.	83.	82.	82.	81.	80.	80.	79.	78.	78.	77.	76.
65.7	93.	94.	95.	91.	91.	90.	89.	89.	88.	87.	87.	86.	86.	85.	84.	84.	83.	82.	82.	81.	80.	80.	79.	78.	78.
66.1	94.	95.	96.	93.	92.	91.	91.	90.	89.	89.	88.	87.	87.	86.	85.	85.	84.	84.	83.	82.	82.	81.	80.	80.	79.
66.5	95.	96.	97.	94.	93.	93.	92.	91.	91.	90.	89.	89.	88.	87.	87.	86.	85.	85.	84.	83.	83.	82.	82.	81.	80.
66.9	96.	97.	98.	95.	94.	94.	93.	92.	92.	91.	91.	90.	89.	89.	88.	87.	87.	86.	85.	85.	84.	83.	83.	82.	81.
67.3	97.	98.	99.	96.	96.	95.	94.	94.	93.	92.	92.	91.	91.	90.	89.	89.	88.	87.	87.	86.	85.	85.	84.	83.	83.
67.7	98.	99.	100.	98.	97.	96.	96.	95.	94.	94.	93.	92.	92.	91.	90.	90.	89.	89.	88.	87.	87.	86.	85.	85.	84.
68.1	99.	100.	102.	99.	98.	98.	97.	96.	96.	95.	94.	94.	93.	92.	92.	91.	90.	90.	89.	88.	88.	87.	87.	86.	85.
68.5	100.	102.	103.	100.	99.	99.	98.	97.	97.	96.	96.	95.	94.	94.	93.	92.	92.	91.	90.	90.	89.	88.	88.	87.	86.
68.9	102.	103.	104.	101.	101.	100.	99.	99.	98.	97.	97.	96.	95.	95.	94.	94.	93.	92.	92.	91.	90.	90.	89.	88.	88.
69.3	103.	104.	105.	103.	102.	101.	101.	100.	99.	99.	98.	97.	97.	96.	95.	95.	94.	94.	93.	92.	92.	91.	90.	90.	89.
69.7	104.	105.	106.	104.	103.	103.	102.	101.	101.	100.	99.	99.	98.	97.	97.	96.	95.	95.	94.	93.	93.	92.	92.	91.	90.
70.1	105.	106.	107.	105.	104.	104.	103.	102.	102.	101.	101.	100.	99.	99.	98.	97.	97.	96.	95.	95.	94.	93.	93.	92.	91.
70.5	106.	107.	108.	106.	106.	105.	104.	104.	103.	102.	102.	101.	100.	100.	99.	99.	98.	97.	97.	96.	95.	95.	94.	93.	93.
70.9	107.	108.	109.	108.	107.	106.	106.	105.	104.	104.	103.	102.	102.	101.	100.	100.	99.	98.	98.	97.	97.	96.	95.	95.	94.
71.3	108.	109.	110.	109.	108.	108.	107.	106.	106.	105.	104.	104.	103.	102.	102.	101.	100.	100.	99.	98.	98.	97.	97.	96.	95.
71.7	109.	110.	111.	110.	109.	109.	108.	107.	107.	106.	106.	105.	104.	104.	103.	102.	102.	101.	100.	100.	99.	98.	98.	97.	96.
72.0	110.	111.	113.	111.	111.	110.	109.	109.	108.	107.	107.	106.	105.	105.	104.	104.	103.	102.	102.	101.	100.	100.	99.	98.	98.
72.4	112.	113.	114.	113.	112.	111.	111.	110.	109.	109.	108.	107.	107.	106.	105.	105.	104.	103.	103.	102.	102.	101.	100.	100.	99.
72.8	113.	114.	115.	114.	113.	113.	112.	111.	111.	110.	109.	109.	108.	107.	107.	106.	105.	105.	104.	103.	103.	102.	101.	101.	100.
73.2	114.	115.	116.	115.	114.	114.	113.	112.	112.	111.	111.	110.	109.	109.	108.	107.	107.	106.	105.	105.	104.	103.	103.	102.	101.
73.6	115.	116.	117.	116.	116.	115.	114.	114.	113.	112.	112.	111.	110.	110.	109.	109.	108.	107.	107.	106.	105.	105.	104.	103.	103.
74.0	116.	117.	118.	118.	117.	116.	116.	115.	114.	114.	113.	112.	112.	111.	110.	110.	109.	108.	108.	107.	107.	106.	105.	105.	104.
74.4	117.	118.	119.	119.	118.	118.	117.	116.	116.	115.	114.	114.	113.	112.	112.	111.	110.	110.	109.	108.	108.	107.	106.	106.	105.
74.8	118.	119.	120.	120.	119.	119.	118.	117.	117.	116.	116.	115.	114.	114.	113.	112.	112.	111.	110.	110.	109.	108.	108.	107.	106.
75.2	119.	120.	121.	121.	121.	120.	119.	119.	118.	117.	117.	116.	115.	115.	114.	114.	113.	112.	112.	111.	110.	110.	109.	108.	108.
75.6	120.	121.	122.	123.	122.	121.	121.	120.	119.	119.	118.	117.	117.	116.	115.	115.	114.	113.	113.	112.	112.	111.	110.	110.	109.
76.0	121.	123.	124.	124.	123.	122.	122.	121.	121.	120.	119.	119.	118.	117.	117.	116.	115.	115.	114.	113.	113.	112.	111.	111.	110.
76.4	123.	124.	125.	125.	124.	124.	123.	122.	122.	121.	121.	120.	119.	119.	118.	117.	117.	116.	115.	115.	114.	113.	113.	112.	111.
76.8	124.	125.	126.	126.	126.	125.	124.	124.	123.	122.	122.	121.	120.	120.	119.	119.	118.	117.	117.	116.	115.	115.	114.	113.	113.
77.2	125.	126.	127.	128.	127.	126.	126.	125.	124.	124.	123.	122.	122.	121.	120.	120.	119.	118.	118.	117.	117.	116.	115.	115.	114.
77.6	126.	127.	128.	129.	128.	127.	127.	126.	126.	125.	124.	124.	123.	122.	122.	121.	120.	120.	119.	118.	118.	117.	116.	116.	115.
78.0	127.	128.	129.	130.	129.	129.	128.	127.	127.	126.	125.	125.	124.	124.	123.	122.	122.	121.	120.	120.	119.	118.	118.	117.	116.
78.3	128.	129.	130.	131.	131.	130.	129.	129.	128.	127.	127.	126.	125.	125.	124.	124.	123.	122.	122.	121.	120.	120.	119.	118.	118.
78.7	129.	130.	131.	133.	132.	131.	131.	130.	129.	129.	128.	127.	127.	126.	125.	125.	124.	123.	123.	122.	122.	121.	120.	120.	119.
79.1	130.	131.	132.	134.	133.	132.	132.	131.	131.	130.	129.	129.	128.	127.	127.	126.	125.	125.	124.	123.	123.	122.	121.	121.	120.
79.5	131.	132.	134.	135.	134.	134.	133.	132.	132.	131.	130.	130.	129.	129.	128.	127.	127.	126.	125.	125.	124.	123.	123.	122.	121.
79.9	132.	134.	135.	136.	136.	135.	134.	134.	133.	132.	132.	131.	130.	130.	129.	128.	128.	127.	127.	126.	125.	125.	124.	123.	123.
80.3	134.	135.	136.	138.	137.	136.	136.	135.	134.	134.	133.	132.	132.	131.	130.	130.	129.	128.	128.	127.	127.	126.	125.	125.	124.
80.7	135.	136.	137.	139.	138.	137.	137.	136.	136.	135.	134.	134.	133.	132.	132.	131.	130.	130.	129.	128.	128.	127.	126.	126.	125.
81.1	136.	137.	138.	140.	139.	139.	138.	137.	137.	136.	135.	135.	134.	134.	133.	132.	132.	131.	130.	130.	129.	128.	128.	127.	126.
81.5	137.	138.	139.	141.	141.	140.	139.	139.	138.	137.	137.	136.	135.	135.	134.	133.	133.	132.	132.	131.	130.	130.	129.	128.	128.
81.9	138.	139.	140.	143.	142.	141.	141.	140.	139.	139.	138.	137.	137.	136.	135.	135.	134.	133.	133.	132.	131.	131.	130.	130.	129.
82.3	139.	140.	141.	144.	143.	142.	142.	141.	141.	140.	139.	139.	138.	137.	137.	136.	135.	135.	134.	133.	133.	132.	131.	131.	130.
82.7	140.	141.	142.	145.	144.	144.	143.	142.	142.	141.	140.	140.	139.	139.	138.	137.	137.	136.	135.	135.	134.	133.	133.	132.	131.

