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Friday
March 28, 1980

Highlights

20451 **Continuing Applicability of Panama Canal Regulations** Executive Order (Amending EO 12173)

20740 **Amending the Generalized System of Preferences** Executive Order

20564 **National Continuing Education and Training Program** HEW/HDSO announces the acceptance of applications by 5–27–80 for grants or cooperative agreements

20563 **National Conference on Aging Program** HEW/HDSO announces the acceptance of applications for grants or cooperative agreements by 5–27–80

20566 **Need Analysis Systems** HEW/OE list methods used in awards for the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grants Program; effective 3–28–80

20578 **Medicolegal Investigation of Death** Justice/NIJ announces a competitive research solicitation; receipt by 5–16–80

20471 **Home Improvement—Energy Conservation** VA establishes a separate interest rate for certain loans; effective 3–21–80 and comments by 4–28–80

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20453 **Anti-Inflationary Pay and Price** CWPS publishes compilation of questions and answers that relate to the second-year standards; effective 10–1–79; comments by 4–28–80

20465 **Imprisonment—U.S. Personnel in Foreign Courts** DOD/Sec'y establishes uniform reporting regarding treatment and trials

20461 **Transit: Aliens to Foreign Countries** Justice/INS adds carriers to the list of transportation lines; effective dates vary

20666 **Dental Care** HEW/FDA establishes the conditions by which products are generally recognized as safe; comments by 6–26–80 (Part IV of this issue)

20458 **Special Supplemental Food Program** USDA/FNS releases an amendment to the final administrative funding formula for Women, Infants and Children; effective 4–1–80

20478 **Social Security** HEW/SSA introduces a final rule on protective, vendor and two-party payments for dependent children; effective 3–28–80

20604 **Food Stamp Program** USDA/FNS proposes regulations on requirements for participating State agencies and certification of eligible households; comments by 5–27–80 (Part VI of this issue)

20497 **Delinquent Consumer Instalment Loans** NCUA request comments on adoption of classification policy; comments by 5–30–80

20555 **Delinquent Consumer Instalment Loans** FDIC develops uniform policy of classification at commercial banks

20601 **Privacy Act Documents** OPM

20501 **Improving Government Regulations** Treasury/FS announces it has no significant or nonsignificant new regulations under development

20496 **Improving Government Regulations** FDIC publishes semiannual agenda of regulations

20618 **Sunshine Act Meetings**

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20644 **Part III, Labor/ESA**
20666 **Part IV, HEW/FDA**
20694 **Part V, DOE**
20704 **Part VI, USDA/FNS**
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20740 **Part VIII, The President**

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Presidential Documents

Title 3—

The President

Executive Order 12203 of March 26, 1980

Continuing Applicability of Panama Canal Regulations

By the authority vested in me as President of the United States of America by the Constitution and laws of the United States, in order to temporarily extend a delegation of authority to the Secretary of Defense, the last sentence of Section 1–102 of Executive Order No. 12173 of November 29, 1979, is amended to read, "This delegation shall be effective until May 15, 1980.".

Jimmy Carter

THE WHITE HOUSE,
March 26, 1980.

[FR Doc. 80-9705
Filed 3-26-80; 4:51 pm]
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Rules and Regulations

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

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration

5 CFR Part 1500

32 CFR Part 2500

Transfer and Redesignation of Regulations

AGENCY: Office of Administration, Executive Office of the President.

ACTION: Final rule.

SUMMARY: This document transfers and redesignates existing regulations concerning information security from Title 32—National Defense, of the Code of Federal Regulations to Title 5—Administrative Personnel. The Office of Administration is preparing to issue other regulations concerning the Privacy Act, and it is felt that Title 5 is a more appropriate place for all OA regulations in the Code of Federal Regulations.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Donald Street, telephone number (202) 456–2970.

Accordingly, a new Chapter XV entitled, "Office of Administration, Executive Office of the President," is established in Title 5 of the Code of Federal Regulations. Existing Office of Administration regulations set forth at 32 CFR Part 2500 are transferred to 5 CFR Chapter XV and redesignated Part 1500. Chapter XXV of Title 32 is vacated.

William R. Pollak,

General Counsel.

[FR Doc. 80-9458 Filed 3-27-80; 8:45 am]

BILLING CODE 3115-01-M

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Part 705

Anti-Inflationary Pay and Price Standards; Questions and Answers on the Pay Standard

AGENCY: Council on Wage and Price Stability.

ACTION: Questions and Answers on the Pay Standard for the Second Program Year.

SUMMARY: This is a compilation of Questions and Answers that relate to the second-year pay standard (Subpart 705B). On March 18, 1980, the Council issued the interim-final second-year pay standard and accompanying changes to Parts 705, 706 and 707. (45 FR 17125). The attached Questions and Answers are intended to clarify or interpret the pay standard.

DATES: The effective date is October 1, 1979. Written comments should be submitted by April 28, 1980.

ADDRESS: Written comments should be sent to: Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Office of Pay Monitoring, Lucretia Tanner: 456–7180, Malcolm Liggett: 456–7180, Homer Jack: 456–7180; Office of General Counsel, Daniel Duff: 456–6210, Jane Campana: 456–6210.

SUPPLEMENTARY INFORMATION: The Q&A's published today supersede Q&A's previously published by the Council regarding the pay standard. The Q&A's set forth below include Q&A's issued in the first program year and during the interim period, modified where appropriate to reflect the revisions in the second-year pay standard. Several Q&A's are being published for the first time (Part C, Q&A's 16–22, and new language added to Q&A 15; Part D, Q&A 12; Part M, Q&A 7). Certain of the first-year and interim Q&A's have been deleted and are no longer applicable.

These Q&A's clarify and interpret the pay standard and as such should be considered an integral part of the standards and procedures. Accordingly, those affected by the program can and should rely on the Q&A's when formulating compliance plans or taking any action under the standards. The Council will hold companies responsible for knowledge of the Q&A's when formulating compliance plans or taking any action under the standards. The Council will hold companies responsible for knowledge of the Q&A's as of the day they are published in the **Federal Register** and will evaluate compliance on that basis.

The Council welcomes comments on these Q&A's and encourages the public to submit additional Q&A's for the Council's consideration at any time.

Issued in Washington, D.C., March 25, 1980.

R. Robert Russell,

Director, Council on Wage and Price Stability.

A. General Standard

Q1. Does the pay standard mean that the average pay rates of all employee units should rise annually by the amount provided for in Section 705.10(a)?

A. No. The pay standard represents a range within which it is expected that most annual pay-rate increases will fall. A firm that grants increases within the range or less is in compliance with the standard.

Q2. Does the standard mean no one can receive more than the amount provided for in Section 705.10(a)?

A. No. In general, the pay standard imposes no limit on individual employee pay rates. Instead the standard applies to average pay rates for employee units.

B. Employee Coverage

Q1. How does a company distinguish the nonunion management group of employees from the nonunion nonmanagement group?

A. Companies can determine this in a fashion consistent with their past practices. In general, management employees should be those whose duties are primarily of a supervisory nature. For example, the Fair Labor Standards Act distinction between exempt and nonexempt employees could be used. Firms should not, however, alter previously used categories in order to permit pay increases above the standard for some workers at the expense of others. The intent of this provision is to ensure that nonmanagement personnel are treated equitably. If firms can provide alternative verification of equitable treatment of employees, they may combine these groups for purposes of determining their compliance.

Q2. Can a company define smaller employee units than management and nonmanagement?

A. Yes. Any further breakdown consistent with a company's accounting procedures is acceptable.

Q3. Does the pay standard limit on pay increases apply to new employees?

A. The limit does not apply to individual workers, whether they are new or old employees. But the average rate paid by a firm should not rise by more than the pay standard during the year, regardless of turnover or increases in its work force.

Q4. Are U.S. employees assigned to work in other countries subject to the pay standard?

A. No, they should be excluded from the employee units.

Q5. Does the pay standard apply to Federal, State, and local government workers?

A. Yes.

Q6. Are pay increases mandated by State and local government regulations exempt from the pay standard?

A. If legally-mandated pay increases determined under regulations existing prior to October 25, 1978, exceed the pay range, the amount above the range is excluded from the pay calculations.

Q7. Under Section 705.11, collective bargaining units accounting for less than 5 percent of a company's employees may be included in the "all other employees" category. If a company organizes itself for reporting purposes into separate compliance units, is the 5 percent based on the number of employees in the company or on the number of employees in the compliance unit?

A. The number of employees in the compliance unit.

C. Pay and Pay Rates

Q1. Increased employer contribution costs for legally mandated employee benefits are not charged against the pay standard. Which employer costs are excluded?

A. Excluded are costs of legally mandated payroll taxes such as Social Secruity, Worker's Compensation, and Unemployment Insurance. In addition, the increased costs during the program year of new legally required benefits, such as paid maternity leave, changes in benefits under age discrimination laws and remaining ERISA-mandated pension plan contributions should not be charged against the standard.

Q2. With respect to the exclusion of overtime pay, what does the language "as long as the conditions of that pay are unchanged" mean?

A. A change in the conditions of overtime pay occurs when the overtime premium pay rate is changed or when the timing requirements are altered (for example, by defining overtime as work beyond 38 hours rather than 40 hours). When such a change occurs during the program year, an estimate of the increased pay due to the change must be included as a pay-rate increase.

Q3. Are cost-of-living differentials received if an employee is transferred to a higher cost-of-living area included as pay-rate increases?

A. Not if they represent continuation of an established practice to pay such differentials.

Q4. Should moving expense reimbursements by included as a component of pay?

A. No.

Q5. If a company is required to make retrospective payments to an employee or employees as the result of legal action, are these payments chargeable under the standard?

A. No.

Q6. Is rollup included in the calculation of a pay increase?

A. Yes. The additional cost of existing benefits which results from a wage increase is to be included as part of the pay increase chargeable under the standard.

Q7. Are TRAESOPS (Tax Reduction Act Employee Stock Ownership Plans) included in measuring compliance with the standard?

A. No. TRAESOPS are excluded, since they are not an employer cost but rather result from money available under the investment tax credit.

Q8. How is premium pay treated under the standard?

A. Premium pay, other than overtime for hours in excess of scheduled daily or weekly hours, is included as pay in both the base and program quarters.

Q9. Are allowances for such items as tools, uniforms, and safety shoes subject to the pay standard?

A. Not if the item is used on the job, and the allowance is reasonable as a reimbursement for expenditures actually to be incurred.

Q10. How are payments dictated by arbitration treated under the pay standard?

A. Payments in excess of the guidelines that are dictated by legally-mandated binding arbitration will not put a company out of compliance with the pay standard.

Q11. How is a benefit improvement communicated to employees before October 2, 1978, but implemented after October 1, 1979, to be treated?

A. The cost of the new benefit may be excluded from all pay-rate calculations.

Q12. What is a pre-existing incremental pay plan or practice?

A. Any plan or practice in effect before October 1, 1979.

Q13. Are increases paid under pre-existing incremental pay plans and practices chargeable against the pay standard?

A. Qualification increases associated with defined improvements in an employee's job-related credentials such as completion of an educational or vocational training program and other regularly programmed increment increases including longevity increases in pre-existing pay plans shall be excepted from the pay standard when compliance is measured under Sections 705.12 and 705.13(b).

Q14. What changes in pre-existing incremental pay plans and practices are chargeable against the pay standard under Sections 705.12 and 705.13(b)?

A. All structural changes in pre-existing incremental pay plans and practices that increase the cost of such increments are charged against the standard. Such changes include (but are not limited to) adding steps above the top step, reducing the number of steps required to reach the top step, increasing the established differential between steps, and shortening the time periods between steps. Pay increases resulting from implementation of a new incremental pay plan or practice should be charged. Changes in the amount of the difference between increments resulting from the general increase are not considered to be structural changes in a pre-existing incremental pay plan or practice.

Q15. Does the treatment of increment increases under Sections 705.12(g) and 705.13(b) apply to merit pay plans?

A. Increases that represent movement within pay ranges in a pre-existing formal merit pay plan are not charged against the pay standard, provided that they are consistent with established procedures and past practices for administering such increases. Increases in the pay ranges themselves are chargeable, as are increases resulting from changes in established procedures or past practices for administering adjustments within pay ranges. For example, assume the pay-rate ranges are increased by 8 percent (measured by the change in the midpoints from the base quarter to the last quarter in the program year). In addition to excluding the effects of legitimate promotions, firms may also exclude the aggregate amount by which normal upward movement within pay ranges causes the pay-rate increase for the fixed population of continuing employees to exceed 8%. To qualify for this exclusion the firm's pay actions must be consistent with established procedures (e.g. administrative controls such as compa-ratios, merit range controls points, etc.) and past practices (e.g. normal upward movement within pay ranges based on a normal historical relationship between pay range increases and pay budgets or spending objectives). Any portion of the increase above 8% which results from changes in established procedures or past practices is charged as well as the increases resulting from increasing the pay-rate ranges.

Q16. Question 13 refers to pre-existing incremental pay plans. Does the treatment of increment increases under Section 705.13(b) apply to merit pay plans where the pay-rate ranges are not increased in the program year?

A. Firms that do not increase their pay-rate ranges in the program year are expected to charge all pay-rate increases based on their merit pay plans except the effects of legitimate promotions or use the unit average (Section 705.13(a)) method of computation.

Q17. May pay-rate increases within the pay standard be made retroactive to October 1, 1979?

A. Yes.

Q18. If an employee unit received a pay-rate increase of 8.5 percent or less during the interim period (October 1, 1979, through March 12, 1980), may it now receive a further increase that would carry it above 8.5 percent but not above 9.5 percent?

A. Yes, if the Council is notified under Section 706.26.

Q19. If an employee unit received a pay-rate increase above the top of the range solely due to an exception granted during the interim period, is that unit now out of compliance with the pay standard?

A. No. Exceptions approved by the Council in the interim period are effective througout the entire second program year.

Q20. May pay-rate increases granted above the standard in effect during the interim period, based on exceptions approved in the interim period, be paid in addition to the pay range now in effect?

A. If the exception results in a second year pay increase equal to or greater than the top of the range, no further pay increases are

allowed in the second program year absent another exception approved by the Council.

Q21. During the interim period, eligible employee units were able to self-administer a 1 percent non-COLA catch-up. Under the new pay standard, may an employee unit self-administer the 1 percent non-COLA catch-up if that results in a pay increase above the top of the range?

A. No. This self-administered non-COLA catch-up was available only during the interim period when a 7-percent pay standard was in effect and has been replaced by the provisions of 705.21 which provide for an exception to restore equity with wages of comparable groups of employees occasioned by the operation of COLA clauses.

Q22. Are there circumstances that justify an increase above 9.5 percent?

A. Increases above 9.5 percent may be permitted under Sections 705.18 through 705.22 of the pay standard, in accordance with the procedures set forth in part 706 of the Council's rules.

D. Collective Bargaining Units

Q1. If workers in one union in a compliance unit are out of compliance, is the compliance unit out of compliance?

A. Yes. Each collective bargaining contract should meet the pay standard; a compliance unit is out of compliance if any of its collective bargaining agreements exceeds the pay standard. However, if a group represents less than 5 percent of the compliance unit's force, the group can (at the compliance unit's discretion) be included within the category of nonunion employees.

Q2. Does the pay standard apply to collective bargaining settlements which were being negotiated prior to the President's announcement on October 24, 1978, but in which no formal agreement was signed?

A. The pay standard does not apply under any of the following circumstances:

- there was a written memorandum of agreement covering wages and benefits prior to October 25, 1978;
- there was a written management offer outstanding on October 24, 1978, and the contract is later signed with wage and benefit terms that are no higher; or
- there was evidence of an oral agreement covering wages and benefits prior to October 25, 1978.

Q3. Is there any power to invalidate contracts that exceed the standard?

A. No, the government has no authority or intention to invalidate labor contracts.

Q4. Can a company that has a large number of small collective bargaining units combine these units for purposes of compliance?

A. Units of less than 100 employees can be combined for administrative purposes or in response to requests for information. But such units are expected to comply with the standards on an individual basis.

Q5. If a new collective bargaining unit is formed, what limit is placed on pay increases in the second program year?

A. The total increase for such workers should not exceed the amount provided for in Section 705.10(a) in the second program year, including pay-rate increases granted prior to the formation of the new unit. Of course, a contract signed by the new unit during the program year should be consistent with the pay standard as applied to collective bargaining agreements.

Q6. What is the base pay rate for a new collective bargaining agreement?

A. The average pay rate in effect at the expiration of the prior agreement.

Q7. Can a union contract signed prior to October 25, 1978, be reopened to grant an additional pay increase during the second program year?

A. Yes, if the total pay increase for the second program year does not exceed the amount provided for in Section 705.10(a) and the new contract is consistent with the pay standard as applied to new collective bargaining agreements.

Q8. In an industry bargaining situation in which a number of companies sign a common agreement with a union and the companies have different average base pay rates, will compliance be measured for each company?

A. The Council will continue its past practice of evaluating such agreements on an industry basis, using an average base pay rate for all the companies. Individual companies that sign a complying pattern agreement will be deemed in compliance.

Q9. Under the pay standard, a contract that includes a provision for a future wage reopening will be assumed to be terminating on that date. Does this apply to a wage reopener that has a specific limitation?

A. The Council will permit a wage reopener that specifically provides that, upon reopening, any wage-rate or benefit increases must be in compliance with the standards. A contract that includes such a provision would not be assumed to be terminating on the reopening date.

Q10. In industries where contracts are bargained by employer associations for defined geographical areas, how should companies that are not members of the association be treated for compliance purposes?

A. Any company that operates under the terms of a local contract that is out of compliance with the pay standard will be considered out of compliance within the geographical area covered by the contract.

Q11. If entry-level pay rates are decreased or held constant in a new collective bargaining agreement, may the projected cost savings from such a provision be used to offset other pay-rate increases under Section 705.12?

A. Yes, provided that the distribution of workers by job category at the expiration of the previous agreement is used in making such computations.

Q12. In the first program year, the parties to a multi-year collective bargaining agreement could add one percentage point above the standard to any year of the agreement as long as the compounded annual rate of increase over the term of the agreement was in compliance with the standard. Is this practice allowable in the second program year?

A. No.

E. Nonunion Standard

Q1. The pay standard for nonunion employee groups compares the base-quarter pay rate with the pay rate in the last quarter of the program year. Does this mean the company is unconstrained over the first three quarters of the program year?

A. No. Having an annual compliance standard minimizes the administrative burden placed on firms and eliminates some compliance problems which might be caused by seasonal factors and the timing of pay-rate changes. However, at any time during the program year, companies should be prepared to demonstrate that their pay plan is consistent with the pay standard.

Q2. Section 705.13(c) says that companies may make adjustments for shifts in the composition of the work force among distinct functional employee subgroups. What does this mean?

A. Under this option, a separate pay-rate increase may be calculated for each functional employee subgroup. If a weighted average of the resulting pay-rate increases is equal to or less than the amount provided for in Section 705.10(a), the employee unit is in compliance. For purposes of computing this weighted average, the subgroups' base-quarter shares of total employee-unit pay may be used as weights.

Q3. What is the effect of these adjustments on the nonunion pay standard?

A. Under the general standard as applied to nonunion groups, changes in the composition of the work force toward higher-paid employee subgroups could carry the employee unit as a whole over the pay standard even though the limitation is satisfied for each job category. This adjustment provides nonunion groups with treatment similar to that allowed for collective bargaining units by permitting companies to assume no changes in the composition of the work force during the program year.

Q4. What is a distinct functional employee subgroup?

A. Within the employee unit, a distinct functional subgroup would be identified by type of work (for example, engineers, accountants, secretaries, production workers, etc.). As a rule, these subgroups should be those regularly identified in the company's accounting practices and pay plans as separate employee groups.

Q5. Section 705.13(b) says that compliance may be determined on the basis of the average pay rates for continuing employees. What is the implication of this option?

A. This option allows the company to follow pay rates for the fixed population of continuing employees employed throughout the program year. This approach may be especially useful to small businesses that have changes in the composition of the work force, but do not typically perform the cost-accounting analyses needed to adjust for these compositional shifts.

When excluding promotion and incremental increases under this method, the company should be prepared to demonstrate that such increases granted during the program year are consistent with historical practices.

Q6. Can a company demonstrate compliance with the pay standard for nonunion employee groups on a prospective basis?

A. Yes. If a company bases its pay projections on its standard budgetary practices and assumes continuation of well-established historical relationships, then it can demonstrate compliance on a prospective basis for nonunion units. Compliance must still be determined retrospectively by comparing the last quarter of the program year with the base quarter. However, failure to meet the pay standards will not constitute noncompliance if there has been a good faith effort to comply, but unforeseen events beyond the company's control have caused the failure.

Q7. Can a nonunion unit receive pay increases under a multi-year pay plan?

A. Yes, provided the plan is binding on the company. The rules for multi-year collective bargaining agreements should be applied in evaluating compliance of such plans with the standards.

Q8. When using the fixed-population method for determining compliance, must the company recompute the base-quarter compensation rate to exclude those employees no longer with the company?

A. Yes.

Q9. May a company increase its pay to salaried employees to compensate for an increase in hours worked per day or days worked per week?

A. Such increases pose a special problem because salaried employees typically are not paid by the hour, but by the month or year. If a company wishes to give pay increases for additional hours worked for salaried employees, the burden rests with the company to show that there is an actual increase in hours worked.

Q10. Does the provision for calculating chargeable increases under cost-of-living formulas apply to nonunion employees also?

A. Yes, if such employees are covered by a formal cost-of-living formula. But, as with formal collective bargaining contracts, it should be part of a pay plan that extends beyond a year in duration.

Q11. If a company used the fixed-population method in the first program year and plans to continue using this method in the second program year, how is the fixed population determined?

A. The fixed population in the second program year consists of the workers who were employed both at the beginning and at the end of the second program year.

Q12. Council exception decisions for nonunion employee units cite October 1, 1978 through September 30, 1979, as the program year. Does this mean that the exception expires September 30, 1979, for these compliance units?

A. No. The exception extends through the company's program year for which the exception was sought, or, in the case of formal annual pay plans, through the end of the company's pay-plan year for which the exception was sought.

Q13. What is the base quarter for the second program year for pay-rate computations?

A. The base quarter is the compliance unit's last quarter in the first program year.

F. Variable Compensation

Q1. How are sales commission and production incentive plans treated under the standard?

A. Employees operating under these plans are subject to the standard. If the unit's compensation exceeds the standard, companies must be able to demonstrate that they would have been in compliance had the unit's sales or production experience based on physical volume been the same as in the year prior to the program year. The assumption of the same sales or production experience may not be used if the commission or incentive rate is increased on incremental volume in excess of the prior year's volume.

Q2. Is compensation from annual incentive plans included as pay?

A. Yes. Pay from annual incentive plans, such as annual bonuses, is included as pay in the base quarter and during the program year.

Q3. How are annual incentive awards to be treated in computing pay rates?

A. This depends on whether the awards are made pursuant to a plan or on a discretionary basis. Annual bonuses or awards made according to a plan previously announced, consistently administered, and based on past practice, should be treated as pay over the period earned. For example, a bonus paid in early 1980 depending on performance over calendar year 1979, should be treated as pay received evenly over 1979.

If the bonus payment is discretionary (not under a plan) and there is no demonstrable objective performance criterion, it should be treated as pay when payment is made (or when accrued if it is deferred). For example, all discretionary bonuses paid (or accrued) in the program year should be included as pay received evenly over the program year. Similarly, one-fourth of all bonuses paid (or accrued) in the preceeding year should be treated as pay in the base quarter.

Q4. In determining the bonus amount to be included in the base rate of pay, must the company use the amortized bonus amount which was earned in the base quarter?

A. No. In determining the bonus amount to be included in the base rate of pay, the company may choose either the amortized bonus amount earned in the base quarter or the average of the corresponding amounts earned in any two of the five most recent years on a per employee basis.

Q5. How are annual incentive bonuse to be treated in future years?

A. Annual incentive bonuses are expected to be consistent with the pay standard. For nondiscretionary plans, companies should make a reasonable estimate of their profits for the coming year, and calculate the amount of aggregate incentive bonuses that would be paid at the level of profit. The projected increase in these bonuses (prorated) together with fixed compensation increases should not be more than the amount provided for in Section 705.10(a). If bonuses are larger than estimated due to higher profits, the excess over the pay standard can be excluded if the company can demonstrate that its estimate of profits was not unreasonably low.

G. Future-Value Compensation

Q1. How are future-value incentive plans treated under the pay standard?

A. Future-value incentive plans are long-term plans under which units are granted whose value will not be known until some future time. The plans involve qualifications or contingencies which make their exact valuation uncertain, but increases in their value can be subjected to a rough pay standard limit by limiting the number of units granted during the program year to no more than the amount provided for in Section 705.10(a) increase per recipient.