PREDICTION EQUATIONS FOR MVV — MALES — * 80% OF PREDICTED **

HEIGHT (IN)	AGE (YEARS) 47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71
59.1	56.	55.	55.	54.	53.	53.	52.	51.	51.	50.	49.	49.	48.	47.	47.	46.	46.	45.	44.	44.	43.	42.	42.	41.	40.
59.4	57.	56.	56.	55.	55.	54.	53.	53.	52.	51.	51.	50.	49.	49.	48.	47.	47.	46.	45.	45.	44.	44.	43.	42.	42.
59.8	58.	58.	57.	56.	56.	55.	54.	54.	53.	53.	52.	51.	51.	50.	49.	49.	48.	47.	47.	46.	45.	45.	44.	43.	43.
60.2	60.	59.	58.	58.	57.	56.	56.	55.	54.	54.	53.	52.	52.	51.	51.	50.	49.	49.	48.	47.	47.	46.	45.	45.	44.
60.6	61.	60.	60.	59.	58.	58.	57.	56.	56.	55.	54.	54.	53.	52.	52.	51.	50.	50.	49.	49.	48.	47.	47.	46.	45.
61.0	62.	61.	61.	60.	60.	59.	58.	58.	57.	56.	56.	55.	54.	54.	53.	52.	52.	51.	50.	50.	49.	49.	48.	47.	47.
61.4	63.	63.	62.	61.	61.	60.	59.	59.	58.	58.	57.	56.	56.	55.	54.	54.	53.	52.	52.	51.	50.	50.	49.	48.	48.
61.8	65.	64.	63.	63.	62.	61.	61.	60.	59.	59.	58.	57.	57.	56.	56.	55.	54.	54.	53.	52.	52.	51.	50.	50.	49.
62.2	66.	65.	65.	64.	63.	63.	62.	61.	61.	60.	59.	59.	58.	57.	57.	56.	55.	55.	54.	54.	53.	52.	52.	51.	50.
62.6	67.	66.	66.	65.	65.	64.	63.	63.	62.	61.	61.	60.	59.	59.	58.	57.	57.	56.	55.	55.	54.	53.	53.	52.	52.
63.0	68.	68.	67.	66.	66.	65.	64.	64.	63.	63.	62.	61.	61.	60.	60.	59.	59.	58.	57.	57.	56.	55.	55.	54.	53.	53.
63.4	70.	69.	68.	68.	67.	66.	66.	65.	64.	64.	63.	62.	62.	61.	61.	60.	59.	59.	58.	57.	57.	56.	55.	55.	54.
63.8	71.	70.	70.	69.	68.	68.	67.	66.	66.	65.	64.	64.	63.	62.	62.	61.	60.	60.	59.	59.	58.	57.	57.	56.	55.
64.2	72.	71.	71.	70.	70.	69.	68.	68.	67.	66.	66.	65.	64.	64.	63.	62.	62.	61.	60.	60.	59.	58.	58.	57.	57.
64.6	73.	73.	72.	71.	71.	70.	69.	69.	68.	68.	67.	66.	66.	65.	64.	64.	63.	62.	62.	61.	60.	60.	59.	58.	58.
65.0	75.	74.	73.	73.	72.	71.	71.	70.	69.	69.	68.	67.	67.	66.	66.	65.	64.	64.	63.	62.	62.	61.	60.	60.	59.
65.4	76.	75.	75.	74.	73.	73.	72.	71.	71.	70.	69.	69.	68.	67.	67.	66.	65.	65.	64.	64.	63.	62.	62.	61.	60.
65.7	77.	76.	76.	75.	74.	74.	73.	73.	72.	71.	71.	70.	69.	69.	68.	67.	67.	66.	65.	65.	64.	63.	63.	62.	62.
66.1	78.	78.	77.	76.	76.	75.	74.	74.	73.	73.	72.	71.	71.	70.	69.	69.	68.	67.	67.	66.	65.	65.	64.	63.	63.
66.5	80.	79.	78.	78.	77.	76.	76.	75.	74.	74.	73.	72.	72.	71.	71.	70.	69.	69.	68.	67.	67.	66.	65.	65.	64.
66.9	81.	80.	80.	79.	78.	78.	77.	76.	76.	75.	74.	74.	73.	72.	72.	71.	70.	70.	69.	69.	68.	67.	67.	66.	65.
67.3	82.	81.	81.	80.	79.	79.	78.	78.	77.	76.	76.	75.	74.	74.	73.	72.	72.	71.	70.	70.	69.	68.	68.	67.	67.
67.7	83.	83.	82.	81.	81.	80.	79.	79.	78.	77.	77.	76.	76.	75.	74.	74.	73.	72.	72.	71.	70.	70.	69.	68.	68.
68.1	85.	84.	83.	83.	82.	81.	81.	80.	79.	79.	78.	77.	77.	76.	76.	75.	74.	74.	73.	72.	72.	71.	70.	70.	69.
68.5	86.	85.	85.	84.	83.	83.	82.	81.	81.	80.	79.	79.	78.	77.	77.	76.	75.	75.	74.	74.	73.	72.	72.	71.	70.
68.9	87.	86.	86.	85.	84.	84.	83.	83.	82.	81.	81.	80.	79.	79.	78.	77.	77.	76.	75.	75.	74.	73.	73.	72.	72.
69.3	88.	88.	87.	86.	86.	85.	84.	84.	83.	82.	82.	81.	81.	80.	79.	79.	78.	77.	77.	76.	75.	75.	74.	73.	73.
69.7	90.	89.	88.	88.	87.	86.	86.	85.	84.	84.	83.	82.	82.	81.	80.	80.	79.	79.	78.	77.	77.	76.	75.	75.	74.
70.1	91.	90.	90.	89.	88.	88.	87.	86.	86.	85.	84.	84.	83.	82.	82.	81.	80.	80.	79.	79.	78.	77.	77.	76.	75.
70.5	92.	91.	91.	90.	89.	89.	88.	88.	87.	86.	86.	85.	84.	84.	83.	82.	82.	81.	80.	80.	79.	78.	78.	77.	77.
70.9	93.	93.	92.	91.	91.	90.	89.	89.	88.	87.	87.	86.	86.	85.	84.	84.	83.	82.	82.	81.	80.	80.	79.	78.	78.
71.3	95.	94.	93.	93.	92.	91.	91.	90.	89.	89.	88.	87.	87.	86.	86.	85.	84.	84.	83.	82.	82.	81.	80.	80.	79.