During the program year, changes in the number of recipients under these plans must be based on the continuation of well-established past eligibility practices with objective criteria for determining recipients. In the absence of such practices, the average number of units issued per employee in the appropriate employee unit must be limited to one plus the percent provided for in Section 705.10(a) times the average number of units issued per employee in the base period.

Q2. What constitutes a unit of future-value incentive compensation?

A. A unit includes shares, awards, shares subject to option, or investment amounts. In most cases, units under these plans are the number of shares under options or shares awarded. Where plans involve investment amounts, this means the number of shares times the share price at the time of award.

Q3. How do stock splits affect the limitation on the number of units to be issued under future-value plans?

A. The number of units should be adjusted to reflect stock splits and stock dividends.

Q4. How are long-term future-value incentive plans with a regular multi-year grant cycle treated?

A. For a plan with a regular multi-year grant cycle and for which the next regular grant falls in the program year, the number of units issued in the last regular grant should be treated as the base in applying the amount provided for in Section 705.10(a).

Q5. If a company chooses to use the alternative method for calculating the base period number of units issued under a future-value incentive plan, should the five-year average include years in which no units were issued?

A. Yes.

Q6. Under Section 705.14(e) companies are expected to place a value on new future-value plans "consistent with generally accepted accounting practices." There really is no accounting value with respect to new stock option plans. Does this mean that companies may place a zero value on such plans?

A. No. Companies are expected to place some reasonable value on such plans and include this value as pay during the program year.

Q7. Section 705.14(c) in part applies to "successor" future-value incentive plans. What qualifies as a successor plan?

A. A successor plan is one which is established upon the termination of an existing future-value plan, and is of the same type as the old plan. For example, if a company stock option plan expires and a new stock option plan is created, the new plan is allowed successor treatment under Section 705.14(c). Successor plan treatment may also apply to follower future-value

incentive plans of a different type if a company can demonstrate that the basic value of the new units is generally equal to the value of the replaced units. For example, a company may substitute long-term performance units for existing stock appreciation units and apply successor treatment under Section 705.14(c), so long as the long-term performance units are not of greater value than the stock appreciation units being replaced.

Q8. Are dividends received in connection with units of future-value compensation included as pay?

A. No.

H. Health and Welfare Benefits

Q1. If, based on actual experience, the cost of maintaining existing health benefits increases by less than the amount provided for in Section 705.10(a), does this mean that more than the amount provided for in Section 705.10(a) may be granted in other pay components?

A. Yes.

Q2. If new health benefits are added, are these included in payrate computations?

A. Yes.

Q3. Is it necessary to separate health insurance costs from a general health and welfare benefit package in order to apply the maintenance rule?

A. Yes, unless it is impractical to separate health insurance from other costs.

Q4. Can individual items in a health benefit package be considered separately, using the maintenance exclusion for some item increases and counting others at their actual increase?

A. No. The maintenance exclusion must be applied to the health benefit package as a whole.

Q5. Does the treatment of health benefit maintenance costs set out in Section 705.15 apply to plans that pay fixed-dollar amounts for particular services?

A. Yes, but only if the company continues to pay the same share of the actual cost of such services; any increase in company share paid would be chargeable against the pay standard.

I. Pensions

Q1. What are pay-related defined-benefit pension plans?

A. These include final-average pay plans, career-average earnings plans, and other similar plans in which the level of benefits provided by the plan is related to earnings or salaries over a specified period of employment.

Q2. What are nonpay-related defined-benefit pension plans?

A. These include plans where the benefit level is a flat dollar rate which is independent of earnings or salaries over the period employed.

Q3. For pay-related defined-benefit pension plans, how does one determine the employer costs attributable to increased benefits due to changes in salary levels during the program year or over the life of a new collective bargaining agreement?

A. Using standard company accounting procedures, calculate costs for the pension plan at the end of the program period at both the base-quarter and program year salary rates; the difference between the two is the employer cost attributable to the change in pay levels and is included in the pay-rate change in determining compliance with the pay standard.

Q4. Why is an increase in benefit levels in a pay-related defined-benefit pension plan charged as a pay-rate increase when there has not been any amendment to the plan?

A. This is done in order to treat pay-related and nonpay-related pension plans equitably. For example, a nonpay-related plan that provides a pension benefit of $10 per month per year of service would have to be amended in order to increase the pension benefit. In a pay-related plan, however, the amount of pension benefit automatically changes as salary levels change. If no distinction were made, this would generally result in benefit changes in the nonpay-related plans being charged as pay-rate increases while the changes in the pay-related plans would not be charged as pay-rate increases.

Q5. For pay-related defined-benefit pension plans that are not amended, is it necessary to perform detailed calculations to sort out employer costs for increased benefits related to salary changes, as set forth in question 3?

A. No. In most cases, a simplified procedure would closely approximate the outcome of such detailed calculations. In particular, in those cases where the pension plan is not amended during the program period and the benefit structure remains unchanged, it is consistent with the intent of the pay standard to exclude pension funding costs from all pay-rate calculations. This means that pension funding costs would not be included in the base pay rate nor in the program-year pay rate in determining compliance with the pay standard.

Q6. If a pay-related defined-benefit pension plan is amended, how should employer costs be determined for purposes of pay-rate computations?

A. One of two methods may be used. Under the first method, the change in employer costs would be the sum of (a) the cost change associated with pay-level changes determined by the method in Question 3 prior to the plan amendment, and (b) the change in program year costs due to the amendment itself. This cost change would be added to the base pension cost in determining program-year pension costs and program-year pay rates.

A second simpler procedure would closely approximate the outcome of these calculations. Under this method, the change in the program-year cost due to the plan amendment would be included in determining program-year rates and all other pension funding costs would be excluded from both the base and program-year computations.

Q7. For non pay-related defined-benefit plans, if the benefit level remains unchanged, does this mean that an increase of more than the amount provided for in Section 705.10(a) is allowable on the other components of pay?

A. Yes, since under these conditions the company may include the same dollar pension cost per hour in both the base-quarter pay rate and the program-year pay rate.

Q8. Are increased pension benefits for retirees chargeable as pay increases?

A. Since retirees are not employees under the pay standard, increases in their pension benefits are not chargeable against the standard.

Q9. Can reductions in pension costs due to changes in actuarial assumptions or funding methods be used as a credit toward other pay-rate increases?

A. No.

Q10. How are "qualified" profit-sharing retirement plans treated under the pay standard?

A. Profit-sharing retirement plans that qualify under Section 401(a) of the Internal Revenue Code (are nondiscriminatory) and are based on a formula rather than being discretionary may be excluded from the coverage of the pay standard if the formula is not changed; plan costs should be excluded from both the base quarter and the program year. Otherwise, profit-sharing plans should be treated as incentive bonus plans.

J. Low-Wage Exemption

Q1. Which individual employees are exempt under Section 705.17(b)?

A. Employees who are earning $4.00 per hour or less in straight-time wages on October 1, 1978, and all employees hired since that date at a straight-time wage rate of $4.00 per hour or less.

Q2. Is there any ceiling on the pay-rate increases granted to employees exempted under the low-wage provision?

A. No.

Q3. Should incentive pay be included in the calculation of straight-time hourly wages?

A. Yes.

K. Tandem Pay-Rate Exception

Q1. How does the revised definition of tandem differ from the definition in effect during the first program year?

A. Under the revised definition of tandem, historical pay increases need not be equal in value and directly related in timing. In addition, the revised definition permits exceptions for longstanding relationships between pay-rate increases of different employee units or between increases of an employee unit and those of a group of employee units or an identified labor market.

Q2. What is meant by "substantially equivalent" in Section 705.18?

A. This term means that there exists a close relationship between the historical pay-rate increases, but there is no precise measure of closeness. If there has been a disruption in the historical relationship between pay movements, the compliance unit should be able to explain the transitory nature of the disruption or the change in the relationship.

Q3. Is "substantially equivalent" gauged in terms of percentage changes or absolute changes?

A. The pay-rate changes must be substantially equivalent either in percentage or in absolute terms.

Q4. What is meant by a labor-market survey?

A. A survey will qualify if it includes sufficient data to indicate prevailing pay rates in the identified labor market. Employee

units known to be out of compliance must be excluded from such labor-market surveys.

Q5. May an employee unit that is not covered by a cost-of-living adjustment (COLA) clause be linked with an employee unit that is covered by a COLA clause?

A. Yes, if it meets the criteria in Section 705.18.

Q6. Is the tandem exception applicable to individual elements of pay as well as to total pay?

A. Yes, provided that the criteria set forth in Section 705.18 are met. However, if a tandem exception is applied to individual elements of pay, such as health or retirement plans, the base-period, as well as program-year, costs for these elements should be excluded from all calculations in determining compliance.

Q7. May a compliance unit self-administer the tandem exception?

A. Yes, if it meets the criteria in Section 705.18. However, under Section 706.31(c) of the procedural rules, the compliance unit should notify the Council in writing when it self-administers the exception and it should retain all data and documents that constitute the basis for the exception in a form suitable for review by the Council.

L. Productivity Work-Rule Exception

Q1. Is the principle of trading newly negotiated work-rule changes for wage increases to be applied to contract changes that make work rules more restrictive as well as relaxations in work rules or manning requirements?

A. Yes. If such changes produce a demonstrable and measurable decline in productivity, they should be deducted from the allowable pay-rate increase.

Q2. Can the principle of productivity increases related to work-rule changes be applied to nonunion units?

A. No. The work-rule exception is intended to apply in those limited situations where companies have no alternative means of eliminating contractual work-rule restrictions that prevent improvements in productivity. This provision does discriminate unfairly against employee groups that have, in the past, cooperated with management to promote improvements in productivity. Yet, in some circumstances there are no practical alternatives to eliminating previously agreed-to restrictions except through an additional wage increase. In some cases, the unions may have previously foregone a wage increase to obtain the restriction.

Q3. Can wage increases exceed the pay standard for firms that achieve productivity gains in excess of the economy-wide average?

A. No.

M. Carry-Over Adjustment

Q1. The Council has announced that it will permit employers to carry over unused allowable pay increases from the first year. How is carry-over measured and applied?

A. Carry-over is the difference between the first-year pay standard and the chargeable pay-rate increase for the employee unit in the first program year. This amount may be added to the allowable pay-rate increase for the employee unit in the second program year.

Q2. May carry-over be self-administered?

A. Yes.

Q3. May carry-over pay-rate increases be made retroactive?

A. No. Carry-over may be made effective the first day of the company's second program year, but no earlier.

Q4. May the carry-over adjustment apply to collective-bargaining units covered by contracts that were exempt during the first program year under Section 705.12(e)?

A. No. The carry-over adjustment applies only to employee units that were covered by the pay standard in the first program year.

Q5. How should carry-over adjustments be computed if a company reorganizes its employee units for the second program year?

A. Companies should compute pay-rate increases for the first program year for the reorganized employee units. Carry-over adjustments should be based on the pay-rate computations for the reorganized employee units.

Q6. The Council has stated that the carry-over adjustment does not apply to a collective-bargaining unit covered by a contract that was exempt from the pay standard in the first program year. What if such a unit accounts for less than 5 percent of an "all other employees" unit that may receive carry-over?

A. The "all other employees" unit may receive carry-over even though it includes a collective-bargaining unit that was exempt from the pay standard in the first program year.

Q7. When determining the amount of carry-over available for the second program year, may first-year exceptions to the pay standard, either approved by the Council or self-administered, be used to reduce actual pay-rate increases in the first year below the first year pay standard?

A. No.

[FR Doc. 80-9520 Filed 3-26-80; 5:08 pm]

BILLING CODE 3175-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

Special Supplemental Food Program for Women, Infants, and Children; Administrative Funding Formula

AGENCY: Food and Nutrition Service, USDA.

ACTION: Administrative funding formula; notice of amendment.

SUMMARY: The Department is publishing an interim amendment to the final administrative funding formula which distributes administrative monies to State agencies participating in the Special Supplemental Food Program for Women, Infants and Children. The interim amendment will allow the Department to negotiate increases in administrative funds beginning April 1, 1980, to State agencies experiencing excessive administrative costs. The Department solicits comments on the use of the negotiation process in future fiscal years.

DATES: Effective date: April 1, 1980. Comments should be mailed so that they are received on or before July 1, 1980, to be assured of consideration.

ADDRESSES: Comments should be mailed to: Jennifer R. Nelson, Director, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Comments will be available for public inspection during normal business hours at: 201 14th Street SW., Room 4405 Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Jennifer R. Nelson (202) 447-8206.

SUPPLEMENTARY INFORMATION: The Department published a proposed notice on December 12, 1978, at 43 FR 58106 and a final notice on May 15, 1979, at 44 FR 28287 concerning the administrative funding formula for the WIC Program. After the final notice was published, the Department conducted extensive analyses and studies which have shown that allocation of funds under the administrative formula resulted in the underfunding of some State agencies experiencing substantial warehousing expenses, unusually high salary costs, or extremely high travel costs due to the geographic layout of the State.

The Department believes that the administrative funding formula is adequate for the majority of State agencies for routine Program operations. However, the Department realizes that it is not possible to design a formula that suits every circumstance a State agency may face. Therefore, flexibility is needed so that the Department can negotiate administrative funding grants for State agencies when funding restrictions for these State agencies are so severe as to seriously impair Program operations. However, it is emphasized that such negotiations will only occur in extreme circumstances and will not be considered a routine procedure.

During fiscal year 1979, a great deal of concern was expressed on the administrative funding problems Alaska experienced in administering the WIC Program. Traditionally, Alaska has incurred high administrative costs as a result of rurality and its high cost of living. Travel is a hardship on the Alaska State agency, since very few areas are easily accessible to the State agency office. There are no land routes to reach most areas of the State.

Therefore, all travel must be by air or water. Since air travel is expensive and water travel so slow, travel is almost nonexistent. Consequently monitoring efforts are seriously impeded.

In addition, due to the extremely high cost of living in Alaska, the salaries for professional staff are substantially higher than the mean maximum average salary of the United States (based on the State Salary Survey of 1979, by the Office of Personnel Management). The survey takes into consideration each State's regional location, population, govenmental organization, program development and classification and compensation policies. (Refer to the example below which depicts the differences in Alaska's salaries compared to the national average.)

Average Salary Example

Job Description	National mean, maximum salary	Alaska's mean, maximum salary	Salary above national mean salary level
1. Nutrition consultant...	$20,548	$27,228	+$6,680
2. Management analyst	19,605	27,228	+7,623
3. Supervisory management.....	23,700	34,800	+11,100

Also experiencing some rather serious funding problems is Mississippi, the only WIC State agency employing a Statewide direct distribution system of food delivery. Under the legislative definition, the cost of warehousing food is an administrative rather than a food cost. Consequently, Mississippi must use administrative funds to pay for the warehousing and handling costs of food under its direct distribution system. For all other State agencies, the comparable costs involved would be inherent in the cost of food.

Because this is the case, Mississippi has perhaps the lowest overall food package cost in the United States. However, since it must pay warehousing costs from its administrative funds, Mississippi probably has the lowest percentage of administrative funds among all other States for use in certification, nutrition education and general administration. Although Mississippi does not incur vendor monitoring expenses, this savings is not offset by the expenses incurred for warehousing and handling the supplemental foods. As a result, Mississippi is often put into a position where the State agency has enough food money to serve many more participants than it has administrative money to support.

Further, due to the lower food package cost of the direct delivery system, a greater number of participants could be served with Mississippi's food allocation than could be served using the higher food package costs of retail purchase or home delivery systems. This larger potential participation level would mean a further strain on an administrative budget which is already insufficient to cover the costs of warehousing food in addition to other general administration costs.

Due to the immediacy and severity of need demonstrated by these two State agencies, the Department has decided to negotiate an administrative funding increase for these State agencies to be effective on April 1, 1980. These increases will be funded from recovered funds available for reallocation. However, the Department plans to make such negotiations a permanent part of the formula process to provide flexibility to deal with such situations at the onset of each fiscal year. Therefore, by July of each fiscal year, the Department will provide State agencies with an estimate of the next fiscal year's administrative grant. When the State agency submits its State Plan of Program Operation and Administration prior to the beginning of a new fiscal year, it may also submit a request for additional administrative funds. Such justification must be accompanied with a detailed justification as to why such an increase is needed. The Department will approve such requests only in very unusual situations when the severity of need is clearly demonstrated and Program operations are obviously threatened. Such funding increases will be deducted from the total administrative funds available.

The Department would like comments on the negotiation of administrative grants addressed in this notice. All comments will be carefully considered and a final rule published prior to October 1, 1981, the beginning of the next fiscal year for application in that and future fiscal years.

Signed in Washington, D.C. on: March 25, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-9224 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 245]

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 30-April 5, 1980. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: March 30, 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 Administration Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979-80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on July 31, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on March 25, 1980, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons has improved.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and 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). 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.

§ 910.545 Lemon Regulation 245.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period March 30, 1980, through April 5, 1980, is established at 240,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

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

Dated: March 26, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc. 80-9781 Filed 3-27-80; 1:21 pm]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1421

[CCC Grain Price Support Regulations Governing the Grain Reserve Program for 1979 and Subsequent Crops and Alternative Program for 1979 and Prior Crops, Amendment 1]

Regulations Governing the Grain Reserve Program for 1979 and Subsequent Crops and Alternative Program for 1979 and Prior Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to amend the regulations governing the Farmer-Owned Grain Reserve Program to provide that producers who have entered corn under a previous reserve program and who execute new agreements under the new Grain Reserve Program on or before March 31, 1980, are eligible for the interest waiver provision applicable to the first 512 million bushels of grain entering the new Grain Reserve Program. The need for this action is to provide equity among corn producers and encourage such producers to execute new agreements and enter the new program. This rule also provides for miscellaneous corrections to the regulations published at 45 FR 3023.

EFFECTIVE DATE: January 7, 1980.

ADDRESS: Director, Price Support and Loan Division, ASCS, USDA, Room 3741 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Harold L. Jamison, ASCS, (202) 447–7973.

SUPPLEMENTARY INFORMATION: On January 7, 1980, the President of the United States directed the Secretary of Commerce to restrict the exportation of agricultural commodities or products, including wheat and corn, to the Soviet Union under the authority of the Export Administration Act of 1979. Also, the President directed the Secretary of Agriculture to undertake necessary measures through commodity purchases, price support programs, and grain reserve programs "to protect America's farmers from the impact of such action."

Consistent with the President's directive that the burden of the export limitation not fall unfairly upon farmers, the Acting Secretary of Agriculture announced on January 8, 1980, a series of actions designed to stabilize and maintain farm prices and income. One such action included the immediate implementation of a new expanded Farmer-Owned Grain Reserve Program effective January 7, 1980 (See 45 FR 3023).

Included in the new Farmer-Owned Grain Reserve Program was a provision which permitted the waiver of payment of interest accruing on loans during the first year of the grain reserve agreement with respect to the first 512 million bushels of corn entering the Farmer-Owned Grain Reserve Program for the first time. The provision for the first year interest waiver was intended to encourage producers, who were otherwise eligible, to place their corn in the reserve thus preventing large quantities of corn from entering the marketplace and leading to the possiblity of depressed market prices. Producers, who placed their corn in a previous Grain Reserve Program and who may have otherwise elected to execute new agreements with respect to the new Grain Reserve Program, were not eligible to take advantage of the waiver provision.

However, on January 23, 1980, the Secretary announced that those producers who had placed corn in the previous Grain Reserve Program between October 22, 1979 (earliest entry date) and January 7, 1980, could take advantage of the interest waiver provision applicable to the 512 million bushels of corn by executing a new agreement under the new Farmer-Owned Grain Reserve Program on or before March 31, 1980. The Secretary took this action in order to provide equity among all corn producers and to encourage such producers to enter the new program. The new program, unlike the previous one, provides a greater range between release and call levels. This permits the commodities placed in the new program to remain in the program for a greater period of time, thus contributing to the stabilization of domestic market prices and the orderly marketing of the commodities. Accordingly, the regulations at 7 CFR 1421.641 are amended to reflect this extension of the applicability of the interest waiver provision.

Also, section 1421.640(d) of the regulations is corrected by deleting the reference to paragraph 2 of the grain reserve agreements.

Section 1421.644 of the regulations is corrected by changing the word "earlier" in the third line of the section to read "later."

Final Rule

Accordingly, 7 CFR Part 1421, Subpart—Regulations Governing the Grain Reserve Program for 1979 and Subsequent Crops and Alternative Program for 1979 and Prior Crops is amended as follows:

1. Section 1421.640 is amended by correcting subsection (d) to read as follows:

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

§ 1421.640 Storage payments.

* * * * *

(d) *Eligible storage credit.* Storage credit shall be allowed for the duration of the loan except that no storage credit shall be earned between the day following the second consecutive CCC announcement that the national average market price for the commodity is equal to or exceeds the release level and the date of a subsequent announcement by CCC that the market price is again below the release level. However, notwithstanding the above exception, storage credits will continue to be earned by farmers if their State's mid/month average price received by farmers where the crop is stored (as announced by the Economics, Statistics, and Cooperatives Service) is less than such State's average loan level, plus the difference between the national average loan rate and the release level. Any unearned storage will be subtracted from any future storage payments or will be collected when the loan is redeemed or forfeited to CCC.

* * * * *

2. Section 1421.641 is amended by revising subsection (a) to read as follows:

§ 1421.641 Interest.

(a) Each grain reserve loan shall bear interest during the first year of the grain reserve agreement at the rate recorded on the regular loan document or such lower rate as may be later announced in a separate notice(s) published in the **Federal Register.** However, such interest will be waived on the first 512 million

bushels of corn which enters the new Grain Reserve Program. For corn which was entered into the previous reserve program after October 22, 1979, and which is entered into the new Grain Reserve Program by the producer executing a new grain reserve agreement on or before March 31, 1980, the interest waiver will be effective the later of January 7, 1980, or the date the previous grain reserve agreement was approved.

* * * * *

3. Section 1421.644 is corrected to read as follows:

§ 1421.644 Maturity.

Grain reserve loans mature and are due and payable on the last day of the 36th calendar month after the later of (1) the day the regular loan matured, or (2) the last day of the 36th month following the month in which the grain reserve agreement is approved, except, when the grain reserve loan is an extension of an unmatured regular loan, the grain reserve loan matures and is due and payable on the last day of the 36th month following the month in which the grain reserve agreement is approved.

Note.—Since this rule will benefit corn producers wishing to enter the expanded Farmer-Owned Grain Reserve Program and further reduce the impact on farmers of the restrictions on exports of grain to the Soviet Union, it is essential that this amendment become effective immediately. Therefore, pursuant to the provisions in 5 U.S.C. 553 and Executive Order 12044, it is found upon good cause that notice and other public rulemaking requirements with respect to this final rule are impracticable and contrary to the public interest.

Further, this final rule has not been designated as "significant" and is published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Jerome F. Sitter, Director, Price Support and Loan Division, that the emergency nature of this final rule warrants publication without opportunity for public comment and preparation of an impact analysis statement at this time. A final impact statement is being prepared and will be available from Harold Jamison, Price Support and Loan Division (ASCS), Room 3749 South Building, Washington, D.C. 20013.

This final rule will be scheduled for review under provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Signed in Washington, D.C. on March 7, 1980.

John W. Goodwin,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-8096 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-03-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Surinam Airways Ltd. and Trans Micronesian Airways To List

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final Rule.

SUMMARY: This is an amendment to the regulations of the Immigration and Naturalization Service to add carriers to the list of transportation lines which have entered into agreement with the Commissioner of Immigration and Naturalization to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. This amendment is necessary because transportation lines which have signed such agreements are published in the Service's regulations.

EFFECTIVE DATES: Surinam Airways Ltd.: February 21, 1980. Trans Micronesian Airways: December 20, 1979.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3 is published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment contained in this order adds transportation lines to the listing and is editorial in nature.

The Commissioner of the Immigration and Naturalization Service entered into separate agreements with the following named carriers on the dates indicated to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries under section 238(d) of the Immigration and Nationality Act and 8 CFR Part 238:

Surinam Airways Ltd., effective date: February 21, 1980.

Trans Micronesian Airways, effective date: December 20, 1979.

Accordingly, Chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit,* the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding in alphabetical sequence, "Surinam Airways Ltd." and "Trans Micronesian Airways".

(Secs. 103 and 238(d), 8 U.S.C. 1103, 1228(d))

This amendment is effective December 20, 1979 as to Trans Micronesian Airways and February 21, 1980 as to Surinam Airways Ltd.

Dated: March 19, 1980.

David Crosland,

Acting Commissioner, Immigration and Naturalization.

[FR Doc 80-9184 Filed 3-27-80; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 238

Contracts With Transportation Lines; Addition of "Mackey International Airlines" to Listing

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the regulations of the Immigration and Naturalization Service by adding "Mackey International Airlines" to the list of transportation lines which have entered into agreements with the Commissioner of Immigration and Naturalization for immigration preinspection of their passengers and crews at places outside of the United States. The amendment is necessary because signatories to these agreements are published in the Service's regulations. On February 8, 1980, Mackey International Airlines and the Commissioner of Immigration and Naturalization entered into an agreement for the preinspection of the passengers and crews of that airline at Freeport, Bahamas.