71.7	96.	95.	95.	94.	93.	93.	92.	91.	91.	90.	89.	89.	88.	87.	87.	86.	85.	85.	84.	83.	83.	82.	82.	81.	80.
72.0	97.	96.	96.	95.	94.	94.	93.	93.	92.	91.	91.	90.	89.	89.	88.	87.	87.	86.	85.	85.	84.	83.	83.	82.	82.
72.4	98.	98.	97.	96.	96.	95.	94.	94.	93.	92.	92.	91.	91.	90.	89.	89.	88.	87.	87.	86.	85.	85.	84.	83.	83.
72.8	100.	99.	98.	98.	97.	96.	96.	95.	94.	94.	93.	92.	92.	91.	90.	90.	89.	89.	88.	87.	87.	86.	85.	85.	84.
73.2	101.	100.	100.	99.	98.	98.	97.	96.	96.	95.	94.	94.	93.	92.	92.	91.	90.	90.	89.	88.	88.	87.	87.	86.	85.
73.6	102.	101.	101.	100.	99.	99.	98.	98.	97.	96.	96.	95.	94.	94.	93.	92.	92.	91.	90.	90.	89.	88.	88.	87.	86.
74.0	103.	103.	102.	101.	101.	100.	99.	99.	98.	97.	97.	96.	96.	95.	94.	94.	93.	92.	92.	91.	90.	90.	89.	88.	88.
74.4	105.	104.	103.	103.	102.	101.	101.	100.	99.	99.	98.	97.	97.	96.	95.	95.	94.	94.	93.	92.	92.	91.	90.	90.	89.
74.8	106.	105.	104.	104.	103.	103.	102.	101.	101.	100.	99.	99.	98.	97.	97.	96.	95.	95.	94.	93.	93.	92.	92.	91.	90.
75.2	107.	106.	106.	105.	104.	104.	103.	103.	102.	101.	101.	100.	99.	99.	98.	97.	97.	96.	95.	95.	94.	93.	93.	92.	91.
75.6	108.	108.	107.	106.	106.	105.	104.	104.	103.	102.	102.	101.	101.	100.	99.	99.	98.	97.	97.	96.	95.	95.	94.	93.	93.
76.0	110.	109.	108.	108.	107.	106.	106.	105.	104.	104.	103.	102.	102.	101.	100.	100.	99.	99.	98.	97.	97.	96.	95.	95.	94.
76.4	111.	110.	109.	109.	108.	108.	107.	106.	106.	105.	104.	104.	103.	102.	102.	101.	100.	100.	99.	98.	98.	97.	97.	96.	95.
76.8	112.	111.	111.	110.	109.	109.	108.	107.	107.	106.	106.	105.	104.	104.	103.	102.	102.	101.	100.	100.	99.	98.	98.	97.	96.
77.2	113.	113.	112.	111.	111.	110.	109.	109.	108.	107.	107.	106.	106.	105.	104.	104.	103.	102.	102.	101.	100.	100.	99.	98.	98.
77.6	115.	114.	113.	113.	112.	111.	111.	110.	109.	109.	108.	107.	107.	106.	105.	105.	104.	104.	103.	102.	102.	101.	100.	100.	99.
78.0	116.	115.	114.	114.	113.	113.	112.	111.	111.	110.	109.	109.	108.	107.	107.	106.	105.	105.	104.	103.	103.	102.	102.	101.	100.
78.3	117.	116.	116.	115.	114.	114.	113.	112.	112.	111.	111.	110.	109.	109.	108.	107.	107.	106.	105.	105.	104.	103.	103.	102.	101.
78.7	118.	118.	117.	116.	116.	115.	114.	114.	113.	112.	112.	111.	110.	110.	109.	109.	108.	107.	107.	106.	105.	105.	104.	103.	103.
79.1	120.	119.	118.	118.	117.	116.	116.	115.	114.	114.	113.	112.	112.	111.	110.	110.	109.	109.	108.	107.	107.	106.	105.	105.	104.
79.5	121.	120.	119.	119.	118.	118.	117.	116.	116.	115.	114.	114.	113.	112.	112.	111.	110.	110.	109.	108.	108.	107.	107.	106.	105.
79.9	122.	121.	121.	120.	119.	119.	118.	117.	117.	116.	116.	115.	114.	114.	113.	112.	112.	111.	110.	110.	109.	108.	108.	107.	106.
80.3	123.	123.	122.	121.	121.	120.	119.	119.	118.	117.	117.	116.	115.	115.	114.	114.	113.	112.	112.	111.	110.	110.	109.	108.	108.
80.7	125.	124.	123.	123.	122.	121.	121.	120.	119.	119.	118.	117.	117.	116.	115.	115.	114.	113.	113.	112.	112.	111.	110.	110.	109.
81.1	126.	125.	124.	124.	123.	123.	122.	121.	121.	120.	119.	119.	118.	117.	117.	116.	115.	115.	114.	113.	113.	112.	112.	111.	110.
81.5	127.	126.	126.	125.	124.	124.	123.	122.	122.	121.	121.	120.	119.	119.	118.	117.	117.	116.	115.	115.	114.	113.	113.	112.	111.
81.9	128.	128.	127.	126.	126.	125.	124.	124.	123.	122.	122.	121.	120.	120.	119.	119.	118.	117.	117.	116.	115.	115.	114.	113.	113.
82.3	130.	129.	128.	128.	127.	126.	126.	125.	124.	124.	123.	122.	122.	121.	120.	120.	119.	118.	118.	117.	117.	116.	115.	115.	114.
82.7	131.	130.	129.	129.	128.	128.	127.	126.	126.	125.	124.	124.	123.	122.	122.	121.	120.	120.	119.	118.	118.	117.	116.	116.	115.