EFFECTIVE DATE: February 8, 1980.

FOR FURTHER INFORMATION CONTACT:

Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, DC 20536. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.4 is published under 5 U.S.C. 552 (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment adds a transportation line to the list and is editorial in nature.

Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

In § 238.4 *Preinspection outside the United States,* the listing of transportation lines under "At Freeport" is amended by adding, in alphabetical sequence, "Mackey International Airlines".

(Secs. 103 and 238(b), 8 U.S.C. 1103 and 1228(b))

Effective date: This amendment became effective on February 8, 1980.

Dated: March 24, 1980.

David Crosland,

Acting Commissioner, Immigration and Naturalization.

[FR Doc. 80-9517 Filed 3-27-80; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 71

Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions; Correction of U.S. Postal Service Regulation Reference

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Effective rule.

SUMMARY: The U.S. Nuclear Regulatory Commission is correcting its regulatory references to U.S. Postal Service regulations governing the transportation of radioactive material by the U.S. Postal Service.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT:

Ralph J. Jones, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443-5946.

SUPPLEMENTARY INFORMATION: In a **Federal Register** Notice dated November 2, 1979 (44 FR 63083), reference was made to the regulations of the U.S. Postal Service in 39 CFR Parts 14 and 15. Parts 14 and 15, however, have been deleted from Title 39. This reference was a portion of Sections 71.5, "Transportation of licensed material," and 71.7, "Exemption for certain quantities," of 10 CFR Part 71, "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions."

Section 111.1 of 39 CFR Part 111, "General Information on Postal Service," provides as follows:

§ 111.1 Postal Service Manual; incorporation by reference of general information on postal services.

Section 552(a) of title 5, United States Code, relating to the public information requirements of the Administrative Procedure Act, provides in pertinent part that "* * * matter reasonably available to the class of persons affected thereby is deemed published in the **Federal Register** when incorporated by reference therein with the approval of the Director of the Federal Register." In conformity with that provision, and with 39 U.S.C. section 410(b)(1), and as provided in this part, the United States Postal Service hereby incorporates by reference in this part, Chapter I of its Postal Service Manual, a looseleaf publication published and maintained by the U.S. Postal Service, Washington, D.C. 20260.

The "Postal Service Manual" is commonly referred to as the "Domestic Mail Manual." The availability of this manual is set forth in 39 CFR 111.2 which provides:

§ 111.2 Availability of Chapter I of the Postal Service Manual.

(a) Copies of Chapter I of the Postal Service Manual are available for reference and inspection upon request at the National Headquarters and regional offices of the U.S. Postal Service and at all United States Post Offices and classified stations and branches during normal business hours. Regional offices are located in New York, Philadelphia, Memphis, Chicago, and San Francisco.

(b) A copy of Chapter I of the Postal Service Manual, together with each amendment of it, is on file with the Director, Office of the Federal Register, National Archives and Records Service, General Services Administration, at 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

(c) Copies of the entire Postal Service Manual may be purchased from the Superintendent of Documents, Washington, D.C. 20402 for $33.00. This price includes entitlement to receive, for an indefinite period, changes in the Postal Service Manual which may be published from time to time. A companion publication entitled Instructions for Mailers excerpts all portions of Chapter I which are directed to the mailing public. This publication is sold to the public on a subscription basis for $5.00 by the Superintendent of Documents.

Section 124.3, "Radioactive Material," contained within Part 124, "Nonmailable Matter—Articles and Substances; Special Mailing Rules," of the Domestic Mail Manual, incorporates by reference United States Postal Service Publication 6, a ten page pamphlet entitled "Radioactive Materials." The provisions of this document track the U.S. Department of Transportation (DOT) regulations governing the transportation of limited quantities of radioactive materials and are periodically revised to be consistent with the DOT regulations on this subject. Copies of Publication 6 are available from the U.S. Postal Service, Eastern Area Supply Center, Somerville, New Jersey 08877.

Accordingly, §§ 71.5 and 71.7 of 10 CFR Part 71 are being amended to revise their reference to the regulations of the U.S. Postal Service to read "Postal Service Manual (also known as Domestic Mail Manual), section 124.3, incorporated by reference, 39 CFR 111.1 (1974)." Inasmuch as these amendments are of a minor, corrective nature, good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary, and for making the amendments effective on March 28, 1980.

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 of Title 10, Chapter 1, Code of Federal Regulations, Part 71, are published as a document subject to codification.

1. In § 71.5, paragraph (a) is revised to read as follows:

§ 71.5 Transportation of licensed material.

(a) No licensee shall transport any licensed material outside of the confines of his plant or other place of use, or deliver any licensed material to a carrier for transport, unless the licensee complies with the applicable requirements of the regulations appropriate to the mode of transport, of the Department of Transportation in 49 CFR Parts 170-189, and the U.S. Postal Service in the Postal Service Manual (Domestic Mail Manual), section 124.3, incorporated by reference, 39 CFR 111.1 (1974), insofar as such regulations relate to the packaging of byproduct, source, or special nuclear material, marking and labeling of the packages, loading and

storage of packages, placarding of the transportation vehicle, monitoring requirements and accident reporting.

2. In § 71.7, paragraph (b) is revised to read as follows:

§ 71.7 Exemption for certain quantities.

* * * * *

(b) Except for the requirements specified in § 71.5, a licensee is exempt from all the requirements of this part to the extent he delivers to a carrier for transport packages subject to the regulations of the Department of Transportation in 49 CFR Parts 170–189 or the U.S. Postal Service in the Postal Service Manual (Domestic Mail Manual), section 124.3, incorporated by reference, 39 CFR 111.1 (1974), each of which contains no more than a Type A quantity of radioactive material, as defined in § 71.4(q), which may include one of the following:

* * * * *

(Secs. 53, 63, 81, 161. b. i. o. Pub. L. 83–703, 68 Stat. 930, 933, 935, 948, as amended (42 U.S.C. 2073, 2093, 2111, 2201) Sec. 201, Pub. L. 93–438, 88 Stat. 1242, as amended (42 U.S.C. 5841))

Dated at Bethesda, Md., this 21st day of March, 1980.

For the U.S. Nuclear Regulatory Commission.

William J. Dircks,

Acting Executive Director for Operations.

[FR Doc. 80-9511 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 4437]

Hastings Manufacturing Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order modifies an order issued on December 9, 1944, by deleting the phrase "or all such products of any competitor of respondents" from the second paragraph of the original order which barred respondent from offering stock lifts as an inducement to dealers to carry its products exclusively or in place of a competing line stocked by the dealer. The revised order prohibits only stock lifts to induce exclusive dealing arrangements.

DATES: Effective date of modifying order: February 28, 1980.* Original complaint issued: December 27, 1940.

FOR FURTHER INFORMATION CONTACT: FTC/C, Alfred F. Dougherty, Jr., Washington, D.C. 20580. (202) 523–3601.

SUPPLEMENTARY INFORMATION: In the Matter of Hastings Manufacturing Company.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 2, 49 Stat. 1526; (15 U.S.C. 13))

The Order Modifying Order To Cease And Desist is as follows:

Order Modifying Order To Cease and Desist

Following extensive briefing by respondent Hastings Manufacturing Company and the Commission's Bureau of Competition, the Commission on December 20, 1979, issued an order to show cause why the cease and desist order issued in this proceeding in 1944 [1] should not be modified. The Commission stated that stock lifting, when not employed to induce exclusive dealing arrangements, ordinarily is an unobjectionable form of competition by suppliers for dealers.[2] Little different from a price discount, stock lifting is likely to promote price competition and, if the market is otherwise competitive, ultimately benefit the consumer. The Commission concluded that it appeared to be in the public interest to modify the 1944 order so that it would no longer prohibit stock lifting for purposes, or with effects, other than to induce exclusive dealing. The show cause order invited interested parties to comment on the proposed change.

The Commission having considered the comments submitted by several members of the public.[3]

Now, therefore, it is hereby ordered, Pursuant to Section 5(b) of the Federal Trade Commission Act (15 U.S.C. § 45(b)) and Rule 3.72(b) of the Commission's rules of practice (16 CFR 3.72(b)), that the 1944 cease and desist order be modified in part as follows:

It is ordered, That respondent Hastings Manufacturing Co., its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of piston rings and other automotive replacement parts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from doing, directly or indirectly any of the following acts or things (when done as an inducement to the distributor of automotive parts concerned to discontinue handling all products competitive with respondent's and thereafter handle respondent's products in lieu thereof, or when done upon any express or implied condition, agreement, or understanding that such distributor will discontinue handling all products competitive with those of respondent, and will handle respondent's products in lieu thereof):

1. Purchasing from any distributor or prospective distributor of respondent's piston rings or other replacement parts his stock, or stocks recalled by him from his customers, of the products of another manufacturer which are competitive with respondent's products.

2. Making any loan to a distributor or prospective distributor of respondent's piston rings or other replacement parts.

3. Guaranteeing to distributors or prospective distributors of respondent's piston rings or other replacement parts increased gross profits from the handling of respondent's products as compared with gross profits previously obtained from the handling of products competitive with those of respondent.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-9203 Filed 3-27-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 654

Special Responsibilities of the Employment Service System; Housing for Agricultural Workers; Correction

AGENCY: Employment and Training Administration, Labor.

ACTION: Correction.

SUMMARY: In FR Doc. 80–6779 appearing at page 14180 in the Federal Register of March 4, 1980, the effective date is corrected to read "April 1, 1980."

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. David O. Williams, Administrator, U.S. Employment Service, 601 D Street NW., Room 8000, Washington, D.C. 20213, Tele.: (202) 376–6289.

SUPPLEMENTARY INFORMATION: Although this correction shortens to 28 days the

* Copies of the Order Modifying Order To Cease And Desist are filed with the original document.

[1] Hastings Mfg. Co., 39 F.T.C. 498, 509 (1944).

[2] The Commission noted that there are exceptions. For example, stock lifting to encourage dealers to carry the stock lifter's goods in place of *one* of several existing lines might violate Section 3 of the Clayton Act (15 U.S.C. 14) if the practice's effect might be to substantially lessen competition. In addition, if the stock lifter possessed monopoly power and its stock lifting functioned as a form of predatory pricing,the practice might constitute monopolization.

[3] Neither the respondent nor the Bureau of Competition filed comments in response to the order to show cause.

time between publication of the rule and its effective date, it will not affect the application of the exemption granted by this rule. Moreover, the Department finds that by establishing an effective date of April 1, 1980, it assures that only the revised version of this rule will appear in the forthcoming April 1, 1980 bound volume of title 20 of the *Code of Federal Regulations*, thereby eliminating any unnecessary and confusing duplication of the regulations. These findings constitute exceptions under section 553(d) of title 5, *United States Code* that publication of a substantive rule shall be made not less than 30 days before its effective date.

Signed at Washington, D.C., this 24th day of March, 1980.

Ray Marshall,

Secretary.

[FR Doc. 80-9459 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7655]

Income Tax; Taxable Years Beginning After December 31, 1953; Collapsible Corporations; Correction

In FR Doc. 80-8714 appearing at page 17982 in the issue for Thursday, March 20, 1980, third column, paragraph (e)(1)(ii) of § 1.341-7 was printed incorrectly and should have appeared as set forth below:

* * * * *

(ii) The fair market value of such asset (in the case of any other disposition), exceeds the adjusted basis of such asset

* * * * *

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Correction of final rules.

SUMMARY: Editorial review of the publication of the Final Rules which revised 30 CFR Part 250 identified printing and other errors as well as some ambiguities. Those Rules were published September 14, 1979 (44 FR 53685), and October 26, 1979 (44 FR 61885). Issuance of these corrections identifies and incorporates into those Rules the language changes needed to accomplish the desired corrections and clarifications of 30 CFR Part 250.

DATES: The corrections and clarifications contained in this document are effective as of December 13, 1979.

FOR FURTHER INFORMATION CONTACT: Gerald D. Rhodes, Branch of Marine Oil and Gas Operations, Conservation Division, U.S. Geological Survey National Center, Mail Stop 640, Reston, Virginia 22092 (703) 860-7531.

Dated: March 21, 1980.

Joan M. Davenport,

Assistant Secretary of the Interior.

Revised section 250.34 as published September 14, 1979, and revised Part 250 as published October 26, 1979, are corrected and clarified by incorporating language changes as follows:

The issuing language for 30 CFR Part 250 as published October 26, 1979, should read:

30 CFR Part 250 is revised in its entirety with the exception of section 250.34 which was revised and published on September 14, 1979, and sections 250.50 and 250.51 to read as follows:

* * * * *

Subsection 250.2(d), the last 3 lines should be corrected to read:

* * * from formation fluid tests, and descriptions of hydrocarbon occurrences or hazardous conditions.

* * * * *

Subsection 250.2(w), insert a comma following the word "Knowledge" in line 2.

* * * * *

Subsection 250.2(y), delete "(1)" and "(2)."

* * * * *

Subsection 250.2(bb), line 2, should read:

* * * physical, atmospheric, and biological * * *

* * * * *

Subsection 250.2(cc), the last 3 lines should be corrected to read:

* * * minerals which are authorized by an Act of Congress to be produced from 'public lands' and defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701).

* * * * *

Subsection 250.2(ii), "act" in line 3 should be "Act."

* * * * *

Subsection 250.2(qq), "The" in line 2 should be "the."

* * * * *

Subsection 250.4(a), line 7, should be corrected to read:

* * * Management and pursuant to the provisions of subsections 252.7(a)(4) and 252.7(b) of this Chapter and subsections 8(g) and 26(e) of the Act, shall provide the * * *

* * * * *

Subsection 250.11(a), should include a paragraph (6) which reads:

(6) Identify for those activities under the jurisdiction of the Director those States which are deemed to be affected States as defined in subsection 250.2(c) of this Part.

* * * * *

Subsection 250.11(b), "(a)" in line 6 should be "(a)(1)."

* * * * *

Paragraph 250.12(d)(1), "intereted" in the next to the last line should be "interested."

* * * * *

Subsection 250.12(e), "continously" in line 14 should be "continuously."

* * * * *

Subsection 250.12(g), "(f)" should be substituted for "subparagraph f(1)(ii)" in line 3.

* * * * *

Subsection 250.18(c), "subsection" in line 9 should be "subsections."

* * * * *

Section 250.19, drop the period at the end of the last sentence and add:

* * * by helicopters employed by the Department of the Interior.

* * * * *

Subsection 250.21(b), "The" in line 16 should be "the."

* * * * *

Subsection 250.21(b), "our to" in line 24 should be "out of."

* * * * *

Subsection 250.21(b), "efforts" in line 26 should be "the efforts."

* * * * *

Subsection 250.30(b), line 5, should read:

* * * threaten harm or damage to life (including fish * * *

* * * * *

Paragraph 250.34-1(a)(1), line 6, should read:

* * * Director. For purposes of this section, * * *

* * * * *

Subparagraph 250.34-1(a)(1)(ii), "the" in line 1 should be "any" and the four "(s)" in lines 2 and 3 should be deleted.

* * * * *

Subparagraph 250.34-1(a)(1)(v), "or" in line 3 should be "of."

* * * * *

Subparagraph 250.34-1(a)(6)(ii), lines 5, 6, and 7 should read:

* * * affect any land use or water use in the coastal zone of any State with a coastal zone * * *

* * * * *

Paragraph 250.34–1(b)(3), delete "significantly" from line 3.

* * * * *

Subsection 250.34–1(g), "The" in line 5 and "Through" in line 8 should be "the" and "through," respectively.

* * * * *

Subsection 250.34–1(k), the first sentence is clarified to read:

In order to ensure that activities to be carried out under a proposed exploration plan and activities being carried out under an approved exploration plan are carried out in a safe and environmentally acceptable manner, the Director may authorize or direct the lessee to conduct geological, geophysical, or other surveys that the Director determines are necessary for the evaluation of such activities.

* * * * *

Subparagraph 250.34–2(a)(1)(ii), "the" in line 1 should be "any" and the four "(s)" in lines 2 and 3 should be deleted.

* * * * *

Subparagraph 250.34–2(a)(3)(i), line 2, should read:

* * * (a)(3)(ii), of this section, at the same time * * *

* * * * *

Subparagraph 250.34–2(a)(3)(i), line 10, should read:

* * * plan; however, the report will * * *

* * * * *

Subparagraph 250.34–2(a)(3)(ii), "(2)" in line 4 should be "(3)"; "had" in line 6 should be "has"; and "the" should be inserted at the end of line 15 following "make."

* * * * *

Subparagraph 250.34–2(a)(6)(ii), lines 5, 6, and 7, should read:

* * * affect any land use or water use in the coastal zone of any State with a coastal zone * * *

* * * * *

Subparagraph 250.34–2(c)(3)(i), "significantly" should be deleted from line 3.

* * * * *

Subsection 250.34–2(h), "§ 250.34–2(c)(1)" should be "paragraph (c)(1) of this section."

* * * * *

Paragraph 250.34–2(i)(2), "The" in line 7 and "Through" in line 10 should be "the" and "through"; "and" should be inserted before "(2)" in line 9; and "§ 250.34–2(c)(1)" in line 23 should be "paragraph (c)(1) of this section."

* * * * *

Subsection 250.34–2(o), the first sentence is clarified to read:

In order to ensure that activities to be carried out under a proposed development and production plan and activities being carried out under an approved development and production plan are carried out in a safe and environmentally acceptable manner, the Director may authorize or direct the lessee to conduct geological, geophysical, or other surveys that the Director determines are necessary for evaluation of such activities.

* * * * *

Subsection 250.36(a), line 6, should read:

* * * submitted. Except as provided in section 250.13 of this Part, written approval must be * * *

* * * * *

Subsection 250.37(a), "Markings" in line 2 should be "markings."

* * * * *

Subsection 250.38(a), "Production" in line 6 should be "production."

* * * * *

Paragraph 250.41(a)(1), "of" in line 5 should be "to"

* * * * *

Paragraph 250.45(a)(1), the last line should read:

* * * work for 72 or more hours.

* * * * *

Section 250.50, delete "[Reserved]" and insert "* * * * *"

* * * * *

Section 250.51, delete "[Reserved]" and insert "* * * * *"

* * * * *

Subsection 250.71(6), "The" in line 8 should be "the."

* * * * *

Subsection 250.80(d), "Request" in line 4 should be "request."

* * * * *

Subparagraph 250.80–2(a)(2)(i), line 3 should read:

* * * section 250.80–2(a)(2)(ii) will be assessed on any * * *

* * * * *

Subparagraph 250.80–2(a)(i)(D), "data or information" should be "information and data."

* * * * *

Subsection 250.93(d), "on" in line should be "in".

* * * * *

[FR Doc. 80-9392 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 151

[DoD Directive 5525.1][1]

Status of Forces, Policies, and Information Regarding Trials by Foreign Courts and Treatment in Foreign Prisons of U.S. Personnel

AGENCY: Office of the Secretary of Defense

ACTION: Final rule.

SUMMARY: This rule establishes DoD policy, prescribes procedures, assigns responsibilities, and provides uniform reporting regarding trials by foreign courts and treatment in foreign prisons of U.S. personnel. The effect of this rule is to reflect DoD policy which is to protect, to the maximum extent possible, the rights of U.S. personnel who may be subject to criminal trials by foreign courts and imprisonment in foreign prisons.

EFFECTIVE DATE: August 7, 1979.

FOR FURTHER INFORMATION CONTACT: Miss Margaret Olson, Office of the General Counsel, Department of Defense, Washington, D.C. 20301, telephone 202–697–8343.

SUPPLEMENTARY INFORMATION: In FR Doc. 67–2812, appearing in the Federal Register on April 7, 1967 (32 FR 5682), the Office of the Secretary of Defense published Part 151 effective January 20, 1966, to implement the Senate Resolution of ratification as agreed to by the Senate on July 15, 1953 (§ 151.6). This document updates the previously published Part 151.

Accordingly, 32 CFR, Chapter I, is amended by revising Part 151, reading as follows:

PART 151—STATUS OF FORCES POLICIES AND INFORMATION

Sec.

151.1 Reissuance and purpose.
151.2 Applicability.
151.3 Policy.
151.4 Procedures and responsibilities.
151.5 Reports on the exercise of foreign criminal jurisdiction.
151.6 Resolution of ratification, with reservations, as agreed to by the Senate on July 15, 1953.
151.7 Fair trial guarantees.

Authority: 1 U.S.C. 133, 75 Stat. 517.

§ 151.1 Reissuance and purpose.

This part is reissued to update

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120, attention: Code 301.

established DoD policy and procedures on trial by foreign courts and treatment in foreign prisons of United States military personnel, nationals of the United States serving with, employed by, or accompaning the Armed Forces of the United States, and the dependents of both (hereafter referred to as United States personnel); and provides uniform reporting on the exercise of foreign criminal jurisdiction.

§ 151.2 Applicability.

The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, and the Unified and Specified Commands. As used herein, the term "Military Services" refers to the Army, Navy, Air Force, and Marine Corps.

§ 151.3 Policy.

It is the policy of the Department of Defense to protect, to the maximum extent possible, the rights of United States personnel who may be subject to criminal trail by foreign courts and imprisonment in foreign prisons.

§ 151.4 Procedures and responsibilities.

(a) *Application of Senate resolution on status of forces.* This Directive implements the Senate Resolution accompanying the Senate's consent to ratification of the North Atlantic Treaty (NATO) Status of Forces Agreement (§ 151.6). Although the Senate Resolution applies only to countries where the NATO Status of Forces Agreement is in effect, the same procedures for safeguarding the interests of United States personnel subject to foreign jurisdiction shall be applied insofar as practicable in overseas areas where United States forces are regularly stationed.

(b) *Orientation of personnel.* The Military Services shall issue uniform regulations establishing an information and education policy on the laws and customs of the host country for personnel assigned to foreign areas.

(c) *Designated commanding officer.* Formal invocation of the Senate Resolution procedure shall be the responsibility of a single military commander in each foreign country where United States forces are stationed. Attache personnel and other military personnel serving under a chief of a diplomatic mission shall not be considered United States forces in this Part.

(1) In the geographical areas for which a unified command exists, the commander shall designate within each country the "Commanding Officer" referred to in the Senate Resolution (§ 151.6).

(2) In areas where a unified command does not exist, a commanding officer in each country shall be nominated by the Military Departments. These recommendations shall be forwarded by the Judge Advocate General of the Army to the Secretary of Defense, for implementation through the Office of the Assistant Secretary of Defense (International Security Affairs). In designating the commanding officer to act for all the Military Departments, consideration must be given to the availability of legal officers and readiness of access to the seat of the foreign government. Such an officer may also be appointed by the Military Departments for countries where no United States forces are regularly stationed.

(d) *Country law studies.* (1) For each foreign country where United States forces are subject to the criminal jurisdiction of foreign authorities, the designated commanding officer for such country shall make and maintain a current study of the laws and legal procedures in effect. Studies of the laws of other countries shall be made when directed. This study shall be a general examination of the substantive and procedural criminal law of the foreign country, and shall contain a comparison thereof with the procedural safeguards of a fair trial in the State courts of the United States.

(2) Copies of these studies shall be forwarded by the designated commanding officer to each of the Judge Advocates General of the Military Services. Principal emphasis is to be placed on those safeguards that are of such a fundamental nature as to be guaranteed by the Constitution of the United States in all criminal trials in State courts of the United States. See § 151.7 for enumeration of safeguards considered important. These country law studies shall be subject to a continuing review. Whenever there is a significant change in any country's criminal law, the change shall be forwarded by the designated commanding officer to each of the Military Service's Judge Advocates General.

(e) *Waivers of local jurisdiction—military personnel.* (1) In cases where it appears probable that release of jurisdiction over United States military personnel will not be obtained and the accused may not obtain a fair trial, the commander exercising general court-martial jurisdiction over the accused shall communicate directly with the designated commanding officer, report the full facts of the case, and supply a recommendation.

(2) The designated commanding officer shall determine, in the light of legal procedures in effect in that country, whether there is danger that the accused will not receive a fair trial. A trial shall not be considered unfair merely because it is not identical with trials held in the United States. Due regard, however, should be given to those United States trial rights listed in § 151.7 that are relevant to the facts and circumstances of the trial in question.

(3) If the designated commanding officer determines there is risk of an unfair trial, the commanding officer shall decide, after consultation with the chief of the diplomatic mission, whether to press a request for waiver of jurisdiction through diplomatic channels. If the commanding officer so decides, the recommendation shall be submitted through the unified commander, if any, and The Judge Advocate General of the accused's service, to the Office of the Secretary of Defense. The objective in each case is to see that United States military personnel obtain a fair trial in the receiving state under all circumstances.

(f) *Request to foreign authorities not to exercise their criminal jurisdiction over civilians and dependents.* The following procedures shall be followed when it appears that foreign authorities may assume criminal jurisdiction over dependents of United States military personnel, civilian personnel, and their dependents:

(1) When the designated commanding officer determines, after a careful consideration of all the circumstances, that suitable corrective action can be taken under existing administrative regulations, the commanding officer may request the local foreign authorities to refrain from exercising their criminal jurisdiction.

(2) When it appears possible that release of jurisdiction will not be obtained and that the accused may not obtain a fair trial, the commander exercising general court-martial jurisdiction over the command in which such personnel are located shall communicate directly with the designated commanding officer, reporting the full facts of the case and supplying a recommendation.

(3) The designated commanding officer shall then determine, in the light of legal procedures in effect in that country, whether there is danger that the accused will not receive a fair trial.

(4) If it is determined that there is such danger, the designated commanding officer shall decide, after consultation with the chief of the diplomatic mission, whether a request should be submitted through diplomatic channels to foreign authorities seeking their assurances of a fair trial for the accused or, in appropriate circumstances, that they

forego their right to exercise jurisdiction over the accused. If the designated commanding officer so decides, a recommendation shall be submitted through the unified commander, if any, and The Judge Advocate General of the Military Service concerned, to the Office of the Secretary of Defense.

(g) *Trial observers and trial observer report.* (1) The designated commanding officer shall submit to the chief of the diplomatic mission a list of persons qualified to serve as United States observers at trials before courts of the receiving state. Nominees shall be lawyers, and shall be selected for maturity of judgment. The list shall include, where possible, representatives of all Military Services whose personnel are stationed in that country to enable the chief of the diplomatic mission to appoint an observer from the same Military Service as the accused. The requirement that nominees shall be lawyers may be waived in cases of minor offenses. Incidents that result in serious personal injury or that would normally result in sentences to confinement, whether or not suspended, shall not be considered minor offenses.

(2) Trial observers shall attend and prepare formal reports in all cases of trials of United States personnel by foreign courts or tribunals, except for minor offenses. In cases of minor offenses, the observer shall attend the trial at the discretion of the designated commanding officer, but shall not be required to make a formal report. These reports need not be classified, but shall be treated as For Official Use Only documents. They shall be forwarded intact to the designated commanding officer through such agencies as the designated commanding officer may prescribe for transmission to the Judge Advocate General of the accused's service, with any comments of the appropriate Military Service commander. These reports shall be forwarded immediately upon the completion of the trial in the lower court, and shall not be delayed because of the possibility of a new trial, rehearing or appeal, reports of which shall be forwarded in the same manner. Copies shall also be forwarded to the unified commander, if any, and to the chief of the diplomatic mission.

(3) The trial observer report shall contain a factual description or summary of the trial proceedings. It should enable an informed judgment to be made regarding (i) whether there was any failure to comply with the procedural safeguards secured by a pertinent status of forces agreement, and (ii) whether the accused received a fair trial under all the circumstances. The report shall specify the conclusions of the trial observer with respect to paragraph (g)(3)(i) of this section, and shall state in detail the basis for the conclusions. Unless the designated commanding officer directs otherwise, the report shall not contain conclusions with respect to paragraph (g)(3)(ii) of this section.

(4) The designated commanding officer, upon receipt of a trial observer report, shall be responsible for determining (i) whether there was any failure to comply with the procedural safeguards secured by the pertinent status of forces agreement, and (ii) whether the accused received a fair trial under all the circumstances. Due regard should be given to those fair trial rights listed in § 151.7 that are relevant to the particular facts and circumstances of the trial. However, a trial shall not be found unfair merely because it is not identical with trials held in the United States. If the designated commanding officer is of the opinion that the procedural safeguards specified in pertinent agreements were denied or that the trial was otherwise unjust, the commanding officer shall submit to the Office of the Secretary of Defense, through the unified commander and the Judge Advocate General of the Military Service concerned, a recommendation as to appropriate action to rectify the trial deficiencies and otherwise to protect the rights or interests of the accused. This shall include a statement of efforts taken or to be taken at the local level to protect the right of the accused. An information copy of the recommendation of the designated commanding officer shall be forwarded to the diplomatic or consular mission in the country concerned.

(h) *Counsel fees and related assistance.* When the Secretary of the Military Department concerned or designee considers such action to be in the best interests of the United States, representation by civilian counsel and other assistance described under 10 U.S.C. 1037 may be furnished at Government expense to United States personnel tried in foreign countries.

(i) *Treatment of United States personnel confined in foreign penal institutions.* (1) Insofar as practicable and subject to the laws and regulations of the country concerned and the provisions of any agreement therewith, the Department of Defense seeks to ensure that United States military personnel (i) when in the custody of foreign authorities are fairly treated at all times and (ii) when confined (pretrial and post-trial) in foreign penal institutions are accorded the treatment and are entitled to all the rights, privileges, and protections of personnel confined in United States military facilities. Such rights, privileges, and protections are enunciated in present Military Service directives and regulations, and include, but are not limited to, legal assistance, visitation, medical attention, food, bedding, clothing, and other health and comfort supplies.

(2) In consonance with this policy, United States military personnel confined in foreign penal institutions shall be visited at least every 30 days, at which time the conditions of confinement and other matters relating to their health and welfare shall be observed. The Military Services shall maintain, on a current basis, records of these visits as reports by their respective commands. Records of each visit should contain the following information:

(i) Names of personnel conducting visit and date of visit.

(ii) Name of each prisoner visited, serial number, and sentence.

(iii) Name and location of prison.

(iv) Treatment of the individual prisoner by prison warden and other personnel (include a short description of the rehabilitation program, if any, as applied to the prisoner).

(v) Conditions existing in the prison, such as light, heat, sanitation, food, recreation, and religious activities.

(vi) Change in status of prisoner, conditions of confinement or transfer to another institution.

(vii) Condition of prisoner, physical and mental.

(viii) Assistance given to prisoner, such as legal, medical, food, bedding, clothing, and health and comfort supplies.

(ix) Action taken to have any deficiencies corrected, either by the local commander or through diplomatic or consular mission.

(x) Designation of command responsible for prisoner's welfare and reporting of visits.

(xi) Information as to discharge of a prisoner from the Military Service or termination of confinement.

(3) When it is impracticable for the individual's commanding officer or representative to make visits, the designated commanding officer should be requested to arrange that another unit be responsible for such visits or to request that the appropriate diplomatic or consular mission assume responsibility therefor. When necessary, a medical officer should participate in the visits and record the results of medical examinations. If reasonable

requests for permission to visit United States military personnel are arbitrarily denied, or it is ascertained that the individual is being mistreated or that the conditions of custody or confinement are substandard, the case should be referred to the diplomatic or consular mission concerned for appropriate action.

(4) To the extent possible, military commanders should seek to conclude local arrangements whereby United States military authorities may be permitted to accord United States military personnel confined in foreign institutions the treatment, rights, privileges, and protection similar to those accorded such personnel confined in United States military facilities. The details of such arrangements should be submitted to the Judge Advocates General of the Military Services.

(5) The military commanders shall make appropriate arrangements with foreign authorities whereby custody of individuals who are members of the Armed Forces of the United States shall, when they are released from confinement by foreign authorities, be turned over to United States military authorities. In appropriate cases, diplomatic or consular officers should be requested to keep the military authorities advised as to the anticipated date of the release of such persons by the foreign authorities.

(6) In cooperation with the appropriate diplomatic or consular mission, military commanders shall, insofar as possible, ensure that dependents of United States military personnel, nationals of the United States serving with, employed by or accompanying the armed forces, and dependents of such nationals when in the custody of foreign authorities, or when confined (pretrial and post-trial) in foreign penal institutions receive the same treatment, rights, and support as would be extended to United States military personnel in comparable situations pursuant to the provisions of § 151.4(i).

(j) *Discharge.* United States military personnel confined in foreign prisons shall not be discharged from military service until the completion of the term of imprisonment and the return of the accused to the United States, except that in unusual cases such discharges may be accomplished upon prior authorization of the Secretary of the Military Department concerned.

(k) *Information Policy.* It is the basic policy of the Department of Defense that the general public and the Congress must be provided promptly with the maximum information concerning status of forces matters that are consistent with the national interest. Information shall be coordinated and furnished to the public and the Congress in accordance with established procedures, including DoD Directive 5122.5,[1] "Assistant Secretary of Defense (Public Affairs)," July 10, 1961, and Parts 286 and 286a of this title.

§ 151.5 Reports on the exercise of foreign criminal jurisdiction.

The following reporting system, which has been implemented by the Military Departments, shall be continued after revision in accordance with the provisions herein. The Department of the Army is designated as executive agent within the Department of Defense for maintaining and collating information received on the basis of the reports submitted.

(a) *Annual reports.* Annual reports, based on information furnished by the Military Departments covering the period December 1 through November 30 shall be prepared by the Department of the Army and submitted within such time as may be required but not later than 120 days after the close of the reporting period. The reports shall be submitted in one reproducible copy to the Office of the General Counsel, DoD, in accordance with departmental implementation of this part. The reporting content of this requirement shall be as follows:

(1) A statistical summary (DD Form 838) by country and type of offense of all cases involving United States personnel.

(2) A report signed by the appropriate Military Service commander in each country for which DD Form 838 is prepared, concerning the commander's personal evaluation of the impact, if any, the local jurisdictional arrangements have had upon accomplishment of the mission and upon the discipline and morale of the forces, together with specific facts or other information, where appropriate, substantiating the commanders' opinion.

(3) A report of the results of visits made and particular actions taken by appropriate military commanders under § 151.4(i).

(4) A report of the implementation of 10 U.S.C. 1037 showing by country and Military Service:

(i) The total number of cases in which funds were expended and

(ii) Total expenditures in each of the following categories:

(A) Payment of counsel fees,

(B) Provision of bail,

(C) Court costs and other expenses.

[1] See footnote, page 20465.

(b) *Quarterly reports.* (1) Quarterly reports for the periods ending November 30, February 28, May 31, and August 31, consisting of lists of United States personnel imprisoned and released, shall be submitted, in accordance with departmental implementation of this Part to the Department of the Army and by the Department of the Army, as executive agent, to the Director, Washington Headquarters Services, in four copies, on or before the 15th day following the report quarter as follows:

(i) An alphabetical list of U.S. personnel who were imprisoned during the reporting period under sentence of confinement imposed by a foreign country, indicating the individual's home address, grade, and serial number (where applicable), offense of which found guilty, date and place of confinement, length of sentence to confinement imposed, and estimated date of release from confinement.

(ii) A similar list of the names of prisoners released during the reporting period.

(2) An information copy of these lists shall be furnished by the appropriate Military Service commander to the diplomatic or consular mission in the country concerned.

(c) *Other reports.* (1) Each Military Department shall maintain, on a current basis, and submit monthly to the Director, Washington Headquarters Service, in four copies, a list of the most important cases pending, with a brief summary of the salient facts in each case. Selection of the cases to be included shall be left to the judgment of the appropriate officials of each Military Department. Instances of deficiency in the treatment or conditions of confinement in foreign penal institutions or arbitrary denial of permission to visit such personnel shall be considered important cases. Lists covering the previous month shall be submitted on the 6th day of the month following.

(2) Important new cases or important developments in pending cases shall be reported informally and immediately to the Office of the General Counsel, DoD.

§ 151.6 Resolution of ratification, with reservations, as agreed to by the Senate on July 15, 1953.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive T, Eighty-second Congress, second session, an agreement between the parties to the North Atlantic Treaty Regarding the Status of their Forces, signed at London on June 19, 1951. It is the understanding of the Senate, which understanding inheres in its advise and consent to the

ratification of the Agreement, that nothing in the Agreement diminishes, abridges, or alters the right of the United States of America to safeguard its own security by excluding or removing persons whose presence in the United States is deemed prejudicial to its safety or security, and that no person whose presence in the United States is deemed prejudicial to its safety or security shall be permitted to enter or remain in the United States. In giving its advise and consent to ratification, it is the sense of the Senate that:

(a) The criminal jurisdication provisions of Article VII do not constitute a precedent for future agreements;

(b) Where a person subject to the military jurisdiction of the United States is to be tried by the authorities of a receiving state, under the treaty the Commanding Officer of the armed forces of the United States in such state shall examine the laws of such state with particular reference to the procedural safeguards contained in the Constitution of the United States;

(c) If, in the opinion of such Commanding Officer, under all the circumstances of the case, there is danger that the accused will not be protected becase of the absence or denial of constitutional rights the accused would enjoy in the United States, the Commanding Officer shall request the authorities of the receiving State to waive jurisdiction in accordance with the provisions of paragraph 3(c) of Article VII (which requires the receiving State to give "sympathetic consideration" to such request) and if such authorities refuse to waive jurisdiction, the commanding officer shall request the Department of State to press such request through diplomatic channels and notification shall be given by the Executive Branch to the Armed Services Committees of the Senate and House of Representatives;

(d) A representative of the United States to be appointed by the Chief of Diplomatic Mission with the advice of the senior United States military representative in the receiving State will attend the trail of any such person by the authorities of a receiving State under the agreement, and any failure to comply with the provisions of paragraph 9 of Article VII of the Agreement shall be reported to the commanding officer of the Armed Forces of the United States in such State who shall then request the Department of State to take appropriate action to protect the rights of the accused, and notification shall be given by the Executive Branch to the Armed Services Committees of the Senate and House of Representatives.

§ 151.7 Fair trial guarantees.

The following is a listing of "fair trial" safeguards or guarantees that are considered to be applicable to U.S. State court criminal proceedings, by virtue of the 14th Amendment as interpreted by the Supreme Court of the United States. The list is intended as a guide for the preparation of country law studies prescribed by § 151.4 and for the determinations made by the designated commanding officer under § 151.4(e) through § 151.4(g). Designated commanding officers should also consider other factors that could result in a violation of due process of law in State court proceedings in the United States.

(a) Criminal statute alleged to be violated must set forth specific and definite standards of guilt.

(b) Accused shall not be prosecuted under an *ex post facto* law.

(c) Accused shall not be punished by bills of attainder.

(d) Accused must be informed of the nature and cause of the accusation and have a reasonable time to prepare a defense.

(e) Accused is entitled to have the assistance of defense counsel.

(f) Accused is entitled to be present at the trial.

(g) Accused is entitled to be confronted with hostile witnesses.

(h) Accused is entitled to have compulsory process for obtaining favorable witnesses.

(i) Use of evidence against the accused obtained through unreasonable search or seizure or other illegal means is prohibited.

(j) Burden of proof is on the Government in all criminal trials.

(k) Accused is entitled to be tried by an impartial court.

(l) Accused may not be compelled to be a witness against him or herself; and shall be protected from the use of a confession obtained by torture, threats, violence, or the exertion of any improper influence.

(m) Accused shall not be subjected to cruel and unusual punishment.

(n) Accused is entitled to be tried without unreasonable (prejudicial) delay.

(o) Accused is entitled to a competent interpreter when the accused does not understand the language in which the trial is conducted and does not have counsel proficient in the language both of the court and of the accused.

(p) Accused is entitled to a public trial.

(q) Accused may not be subjected to consecutive trials for the same offense that are so vexatious as to indicate fundamental unfairness.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 24, 1980.

[FR Doc. 80-9893 Filed 3-27-80; 8:45 am]

BILLING CODE 3810-70-M

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32 CFR Part 164

[DOD Instruction 7000.10 and Change 1][1]

Contract Cost Performance, Funds Status and Cost/Schedule Status Reports

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule is reissued to revise the three standard reporting formats for the collection of contract cost and schedule status and funding data: (a) the Cost Performance Report which contains cost data for measuring contractors' cost and schedule performance; (b) the Contract Funds Status Report which is designed to supply funding data about Defense contracts to system managers; and (c) the Cost/Schedule Status Reports which provides cost and schedule performance information. Utilization of these reports will achieve essential management control.

EFFECTIVE DATE: December 3, 1979.

FOR FURTHER INFORMATION CONTACT: R. Kemps, Office of the Deputy Assistant Secretary of Defense (Management Systems), Washington, D.C. 20301; Telephone: 202-695-0706.

SUPPLEMENTARY INFORMATION: In FR Doc. 67-1580, appearing in the **Federal Register** (32 CFR 2772) on February 10, 1967, the Office of the Secretary of Defense published Part 164, effective December 23, 1966, which assisted DoD Components in the management of contract funding. In FR Doc. 73-6339, appearing in the **Federal Register** on April 3, 1973 (38 FR 8509), the Office of the Secretary of Defense published an amendment to Part 164. This document revises the existing Part 164 of this title.

Accordingly, 32 CFR Chapter I, is amended by revising Part 164, reading as follows:

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[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

PART 164—CONTRACT COST PERFORMANCE, FUNDS STATUS AND COST/SCHEDULE STATUS REPORTS

Sec.
164.1 Reissuance and purpose.
164.2 Applicability and scope.
164.3 Policies.
164.4 Responsibilities.
Enclosure 1—DD Form 1664, DI Number DI-F-6000C, Cost Performance Report (CPR) [2]
Enclosure 2—DD Form 1664, DI Number DI-F-6004B, Contract Funds Status [2] Report (CFSR)
Enclosure 3—DD Form 1664, DI Number DI-F-6010A, Cost/Schedule Status [2] Report (C/SSR)

Authority: The provisions of this Part 164 issued under 5 U.S.C. 301, and Defense Acquisition Regulation (1976)), Section 3-404.2.

PART 164—CONTRACT COST PERFORMANCE, FUNDS STATUS AND COST/SCHEDULE STATUS REPORTS

§ 164.1 Reissuance and purpose.

This Part:

(a) Reissues Part 164 to revise the Cost Performance Report (CPR), the Contract Funds Status Report (CFSR), and the Cost/Schedule Status Report (C/SSR);

(b) Assigns responsibilities and provides uniform guidance for implementation of the CPR, the CFSR, and the C/SSR; and

(c) Provides procedures for collecting summary level cost, and schedule performance and funding data from contractors for program management purposes, pursuant to DoD Directives 7000.1,[1] "Resource Management Systems of the Department of Defense"; 5000.1,[1] "Major Systems Acquisitions"; DoD Instruction 5000.2,[1] "Major System Acquisition Process," and for responding to requests for program status information on major system acquisitions, primarily by DoD Instruction 7000.3,[1] "Selected Acquisition Reports."

§ 164.2 Applicability and scope.

The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Defense Agencies, and the Unified and Specified Commands (hereafter referred to as "DoD Components") responsible for (a) managing acquisition contracts falling within the scope of § 164.3, and (b) determining fund requirements for contracts and managing the flow of such funds. Application of the provisions of this Part to construction contracts is encouraged where appropriate.

§ 164.3 Policies.

(a) In concert with the policies established in DoD Directive 5000.2, utilization of the CPR, CFSR, and C/SSR shall be limited by system managers to that necessary to achieve essential management control.

(1) Contractors are encouraged to substitute internal reports for CPR, CFSR, and C/SSR provided that (i) data elements and definitions used in the reports are comparable to CPR, CFSR and C/SSR requirements, and (ii) the reports are in forms suitable for management use.

(2) As applicable, provisions of DoD Directive 5000.19,[1] "Policies for the Management and Control of Information Requirements," March 12, 1976, concerning the tailoring of management systems may be employed by system managers in the implementation of CPR, CFSR, and C/SSR.

(b) Instructions regarding levels of detail and frequencies of reporting are contained in the Data Item Descriptions (DD Forms 1664) in enclosures 1, 2, and 3 of this Part. Local reproduction of formats contained in these enclosures is authorized.

(c) The Cost Performance Report (CPR):

(1) Provides (i) contract cost/schedule status information for use in making and validating management decisions, (ii) early indicators of contract cost/schedule problems, and (iii) effects of management actions taken to resolve problems affecting cost/schedule performance.

(2) Applies to selected contracts within those programs designated as major system acquisitions in accordance with the criteria of DoD Directive 5000.1. CPRs will be applied to all contracts which require compliance with the Cost/Schedule Control Systems Criteria (C/SCSC) of Part 206 of this title.

(3) Will not be required on firm fixed-price contracts (as defined in Section 3-404.2 of the Defense Acquisition Regulation (1976)), unless those contracts represent the development or production of a major defense system or a major component thereof and circumstances require cost/schedule visibility.

(4) Applies to ongoing contracts only in those cases where the procuring agencies consider it necessary to support program management needs and DoD requirements for information. Some of the factors which may affect applications to ongoing contracts are anticipated time to contract completion, anticipated program deferrals, and the relative importance of subcontracts.

(5) Is assigned OMB Approval No. 22-R0280.

(d) The Contract Funds Status Report (CFSR):

(1) Supplies funding data that, with other related inputs, provides DoD management with information to assist in (i) updating and forecasting contract fund requirements, (ii) planning and decisionmaking on funding changes, (iii) developing fund requirements and budget estimates in support of approved programs, and (iv) determining funds in excess of contract needs and available for deobligation.

(2) Applies to all contracts greater than $500,000.

(3) Will not apply to firm fixed-price contracts unless the contract represents the development or production of a major defense system or a major component thereof and specific funding visibility is required. CFSR may be applied to unpriced portions of firm fixed-price contracts that individually or collectively are estimated by the Government to be in excess of 20 percent of the initial contract value. In such cases, the contract will delineate the specific CFSR requirements, if any, to be imposed on the contractor to fit the circumstances of each particular case.

(4) May be implemented at a reduced level of reporting for (i) those contracts with a dollar value between $100,000 and $500,000; (ii) time and material contracts; and (iii) contractual effort for which the entire CFSR report is not required by the procuring activity, but limited funding requirements information is needed.

(5) Will not be required on:

(i) Contracts with a total value of less than $100,000, or

(ii) Contracts expected to be completed within 6 months.

(6) Is assigned OMB Approval No. 22-R0180.

(e) The Cost/Schedule Status Report (C/SSR):

(1) Provides summarized cost and schedule performance status information on contracts where application of the CPR is not appropriate.

(2) Applies to contracts of $2,000,000 or over and 12 months' duration or more which do not use the CPR. (DoD Instruction 7000.11,[1] "Contractor Cost Data Reporting (CCDR)," September 5, 1973 provides for application of Contractor Cost Data Reporting (CCDR) to Category II contracts. To avoid the possibility of duplicative reporting, those elements of cost which are provided by the C/SSR will not be required by CCDR.)

[2] Enclosures 1, 2, and 3 are filed as part of the original document. Copies may be obtained from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

[1] See footnote, page 20469.

(3) Will not be required on firm fixed-price contracts unless those contracts represent the development or production of a critical component of a major defense system, and circumstances require cost/schedule visibility.

(4) Is assigned OMB Approval No. 22-R0327.

§ 164.4 Responsibilities.

(a) The Heads of DoD Components will assure that:

(1) Contractor reports are timely and submitted in accordance with the instructions contained in DD Form 1664, DI Number DI-F-6000C, Cost Performance Report (CPR); DD Form 1664, DI Number DI-F-6004B, Contract Funds Status Report (CFSR); DD Form 1664, DI Number DI-F-6010A, Cost/Schedule Status Report (C/SSR).[3]

(2) Submitted data are checked for discrepancies and necessary corrections are furnished by contractors.

(3) Application of the CPR, CFSR, and C/SSR to ongoing programs or firm fixed-price contracts is held to the minimum essential to support program management needs and DoD requirements for information.

(4) Appropriate members of the Performance Measurement Joint Executive Group provide a forum to arbitrate misapplications of CPR or C/SSR requirements that cannot be resolved amicably through focal points established in the headquarters of the procuring commands.

(b) The Director of the cognizant Defense Contract Audit Agency (DCAA) office shall:

(1) At the request of a DoD Component, provide advice at the time of preaward evaluations as to whether the contractor's accounting and control systems are adequate and reliable for CPR, CFSR, and C/SSR reporting purposes.

(2) Review selected CPR, CFSR, and C/SSR reports when it is considered necessary to assure the continuing adequacy and reliability of procedures and the validity of reported data.

(3) Review selected individual CPR, CFSR, and C/SSR reports when requested by the Procuring Contracting Officer (PCO) or Administrative Contracting Officer (ACO) and submit a report thereon.

Enclosure 1—DD Form 1664, DI Number DI-F-6000C, Cost Performance Report (CPR)[3]

Enclosure 2—DD Form 1664, DI Number DI-F-6004B, Contract Funds Status Report (CFSR)[3]

Enclosure 3—DD Form 1664, DI Number DI-F-6010A, Cost/Schedule Status Report (C/SSR)[3]

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 80-9421 Filed 3-27-80; 8:45 am]

BILLING CODE 3810-70-M

[3] These forms are filed as part of the original document. Copies may be obtained from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120. Attention: Code 301.

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VETERANS ADMINISTRATION

38 CFR Part 36

Increase in Maximum Permissible Rate on New Guaranteed, Insured, and Direct Home Improvement Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is finalizing regulations to establish a separate interest rate for loans for energy-conserving home improvements including solar equipment or other home improvement loans for alterations, improvements or repairs. The Administrator has determined that an interest rate for home improvement loans higher than that permitted for home loans is necessary. This higher rate is required because liens associated with these types of loans are of lesser dignity and therefore subject lenders to a greater risk of loss. It is hoped that this separate interest rate for home improvement loans will increase lender and investor participation in this program.