PREDICTION EQUATIONS FOR MVV — FEMALES — * 80% OF PREDICTED **

HEIGHT (IN)	AGE (YEARS) 22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46
51.2	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.	43.	43.	42.
51.6	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.	43.	43.
52.0	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.	43.
52.4	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.
52.8	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.
53.1	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.
53.5	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.
53.9	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.
54.3	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.
54.7	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.
55.1	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	50.	50.	49.	49.	48.
55.5	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.
55.9	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.
56.3	63.	62.	62.	61.	61.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.
56.7	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.
57.1	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.
57.5	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.
57.9	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.
58.3	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.
58.7	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.
59.1	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.
59.4	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.
59.8	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.
60.2	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.
60.6	70.	69.	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.
61.0	70.	70.	69.	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.
61.4	71.	70.	70.	69.	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.
61.8	72.	71.	71.	70.	70.	69.	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	59.
62.2	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.
62.6	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.
63.0	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.
63.4	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.
63.8	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.
64.2	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.
64.6	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.
65.0	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.	67.	67.	66.	66.	65.	65.
65.4	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.	67.	67.	66.	66.	65.
65.7	78.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	68.	68.	67.	67.	66.	66.
66.1	79.	78.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.	67.	67.
66.5	79.	79.	78.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.	67.
66.9	80.	80.	79.	79.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.
67.3	81.	80.	80.	79.	79.	78.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.
67.7	81.	81.	80.	80.	79.	79.	78.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.
68.1	82.	81.	81.	80.	80.	79.	79.	78.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.
68.5	83.	82.	82.	81.	81.	80.	80.	79.	79.	78.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.
68.9	83.	83.	82.	82.	81.	81.	80.	80.	79.	79.	78.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.
69.3	84.	83.	83.	82.	82.	81.	81.	80.	80.	79.	79.	78.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.
69.7	85.	84.	84.	83.	83.	82.	82.	81.	81.	80.	80.	79.	79.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.
70.1	85.	85.	84.	84.	83.	83.	82.	82.	81.	81.	80.	80.	79.	79.	78.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.
70.5	86.	85.	85.	84.	84.	83.	83.	82.	82.	81.	81.	80.	80.	79.	79.	78.	78.	77.	77.	76.	76.	75.	75.	74.	74.
70.9	86.	86.	85.	85.	84.	84.	83.	83.	82.	82.	81.	81.	80.	80.	79.	79.	78.	78.	77.	77.	76.	76.	75.	75.	74.
71.3	87.	87.	86.	86.	85.	85.	84.	84.	83.	83.	82.	82.	81.	81.	80.	80.	79.	79.	78.	78.	77.	77.	76.	76.	75.
71.7	88.	87.	87.	86.	86.	85.	85.	84.	84.	83.	83.	82.	82.	81.	81.	80.	80.	79.	79.	78.	78.	77.	77.	76.	76.
72.0	88.	88.	87.	87.	86.	86.	85.	85.	84.	84.	83.	83.	82.	82.	81.	81.	80.	80.	79.	79.	78.	78.	77.	77.	76.
72.4	89.	89.	88.	88.	87.	87.	86.	86.	85.	85.	84.	84.	83.	83.	82.	82.	81.	81.	80.	80.	79.	79.	78.	77.	77.
72.8	90.	89.	89.	88.	88.	87.	87.	86.	86.	85.	85.	84.	84.	83.	83.	82.	82.	81.	81.	80.	80.	79.	79.	78.	78.
73.2	90.	90.	89.	89.	88.	88.	87.	87.	86.	86.	85.	85.	84.	84.	83.	83.	82.	82.	81.	81.	80.	80.	79.	79.	78.
73.6	91.	91.	90.	90.	89.	89.	88.	88.	87.	86.	86.	85.	85.	84.	84.	83.	83.	82.	82.	81.	81.	80.	80.	79.	79.
74.0	92.	91.	91.	90.	90.	89.	89.	88.	88.	87.	87.	86.	86.	85.	85.	84.	84.	83.	83.	82.	82.	81.	81.	80.	80.
74.4	92.	92.	91.	91.	90.	90.	89.	89.	88.	88.	87.	87.	86.	86.	85.	85.	84.	84.	83.	83.	82.	82.	81.	81.	80.
74.8	93.	92.	92.	91.	91.	90.	90.	89.	89.	88.	88.	87.	87.	86.	86.	85.	85.	84.	84.	83.	83.	82.	82.	81.	81.