Technical amendments are also being made to add the definition of an energy conservation home improvement loan to the guaranteed home loan and direct loan regulations, to revise the lien requirements for direct home improvement loans to make them similar to the guaranteed home loan lien requirements, and to specify in the direct loan regulations that energy conservation home improvement loans are an eligible purpose.

EFFECTIVE DATE: March 21, 1980. Comments requested by April 28, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-3042.

SUPPLEMENTARY INFORMATION: The VA is authorized by section 1810(a)(7) of title 38, United States Code, to guarantee home improvement loans for energy conservation purposes. These loans may include funds for installation of a solar heating system, solar hot water heating system, other solar improvements or application of a residential energy conservation measure. The VA also has authority under section 1810(a)(4) of title 38, United States Code, to guarantee home improvement loans for other alterations, improvements or repairs. The Veterans' Housing Benefits Act of 1978 (Pub. L. 95-476, 92 Stat. 1497) authorizes the Administrator to establish a separate maximum interest rate or rates for home improvement loans for energy conservation purposes and home improvement loans for other alterations, improvements or repairs. Previously, the maximum interest rate for both types of home improvement loans has been limited to the maximum rate for the purchase of a home or condominium. Home improvement loans, however, are similar to second mortgage financing and installment financing. As such, the VA maximum allowable rate of interest for home and condominium loans has proven inadequate to attract lenders and investors into the home improvement loan program.

Comments received from lending industry sources in response to the advance notice published on March 22, 1979 (44 FR 17531), recommended the establishment of an interest rate in excess of the maximum rate authorized for the purchase or acquisition of homes. A higher rate was recommended because liens associated with these types of loans offer less security to lenders and therefore subject them to a greater risk of loss.

The Administrator has concluded that VA's past experience in its home improvement loan program is indicative of the need for greater lender and investor support, and that the greater risk associated with such loans warrants the establishment of a separate and higher interest rate than the rate authorized for home loans. This higher rate is established for the energy conservation home improvement loan program and the home improvement loan program for alterations, improvements or repairs. For consistency, the rate of interest for VA direct home improvement loans in rural and credit shortage areas also is being increased. This increase in the interest rate for guaranteed and direct home improvement loans is effected through the establishment of a separate interest rate for such loans in sections 36.4311(b) and 36.4503(a).

Sections 36.4301(jj) and 36.4501(p) are incorporated into the guaranteed and direct loan regulations, respectively, to add the definition of "Energy Improvement Loan." Section 36.4519 is amended to expand eligible direct loan purposes to include energy conservation home improvement loans. Section 36.4516 also is amended to liberalize the lien requirements on VA direct loans for home improvement purposes. Previously the lien requirements for guaranteed home improvement loans contained in § 36.4351 were liberalized (43 FR 51015, November 2, 1978). This amendment inserts conforming lien requirements into VA's direct loan regulations (§ 36.4500 series). Finally, sections 36.4515 and 36.4516 are amended to reflect the agency policy of using precise terms to denote gender.

Compliance with the provisions of § 1.12 of this chapter which requires publication of proposed regulations prior to final adoption is waived in this instance because the issue of establishing a separate interest rate for home improvement loans was previously published in the **Federal Register** (44 FR 17531, March 22, 1979) with comments requested. Comments received were carefully considered. In addition, the increase in the interest rate for home improvement loans is authorized by statute. Other amendments of technical or liberalizing nature are being made for the purpose of making energy conservation home improvement loans or home improvement loans for alterations, improvements or repairs more available on a guaranteed and direct loan basis. We have determined that these regulations are non-significant pursuant to Executive Order 12044 (43 FR 12661) and the VA Final Report implementing Executive Order 12044 published in the **Federal Register** (44 FR 7026). Publication of these regulations in proposed form would not be in the public interest because such publication would unnecessarily delay the implementation of liberalizing amendments.

These amendments are adopted under authority granted the Administrator by sections 210(c), 1803(c), 1810(a)(4) and (7), and 1811(b) and (d)(1) of title 38, United States Code.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the regulations to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All material received will be considered, and appropriate regulatory revisions will be published if necessary. These amendments, however, shall remain effective until further amended. All written comments received will be available for public inspection at the above address only between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until May 8, 1980. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: March 21, 1980.

By direction of the administrator.

Rufus H. Wilson,

Deputy Administrator.

1. In § 36.4301, paragraph (jj) is added to read as follows:

§ 36.4301 Definitions.

* * * * *

(jj) *Energy conservation improvement.* An improvement to an existing dwelling or farm residence through the installation of a solar heating system, a solar heating and cooling system, or a combined solar heating and cooling system or through application of a residential energy conservation measure as prescribed in 38 U.S.C. 1810(d) or by the Administrator. (38 U.S.C. 1810(a)(7))

2. Section 36.4311 is revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 13 per centum per annum, effective February 28, 1980, the interest rate on any home or condominium loan guaranteed or insured wholly or in part on or after such date may not exceed 13 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Effective March 21, 1980, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs which is guaranteed or insured wholly or in part on or after such date may not exceed 15 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(c) Interest in excess of the rate reported by the lender when requesting evidence of guaranty or insurance shall not be payable on any advance, or in the event of any delinquency or default: *Provided,* That a late charge not in excess of an amount equal to a 4 percent on any installment paid more than 15 days after due date shall not be considered a violation of this limitation.

3. In § 36.4501, paragraph (p) is added to read as follows:

§ 36.4501 Definitions.

* * * * *

(p) *Energy conservation improvement.* An improvement to an existing dwelling or farm residence through the installation of a solar heating system, a solar heating and cooling system, or a combined solar heating and cooling system, or through application of a residential energy conservation measure as prescribed in 38 U.S.C. 1810(d) or by the Administrator. (38 U.S.C. 1810(a)(7))

4. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1978, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $25,000. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 13 percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 15 percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

§ 36.4515 [Amended]

5. Section 36.4515 is amended by deleting the words "his price" and inserting the words "the price" in paragraph (b)(5)(iii).

6. Section 36.4516 is amended as follows:

(a) By deleting the words "he determines" and inserting the words "the Administrator determines" in the next to the last sentence of paragraph (c).

(b) By revised paragraph (b) to read as follows:

§ 36.4516 Lien requirements.

* * * * *

(b) Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall be secured in the following manner:

(1) Loans for $1,500 or less need not be secured, and in lieu of the title

examination a statement may be accepted from the borrower that he or she has an interest in the property not less than that prescribed in § 36.4515(a).

(2) Loans for more than $1,500 but 40 percent or less of the prior to the improved reasonable value of the property shall be secured by a lien reasonable and customary in the community for the type of alteration, improvement, or repair financed.

(3) Loans for more than $1,500 and for more than 40 percent of the prior to the improved reasonable value of such property shall be secured by a first lien on the property or estate. However, such a home improvement loan may be secured by a lien immediately subordinate to the lien securing the previous loan extended by the Administrator, if the Veterans Administration is the holder of all liens of superior priority on the property. (38 U.S.C. 1811(d)(1))

* * * * *

7. In § 36.4519, paragraph (a)(5) is added to read as follows:

§ 36.4519 Eligible purposes and reasonable value requirements.

(a) A loan may be made only for the purpose hereinafter set forth in this paragraph, and the loan may not exceed the reasonable value of the property as established by the Veterans Administration:

* * * * *

(5) To make energy conservation improvements to a dwelling owned and occupied by the veteran as his or her home. (38 U.S.C. 1811(b))

* * * * *

[FR Doc. 80-9512 Filed 3-27-80; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS-62004A (PCB/RR-4); FRL 1450-2]

Polychlorinated Biphenyls (PCBs); Final Amendment to the Disposal Requirements for PCB Capacitors in Chemical Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On November 21, 1979 EPA requested comment on a proposed amendment modifying the disposal provisions of the PCB regulation (43 FR 7150, February 17, 1978; superseded by 44 FR 31514, May 31, 1979). The November amendment proposed to extend the deadline for allowing disposal of large PCB capacitors in chemical waste landfills from January 1, 1980 to thirty days after EPA announced that an Annex I incinerator was approved and operational for disposal of PCB capacitors. That amendment is being promulgated by this notice with certain modifications. First, EPA is treating small PCB capacitors owned by manufacturers of PCB capacitors or equipment the same as large PCB capacitors for purposes of disposal. Second, EPA will permit disposal of capacitors in chemical waste landfills until March 1, 1981. Third, the Assistant Administrator for Pesticides and Toxic Substances (hereinafter referred to as the Assistant Administrator) may authorize the reopening of chemical waste landfills after March 1, 1981, for disposal of PCB capacitors under specified conditions. Fourth, EPA will require all PCB capacitors to be containerized and packed with absorbent material prior to their disposal in a chemical waste landfill.

EFFECTIVE DATE: Effective March 28, 1980.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office TS-799, US Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, Toll free: 800-424-9065, Local to Washington, DC: 554-1404.

SUPPLEMENTARY INFORMATION: The PCB rule (43 FR 7150, February 17, 1978 superseded by 44 FR 31514, May 31, 1979) permits disposal, until January 1, 1980, of (1) large PCB capacitors and (2) small PCB capacitors that are in the possession of a manufacturer of small PCB capacitors or PCB equipment in Annex II chemical waste landfills. (See § 761.10(b)(2) of the regulation at 44 FR 31547). After January 1, 1980 all capacitors in either of those categories must be disposed of in an incinerator that complies with Annex I of the PCB rule.

EPA proposed in the **Federal Register** of November 21, 1979 (44 FR 66851) to extend the date through which PCB large capacitors could be disposed of in chemical waste landfills until thirty days after EPA announces that one incinerator with the capability of destroying PCB large capacitors was approved and operational. EPA had anticipated at the times the PCB rule and its predecessor were promulgated that Annex I incinerators would be available by January of 1980. Since that time, unforeseen problems have delayed the approval of an incinerator capable of destroying PCB capacitors. Further, with the expiration of the date for landfill disposal of their PCB capacitors, industry is storing capacitors which might otherwise be disposed of, and thereby confronting the possibility that large amounts of additional suitable storage space will have to be built. Evidence was presented both at the hearing held on the proposed amendment on January 3, 1980 and in the written comments that many of the facilities would exhaust their existing storage space within 6 months if they were required to store the large capacitors. This confirmed EPA's understanding that many of the users of PCB capacitors had not anticipated that they would need to store their capacitors after January 1980 and therefore did not construct sufficient storage space. According to information in the comments, the cost to construct new storage facilities would range from $10,000 to $50,000 per storage facility depending upon the individual need. In light of the delays in approving incinerators, the limited amount of storage space, the cost to construct new storage space, and the relatively low risks associated with disposal of PCB capacitors in chemical waste landfills as compared to storage, EPA is adopting an extension of the deadline for such disposal.

This final amendment differs from the proposed amendment in several ways. First, this final amendment responds to evidence presented at the hearing and in the comments questioning the ability of the first approved incinerator to dispose of PCB capacitors at the rate they will be generated for disposal. Commentors also pointed out the difficulties of relying on a single incinerator for all disposal. The incinerator could experience technical difficulties which might lead to the need to temporarily shut down or operate at reduced capacity. Industry again would be faced with the prospect of having no available means of disposal. EPA was reminded that mechanical problems do occur and that this scenario is quite feasible. Other comments stressed that priority should be given to the incineration of liquid PCBs. Commentors suggested liquid PCBs pose a greater health and environmental hazard than non-liquids. These commentors argued that capacitors should not compete with PCB liquids for disposal in incinerators until there is no longer a shortage of incineration capacity.

EPA acknowledges the legitimacy of these concerns and has modified the rule in two ways to address them. Instead of permitting disposal of PCB capacitors in chemical waste landfills until thirty days after EPA announces that the first approved incinerator is

available, EPA will allow landfilling until March 1, 1981. In addition, EPA is aware that it is possible that on or after March 1, 1981 adequate capacitor incineration capacity may not be available for a variety of reasons. EPA has concluded that it would be prudent to provide a mechanism for expeditiously reopening chemical waste landfills for PCB capacitor disposal subsequent to March 1, 1981 without the necessity of a further rulemaking. To allow such reopening, EPA has incorporated a second new provision into the rule which gives the Assistant Administrator the authority to reopen chemical waste landfills for PCB capacitors for whatever time period he deems appropriate.

In determining if it is appropriate to reopen landfills the Assistant Administrator must consider the following factors which reflect concerns drawn from the comments. First, is there adequate incineration capability? Second, will required incineration of capacitors significantly interfere with the disposal of liquids with PCB concentrations of greater than 500 parts per million (ppm)? Third, are there any other mitigating factors that would impact unreasonably upon the ability to incinerate PCB capacitors? As part of this evaluation, the Assistant Administrator will consider the impact of his decision on the incentives to construct or expand PCB incinerators. EPA is concerned about the small number of applications which have been received requesting approval of incinerators for disposal of PCBs and PCB capacitors and does not want to undercut or discourage through this rulemaking, or any other later action, the construction or expansion of incinerators to destroy PCB capacitors.

Part of this provision to the amendment provides the Assistant Administrator with the authority to reopen chemical waste landfills on a conditional basis. For example, he may restrict the reopening: (1) to large or small capacitors, (2) to certain segments of the country, and/or (3) for a specified period of time.

A third substantive change was included in the amendment to permit disposal of small capacitors, as well as large capacitors, in chemical waste landfills. EPA received a number of comments from persons requesting that the landfill option be extended to manufacturers of small capacitors and capacitor equipment. At the time of proposal, EPA had no information that small capacitor manufacturers or their users faced the same types of storage problems that large capacitor disposers faced. EPA was not aware that significant numbers of small PCB capacitors remained to be landfilled by manufacturers. In view of this information and for reasons of equity between owners of small and large capacitors, EPA has decided to permit landfilling of small PCB capacitors owned by manufacturers of PCB capacitors and PCB equipment. EPA considers an extension of the landfill option for small PCB capacitors in the possession of manufacturers to be within the scope of this rulemaking. Storage and disposal of both small and large PCB capacitors are closely related. Further, the number of comments received on the disposal of small capacitors also indicate that commentors assumed disposal of large and small capacitors to be within the scope of this rulemaking.

Fourth, EPA has decided to require (1) all large PCB capacitors and (2) all small PCB capacitors owned by manufacturers of small PCB capacitors and PCB equipment to be packed in Department of Transportation (DOT) drums with absorbent material prior to their disposal in chemical waste landfills. Capacitors larger than a DOT 55-gallon drum may be packed in a container with strength and durability comparable to that of the DOT specification containers. Considerable evidence was presented in comments that a significant number of capacitors were leaking by the time they wer received for disposal at the landfill. In fact, two commentors acknowledged the added risk of leaking PCB capacitors and suggested that EPA consider requiring leaking PCB capacitors to be packed in containers with absorbent material. One person suggested that PCB capacitors, packed in drums with absorbent material, will be more secure than the original capacitor.

The requirement for containerization of PCB capacitors in drums with absorbent material is within the scope of this rulemaking. EPA announced in the preamble to the proposed amendment that the Agency would "consider in this rulemaking whether the amendment should permit continued disposal of leaking large PCB capacitors in chemical waste landfills" (44 FR 66851, May 31, 1979). As earlier noted, information presented at the hearing indicated that a significant number of capacitors are leaking at time of disposal. Accordingly, to ensure adequate protection against leaking capacitors EPA has adopted a uniform procedure for all PCB capacitors subject to the rule which requires them to be placed in containers with absorbent material prior to disposal. This requirement will result in a maximum expenditure of $4,000,000 the first year.[1] The actual impact may be considerably less since some utilities and chemical waste landfills may have already undertaken this practice.

For small PCB capacitors, the total expenditure will be, at the most, $37,500.[2] This cost estimate also is likely to be higher than the actual cost since the estimate is based upon the assumption that all small capacitors are the same size. This, in fact, is not the case. Many small capacitors are extremely small. It would therefore take substantially more of these "smaller" capacitors to fill a 55 gallon drum.[3]

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 rules "specialized". This rule has been reviewed and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

The public record for this rulemaking is located in room 447, East Tower, EPA, 401 M Street, S.W., Washington, D.C. 20460. It is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays.

EPA has prepared a support document responding to the major comments received in this rulemaking. This support document is available upon request from the Industry Assistance Office at the address previously given.

Pursuant to 5 U.S.C. § 553(d), this amendment is made effective upon publication. The amendment extends PCB disposal provisions that have previously expired. Failure to make the rule immediately effective would prolong the PCB capacitor storage which this amendment is intended to avoid. Accordingly, it is in the public interest to make the rule immediately effective, and

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[1] Using the numbers provided in the comments provided by the Utility Solid Waste Activities Group (USWAG) that 26,000 large capacitors are removed for disposal per month and dividing by 2 (which is the average numbers of capacitors one can fit into a 55 gallon drum) and then multiplying by $25 (the approximate cost per drum) results in a total cost of $4,000,000. This assumes no cost for the absorbent material used to fill the drums.

[2] Using numbers provided in the testimony of the Ad Hoc Committee on Liquid Dielectrics (AHCLD) that between 50,000 and 150,000 small PCB capacitors are covered by the scope of this amendment and dividing by 100 (which is the fewest number of small capacitors that can fit in a 55 gallon drum) and then multiplying by the average cost per drum results in a total additional cost to containerize PCB small capacitors in drums of between $30,000 and $37,000.

[3] AHCLD found that it would take 5,000 of the "smaller" capacitors to fill a 55 gallon drum.

the Agency finds that there is good cause for doing so.

Dated: March 25, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

Authority: Section 6(e) of TSCA (15 U.S.C. 2605). The preamble of the Manufacturing, Processing, Distribution in Commerce, and Use Prohibition Rule published in the **Federal Register** of May 31, 1979, 44 FR 31514 delegates authority to amend or modify this rule to the Assistant Administrator.

EPA is amending 40 CFR 761.10(b) by revising (b)(2)(iii)(B) and (iv)(B) and by adding new paragraphs (v) and (vi) to read as follows:

§ 761.10 Disposal requirements.

* * * * *

(b) * * *

(2) PCB Capacitors. * * *

(iii) Any PCB Large High or Low Voltage Capacitor owned by any person shall be disposed of in accordance with either of the following:

* * * * *

(B) Until March 1, 1981, disposal in a chemical waste landfill that complies with Annex II.

(iv) Any PCB Small Capacitor owned by any person who manufactures or at any time manufactured PCB Capacitors or PCB Equipment and acquired the PCB Capacitors in the course of such manufacturing shall be disposed of in accordance with either of the following:

* * * * *

(B) Until March 1, 1981, disposal in a chemical waste landfill that complies with Annex II.

(v) Notwithstanding the restrictions imposed by § 761.10(b)(2)(iii)(B) or (b)(2)(iv)(B), PCB capacitors may be disposed of in PCB chemical waste landfills that comply with Annex II subsequent to March 1, 1981, if the Assistant Administrator for Pesticides and Toxic Substances publishes a notice in the **Federal Register** declaring that those landfills are available for such disposal and explaining the reasons for the extension or reopening. An extension or reopening for disposal of PCB capacitors that is granted under this subsection shall be subject to such terms and conditions as the Assistant Administrator may prescribe and shall be in effect for such period as the Assistant Administrator may prescribe. The Assistant Administrator may permit disposal of PCB capacitors in EPA approved chemical waste landfills after March 1, 1981, if in his opinion,

(*1*) Adequate incineration capability for PCB capacitors is not available, or

(*2*) The incineration of PCB capacitors will significantly interfere with the incineration of liquid PCBs, or

(*3*) There is other good cause shown.

As part of this evaluation, the Assistant Administrator will consider the impact of his action on the incentives to construct or expand PCB incinerators.

(vi) Prior to disposal in an Annex II chemical waste landfill, all large PCB capacitors, and all small PCB capacitors described in § 761.10(b)(2)(iv), shall be placed in one of the Department of Transportation specification containers identified in § 761.42(c)(6) or in containers that comply with 49 CFR 178.118 (specification 17H containers). Large PCB capacitors which are too big to fit inside one of these containers shall be placed in a container with strength and durability equivalent to the DOT specification containers. In all cases, interstitial space in the container shall be filled with sufficient absorbent material (such as sawdust or soil) to absorb any liquid PCBs remaining in the capacitors.

[FR Doc. 80-9500 Filed 3-27-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF AGRICULTURE

41 CFR Part 4-12

Procurement; EEO Contract Compliance

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule amends the Agriculture Procurement Regulations by revising the subpart covering Equal Opportunity in Employment. It is for the purpose of updating or deleting obsolete procedures used by agency procuring offices prior to consolidation of EEO contract compliance functions into the Department of Labor. The intended effect of the amendment is to eliminate coverage which is in conflict with Department of Labor regulations.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Douglas I. Metzger, Procurement Division, Office of Operations and Finance, U.S. Department of Agriculture, Washington, D.C. 20250, Phone: (202) 447-7527.

SUPPLEMENTARY INFORMATION: This amendment involves matters relating to agency contracting and is therefore not subject by law to the notice and public rulemaking procedures under 5 USC 553, nor the policy on improving Government regulations under Executive Order 12044. This amendment is subject to the Secretary's Statement of Policy (36 FR 13804) of July 20, 1971. As this amendment corrects or clarifies existing procurement policy, no useful purpose would be served by public participation. Therefore, in accordance with the Secretary's Policy Statement, it is found for good cause that notice and other public rulemaking procedures are impracticable and unnecessary.

PART 4-12—LABOR

1. The Table of Contents of Part 4-12—Labor, is amended by revising Subpart 4-12.8 to read as follows:

Subpart 4-12.8—Equal Opportunity in Employment

Sec.
4-12.800 Scope of subpart.
4-12.803 Basic requirements.
4-12.803-2 Equal Opportunity clause.
4-12.803-10 Elimination of segregated facilities.
4-12.805 Administration.
4-12.805-3 Notices to be posted.
4-12.810 Affirmative action programs.

Subpart 4-12.8—Equal Opportunity in Employment

§ 4-12.800 Scope of subpart.

This subpart implements executive Order 11246, as amended by Executive Order 11375; the rules and regulations of the Secretary of Labor (41 CFR Chapter 60); and the Federal Procurement Regulations (41 CFR Part 1-12).

§ 4-12.803 Basic requirements.

§ 4-12.803-2 Equal opportunity clause.

Form AD-369, Equal Opportunity, is prescribed for use to incorporate the Equal Opportunity clause when it is not included in standard or other preprinted contract forms being used.

§ 4-12.803-10 Elimination of segregated facilities.

Form AD-560, Certification of Nonsegregated Facilities, is prescribed for use as the certification required by § 1-12.803-10.

§ 4-12.805 Administration.

§ 4-12.805-3 Notices to be posted.

The poster "Equal Opportunity Is the Law," OFCCP-1420, may be ordered from GSA pursuant to 1-12.805-3 or requisitioned through Central Supply.

§ 4-12.810 Affirmative action programs.

Form AD-425a, Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375, is prescribed for use in contracts for personal property and nonpersonal services, to assist

contractors in the development of a satisfactory affirmative action program. The form provides guidelines and specific steps for achievement of full and equal employment opportunity. It should accompany the notice of award of the contract.

Form AD–425b is an adaptation of the AD–425a and is prescribed for use in contracts for construction.

Authority: This amendment is made under the authority of 5 USC 301, 40 USC 486(c).

Done at Washington, D.C., this 17th day of March 1980.

Dean K. Crowther,

Director, Office of Operations and Finance.

[FR Doc. 80-9519 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-98-M

41 CFR Part 4–16

Procurement; Standard Form 37

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule amends the Agriculture Procurement Regulations by deleting the subpart which prescribes agency procedures for submitting Standard Form 37, Report on Procurement by Civilian Executive Agencies. The report will now be submitted to the General Services Administration by the Office of Operations and Finance based on data retrieved from the Department's procurement data reporting system. The intended effect of this amendment is to relieve the Department's procuring agencies of the SF–37 reporting requirement.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Douglas I. Metzger, Procurement Division, Office of Operations and Finance, U.S. Department of Agriculture, Washington, D.C. 20250, Phone: (202) 447–7527.

SUPPLEMENTARY INFORMATION: This amendment involves matters relating to agency management and contracting and is therefore not subject by law to the notice and public rulemaking procedures under 5 USC 553 nor the policy on improving Government regulations under Executive Order 12044.

This amendment is subject to the Secretary's Statement of Policy (36 FR 13804) of July 20, 1971. As this amendment involves internal agency procedures, no useful purpose would be served by public participation. Therefore, in accordance with the Secretary's Policy Statement, it is found for good cause that notice and other public rulemaking procedures are impracticable and unnecessary.

PART 4–16—PROCUREMENT FORMS

1. The Table of Contents of Part 4–16 is amended to delete Subpart 4–16.8, Miscellaneous Forms.

§ Subpart 4–16.8 [Deleted].

2. Subpart 4–16.8, Miscellaneous Forms, is deleted.

Authority: This amendment is made under the authority of 5 USC 301, 40 USC 486(c).

Done at Washington, D.C., this 17th day of March 1980.

Dean K. Crowther,

Director, Office of Operations and Finance.

[FR Doc. 80-9518 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-98-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1820

[Circular No. 2458]

Execution and Filing of Forms; Office Hours

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking amends 43 CFR 1821.2–1 to reflect new office hours during which applicants can inspect records and file applications and other documents under this title. The revised hours will increase the time available for public use.

EFFECTIVE DATE: March 28, 1980.

ADDRESS: Any suggestions or inquiries should be sent to: Director (650), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Cecil R. Feeney (202) 343–7424.

SUPPLEMENTARY INFORMATION: The principal author of this rulemaking is Cecil R. Feeney of the Office of Legislation and Regulatory Management, Bureau of Land Management, Washington, D.C.

It is hereby determined that publication of this final rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 [42 U.S.C. 4332(2)(C)] is required.

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.

The customary 30-day period between the publication date and effective date of final rules is hereby waived because this rulemaking does not initiate change, but is an administrative action reflecting changes.

Under the authority of section 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1740), Part 1820, Group 1800, Subchapter A, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

James W. Curlin,

Secretary of the Interior.

March 24, 1980.

1. Section 1821.2–1 is amended to read as follows:

PART 1820—APPLICATION PROCEDURES

§ 1821.2–1 Office hours; place for filing.

(a) The offices listed in paragraph (d) of this section are open to the public for the filing of applications and other documents and inspection of records on Monday through Friday during the regular business hours of each office, with the exception of those days when the office may be closed because of a national holiday or by Presidential or other administrative order.

* * * * *

[FR Doc. 80-9428 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5795]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

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

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

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

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

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

PART 64—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

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

§ 64.6 List of Suspended Communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
California	Napa	Yountville, city of	060209B	May 29, 1975, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Mar. 1, 1974 Dec. 20, 1974	Mar. 28, 1980
Connecticut	Hartford	Enfield, town of	090028B	Apr. 4, 1974, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Apr. 5, 1974 May 10, 1977	Do.
Do	New Haven	Southbury, town of	090089B	Aug. 31, 1973, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Feb. 8, 1974 Oct. 17, 1975	Do.
Illinois	St. Clair	Fairmont, village of	170627A	July 29, 1975, emergency, Mar. 28, 1980 regular, Mar. 28, 1980, suspended.	Oct. 8, 1976	Do.
Do	Lake	Mettawa, village of	170381B	Mar. 20, 1979, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Oct. 18, 1974 July 23, 1976	Do.
Kentucky	Campbell	Melbourne, city of	210250A	Sept. 12, 1974, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Feb. 1 1974	Do.
Maine	Kennebec	West Gardiner, town of	230250B	June 3, 1976 emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Dec. 27, 1974 Mar. 25, 1977	Do.
Nebraska	Furnas	Cambridge, city of	310087B	May 24, 1973, emergency, Mar. 28, 1980 regular, Mar. 28, 1980, suspended.	May 3, 1974 Feb. 20, 1976	Do.
Nevada	Douglas	Unincorporated areas	320008A	Feb. 12, 1974, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Jan. 3, 1975	Do.
New Jersey	Essex	Newark, city of	340189B	Nov. 3, 1972, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Mar. 15, 1974 Sept. 24, 1976	Do.
Do	Bergen	Rochelle Park, township of	340070B	Feb. 16, 1973, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	June 22, 1973 Mar. 5, 1976	Do.
New York	Rockland	Suffern, village of	360694B	July 5, 1973, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Dec. 28, 1973 June 18, 1976	Do.
North Carolina	Egecombe	Pinetops, town of	370091B	Nov. 7, 1975, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Jan. 9, 1974 June 25, 1976	Do.
Ohio	Athens	Athens, city of	390016B	Nov. 22, 1974, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	June 27, 1975	Do.
Wisconsin	Milwaukee	Brown Deer, village of	550271B	Mar. 24, 1975, emergency, Mar. 28, 1980, regular, Mar. 28, 1980, suspended.	Dec. 17, 1973 Nov. 22, 1974	Do.
Illinois	Cook	Calumet, city of	170072D	Feb. 24, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Apr. 5, 1974 Dec. 5, 1975 Feb. 13, 1976 Apr. 21, 1978	Apr. 1, 1980
Kentucky	Calloway	Murray, city of	210033B	Apr. 22, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	June 14, 1974 Aug. 13, 1976	Do.
Louisiana	St. Helena Parish	Greensburg, town of	220330A	Feb. 23, 1976, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Feb. 7, 1975	Do.
Minnesota	Wright	Delano, city of	270539B	Feb. 3, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	May 24, 1974 May 14, 1976	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Missouri	St. Louis	Hazelwood, city of	290357B	Nov. 27, 1973, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Jan. 9, 1974 Dec. 5, 1975	Do.
New Hampshire	Rockingham	Windham, town of	330144B	Aug. 7, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Aug. 16, 1974 Jan. 23, 1976	Do.
New York	Onondaga	Clay, town of	360573B	May 15, 1973, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	July 1, 1977	Do.
Do	Westchester	Rye, city of	360931C	Apr. 23, 1974, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	May 20, 1977 Nov. 3, 1978	Do.
Oklahoma	LeFlore	Wister, town of	400095B	Aug. 6, 1971, emergency, Apr. 14, 1976, regular, Apr. 1, 1980, suspended.	Apr. 14, 1976	Do.
Pennsylvania	Bradford	Athens, township of	420976B	Jan. 30, 1974, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	June 28, 1974 July 16, 1976	Do.
Do	Washington	Canonsburg, borough of	420849B	Dec. 10, 1974, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Feb. 1, 1974 May 7, 1976	Do.
Do	Lycoming	Piatt, township of	420653B	Apr. 10, 1973, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Jan. 23, 1974 Dec. 19, 1975	Do.
Do	Allegheny	Pitcairn, borough of	420062A	Nov. 8, 1974, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	July 30, 1976	Do.
Tennessee	Davidson	Oak Hill, city of	470351A	Aug. 18, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Oct. 27, 1972	Do.
Texas	Collin	Murphy, city of	480137C	Aug. 7, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Dec. 7, 1973 Nov. 22, 1977	Do.
Vermont	Bennington	Pownal, town of	500016C	July 9, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	Aug. 16, 1974 Nov. 29, 1977 Feb. 4, 1977	Do.
West Virginia	Marshall	Glen Dale, city of	540109C	Apr. 2, 1975, emergency, Apr. 1, 1980, regular, Apr. 1, 1980, suspended.	June 28, 1974 July 9, 1976 Aug. 13, 1976	Do.

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

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

Issued: March 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-9296 Filed 3-27-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

45 CFR Parts 205, 234

Financial Assistance to Individuals; Protective, Vendor, and Two-Party Payments for Dependent Children

AGENCY: Social Security Administration, HEW.

ACTION: Final rules.

SUMMARY: These regulations implement section 3 of Pub. L. 95–171 which amended sections 403(a) and 406(b) of the Social Security Act. They (1) specifically authorize Federal funding for two-party checks; (2) clarify the regulations for making protective and vendor, as well as two-party payments; and (3) increase the number of individuals who can receive these payments (with Federal funding) from 10 to 20 percent of the number of other AFDC recipients in the State for that month. These regulations affect recipients of AFDC in all jurisdictions.

EFFECTIVE DATE: These regulations shall be effective March 28, 1980. However, the increase in the number of individuals who can receive protective, vendor, or two-party checks in a State from 10 to 20 percent of the number of other AFDC recipients in that State is effective October 1, 1977, as provided under Pub. L. 95–171.

FOR FURTHER INFORMATION CONTACT: Mr. C. B. Wooldridge, Office of Family Assistance, Office of Policy, Social Security Administration, 330 C Street, SW., Washington, DC 20201, telephone (202) 426–6587.

SUPPLEMENTARY INFORMATION:

Background

Section 234.60 currently describes the regulations which State agencies must meet when they use protective and vendor payments because the AFDC caretaker has demonstrated an inability to manage funds. On November 12, 1977, Pub. L. 95–171 was enacted, which specifically authorized Federal funding for two-party checks. In addition, Pub. L. 95–171 relaxed the limitation on the number of AFDC recipients in a State whose payments could be restricted as a

protective, vendor, or two-party payment. The law increased the number of individuals in the State whose AFDC payments could be so restricted from 10 percent of the number of other AFDC recipients, each month, to 20 percent. Until the enactment of Pub. L. 95–171, only protective and vendor payments were actually identified in the Act as permissible restricted payments for which Federal matching was available, and two-party checks were considered in the nature of a vendor payment only through an interpretation of Federal policy.

Discussion of Comments

On March 2, 1979, these regulations were published in the **Federal Register** as a Notice of Proposal Rule Making (44 FR 11803). They made the changes described in Pub. L. 95–171 and also made other clarifying changes to § 234.60. We received 23 comments on the NPRM: 11 from State and local governments; 10 from constituent, advocacy and legal services organizations; and 2 from congressmen. Of these, many indicated support for the regulations and protections at § 234.60; some were critical. We also discussed these regulations during the NPRM period, with client advocates and with representatives of State and local governments. As a result of the comments on the NPRM, some further changes have been made in the final regulations. The significant comments and our responses follow:

Section 234.60(a)(2)

1. *Comment:* One commenter recommended that the regulations make clear that States should resist landlord efforts to pressure clients into providing vendor or two-party payments as a condition of tenancy.

Response: The regulations do not specifically tell States to resist such efforts of landlords or other providers of goods or services. It would be inappropriate for us to regulate interactions between tenant and landlord in that way. However, restrictions on AFDC checks are prohibited except as expressly provided under the regulations. Further, protective, vendor, or two-party check payments made by the State or local agency must be based upon its determination that there has been mismanagement. Coercion on the part of AFDC landlords would not be a significant reason under these regulations for the State or local agency to authorize a restricted payment.

2. *Comment:* A number of commenters asked for clarification of the criteria for determining when "* * * payments to the relative have not been * * * used in the best interest of the child." In particular, five commenters asked for further clarification of the sentence, "The determination may not be made solely on the fact that bills are not paid on a timely basis.", in § 234.60(a)(2).

Response: The final regulations contain the requested clarifications. In § 234.60(a)(2)(i), we have further defined that failure to use payments in the best interest of the child "* * * means that the relative has misused funds to such an extent that allowing him or her to manage the AFDC grant is a threat to the health or safety of the child."

Also, in § 234.60(a)(2)(ii), we have included examples of things which must be considered in determining whether there has actually been mismanagement: Whether (1) the family has experienced some emergency or extraordinary event for which it was appropriate for available funds to be spent; (2) expenses for necessary bills exceed the recipient's grant and other income; and (3) the family has withheld the payment as a reasonable exercise of consumer rights when there is a legitimate dispute as to whether terms of an agreement have been met. Because each case must be evaluated individually it is not possible for the regulations to spell out every situation of mismanagement or of nonpayment of bills—which is not mismanagement—that could possibly exist. We believe that these clarifications and examples will help define the latitude and limits of State discretion in determining when mismanagement exists.

Section 234.60(a)(7)

3. *Comment:* Two commenters asked that the regulations provide that the selection of a protective payee should always be made by the recipient unless it is demonstrated that such a selection is not in the best interest of the child.

Response: The Department's position continues to be that the recipient selects or participates in the selection of a protective payee to the extent possible. This position is reflected in the current regulations at § 234.60(a)(7).

The provisions of § 234.60 are not meant to be punitive. They are for the protection of the AFDC child. We believe it is particularly important that the caretaker have a significant role in selecting the protective payee because they will have to work closely together in caring for the AFDC child and managing his or her funds. Therefore, the Department expects that the method chosen by the agency will reflect consideration of caretaker preferences, where practical, as well as administrative considerations—and the paramount need to protect the child. However, we do not feel it is necessary to further regulate acceptance of client preference.

Section 234.60(a)(7)(i)

4. *Comment:* One commenter called to our attention the difficulties agencies have in selecting payees. Some merely cash the check and turn the money over to the recipient; others are reluctant to assume the appropriate responsibilities.

Response: It is the responsibility of the agency to check periodically on the way in which a protective payee is carrying out his or her responsibilities and to make changes as necessary (§ 234.60(a)(9)(ii)).

If the agency has difficulty in locating appropriate protective payees, it has the option of having a staff member of a private agency, of the public welfare department, or any other appropriate organization to serve as a protective payee. In addition, the public welfare department may employ such additional staff as may be necessary to provide protective payees (§ 234.60(a)(7)(i)).

Section 234.60(a)(8)

5. *Comment:* One commenter suggested that the goal of restoring the caretaker relative to regular money payment status should be more clearly stated, and that education in budgeting and money management skills should be the means by which this goal is achieved.

Response: Our current regulations require that use of a restricted payment under § 234.60 must be accompanied by "* * * special efforts to develop greater ability on the part of the relative to manage funds * * * to protect the welfare of the family." (§ 234.60(a)(8)). Thus, whenever a restricted payment is used, services must be available to help enable the affected caretaker to return to a position of responsible money management.

Section 234.60(a)(9)

6. *Comment:* One commenter expressed concern that the three-month review requirement for mismanagement be changed to coincide with periodic eligibility redeterminations, in order to provide administrative improvement in case management.

Response: We agree that it is reasonable to schedule the review requirements for the same time that the eligibility redetermination is being done. Therefore, we have changed the minimum review period from every three months to every six months to give States this administrative flexibility. However, more frequent reviews may be desirable in many situations, and will

still be made if indicated by particular circumstances of the individual.

Section 234.60(10)(ii)

7. *Comment:* One commenter urged that the two-year limitation in the current regulations, for the use of restricted payments, be expanded.

Response: It is HEW's belief based on its experience in administering the program that a two-year period is sufficient time to have used a variety of solutions to remedy the family's situation and return the recipient to regular monthly payment status.

Section 234.60(a)(11)

8. *Comment:* There were suggestions that there be a requirement for advance written notice to the recipient—advising him or her of the agency's intention to impose a protective, vendor, or two-party payment—and a right to a fair hearing before the payment is restricted.

Response: We agree. The Social Security Act and current regulations already require that an opportunity for a fair hearing before the State agency be given an individual who may have his or her assistance restricted by a protective or vendor payment. Placing a recipient on a protective, vendor, or two-party payment alters the form of payment the individual would otherwise receive and significantly limits his or her flexibility in allocating available resources to meet current or future needs. In such circumstances, timely and adequate notification and opportunity for a hearing before a restricted payment determination is made are essential to the fair hearing right currently provided by law. Such a policy is also consistent with usual fair hearing principles. Moreover, the issue of the recipient's ability to manage resources is a question of fact. For actions that significantly affect the recipient and that raise factual issues, fair hearing procedures must include advance notice and opportunity for a prior hearing. Consequently, we believe with respect to restricted payment determinations that timely and adequate notice of the agency action (under § 205.10(a)(4)(i)) and continuation of assistance until a decision is rendered (under § 205.10(a)(6)) are appropriate and we have amended these sections of our regulations to clarify our policy. We have also amended § 205.10(a)(5) to include a right to a hearing. Additionally, we believe it is fair that: (1) the recipient be notified under State agency procedures that a creditor has accused him or her of non-payment and requests the agency to initiate a protective, vendor, or two-party payment, and (2) the recipient be notified by the agency of a decision not to use a protective, vendor, or two-party payment if such payment has been requested by a creditor. These notice requirements have been added to § 234.60(a)(2).

9. *Comment:* One commenter suggested that a provision be made for the use of voluntary vendor or two-party check payments.

Response: Such voluntary restricted payments have been considered and rejected by the Congress. It has been rejected, because of the problems inherent in assuring that a welfare recipient, who is dependent on the agency for assistance, is truly free to make a voluntary choice. Voluntary vendor payments could place AFDC recipients in a position where they could be coerced by officials or vendors into voluntarily restricting their assistance payments. Most recently—on October 17, 1978,—the Senate rejected a voluntary vendor payment provision in H.R. 3387 as threatening to the principle that families should not be deprived of the responsibility and dignity that comes from controlling how their resources, however meager, should be spent.

Differences Between the Proposed Regulations and the Final Regulations

After consideration of all comments, we have adopted the proposed regulations with the following clarifications and changes: (1) We have added a further description of "inability to manage funds"; (2) We have given examples of considerations which must be taken into account in determining mismanagement; (3) We require that the recipent be notified whenever a restricted payment is being considered as a result of a creditor's claim that bills have not been paid on time: (4) We have clarified that a State agency decision to use such payments must be accompanied by a timely and adequate notice, and that the agency must give an opportunity for a fair hearing before payment is restricted; (5) We require that the recipient be notified of a decision not to use a protective, vendor, or two-party payment if such payment has been requested by a creditor; (6) We have clarified the need for the State's criteria to identify the circumstances under which such payments will be made; and (7) We have changed the required review period from three months to six months to coincide with eligibility redeterminations.

(Secs. 402, 403, 406, and 1102 of the Social Security Act, as amended, 49 Stat. 627, as amended, 49 Stat. 628, as amended, 49 Stat. 629, as amended, 49 Stat. 647, as amended, 42 U.S.C. 602, 603, 606, and 1302, and sec. 3 of Pub. L. 95–171, 91 Stat. 1354)

(Catalog of Federal Domestic Assistance Program No. 13.808, Public Assistance—Maintenance Assistance (State Aid))

Dated: March 20, 1980.

William J. Driver,

Commissioner of Social Security.

Approved: March 24, 1980

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

Chapter II of Title 45 of the Code of Federal Regulations is amended as set forth below:

1. Section 205.10 is amended by revising paragraphs (a)(4), (a)(5) and (a)(6)(i) to read as follows:

§ 205.10 Hearings.

(a) * * *

(4) In cases of intended action to discontinue, terminate, suspend or reduce assistance or to change the manner or form of payment to a protective, vendor, or two-party payment under § 234.60:

* * * * *

(5) An opportunity for a hearing shall be granted to any applicant who requests a hearing because his or her claim for financial assistance (including a request for supplemental payments under §§ 233.23 and 233.27) or medical assistance is denied, or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by any agency action resulting in suspension, reduction, discontinuance, or termination of assistance or determination that a protective, vendor, or two-party payment should be made or continued. A hearing need not be granted when either State or Federal law require automatic grant adjustments for classes of recipients unless the reason for an individual appeal is incorrect grant computation.

* * * * *

(6) * * *

(i) Assistance shall not be suspended, reduced, discontinued or terminated, (but is subject to recovery by the agency if its action is sustained), nor may the manner or form of payment be changed to a protective, vendor, or two-party payment under § 234.60, until a decision is rendered after a hearing, unless:

* * * * *

2. Section 234.60 is amended by revising the heading; paragraphs (a)(1)–(4), (7), (9), (10)(ii), (11)(i) and (b). As revised the provisions read as follows:

§ 234.60 Protective, vendor, and two-party payments for dependent children.

(a) *State plan requirements.* (1) If a State plan for AFDC under title IV–A of the Social Security Act provides for protective, vendor, and two-party

payments for other than WIN cases and cases in which the caretaker relative fails to meet the eligibility requirements of § 232.11 or § 232.12 of this chapter, it must meet the requirements in paragraph (a)(2) through (11) of this section.

(2)(i) Methods will be in effect to identify children whose relatives have demonstrated such an inability to manage funds that payments to the relative have not been or are not currently used in the best interest of the child. This means that the relative has misused funds to such an extent that allowing him or her to manage the AFDC grant is a threat to the health or safety of the child.

(ii) Non-payment of bills may be used as an indication that mismanagement may exist. However, a determination of such mismanagement shall not be made solely on the fact that bills are not paid on a timely basis. All relevant considerations shall be taken into account including, but not limited to the following:

(A) Whether the family has experienced some emergency or extraordinary event for which it was appropriate for available funds to be spent;

(B) Whether expenses for necessary bills exceed the recipient's grant and other income; and

(C) Whether the family has withheld the payment as a reasonable exercise of consumer rights when there is a legitimate dispute as to whether terms of an agreement have been met.

(iii) Under State agency procedures, the recipient shall be notified whenever a creditor requests a protective, vendor, or two-party payment for mismangement on the basis of non-payment of bills.

(iv) The recipient shall be notified by the agency of a decision not to use a protective, vendor, or two-party payment if such payment has been requested by a creditor.

(v) A statement of the specific reasons that demonstrate the need for making protective, vendor, and two-party payments must be placed in the file of the child involved.

(3) Criteria will be established to identify the circumstances under which protective, vendor, or two-party payments will be made in whole or in part to—

(i) Another individual who is interested in or concerned with the welfare of the child or relative; or

(ii) A person or persons furnishing food, living accommodations or other goods, services, or items to or for the child, relative, or essential person.

(4) Procedures will be established for making protective, vendor, or two-party payments. Under this provision, part of the payment may be made to the family and part may be made to a protective payee or to a vendor, or part may be made in the form of two-party payments, i.e., checks which are drawn jointly to the order of the recipient and the person furnishing goods, services, or items and negotiable only upon endorsement by both the recipient and the other person.

* * * * *

(7) Standards will be established for selection:

(i) Of protective payees, who are interested in or concerned with the recepient's welfare, to act for the recipient in receiving and managing assistance, with the selection of a protective payee being made by the recipient, or with his participation and consent, to the extent possible. If it is in the best interest of the recipient for a staff member of a private agency, of the public welfare department, or of any other appropriate organization to serve as a protective payee, such selection will be made preferably from the staff of an agency or that part of the agency providing protective services for families; and the public welfare department will employ such additional staff as may be necessary to provide protective payees. The selection will not include: the executive head of the agency administering public assistance; the person determining financial eligibility for the family; special investigative or resource staff; or staff handling fiscal processes related to the recipient; or landlords, grocers, or other vendors of goods, services, or items dealing directly with the recipient.

(ii) Of such persons providing goods, services, or items with the selection of such persons being made by the recipient, or with his participation and consent, to the extent possible.

* * * * *

(9) Review will be made as frequently as indicated by the individual's circumstances, and at least every 6 months, of:

(i) The need for protective, vendor, and two-party payments; and

(ii) The way in which a protective payee's responsibilities are carried out.

(10) Provision will be made for termination of protective, vendor, and two-party payments as follows:

* * * * *

(ii) When it appears that need for protective, vendor, or two-party payments will continue or is likely to continue beyond 2 years because all efforts have not resulted in sufficiently improved use of assistance in behalf of the child, judicial appointment of a guardian or other legal representative will be sought and such payments will terminate when the appointment has been made.

(11) * * *

(i) That a protective, vendor, or two-party payment should be made or continued.

* * * * *

(b) *Federal financial participation.* Federal financial participation is available in payments which otherwise qualify as money payments with respect to an eligible dependent child, but which are made as protective, vendor or two-party payments under this section. Payrolls must identify protective, vendor, or two-party payments either by use of a separate payroll for these cases or by using a special identifying code or symbol on the regular payroll.

(1) The payment must be supported by an authorization of award through amendment of an existing authorization document for each case or by preparation of a separate authorization document. In either instance, the authorization document must be a formal agency record signed by a responsible agency official, showing the name of each eligible child and relative, the amount of payment authorized and the name of the protective, vendor or two-party payee.

(2) The number of individuals for whom protective, vendor, or two-party payments are made who can be counted as recipients for Federal financial participation in any month is limited to 20 percent of the number of other AFDC recipients in the State for that month.

(i) In computing such 20 percent, the following individuals are not to be counted.

(A) Those with respect to whom protective or vendor payments are made for any month because caretaker relatives have refused without good cause to participate in a work incentive program or to accept a bona fide offer of employment in which they are able to engage; or

(B) Those with respect to whom protective or vendor payments are made for any month because of the refusal of caretaker relatives to comply with the eligibility requirements of § 232.11 or § 232.12 of this chapter.

(ii) The State may decide whether the same percentage limitation is applied in each local administrative subdivision or it may establish a method of assuring that the number of recipients for whom matchable payments are made does not exceed the limitation for the State as a whole.

(iii) If the number of recipients for whom protective, vendor, or two-party payments are made in any month does not exceed 20 percent of all other AFDC recipients in that month, all such payments and recipients may be included in computing Federal financial participation. If the number of recipients for whom protective, vendor, or two-party payments are made exceeds 20 percent of all other AFDC recipients, it will be necessary to identify cases whose total recipient count is within the 20 percent limit. Only the payments and recipient count for the identified cases within the 20 percent limit may be included for Federal financial participation. Other recipients receiving protective, vendor, or two-party payments must be excluded from the recipient count, and assistance payments for the other recipients must be excluded from assistance expenditures, in determining a State's claim for Federal financial participation.

(iv) In computing the 20 percent limit on the number of recipients of protective, vendor, or two-party payments the numerical limit may be rounded upward to the nearest whole number.