PREDICTION EQUATIONS FOR MVV FEMALES * 60% OF PREDICTED **

HEIGHT	AGE (YEARS)																								
(IN)	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71
51.2	41.	41.	40.	40.	39.	39.	38.	38.	37.	37.	36.	36.	35.	35.	34.	34.	33.	33.	32.	32.	31.	31.	30.	30.	29.
51.6	42.	42.	41.	41.	40.	40.	39.	39.	38.	38.	37.	37.	36.	36.	35.	35.	34.	34.	33.	33.	32.	32.	31.	31.	30.
52.0	43.	42.	42.	41.	41.	40.	40.	39.	39.	38.	38.	37.	37.	36.	36.	35.	35.	34.	34.	33.	33.	32.	32.	31.	31.
52.4	43.	43.	42.	42.	41.	41.	40.	40.	39.	39.	38.	38.	37.	37.	36.	36.	35.	35.	34.	34.	33.	33.	32.	32.	31.
52.8	44.	44.	43.	43.	42.	42.	41.	41.	40.	40.	39.	39.	38.	38.	37.	37.	36.	36.	35.	35.	34.	34.	33.	32.	32.
53.1	45.	44.	44.	43.	43.	42.	42.	41.	41.	40.	40.	39.	39.	38.	38.	37.	37.	36.	36.	35.	35.	34.	34.	33.	33.
53.5	45.	45.	44.	44.	43.	43.	42.	42.	41.	41.	40.	40.	39.	39.	38.	38.	37.	37.	36.	36.	35.	35.	34.	34.	33.
53.9	46.	46.	45.	45.	44.	44.	43.	43.	42.	41.	41.	40.	40.	39.	39.	38.	38.	37.	37.	36.	36.	35.	35.	34.	34.
54.3	47.	46.	46.	45.	45.	44.	44.	43.	43.	42.	42.	41.	41.	40.	40.	39.	39.	38.	38.	37.	37.	36.	36.	35.	35.
54.7	47.	47.	46.	46.	45.	45.	44.	44.	43.	43.	42.	42.	41.	41.	40.	40.	39.	39.	38.	38.	37.	37.	36.	36.	35.
55.1	48.	47.	47.	46.	46.	45.	45.	44.	44.	43.	43.	42.	42.	41.	41.	40.	40.	39.	39.	38.	38.	37.	37.	36.	36.
55.5	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.	43.	43.	42.	42.	41.	41.	40.	40.	39.	39.	38.	38.	37.	37.
55.9	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.	43.	43.	42.	42.	41.	41.	40.	40.	39.	39.	38.	38.	37.
56.3	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.	43.	43.	42.	42.	41.	41.	40.	40.	39.	39.	38.	38.
56.7	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.	43.	43.	42.	41.	41.	40.	40.	39.	39.	38.
57.1	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.	43.	43.	42.	42.	41.	41.	40.	40.	39.
57.5	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.	43.	43.	42.	42.	41.	41.	40.	40.
57.9	53.	52.	52.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.	43.	43.	42.	42.	41.	41.	40.
58.3	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.	43.	43.	42.	42.	41.
58.7	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.	43.	43.	42.	42.
59.1	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.	43.	43.	42.
59.4	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.	43.
59.8	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.	44.
60.2	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.	44.
60.6	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.	45.	45.
61.0	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.	46.
61.4	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.	46.
61.8	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.	47.	47.
62.2	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.	48.
62.6	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.	48.
63.0	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.	50.	49.	49.
63.4	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	50.	50.	49.
63.8	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.	50.
64.2	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.	51.
64.6	64.	63.	63.	62.	62.	61.	61.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.	52.	51.
65.0	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.	52.
65.4	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.	53.
65.7	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.	54.	53.
66.1	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.	54.
66.5	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.	55.
66.9	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.	56.	56.	55.
67.3	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	59.	59.	58.	58.	57.	57.	56.	56.
67.7	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.	57.	57.
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68.5	70.	70.	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.	63.	63.	62.	62.	61.	61.	60.	60.	59.	59.	58.	58.
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72.0	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.	64.
72.4	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.	67.	67.	66.	66.	65.	65.	64.
72.8	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.	67.	67.	66.	66.	65.
73.2	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	71.	70.	70.	69.	69.	68.	68.	67.	67.	66.
73.6	78.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.	67.	67.	66.
74.0	79.	79.	78.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	68.	68.	67.	67.
74.4	80.	79.	79.	78.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.	68.
74.8	80.	80.	79.	79.	78.	78.	77.	77.	76.	76.	75.	75.	74.	74.	73.	73.	72.	72.	71.	71.	70.	70.	69.	69.	68.

BILLING CODE 4510-27-C

Comments received: (a) One commenter states that it was not clear why the normal values of Knudson were chosen because (1) the data was collected among a white, non-smoking population which is not necessarily representative of coal miners, and (2) the data pertain to flow volume loops obtained with a pneumotachograph. One commenter suggests that Kory's standards be used. (b) Some people criticize the values in the tables as being too high, others, as being too low. The standards suggested as a basis for disability determination range from 40–70 percent of predicted normal. Several commenters recommend that special consideration be given to those miners whose values fall between 55 and 60 percent of predicted normal. (c) One commenter states that it is wholly incorrect to apply the same predicted volumes to both black and white subjects since it has been shown that blacks of the same age and height have lung volumes which are 12 to 15 percent smaller than whites. (d) One commenter states that it should be left up to respiratory physiologists to choose the percent of disability or to allow the examining physician to refer to the American Medical Association's classifications of respiratory impairment.

Discussion and changes: (a) Knudson's values were chosen over those obtained in other studies because the Knudson study is the only one which includes females, and thus has separate prediction equations for women. There are now approximately 1,000 women working in our nation's coal mines. Knudson also utilized equipment and methods in his investigation which conform closely to those proposed in Appendix B. The spirometer and the pneumotachograph provide equivalent figures, and therefore, the comment concerning the different instrumentation used by Knudson is not a significant objection. One commenter compared five different tables of normal values for the FEV_1 and found that the deviation in each study from the mean obtained from all of the studies was in the neighborhood of 2 percent. Although some commenters have questioned the applicability of the Knudson values to the working coal miner population, the applicability of Knudson's study is verified by the remarkable similarity of his results to those of Petersen, who studied working coal miners. The Department has decided to use tables derived from Knudson, rather than from Kory, since Kory's standard prediction equations included both smokers and non-smokers. Since the results of Kory's study were published, it has been shown that smokers do not have normal lung functions. Therefore, Knudson's values are preferable. (b) The Department disagrees that a standard other than 60% of predicted normal pulmonary capacity should be adopted in the final Tables as the standard for total disability. In comments and testimony, recommendations for a total disability standard ranged from 40% to 60% of predicted normal pulmonary capacity, with nowhere near a consensus on any one figure. Representatives of the group of physicians which originally proposed the 60% standard reaffirmed their support for that figure. Although a number of physicians associated with coal company interests contended that such a standard would be too liberal, others from this group failed to criticize it. Because there is substantial expert support in the record for the 60% figure, and because there is legitimate doubt that a stricter standard will be an accurate and equitable measure of total disability, the Department will retain the originally proposed 60% standard in the final Tables. (c) The Department acknowledges that studies have documented that the FVC and the FEV_1 of black males are somewhat lower than those for white males of the same age and height. However, until a separate prediction equation based on a large study of normal blacks is formulated, totally accurate tables for blacks cannot be prepared. Until such a study has been conducted, the Department feels that it is appropriate to apply the same table to blacks and whites. Therefore, no change is necessary. (d) The determination that a claimant is or is not totally disabled is a legal conclusion to be made by the appropriate adjudication officers (see § 718.206). What this commenter suggests is that this legal conclusion should be made by the respiratory physiologist or examining physician. Such a suggestion is inappropriate, and thus, no change has been made.