[FR Doc. 80-9341 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-07-M

FEDERAL MARITIME COMMISSION

46 CFR Part 512

[General Order 11, Revised; Docket No. 78-46]

Financial Reports of Common Carriers by Water in the Domestic Offshore Trades

AGENCY: Federal Maritime Commission.

ACTION: General Accounting Office (GAO) Clearance of Final Rules and Corrections.

SUMMARY: The Commission's final rules in this proceeding were published January 17, 1980 (45 FR 3272; FR Docket 80-1575), and GAO clearance of the reporting requirements of the rules has now been obtained. Such clearance is contingent on various minor changes in the rules and schedules which changes are published herewith. Other minor nonsubstantive corrections in the document as published in the **Federal Register**, including those made in the publication process, are also incorporated.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: The effective date of the final rules in this proceeding was deferred pending completion of GAO review as required under the Federal Reports Act. GAO review has now been completed and their approval has been obtained contingent on the making of various minor changes in the rules and schedules as described below, and accomplished by this notice.

1. The following corrections are made in § 512.6 *Forms.*

a. Paragraph (a)(2) is corrected by changing "FMC-64" to read "FMC-378", in the second sentence; "FMC-63" to read "FMC-377" in the third sentence; and "FMC-64" to read "FMC-377" in the fourth sentence.

b. Paragraph (b)(2) heading—change "Reserve for Depreciation" to "Accumulated Depreciation".

c. Paragraph (b)(2)(i), second sentence, change "the accumulated reserve for depreciation" to "accumulated depreciation".

d. Paragraph (b)(2)(ii), first sentence, change "the reserve for" to "accumulated"; second sentence, change "reserve for" to "accumulated"; and third sentence change "reserve for" and "the reserve for" to "accumulated".

e. Paragraph (b)(2)(iii), change "the reserve for" to "accumulated".

f. Paragraph (b)(4), heading—change "Reserve For" to "Accumulated".

g. Paragraph (b)(4)(i), second sentence—delete "reserves for"; third sentence—change "reserves" to "two amounts".

h. Paragraph (b)(4)(ii), change "the reserve" to "accumulated depreciation".

i. Paragraph (b)(7), hearing—change "Reserve for" to "Accumulated"; third sentence—change "the reserve" to "accumulated depreciation"; and change "the reserves for depreciation as of" to "both".

2. Minor changes in the following Schedules and Forms referred to in § 512.6 *Forms* have been made and are available upon request from the Director, Bureau of Industry Economics, Federal Maritime Commission, Washington, D.C. 20573:

a. Form FMC-377—Table of Contents, Exhibit A(A), Schedule A-I(A), Schedule A-II(A), Schedule A-V(A), Schedule A-VI(A), Schedule A-VIII(A), Schedule A-X(A), Exhibit B(A), Schedule B-II(A), Schedule B-IV(A), Schedule B-VI(A), Exhibit C(A), Certification.

b. Form FMC-378—Table of Contents, Exhibit A, Schedule A-I, Schedule A-II, Schedule A-V, Schedule A-VI, Schedule A-VIII, Schedule A-X, Exhibit B, Schedule B-II, Schedule B-IV, Exhibit C, Certification.

3. Notice of GAO clearance is required to appear in the agency's regulations. The following clearance statement should be included at the end of the Authority citation in Part 512.

The reporting requirements contained in §§ 512.2 (a) and (b), 512.2(c) (1) and (2), 512.2(d)(1), 512.2(e), 512.2(f) (1) and (2), 512.2(g), 512.2(h), 512.2(k), 512.2(n), 512.3, 512.4 (a), (b) and (c), and 512.6 have been approved by the U.S. General Accounting Office under number B-180233 (R0191).

Form FMC-378—Approved by GAO—B-180233 (R0665), expires 3/31/83.

Form FMC-377—Approved by GAO—B-180233 (R0664), expires 3/31/83.

The following corrections in the rules as published should also be made. Errors noted with an asterisk were made in the publication process and were correct in the original document.

F.R. page and column	Correction
1. 3272—3	"American Institute of Certified Public Accounts" should be "American Institute of Certified Public Accountants".
*2. 3275—3, ¶3	"§ 512.2(G)" should be "§ 512.2(g)".
3. 3278—3, ¶5	"A-IV(a)" should be "A-IV(A)".
4. 3279—2	"B-1(B-I(A))" should be "B-I(B-I(A))".
5. 3282—3, top	Delete "(#5)".
*6 3284—1, top	"asset" should be "assets".
*7. 3285—2, ¶1	"through to tax" should be "through of tax".
*8. 3285—3, ¶4	"Docket No. 75-77" should be "Docket No. 75-57".
9. 3286—3, ¶1-mid	"stating that" should be "i.e.,".
10. 3290—3, Ordering ¶.	Insert after Intercoastal Shipping Act, 1933, the citation "(46 U.S.C. 843, 844, 845, 845(a) and 847)".
*11. 3291—2, § 512.2(e)".	§ 512.2(h)(1)" should be "§ 512.2(f)(1)".
12. 3291—2, § 512.2(f)(iv).	"charged" should be "changed".
13. 3291—3, § 512.2(j)..	"§ 512.5(e)&(c)" should be "§ 512.5(c)&(e)".
14. 3294—1, § 512.6(b)(2)(i).	"Schedule 222 or 221, respectively, of Forms FMC 63 or FMC 64" should be "Schedule 222 of Form FMC 63 or Schedule 221 of Form FMC 64".
15. 3296—2, § 512.6(d)(1).	"fixed coverage" should be "fixed charges coverage".
16. 3274—3, *Vessel utilization*, 2nd sentence.	In lieu of "The proposed rules would require the carrier, . . ." insert "In order to insure that that Commission would consider such factors regarding operational efficiency, proposed section 512.1 would require the Commission to take into account vessel utilization and fleet deployment of a carrier when assessing revenue needs and rates of return. Accordingly, the proposed rules further require the carrier, . . .".
17. 3292—1, § 512.2(o)	"A carrier shall change accounting." should read: "A carrier may change accounting".

Francis C. Hurney,

Secretary.

[FR Doc. 80-9397 Filed 3-27-80; 8:45 am]

BILLING CODE 6730-01-M

46 PART 514

[General Order 42, Docket No. 78–46]

Financial Exhibits and Schedules Non-Vessel Operating Common Carriers in the Domestic Offshore Trades

AGENCY: Federal Maritime Commission.

ACTION: General Accounting Office (GAO) clearance of final rules and corrections.

SUMMARY: The Commission's final rules in this proceeding were published January 17, 1980 (45 FR 3311; FR Docket 80–1574), and GAO clearance of the reporting requirements of the rules has now been obtained. Such clearance is contingent on various minor changes in the Exhibits incorporated by reference in the rules. One other minor non-substantive correction in the document as published in the **Federal Register**, is also included.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523–5725.

SUPPLEMENTARY INFORMATION: The effective date of the final rules in this proceeding was deferred pending completion of GAO review as required under the Federal Reports Act. GAO review has now been completed and their approval has been obtained contingent on minor changes being made in certain of the Exhibits incorporated by reference in § 514.6 *Forms*. Changes have been made in Exhibit A, Exhibit B, and the Certification Form. Notice of GAO clearance is required to appear in the agency's regulations, and the following clearance statement should be included at the end of the Authority citation in Part 514.

The recordkeeping requirements contained in section 514.4(a) and the reporting requirements contained in sections 514.2(b) (1) (2) (3) (4) (5) and (6), 514.2(d), 514.3, 514.4(b) (c) and (d), and 514.6 have been approved by the U.S. General Accounting Office under number B–180233 (R0666).

Form FMC–379—Approved by GAO, B–180233 (R0667), expires 3/31/83.

The following correction in the document as published should also be made. At page 3314, column 3, § 514.6(c)(2)(i), the reference to "Schedule B–1" should be "Schedule B–I."

Francis C. Hurney,

Secretary.

[FR Doc. 80–9396 Filed 3–27–80; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Radio Broadcast Services; Editorial Amendment of the Rules To Relax Informal Application Requirement

AGENCY: Federal Communications Commission.

ACTION: Amendment of the rules.

SUMMARY: The FCC amends § 73.3544 of its Broadcast rules to eliminate the requirement for an informal application where there is a change in name of a broadcast station licensee and no change in ownership or control is involved. Written notification is all that will be necessary.

EFFECTIVE DATE: April 1, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: K. Gordon Oppenheimer, Broadcast Bureau, Broadcast Facilities Division, (202) 632–6357.

Order

Adopted: March 12, 1980.
Released: March 17, 1980.

In re matter of editorial amendment of § 73.3544 of the Commission's rules to relax informal application requirement.

1. The Executive Director, acting *sua sponte* and pursuant to authority delegated by § 0.231 of the Commission's Rules, has under consideration § 73.3544 of the Commission's rules, entitled "Application to obtain a modified station license." Section 73.3544(b)(1) of the rules requires that, in order to change a licensee's name where there is no change in ownership or control, the licensee must file an informal application in accordance with the procedures provided in § 73.3511(b) of the rules. The filing of such an application requires Commission action, either granting or refusing to grant.

2. If a licensee effects a change in name in accordance with the laws and procedures provided by the state in which it is incorporated or otherwise empowered to do business, the Commission would be without any reason to pass upon that change and its authority to do anything but grant the application is doubtful. In short, there seems to be no valid reason to require an application where there has been a change of name without any change of ownership or control. Notification by the licensee by letter should be sufficient.

3. Accordingly, it is concluded that § 73.3544 of the rules should be editorially revised to require only notification. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public, and no issues are raised upon which comments would serve any useful purpose. Therefore, prior notice of rulemaking, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553.

4. Accordingly, it is ordered, That, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules, the Commission's rules and regulations are amended as set forth in the attached Appendix, effective April 1, 1980.

5. For further information on this Order, contact K. Gordon Oppenheimer, Broadcast Bureau, (202) 632–6357.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Richard D. Lichtwardt,

Executive Director.

Appendix

In § 73.3544, subparagraph (1) of paragraph (b) is deleted and reserved, and a new paragraph (c) is added, to read as follows:

§ 73.3544 Application to obtain a modified station license.

* * * * *

(b) An informal application filed according to the procedure specified in § 73.3511(b) shall be used to cover the following changes:

(1) [Reserved]

* * * * *

(c) A change in the name of the licensee where no change in ownership or control is involved may be accomplished by written notification by the licensee to the Commission.

[FR Doc. 80–9514 Filed 3–27–80; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 2)]

Rail General Exemption Authority—Miscellaneous Commodities

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This is a summary of a decision which exempts the rail transportation of peanuts, sweet potatoes, potatoes, bananas, cocoa beans, green coffee, fresh mushrooms, fresh fish or other marine products, dried beans, dried peas, and dried lentils from the provisions of Subtitle IV of Title 49, except for certain informational reporting and accounting requirements. This action is taken pursuant to 49 U.S.C. § 10505 to encourage greater railroad participation in the transportation of these commodities.

EFFECTIVE DATE: The rule adopted here will take effect April 10, 1980.

ADDRESS: For copies of the decision in this proceeding contact: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423, (800) 424–5230.

FOR FURTHER INFORMATION CONTACT: Richard Felder, (202) 275–7656.

SUPPLEMENTARY INFORMATION: In the Notice instituting this proceeding, dated March 21, 1979 [published at 44 FR 18711, March 29, 1979], the Interstate Commerce Commission proposed to exempt under authority of 49 U.S.C. § 10505, certain miscellaneous commodities listed below from the provisions of Subtitle IV of Title 49. The commodities proposed for exemptions are:

STCC #01 143 Peanuts
STCC #01 194 Potatoes, sweet
STCC #01 195 Potatoes, other than sweet
STCC #01 232 Bananas
STCC #01 294 Cocoa beans
STCC #01 295 Coffee, green
STCC #01 916 Mushrooms, fresh
STCC #09 1 Fresh Fish or other Marine Products
STCC #01 341 Beans, dry, ripe
STCC #01 342 Peas, dry
STCC #01 343 Cowpeas, lentils, or lupines.

The Commission has issued a decision adopting the proposed exemption. Under the terms of the decision railroads are required to continue to comply with the Commission's accounting and reporting requirements and to include a brief statement in their annual reports of operations under the exemption. In addition, the railroads are required to maintain copies of rates, charges, rules, or regulations for traffic moved under the exemption, at their principal office, subject to inspection, and to send a letter of notification to the docket [Ex Parte No. 346 (Sub-No. 2)], within 30 days, of the fact that they are using the exemption. The record maintenance requirement will remain in effect for a period of one year from the effective date of this exemption, to be extended if necessary.

Mixed shipments of exempt and non-exempt fresh fruits and vegetables previously exempted in Ex Parte No. 346 (Sub-No. 1) and the miscellaneous commodities exempt in this proceeding will be exempt. A mix of regulated commodities in an exempt shipment will not cause that shipment to lose its exempt status.

This action will not affect significantly either the quality of the human environment or conservation of energy resources.

The final rule adopted in this proceeding is set forth below:

Chapter X of Title 49 of the Code of Federal Regulations Part 1039 is amended by adding a new section, as follows:

§ 1039.11 Miscellaneous commodities exemption.

The rail transportation of the commodities listed below is exempt from the provisions of Subtitle IV of Title 49, except that carriers must continue to comply with Commission accounting and reporting requirements, including a brief statement in their annual reports of operations under this exemption, and must maintain copies of rates, charges, rules or regulations, for traffic moved under this exemption, at their principal office, subject to inspection, and send a letter of notification to the docket [Ex. Parte No. 346 (Sub-No. 2)], within 30 days, of the fact that they are using the exemption. The record maintenance requirement will remain in effect for a period of one year, to be extended if necessary. All tariffs pertaining to the transportation of these miscellaneous commodities will no longer apply except to the extent adopted by carrier quotations. The categories of commodities which are exempt under this decision, by Standard Transportation Commodity Code (STCC) number, are:

01 143 Peanuts
01 194 Potatoes, sweet
01 195 Potatoes, other than sweet
01 232 Bananas
01 294 Cocoa beans
01 295 Coffee, green
01 916 Mushrooms, fresh
01 341 Beans, dry ripe
01 342 Peas, dry
01 343 Cowpeas, lentils, or lupines
09 1 Fresh fish or other Marine Products

and shall embrace all articles assigned additional digits. The STCC shall be those code numbers in effect as of January 1, 1979, as shown in Standard Transportation Commodity Code Tariff 1–G, ICC STCC 6001–C. Nothing in this exemption shall be construed to affect our ability to enforce this decision or any subsequent decision made under authority of this exemption section. This exemption shall remain in effect, unless modified or revoked by a subsequent order of this Commission.

This rule is issued under the authority of 49 U.S.C. § 50505 and 5 U.S.C. § 553. Nothing in this exemption shall be construed to affect our jurisdiction under section 10505 or our ability to enforce this decision or any subsequent decision made under authority of this exemption section. This exemption shall remain in effect unless modified or revoked by a subsequent order of this Commission. We have chosen the April 10, 1980 effective date to coincide with the opening of the potato season. The transportation of potatoes is the most significant area involved in this proceeding.

Decided: March 21,1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9366 Filed 3-27-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

National Wildlife Refuges in Oregon

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: May 15, 1980 through December 31, 1980.

FOR FURTHER INFORMATION CONTACT: L. A. Mehrhoff, Area Manager, U.S. Fish and Wildlife Service, 4620 Overland

Road, Room 238, Boise, ID 83705, Telephone: (208) 334–1960.

Detailed information about specific refuges may be obtained from refuge managers shown below.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted only on the areas designated by signs as being open to fishing. These areas are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, 4620 Overland Road, Room 238, Boise, ID 83705. Sport Fishing shall be in accordance with the applicable State regulations subject to the following conditions listed:

Cold Springs National Wildlife Refuge, Refuge Manager John E. Kurtz, P.O. Box 239, Easton P.O. Bldg., Umatilla, OR 97882. Telephone: (503) 922–3232

1. The refuge is closed to sport fishing from October 1 to February 28.
2. Boats without motors may be used for fishing.
3. All vehicles must stay on designated access roads and parking areas.

William L. Finley National Wildlife Refuge, Refuge Manager Palmer C. Sekora, Route 2, Box 208, Corvallis, OR 97330. Telephone: (503) 757–7236

1. Use of boats is prohibited.
2. During open season fishing shall be permitted each day from one hour before sunrise to one hour after sunset. The use of artificial lights is prohibited.
3. The use of archery equipment is prohibited.
4. The season shall terminate September 30.

Klamath Forest National Wildlife Refuge, Refuge Manager Robert C. Fields, Route 1, Box 74, Tulelake, CA 96134. Telephone: (916) 667–2231

1. Overnight camping is prohibited.
2. Use of boats is prohibited.
3. Areas open to fishing are limited to:
a. Borrow ditches adjacent to the Silver Lake Highway
b. Bank fishing along the shorelines of Wocus Bay

Malheur National Wildlife Refuge, Refuge Manager Joseph P. Mazzoni, P.O. Box 113, Burns, OR 97720. Telephone: (503) 493–2323

1. Boats without motors are permitted for fishing on Krumbo Reservoir. Boats are not permitted on other refuge waters open to fishing.

McKay Creek National Wildlife Refuge, Refuge Manager John E. Kurtz, P.O. Box 239, Easton P.O. Bldg., Umatilla, OR 97882. Telephone: (503) 922–3232

1. The refuge is closed to sport fishing from October 1 to February 28.
2. Motorized boats are permitted.
3. All vehicles must stay on designated access roads and parking areas.

Umatilla National Wildlife Refuge, Refuge Manager John E. Kurtz, P.O. Box 238, Easton P.O. Bldg., Umatilla, OR 97882. Telephone: (503) 922–3232

1. All vehicles must stay on designated access roads and parking areas.

Upper Klamath National Wildlife Refuge, Refuge Manager Robert C. Fields, Route 1, Box 74, Tulelake, CA 96134. Telephone: (916) 667–2231

1. Areas open to fishing include: a. Pelican Bay, Recreation Creek, Crystal Creek, Odessa Creek, Thomas Creek, Pelican Cut, and that portion of Upper Klamath Lake located on the east side of the refuge.
2. Speed boats shall not exceed ten miles per hour in any stream, creek, or canal and that portion of Pelican Bay west of a line beginning at designated points on the north shore of Pelican Bay one-fourth mile east of Crystal Creek and extending due south to opposite shore of the lake.

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

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

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

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

Dated: March 19, 1980.

L. A. Mehrhoff,

Area Manager.

[FR Doc 80–9471 Filed 3–27–80; 8:45 am]

BILLING CODE 4310–55–M

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50 CFR Part 33

National Wildlife Refuges in Idaho

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain refuges is compatible with the objectives for which the areas were established will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: May 15, 1980 through December 31, 1980.

FOR FURTHER INFORMATION CONTACT: L. A. Mehrhoff, Area Manager, U.S. Fish and Wildlife Service, 4620 Overland Road, Room 238, Boise, ID 83705, Telephone: (208) 334–1960.

Detailed information about specific refuges may be obtained from refuge managers shown below.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted only on the areas designated by signs as being open to fishing. These areas are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, 4620 Overland Road, Room 238, Boise, ID 83705. Sport fishing shall be in accordance with the applicable State regulations subject to the following conditions listed:

Bear Lake National Wildlife Refuge, Refuge Manager Gerald Deutscher, Box 9, Montpelier, ID 83276. Telephone: (208) 847–1757

1. The use of boats is prohibited.

Deer Flat National Wildlife Refuge, Refuge Manager Russell R. Hoffman, Box 448, Nampa, ID 83651. Telephone: (208) 467–5245

1. Fishing is permitted year round on Lake Lowell. Except during the waterfowl hunting season, when fishing is pemitted in designated fishing zones only at the upper and lower embankments.
2. Boats with motors and sailboats may be used during daylight hours only, one-half hour before sunrise to one-half hour after sunset from April 15, through September 30. During the waterfowl hunting season boats without motors may only be used within 200 yards of the shoreline on the designated fishing zones and hunting area 1.

3. Fishing from islands of the Snake River section is prohibited from February 1 to May 30 to protect Canada goose nesting.

Kootenai National Wildlife Refuge, Refuge Manager Larry Napier, Star Route 1, Box 160 Bonners Ferry, ID 83805. Telephone: (208) 267–3888

1. Sport fishing is permitted on portions of Kootenai River, Deep Creek and Myrtle Creek within the refuge.

Minidoka National Wildlife Refuge, Refuge Manager John D. Hill, Route 4, Rupert, ID 83350. Telephone: (208) 436–3589

1. Shoreline fishing shall be permitted on the entire refuge year around.

2. Boat fishing is permitted on the main reservoir from Minidoka Dam to the west end of Bird Island April 1 through September 30.

3. Boat crossing lanes at Smith and Gifford Springs open year around.

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

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

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

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

Dated: March 19, 1980.

L. A. Mehrhoff,

Area Manager.

[FR Doc. 80-9470 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 230

Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rulemaking.

SUMMARY: At its 31st Annual Meeting held in London on July 9–13, 1979, the International Whaling Commission (the IWC) adopted an amendment to the Schedule of the International Convention for the Regulation of Whaling (the Convention) which established a quota for the taking of the Bering Sea stock of bowhead whales for calendar year 1980 of 18 landed or 26 struck, whichever occurs first. Under the terms of the Convention, the Schedule containing the 1980 quota became effective on October 24, 1979.

On January 22, 1980 proposed regulations were published to implement the 1980 management program (45 FR 4366). A public meeting was held in Washington, D.C. on January 16, 1980. Seven written comments were received on the proposed regulations. These final rules implement the 1980 quota of 18 landed or 26 struck among villages, prohibit killing a calf or whale accompanied by a calf, minimize licensing requirements, allow salvage of stinkers, require oral reports, and provide penalties for violations.

EFFECTIVE DATE: March 31, 1980.

ADDRESS: Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Dr. William Aron, Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, telephone: (202) 634–7461.

SUPPLEMENTARY INFORMATION: Prior to 1977, the IWC Schedule did not set a quota for native subsistence harvest of bowhead whales, but prohibited commercial hunting of bowheads. In 1977, the IWC established a native subsistence quota for 1978 of 12 landed or 18 struck, subsequently modified to 14 landed or 20 struck, whichever occurred first. Annual quotas have been established in subsequent years; 18 landed or 27 struck for calendar year 1979, and 18 whales landed or 26 struck for calendar year 1980. The authority of the Federal Government to regulate Eskimo whaling under the Convention has been challenged judicially in *Hobson v. Kreps*. The District Court decided in favor of the United States. That decision is on appeal before the 9th Circuit. We have decided to continue with the past regulatory regime until judicial review is completed.

Regulations in effect during 1978 and 1979 allocated the available quotas to nine whaling villages. There are no substantive differences between the regulations established for 1979 and those for 1980. One less strike is available for 1980, which, based on historical records, is being subtracted from the allocation given to Nuigsut.

The final rules are essentially unchanged from the proposed rules. The provision for an expiration date of December 31, 1980 contained in § 230.70 has been deleted in the final rules to provide the National Marine Fisheries Service (NMFS) greater flexibility in making quota reallocations when necessary. The NMFS considered adding a provision this year relating to proscriptions on the export or sale in interstate commerce of whale meat, but concluded that such a provision was unnecessary in light of the proscriptions contained in the Endangered Species Act, 16 U.S.C. 1531–1543.

Public Comments

Comments on the proposed regulations were solicited from all interested parties. In view of the time which remained before the anticipated beginning of the spring hunt, these comments were to be received on or before March 4, 1980. The following parties submitted written comments:

Committee for Humane Legislation, Inc. with Friends of Animals, Inc.
Monitor with the Whale Protection Fund
Defenders of Wildlife
The Center for Action on Endangered Species
Mauneluk Manpower
Preston Michel
Whale Center

In addition a public meeting was held in Washington, D.C. on January 16, 1980 prior to publication to discuss the proposed regulations. The meeting was attended by representatives from the Department of the Interior, the Department of State, Council on Environmental Quality, the Marine Mammal Commission, Monitor, National Wildlife Federation, Center for Environmental Education, Whale Protection Fund, Society for Animal Protective Legislation, and Alaska Eskimo Whaling Commission (AEWC)

legal counsel. Most questions addressed the quota allocation provisions.

Village Allocation

Some commentors queried whether there should be village allocations. This question was fully evaluated in 1979. We retained them for two important reasons. First, they provide a framework and incentive for village associations to abide by the law. Second, even though an overall quota might appear easier to enforce than village quotas, Alaskan natives would be able to claim lack of knowledge about the number of whales landed and struck in other communities, and so attempt to avoid prosecution for exceeding an overall quota. The comments received this year did not provide any reason to change this decision.