Appendix C—Blood-Gas Tables

The following tables set forth the values to be applied in determining whether total disability may be established in accordance with §§ 718.204(c)(2) and 718.305 (a), (c). The values contained in the tables are indicative of impairment only. They do not establish a degree of disability except as provided in §§ 718.204(c)(2) and 718.305 (a), (c) of this subchapter, nor do they establish standards for determining normal alveolar gas exchange values for any particular individual.

A miner who meets the following medical specifications shall be found to be totally disabled, in the absence of rebutting evidence, if the values specified in one of the following tables are met:

(1) For arterial blood-gas studies performed at test sites up to 2,999 feet above sea level:

Arterial $_aCO_2$ (mm Hg)	Arterial $_aO_2$ equal to or less than (mm Hg)
25 or below	75
26	74
27	73
28	72
29	71
30	70
31	69
32	68
33	67
34	66
35	65
36	64
37	63
38	62
39	61
40–49	60
Above 50	(1)

[1] Any value.

(2) For arterial blood-gas studies performed at test sites 3,000 to 5,999 feet above sea level:

Arterial $_aCO_2$ (mm Hg)	Arterial $_aO_2$ equal to or less than (mm Hg)
25 or below	70
26	69
27	68
28	67
29	66
30	65
31	64
32	63
33	62
34	61
35	60
36	59
37	58
38	57
39	56
40–49	55
Above 50	(2)

[2] Any value.

(3) For arterial blood-gas studies performed at test sites 6,000 feet or more above sea level:

Arterial $_aCO_2$ (mm Hg)	Arterial $_aO_2$ equal to or less than (mm Hg)
25 or below	65
26	64
27	63
28	62
29	61
30	60
31	59
32	58
33	57
34	56
35	55
36	54
37	53
38	52
39	51
40–49	50
Above 50	(3)

[3] Any value.

Comments received: (a) Some comments were received questing the validity of oxygen pressure for disability evaluation. One commenter notes that arterial blood-gas analysis correlates poorly with physiological disability. (b) Many comments were received suggesting that altitude affects blood gas levels and that the correction suggested in Appendix C for altitude was inadequate. Several commenters state that age is a significant factor in evaluating blood gas test results. One commenter notes that the cutoff point of 60 mm Hg for $p0_2$ at higher altitudes is too liberal since perfectly normal persons of age 80 may have arterial blood oxygen gas tensions of 60 mm of mercury. Another commenter states that breath holding can lower $p0_2$ significantly. (c) Several commenters believe that the values are too liberal. Another comment suggests that the standards of Appendix C be liberalized five points. One comment received was that the provision of presumptive proof of total disability in all cases in which the $_aCO_2$ reading is above 45 mm Hg should be removed and that there should be pH table listed in the Appendix.

Discussion and changes: (a) The Department acknowledges the difficulty of relating the level of arterial oxygen tension to the degree of disability. Despite lack of a well-defined quantitative relationship, such measurements are helpful in the evaluation of impairment, particularly when the ventilatory test results are inconsistent. The Department, therefore, believes that it is acceptable to determine a level of arterial oxygen tension below which a claimant can be considered to be disabled. (b) The Department agrees with the testimony that altitude significantly affects arterial blood gas levels and that arterial blood oxygen falls even in persons with normal lungs as they ascend in altitude. For this reason, to indicate significant impairment when measured at altitude, a lower arterial oxygen tension must exist than would be necessary if the test were done at sea level. However, the relationship between the lowering of arterial oxygen tension and altitude is complex because of the fact that the human body has compensatory mechanisms. Thus, one does not see a straight-forward linear lowering of arterial blood oxygen tension as the oxygen pressure in the atmosphere decreases with altitude. Consequently, the Department has decided to utilize a relatively simple sliding scale which designates only three altitude levels. The Department believes that this is an acceptable and valid compromise, which takes into account the effect of altitude without becoming overly complicated. The Appendix has been accordingly revised. Appendix C–1 applies to arterial blood-gas studies performed at test sites up to 2,999 feet above sea level. Appendix C–2 applies at test sites between 3,000 and 5,999 feet above see level. Appendix C–3 applies at test sites at 6,000 or more feet above sea level. The comments which note that blood gas tensions vary with age are valid. It would, however, become increasingly complicated if the Department were to also formulate a sliding scale based on age. Since altitude has a greater effect on oxygen blood tension than does age, the Department is of the opinion that it is entirely appropriate to determine a level of arterial oxygen tension below which the claimant can be considered to be disabled regardless of his age. In this context, the more pressing question is whether the levels listed in the Department's original proposal are too liberal to account for the factor of age. As pointed out by one commenter, perfectly normal persons of age 80 may have arterial blood oxygen tensions of 60 mm of mercury. Thus, in the case of older claimants, a claimant who has normal level of arterial oxygen tension for his or her age could meet the levels previously listed in this appendix. As many claimants are in the older age groups, the previous table was not appropriate. Thus, the Department has changed the arterial blood gas values with the belief that these changes represent a pragmatic approach to disability determination. The changes adopted by the Department reasonably take into account the effect that factors such as breath holding might have on arterial blood gas results. (c) The Department has seriously considered the comments that state that the table should be liberalized and those that state that it should be more strict. Based upon its review of the comments and the recommendation of experts, the Department has revised the table. The Department is of the opinion that it is not valid to provide for presumptive proof of total disability in all cases in which the $_pCO_2$ reading is greater than 45 mm Hg. Because a normal person could establish a level of $_pCO_2$ greater than or equal to 45 mm Hg merely by holding his or her breath for a very brief period of time prior to the blood sample being drawn, it is inappropriate to provide for presumptive proof to total disability in all such cases. The Department has thus decided to adopt a value of 50 mm Hg $_pCO_2$ in order to establish disability independent of the $_pO_2$. This level would not be likely to occur in a normal person and is less likely to be achieved by a person merely holding his or her breath prior to the drawing of a blood sample. It is also a level sometimes seen in active people with lung disease who are not totally disabled. Thus, it still gives the miner the benefit of the doubt. The Department does not agree that pH values should appear in the tables. It is required that the pH be reported with the values of $_pO_2$ and $_pCO_2$ and the Department intends that it will be used more as a check on the validity of the results than as an independent factor to determine disability. In the steady state condition, even persons with severe respiratory impairment generally maintain their blood pH within normal limits, or very nearly so.

Signed this 25th day of February 1980 at Washington, D.C.

Ray Marshall,

Secretary of Labor.

[FR Doc. 80-6369 Filed 2-28-80; 8:45 am]

BILLING CODE 4510-27-M

federal register

Friday
February 29, 1980

Part VI

Administrative Committee of the Federal Register

Identification of Subjects in Agency Regulations; Notice of Meeting and Extension of Comment Period

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

1 CFR Ch. I

Identification of Subjects in Agency Regulations; Notice of Meeting and Extension of Comment Period

AGENCY: Administrative Committee of the Federal Register (ACFR).

ACTION: Notice of meeting; extension of comment period.

SUMMARY: This document announces an informal meeting and extends the comment period on the Advance Notice of Proposed Rulemaking (ANPRM) published on January 15, 1980 (45 FR 2998). Intended primarily for agency personnel, the meeting will address questions on implementation of the ACFR's proposal to require thesaurus terms for major topics in agency regulations. Extending the comment period will allow additional time after the meeting for agencies to prepare comments.

DATES: Meeting date: March 18, 1980, 9:00 a.m. to 11:00 a.m. Comment date: On or before March 31, 1980.

ADDRESSES: Meeting: The meeting will be held at the Office of the Federal Register, 1100 L Street NW., Washington, D.C. 20408, in Room 9409. For reservations, please call Carol Mahoney, Office of the Federal Register, telephone (202) 523–5266.

Comments: Comments should be addressed to: The Federal Register (Thesaurus), National Archives and Records Service, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Carol Mahoney, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408, telephone (202) 523–5266.

SUPPLEMENTARY INFORMATION: The ANPRM published on January 15, 1980 (45 FR 2998) seeks comments on a new requirement for agencies publishing final rule documents in the **Federal Register** and Code of Federal Regulations (CFR). This requirement would add a new information element to each Part in the CFR: "List of Subjects in this Part." In this proposed "Lists," agencies would identify the major concepts in their regulations in words taken from the Federal Register Thesaurus of subject terms.

Comments were requested in the ANPRM from the general public and Federal agencies. In the process of preparing their comments, personnel from various agencies have had a number of similar questions which indicates to us the need to clarify for the agencies our current thinking on the proposal. These questions relate to:

1. The purpose and use of the information to be provided by the agencies in the "List of Subjects in this Part."

2. How to use the thesaurus. Suggesting additional terms for the thesaurus.

3. How to apply the terms in the thesaurus to specific agency regulations.

4. What the "List" would look like in a document.

5. How this proposed requirement differs from or relates to some existing requirements for agency documents such as the preamble and headings requirements.

All of these questions will be addressed at the March 18 meeting, as well as any additional questions which agency personnel have in preparing their comments.

Ernest J. Galdi,

Acting Secretary, Administrative Committee of the Federal Register.

February 26, 1980.

[FR Doc. 80-6488 Filed 2-28-80; 8:45 am]

BILLING CODE 1501-01-M

federal register

Friday
February 29, 1980

Part VII

Department of Agriculture

Office of the Secretary

Conservation of Petroleum and Natural Gas Through Possible Changes in USDA Financial Assistance Programs; Executive Order 12185

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I–XXIX

36 CFR Ch. II

Conservation of Petroleum and Natural Gas Through Possible Changes in USDA Financial Assistance Programs; Executive Order 12185

AGENCY: U.S. Department of Agriculture, Office of the Secretary.

ACTION: Request for Public Comment.

SUMMARY: This notice identifies possible actions within USDA financial assistance programs which are likely to offer opportunities for significant conservation of petroleum and natural gas. We would like the public to comment on: The feasibility of saving petroleum or natural gas through the actions listed; other actions in these or other USDA financial assistance programs that could conserve significant amounts of energy; means of implementing these actions which are likely to be most cost beneficial; additional information or recommendations which should be considered before the Department decides to propose a specific conservation-oriented rule change in any of these programs.

This notice is published as directed by Executive Order 12185, "Conservation of Petroleum and Natural Gas."

DATE: Comments must be received by April 7, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Linley Juers, OBPE, Office of the Secretary, Room 117–A, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6667. He will answer questions, provide further information, or refer you to a specific individual who can provide other available information, and receive written comments.

SUPPLEMENTARY INFORMATION: Executive Order 12185, Conservation of Petroleum and Natural Gas, signed by the President December 17, 1979 and published December 19, 1979, at 44 FR 75093 mandates that each Federal agency identify its financial assistance programs which are most likely to offer opportunities for significant conservation of petroleum and natural gas. It further directs that a list of these programs be published for public comment so that the public may provide suggestions for rules which would encourage energy conservation. Comment on this notice should be submitted by April 7, 1980. A comment period of less than 60 days is necessary to put this project on the schedule mandated by Executive Order 12185. After consideration of these comments, we are directed to publish Notice of Proposed Rulemaking for actions that promise significant results; receive comment on our specific proposals; and then promulgate Final Rules, as appropriate.

This notice identifies USDA financial assistance programs and possible actions the Department could take to encourage conservation. It is not a commitment to take any of these actions. However, through more in-depth analyses of these possible activities, taking into account public comments and suggestions of activities or programs that may have been overlooked, the Department will take appropriate actions to conserve petroleum and natural gas.

Rulemaking Schedule

The development of actions to achieve the conservation purposes of the Executive Order will adhere to the following schedule to the greatest extent possible. This schedule is published so the public will understand the full undertaking and can prepare to comment on specific proposed rules on or about May 20, 1980 in addition to commenting on this list of actions. The schedule is:

Apr. 7, 1980—Comment period closes.

May 7, 1980—Notice of proposed Rulemaking published in the **Federal Register** for 30 days of public comment. A Draft Impact Analysis will be completed for each action for which proposed rules will be published. Other actions appearing in the notice or suggested by the public which are determined to be infeasible will be dropped at this time.

June 9, 1980—Comment period on proposals closes.

June 17, 1980—Final Rules published.

Type of Comments That Will Be Particularly Useful

To make sure that we take the most promising actions we are seeking additional information from the public through this notice on (1) the feasibility of saving petroleum or natural gas through the actions proposed, (2) other actions in these or other USDA financial assistance programs that could conserve significant amounts of energy, (3) means of implementing these actions which are likely to be most cost beneficial in terms of all major impacts, (4) the availability of data or other information that could help the Department identify the best options to encourage petroleum and natural gas conservation through its financial assistance programs, (5) analytical techniques or approaches which should be applied to information acquired to assure the best possible analysis, and (6) other activities, possible actions, expected outcomes of actions, costs or benefits, or other legal or technical requirements which should be considered before the Department decides to propose a specific conservation-oriented rule change in any of its financial assistance programs.

So that your comments may easily be identified with USDA programs or possible actions listed in this proposal, be sure to identify the:

- Program as shown below, and
- Specific action proposed under the program as identified below including the **Federal Register** page number it appears on.

If you suggest options or programs not identified in this notice, be sure to identify the program. Also, if you make comments which affect more than one program, be sure to identify all the programs the comment addresses. No conservation rule shall be adopted which is inconsistent with the statutory provisions establishing the various financial assistance programs.

Any proposed rules developed under the programs listed below will follow the USDA procedures established under Executive Order 12044. The significance of each rule will be determined prior to developing proposed rules and indicated in the notice of proposed rulemaking.

Financial assistance programs and possible actions are listed below by the USDA agency which administers the program.

Dated: February 26, 1980.

Bob Bergland,

Secretary.

Agricultural Stabilization and Conservation Service

Programs: Agricultural Conservation Program

In carrying out several conservation practices under the Agricultural Conservation Program, soil testing is required to determine the proper quantities of fertilizer needed with respect to those practices. To the extent that the soil testing indicates that a limited amount of fertilizer should be used, an energy conservation benefit is obtained. Also, other conservation practices under the program would promote energy conservation benefits with respect to petroleum and natural gas, such as cost-sharing for windbreaks around farmsteads as well as cost-sharing for conservation tillage.

Farmers Home Administration

Program: Rural Housing

FmHA proposes to train all FmHA personnel who review construction proposals in the use of the new Home Energy Index to determine the value of energy conservation and provide basis for improvement recommendations for reduction of fuel requirements.

FmHA will study the feasibility of requiring all new construction financed by FmHA to have some passive solar features incorporated in the design.

Program: Rural Housing—Site Development Loans, Multi-Family

FmHA proposes to require that all feasibiliy studies and engineering reports consider energy efficiency with respect to site location, transportation, providing utilities, and site development before selecting the final project design.

Program: Rural Rental Housing and Farm Labor Cooperative Housing

Proposal to require owners of existing FmHA financed MFH to submit an Energy audit of their project when: (1) Requesting a rent increase or applying for rental assistance; (2) requesting a transfer of the project or subsequent assistance. The energy audit would identify current conditions and recommend a plan of energy conservation measures.

Program: Rural Rental Housing Loans, Section 515

Using $10 million to fund six Rural Rental Housing projects using innovative design and materials for energy conservation. One project to be funded in each of the six FmHA area coordinator regions. Each project to be approx. $1.5 million.

Program: Rural Housing Building and Repair Loans, Section 502

Most FmHA borrowes are first-time homeowners. Training for such new borrowers might include living habits for maximum energy conservation and home maintenance and repairs effecting conservation.

Program: Business and Industry Loan Program

Proposed administrative procedures to encourage Conservation of Petroleum and Natural Gas by applicants/borrowers which will involve plant locations, encouraging modern energy conservation measures, utilizing alternate energy sources, encouraging utilization of by-products and economic development which will not require excessive travel by the public.

Program: Rural Housing Loans and Grants, Section 504

Propose to establish goals of 50 percent of funds allocated to Section 504 loans and grants for weatherization related purposes, including direct weatherization where no DOE funds are available and preliminary rehab where that is necessary to make DOE weatherization funds effective.

Program: Community Facilities Loans

Add a statement to FmHA Instruction 1942–A, § 1942.17(j) to request the applicant to certify that the proposed facility is designed to provide effective energy conservation practices.

Program: Water and Waste Water Development, Grants and Loans

This proposal would include but not be limited to design, materials, distribution/collection system and types of treatment. Proposal would encourage the initial installation of energy efficient systems.

Programs: Farm Ownership Loans, Farm Operating Loans, Soil and Water Conservation Loans

Propose to evaluate loan applications for energy conservation potential in addition to other criteria. Each state will be encouraged to establish a list of key practices for energy conservation; the list will be provided to county offices as resource material for county supervisors in working with applicants. Three broad categories of practices have been established; they are listed below with illustrative examples: (1) Land Development: Wind and solar powered equipment for pumping and irrigation; structural designs that exploit gravity flow where possible; methane generators for handling barnyard waste; (2) Building Development: Retrofit existing buildings to meet new FmHA standards; utilize wood-burning facilities; orient buildings to utilize solar energy; (3) Farm Operations: Expand minimum tillage, use more alternate energy sources.

Program: Multiple Programs

FmHA will study the feasibility of financing pilot self-sufficient energy districts to serve selected farm communities. Those districts would collect natural gas (methane) or alcohol produced on farms, further refine the products and would market them. These districts would assist farmers with operating and maintaining energy producing stills and digestors, purchase supplies and explore marketing.

Forest Service

Program: Rural Forestry Assistance

The Forest Service currently provides grants to state forestry agencies for use in managing, planning, and utilizing the timber and related resources on state and privately owned lands. These grants are in response to grant applications that provide a description of the planned activities that will be undertaken by the states. The Forest Service could increase current efforts to encourage states to offer assistance both to increase operating efficiencies in the timber industry (such as the Sawmill Improvement Program or the Felling and Bucking Program) and to increase the use of wood as a fuel substitute for petroleum or natural gas (such as fireplace wood or wood chips and residues as boiler feedstock). To implement this, the Forest Service would amend its current procedures for developing and reviewing state grant applications to emphasize certain conservation activities in the decision criteria.

The Forest Service also provides grants to state agencies for states to administer the YCC program. Currently, 30 percent of YCC appropriations are provided via this mechanism. These grants are made on the basis of state applications and the Forest Service could increase current efforts to encourage state YCC programs to focus on energy conservation.

Rural Electrification Administration

Program: REA Loans and Loan Guarantees

Provide that REA borrowers develop plans to encourage energy conservation in the use of the borrower's headquarter buildings and other facilities and equipment and through energy audits performed for borrowers' members and consumers.

Develop technical assistance programs for the more effective utilization of waste heat produced by REA financed generating plants.

Soil Conservation Service

Programs: Watershed Protection and Flood Prevention; Great Plains Conservation Program; Resource Conservation and Development

Require explicit consideration of fuel petroleum, natural gas, nonfuel petroleum, and equipment time requirements in farm and project plans that provide the basis for financial assistance. Give priority or additional financial incentives to energy efficient solutions to floodplain management (non-structural alternatives), land stabilization, erosion control, water conservation (irrigation system improvement) and water quality problems.

[FR Doc. 80-6370 Filed 2-28-80; 9:11 am]
BILLING CODE 3410-01-M

Reader Aids

Federal Register

Vol. 45, No. 42

Friday, February 29, 1980

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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

ENVIRONMENTAL PROTECTION AGENCY

6786 1–30–80 / Attainment status designations; Illinois

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5304 1–23–80 / El Dorado, Ark.; FM assignment

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6886 1–30–80 / Housing assistance payments program (Section 8); State housing agencies

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.**

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(Revised as of January 1, 1979)

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