Quotas

Seven written comments were received, six of which confined their recommendations to the overall quota which should be implemented. One comment questioned the validity of the IWC quota; one comment recommended a zero quota for 1980 and beyond; three comments recommended a total quota of 18 whales struck; and, one comment recommended the quota established by the AEWC, i.e. no more than 2% of the best bowhead whale population estimate. Reasons given for reducing the 1980 quota established by the IWC are: the endangered status of the bowhead whale; the IWC Scientific Committee views regarding a quota based only on biological grounds; the uncertainty of bowhead whale population and recruitment estimates; the potential threat to the species and its habitat from Outer Continental Shelf oil and gas development; an incentive for conservative whaling practices; a positive step toward regaining credibility within the IWC and demonstrating U.S. leadership in whale conservation; the IWC Nutrition Panel report with regard to nutritional dependence on the bowhead whale; and, the lack of certainty with respect to the relationship of the actual bowhead quota to the cultural survival.

The reasons given for increasing the quota are that the Government should support self-regulating systems such as the AEWC and be responsive to the nutritional and cultural needs of the Eskimos.

The recommendation to increase the quota cannot be adopted because the U.S. Government does not have the authority to amend unilaterally the IWC Schedule. The IWC has the authority under the Convention to set quotas which are published in Schedules annually. The Commission set the quotas for the 1980 season at its 31st Annual Meeting in July, 1979. The Convention provides that amendments to the Schedule shall become effective with respect to the contracting governments 90 days following notification of the amendment by the IWC unless a contracting government has presented an objection to this Schedule. The Whaling Convention Act of 1949 requires NMFS to publish the IWC Schedule after it has become effective. It does not grant authority to increase the IWC quotas.

The recommendations to reduce the quota to 18 struck were not adopted. While recognizing that such recommendations are designed to reduce the struck and lost rate rather than to reduce the total number of landed whales available to the Eskimos, we believe that with the present state of hunting technology, a quota of 18 struck would not provide assurance or sufficient opportunity for Eskimo needs to be met. Similarly, the recommendation for a zero quota was not adopted because it would risk jeopardizing the survival of the Eskimos culture.

Other Issues

One comment recommended the following changes to the regulations: redefine "wasteful manner" to prohibit the use of a rifle or use of a shoulder gun before a line and float have been attached to a whale; require a $100 license fee; require sequential numbering and inspection by NMFS agents of each lance, harpoon, and explosive dart prior to the beginning of the hunt; require each captain at the end of the season to show NMFS agents the remaining darts; establish a presumption that the missing weapons represent unreported whales; define minimum crew size; and redefine the conditions under which a whaling license will be suspended.

In general these comments reflect the issue of the nature and extent of Federal regulation versus native self-regulation. Comments similar in substance were carefully evaluated in the development of the 1978 and 1979 regulations. It has been our policy to minimize Federal interference with traditional cultural community practices and to encourage self-regulatory efforts by natives to the extent possible under the Convention. This policy is consistent with the position taken by the U.S. at the 31st annual meeting of the IWC and with the policies and goals of the Marine Mammal Protection Act of 1972 (MMPA) and the Endangered Species Act of 1973, as amended (ESA).

We do not believe the regulation regarding "wasteful" harvest is unenforceable as written. As stated in the 1978 regulations (43 Fed. Reg. 13885), the general proscription of wasteful manner in these final regulations contemplates the prohibition of whaling activities generally recognized as wasteful. The use of a rifle to strike a bowhead clearly is not likely to result in its landing and, therefore, falls within this proscription. Similarly, the use of a shoulder gun without implanting in the whale a dart with line and float attached, which could result in the loss of the whale, would be a violation of the regulations.

The Eskimos, through the AEWC, are continually trying to improve hunting skills and captains are encouraged to hunt in a nonwasteful manner. Adopting the AEWC guidelines as a Federal regulation would not increase this effort and may have the adverse effect of reducing native cooperation in reducing waste. On the other hand, we do not believe enforceability is impaired by failure to include the AEWC guidelines in the Federal regulations. Beyond the guidelines stated in the paragraph above, the question of whether hunting is conducted in a wasteful manner depends on an examination of the particular facts in each case. We believe the standards as stated in the preamble and in the AEWC guidelines are sufficiently clear for the purposes of enforcement action, and on balance, no useful purpose is served by including them in the body of the regulation. The definition of wasteful taking under the Whaling Convention Act is the same definition used under the MMPA and the ESA.

The recommendation to require a $100 license fee has not been adopted becaue we believe that such a fee is appropriate only in the case of commercial whaling operations.

The recommendations that NMFS sequentially number and inspect each lance, harpoon, and explosive dart prior to the spring hunt, and that captains be required to show NMFS agents the remaining weapons at the end of the season were not adopted. Such requirements would be unenforceable because of the availability of weapons on the open market and because of the rigorous nature of the hunt, weapons could be lost easily. The assumption that every weapon lost represents a whale is unfounded. Weapons are lost when boats overturn, or when the weapons miss the target. More than one weapon may strike a single whale or may be used to take a different species

of whale. None of these weapons would represent a struck and lost bowhead.

The recommendation to specify a minimal crew size was not adopted because we believe that such a specification is not necessary to ensure that proper hunting methods are employed and because of our desire to minimize Federal interference with traditional cultural community practices. The number of crew members constituting "adequate" varies with the circumstances and would have to be examined on a case-by-case basis. As in the case of defining "wasteful manner" we believe that the most progress in reducing waste is achieved by continuing to support the efforts of the AEWC to improve hunting techniques.

Finally, the recommendation that § 230.73(b) be changed to read that the Assistant Administrator "shall suspend for a period of one year any whaling captain who intentionally or negligently fails to comply with these regulations" was not adopted. Removal of discretion with regard to use of licenses as a regulatory tool would not materially aid in enforcement of these regulations. The decision to suspend a license would be based on a careful examination of all of the circumstances surrounding each alleged violation on a case-by-case basis.

In order to ensure the members of the public sector interested in or affected by the final regulations are informed of the final regulations, the National Oceanic and Atmospheric Administration will issue a press release announcing the publication of the final regulations and will also send copies of the final regulations directly to the AEWC, the village councils of Savoonga, Gambell, Wales, Kivalina, Point Hope, Wainwright, Barrow, Kaktovik, and Nuigsut, and to U.S. conservation organizations.

Note.—The NMFS has determined that no environmental impact statement needs to be prepared in connection with these regulations. The NMFS has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under Executive Order 12044.

A Final Environmental Impact Satement (FEIS), October 1977, a Final Supplement to the FEIS, March 1979, prepared on the 1979 regulations, and an Environmental Assessment of the 1980 regulations are available upon request from the Information Contact previously indicated.

1. 50 CFR Part 230 is amended by revising § 230.10(b) to read as follows:

§ 230.10 Licenses and scientific permits.

* * * * *

(b) No permit or license shall be issued except as provided in § 230.13 and §§ 230.70 through 230.77. Licenses issued under § 230.73 shall be governed solely by the requirements of §§ 230.70 through 230.77.

2. 50 CFR part 230 is amended by revising §§ 230.70–230.77 and the undesignated center heading to read as follows:

Subsistence

Sec.

230.70 General.
230.71 Definitions.
230.72 Prohibited acts.
230.73 Licenses.
230.74 Quotas.
230.75 Salvage of Stinkers.
230.76 Reporting by Whaling Captains.
230.77 Penalties.

Authority: Whaling Convention Act (WCA 16 U.S.C. 916a–1).

Subsistence

§ 230.70 General.

The provisions of §§ 230.70 through 230.77 govern subsistence whaling for bowhead whales.

§ 230.71 Definitions.

As used in §§ 230.70 through 230.77 of this Part 230:

(a) "Assistant Administrator" means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration;

(b) "Bowhead" means a whale of the Bering Sea stock of bowhead whales, *Balaena mysticetus;*

(c) "Calf" means any bowhead which is less than 21 feet in length as measured from the point of the upper jaw and the notch between the tail flukes;

(d) "Landing" means bringing a bowhead or any parts thereof onto the ice or land in the course of whaling operations;

(e) "Whaling captain" or "captain" means any Indian, Aleut, or Eskimo domiciled in a whaling village who is in charge of a vessel and a whaling crew;

(f) "Stinker" means a dead unclaimed bowhead found upon a beach, stranded in shallow water, or floating at sea;

(g) "Strike" means hitting a bowhead with a harpoon, lance, or explosive dart;

(h) "Whaling" means the hunting, striking, harassing, killing, or landing of bowheads, but does not include the salvage or processing of any stinker;

(i) "Whaling crew" means those persons under the control of a captain, who collectively participate as a unit in whaling;

(j) "Whaling village" means any of the villages of Gambell, Savoonga, Wales, Kivalina, Point Hope, Wainwright, Barrow, Nuigsut, and Kaktovik in the State of Alaska; and

(k) "Wasteful manner" means a method of whaling which is not likely to result in the landing of a struck bowhead or which does not include all reasonable efforts to retrieve the bowhead.

§ 230.72 Prohibited acts.

(a) No person shall engage in whaling except a whaling captain licensed pursuant to § 230.73 or a member of a whaling crew under the control of a captain.

(b) No whaling captain shall engage in whaling for any calf or any bowhead whale accompanied by a calf.

(c) No whaling captain shall engage in whaling in a wasteful manner.

(d) No whaling captain shall engage in whaling without an adequate crew or without adequate supplies and equipment.

(e) No person may receive money for participation in native subsistence whaling.

(f) No whaling captain shall continue to whale after, (1) the quota set forth in § 230.74 for his village of domicile is reached, or (2) the license under which he is whaling is suspended as provided in § 230.73(b), or (3) the Assistant Administrator has declared that the whaling season is closed pursuant to § 230.74(c).

(g) No whaling captain shall claim domicile in more than one whaling village.

(h) No person may salvage a stinker without complying with the provisions of § 230.75.

(i) No whaling captain shall engage in whaling with a harpoon, lance, or explosive dart which does not bear a permanent distinctive mark identifying the captain as the owner thereof.

§ 230.73 Licenses.

(a) A license is hereby issued to whaling captains.

(b) The Assistant Administrator may suspend the license of any whaling captain who fails to comply with these regulations.

§ 230.74 Quotas.

(a) During the calendar year 1980, the quota for bowheads is allocated among whaling villages as follows:

(1) Savoonga—2 whales landed or 3 struck, whichever occurs first;

(2) Gambell—2 whales landed or 3 struck, whichever occurs first;

(3) Wales—1 whale landed or 1 struck, whichever occurs first;

(4) Kivalina—1 whale landed or 2 struck, whichever occurs first;

(5) Pt. Hope—2 whales landed or 3 struck, whichever occurs first;

(6) Wainwright—2 whales landed or 3 struck, whichever occurs first;

(7) Barrow—5 whales landed or 7 struck, whichever occurs first;

(8) Kaktovik—2 whales landed or 3 struck, whichever occurs first;

(9) Nuigsut—1 whale landed or 1 struck, whichever occurs first;

(b) When the number of bowheads struck or landed by whaling captains domiciled in a whaling village equals the quota for such whaling village as set forth in paragraph (a) of this section, whaling by all captains domiciled in that whaling village shall cease. All license holders shall be notified promptly by the Assistant Administrator for Fisheries using all reasonable means of communication. Licenses held by whaling captains domiciled in a whaling village which has reached its quota shall not be valid after the quota for that whaling village has been reached.

(c) The Assistant Administrator for Fisheries shall monitor the bowhead whale hunt and keep tally of the number of bowheads landed and struck. When the number of bowhead whales landed or struck reaches the sum total of the village allocations set forth in § 230.74(a), the Assistant Administrator for Fisheries may declare that the whaling season is closed and there shall be no further whaling during the calendar year 1980. Closure shall become effective upon receipt by the Federal Register of notice by the Assistant Administrator for Fisheries that the season has been closed pursuant to this regulation.

(d) If for any reason the landing or struck quota for whaling villages is not reached, the part of the quota which remains may be reassigned by the Assistant Administrator to a second whaling village: Provided, that if any other whaling village has exceeded its quota, the Assistant Administrator shall not reassign the quota if he determines that it is likely to result in the total number of whales landed or struck exceeding the bowhead quota then in effect under the Schedule of the International Convention for the Regulation of Whaling. In making such reassignment, the Assistant Administrator shall consult with representatives of as many whaling villages as time reasonably permits.

§ 230.75 Salvage of stinkers.

(a) Any person salvaging a stinker shall submit to the Assistant Administrator or his representative an oral or written report describing the circumstances of the salvage within 12 hours of such salvage. He shall provide promptly to the Assistant Administrator or his representative each harpoon, lance, or explosive dart found in or attached to the stinker. The device shall be returned to the owner thereof promptly unless it is retained as evidence of a possible violation.

(b) There shall be a rebuttable presumption that a stinker has been struck by the captain whose mark appears on the harpoon, lance, or explosive dart found in or attached thereto, and, if no strike has been reported by such captain, such strike shall be deemed to have occurred at the time of recovery of the device.

§ 230.76 Reporting by whaling captains.

(a) A representative of the Assistant Administrator may request each whaling captain licensed pursuant to § 230.73 to provide written statement of his name and village of domicile and a description of the distinctive marking to be placed on each harpoon, lance and explosive dart. Representatives of the Assistant Administrator may provide each captain with a form approved by the Assistant Administrator to facilitate reporting under this paragraph.

(b) Each whaling captain shall provide to appropriate representatives, on request, an oral or written report of whaling activities including but not limited to the striking, attempted striking, or landing or a bowhead whale and where possible, specimens from landed whales. The Assistant Administrator is authorized to provide technological assistance to facilitate prompt reporting and collection of specimens from landed whales, including but not limited to ovaries, ear plugs, and baleen plates. The report shall include at least the following information:

(1) The number, dates, and locations of each strike, attempted strike, or landing;

(2) The length (as measured from the point of the upper jaw and the notch between the tail flukes), the extreme width of the flukes, and the sex of the bowhead(s) landed;

(3) The length and sex of a fetus, if present in a landed bowhead whale;

(4) An explanation of circumstances associated with the striking or attempted striking of any bowhead whale not landed; and

(5) The number of bowhead whales sighted by the whaling captain or any member of the whaling crew.

§ 230.77 Penalties.

Any person who whales in contravention of these regulations, or violates any other provision of the Whaling Convention Act shall be subject to the penalties set forth in 16 U.S.C. 916e and 916f, and any other penalties provide by law.

Note.—Due to the imminence of the spring whaling season and the need to ensure an equitable distribution of the limited number of bowhead whales that are permitted to be taken, it is found for good cause shown that the thirty day delay in the effective date of these regulations may be waived. Consequently, these regulations are effective March 31, 1980.

Dated: March 19, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9300 Filed 3-27-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 62
Friday, March 28, 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

Agricultural Marketing Service

7 CFR Part 1124

Milk in the Oregon-Washington Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. The proposed suspension would remove the limit on such movements of milk during the months of March-August 1980. The action was requested by three cooperative associations to assure the efficient disposition of milk not needed for fluid use and to maintain producer status under the order for their dairy farmer members regularly associated with the market.

DATE: Comments are due on or before April 4, 1980.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1017, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-7183.

SUPPLEMENTARY INFORMATION:

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Oregon-Washington marketing areas is being considered for the months of March-August 1980; in the third sentence of paragraphs (a) and (b) of § 124.11, the word "not."

All persons who want to comment on the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before the seventh day after the **Federal Register** publication.

The period of filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include March 1980 in the suspension period. The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (CFR 1.27(b)).

Statement of Consideration

The proposed action would remove the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants during the months of March-August 1980. The order now provides that during any month a cooperative association may divert a total quantity of producer milk not in excess of the total quantity received during the month from all member producers at pool plants. Similarly, the operator of a pool plant may divert a total quantity of producer milk not in excess of the total quantity received from producers (for which the operator of such plant is the handler during the month) at such pool plant.

The suspension was requested by three cooperative associations representing a substantial number of producers on the market. The basis for the request is that current marketing conditions require the three associations to handle an increasing quantity of reserve milk supplies during March-August 1980 because of increased milk production by member producers. They indicated that this situation is aggravated by the fact that sales to one of their principal fluid outlets have declined substantially since the first of the year because the outlet lost a large wholesale contract. Also, the cooperatives state that sales to another outlet can no longer count as a credit in determining their diversion allowances since the outlet is no longer a pool plant under the order.

The cooperatives indicate that their reserve milk supplies are customarily moved directly from member farms to nonpool manufacturing plants. However, because of current marketing conditions, they expect their reserve milk supply during March-August 1980 to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations. Without this suspension, the cooperatives believe that a substantial part of the milk of their member producers who have regularly supplied the fluid market would have to be moved uneconomically, first to pool plants and then to the nonpool manufacturing plants, in order to still maintain producer status for such milk during the months of March through August 1980.

Signed at Washington, D.C., on March 26, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-9539 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Advance Notice of Proposed Revision of REA Bulletin 183-1, Depreciation Rates and Procedures

AGENCY: Rural Electrification Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: REA proposes to revise REA Bulletin 183-1, Depreciation Rates and Procedures, to provide additional information on depreciation rates and practices to REA electric borrowers. Public comments are invited.

DATE: Public comments must be received by REA no later than April 28, 1980.

ADDRESS: Persons interested in the proposed revisions may submit written data, views, suggestions or comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, above address, telephone number (202) 447-7221.

SUPPLEMENTARY INFORMATION: Due to the steadily increasing cost of electric utility plants and the subsequent increase in the importance of proper depreciation accounting, REA decided to review its depreciation rates and procedures (REA Bulletin 183–1). Based on a review of industry practices, REA will be updating Bulletin 183–1 and will be providing its borrowers with additional information for use in the review and revision of their own rates and procedures. In addition, we will be reemphasizing the use of composite depreciation rates and the importance of assigning meaningful depreciation rates to the primary plant accounts in developing this composite rate.

All interested parties are invited to comment on this notice. Further public comment will be solicited when the proposed rule is published.

Dated: March 20, 1980.

Joseph Vellone,

Acting Assistant Administrator—Administration.

[FR Doc. 80-9174 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-15-M

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7 CFR Part 1701

Advance Notice of Proposed Revision of REA Bulletin 115–2, Merger and Consolidation of Electric Distribution Borrowers

AGENCY: Rural Electrification Administration, USDA.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: REA proposes to update the present bulletin, setting forth REA's policy regarding mergers and consolidations of electric distribution borrowers, to urge borrowers to look at merger possibilities as a method for lowering costs, to set forth the mortgage requirements for mergers and consolidation, and to describe the available REA assistance.

DATE: Public comments must be received by REA no later than: April 28, 1980.

ADDRESS: Persons interested in the proposed revisions may submit written data, views, suggestions or comments to the Borrowers Management Branch, Electric Loans and Management Division, Rural Electrification Administration, Room 3859, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Moran, Management Analysis Officer, above address, telephone number 202–447–3446.

SUPPLEMENTARY INFORMATION: The present bulletin sets forth REA policy on mergers and provides a guideline for mergers. Under consideration is a proposal to expand the bulletin to provide the borrowers with more information on mergers.

Dated: March 21, 1980.

Joe S. Zoller,

Assistant Administrator—Electric.

[FR Doc. 80-9605 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-15-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 50

No Significant Hazards Consideration

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations to specify criteria for determining whether a proposed amendment to an operating license or to a construction permit for a commercial or large production or utilization facility involves no significant hazards consideration. If the Commission determines that no significant hazards consideration is involved, it may issue an amendment to an operating license or to a construction permit and then publish a notice of the amendment in the **Federal Register.** Otherwise, it must publish the notice at least 30 days before the amendment is issued.

The proposed amendments to the regulations are in response to a petition for rulemaking filed on May 7, 1976, by Mr. Robert Lowenstein on behalf of three petitioners (Boston Edison Company, Florida Power and Light Company, and Iowa Electric Light and Power Company) requesting that criteria be specified to determine when no significant hazards consideration is involved.

DATE: Comment period expires May 27, 1980.

ADDRESSES: All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by May 27, 1980. Copies of comments received on the proposed rulemaking and comments received on the petition for rulemaking (PRM 50–17) may be examined in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. W. E. Campbell, Jr., Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Phone 301–443–5913.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission has under consideration amendments to its regulations in 10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings," and 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities." The purpose of the amendments is to revise §§ 2.105(a)(3), 50.58(b) and 50.91 to specify criteria for determining whether a proposed amendment to an operating license or to a construction permit for a commercial or other large production or utilization facility [one licensed under section 103 or 104(b)]; or a testing facility licensed under 104(c) of the Atomic Energy Act of 1954, as amended ("the Act"), involves no significant hazards consideration. The proposed amendments result from a petition for rulemaking (PRM 50–17) submitted by letter to the Secretary of the Commission on May 7, 1976, by Mr. Robert Lowenstein of the law offices of Lowenstein, Newman, Reis and Axelrad, acting on behalf of the Boston Edison Company, Florida Power and Light Company and Iowa Electric Light and Power Company. The petitioners request the Nuclear Regulatory Commission to amend 10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings," and 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," with respect to the issuance of amendments to operating licenses for production and utilization facilities.

Section 189a of the Act provides that, upon thirty days notice published in the **Federal Register,** the Commission may issue an operating license or an amendment to an operating license or an amendment to a construction permit for a facility licensed under section 103 or 104(b), or a testing facility licensed under section 104(c) without a public hearing if no hearing is requested by any interested person. However, § 189a permits the Commission to dispense with such thirty days notice and **Federal Register** publication with respect to the issuance of an amendment to a construction permit or an amendment to an operating license upon a determination by the Commission that the amendment involves no significant hazards consideration. In cases where the Commission determines that there is no significant hazards consideration, the

Commission may issue the amendment and then publish a notice in the Federal Register. In such cases, interested members of the public who wish to object to the amendment and request a hearing may do so, but a request for hearing does not, by itself, suspend the effectiveness of the amendment. Sections 50.58(b) and 50.91, 10 CFR, of the Commission's regulations implementing § 189a contain no criteria for determining when an amendment involves no significant hazards consideration.

The petitioners' proposed amendments to the regulations would require that the staff take into consideration, in determining whether a proposed amendment to an operating license involves a significant hazards consideration, whether operation of the plant under the proposed license amendment will (1) substantially increase the probability or consequences of a major credible reactor accident or (2) decrease the margins of safety substantially below those previously evaluated for the plant and below those approved for existing licenses. It is proposed that, if the staff reaches a negative conclusion as to both of these criteria, the proposed amendment shall be considered not to involve a significant hazards consideration.

The petition (Docket 50-17) was published for comment in the Federal Register on June 14, 1976 (41 FR 24006). Comments have been received from eight persons, four of whom are in favor of granting the petition and four of whom are opposed. Those in favor generally argued that the petitioners' proposed amendments, if adopted, would help eliminate unnecessary delays in effecting amendments to an operating license. Those opposed generally argued that the petitioners' proposed amendments would be contrary to congressional intent since they would tend to eliminate public participation. Opposing arguments were also made to the effect that the petitioners' proposed amendments would change the standard of review from one of finding "non-significance" to one of finding "substantial change," thus shifting the burden of proof. One opposing commenter also stated that the amendments could result in lengthy litigation over the meanings of the criteria proposed by the petitioners.

After consideration of the petitioners' proposed amendments and public comments received, the Commission believes that the licensing process can be improved by specifying criteria with respect to the meaning of "no significant hazards consideration." The Commission, however, does not agree with the petitioners' proposed criteria because of the limitation to "major credible reactor accidents" and their failure to include accidents of a type different from those previously evaluated.

During the past several years, the Staff has been guided in reaching its findings with respect to "no significant hazards consideration" by staff criteria and examples of amendments likely to involve, and not likely to involve, significant hazards considerations. These criteria and examples have been promulgated within the Staff and have proven useful to the Staff. The Commission believes it would be useful to consider incorporating these criteria into the Commission's regulations for use in determining whether a proposed amendment to an operating license or to a construction permit of any production or utilization facility involves no significant hazards consideration. Subsequent to the resolution of the comments received on the proposed rule the Commission intends to incorporate into a Regulatory Guide the examples associated with the criteria.

Examples of amendments that are considered likely to involve significant hazards consideration are listed below.

(i) A significant relaxation of the criteria used to establish safety limits.

(ii) A significant relaxation of the bases for limiting safety system settings or limiting conditions for operation.

(iii) A significant relaxation in limiting conditions for operation not accompanied by compensatory changes, conditions, or actions that maintain a commensurate level of safety.

(iv) Renewal of an operating license.

(v) For a nuclear reactor, an increase in authorized maximum core power level not previously publicly noticed.

(vi) A change to technical specifications involving a significant unreviewed safety question.

Examples of amendments that are considered not likely to involve significant hazards consideration are listed below.

(i) A purely administrative change to technical specifications; for example, a change to the Definitions Sections, correction of an error, or a change in nomenclature.

(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications; for example a more stringent surveillance requirement.

(iii) For a nuclear power reactor, a change resulting from a nuclear reactor core reloading if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, the analytical methods used to demonstrate conformance with the technical specifications and regulations are not significantly changed, and such methods previously have been found acceptable by the NRC.

(iv) A relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated.

(v) A relief granted upon satisfactory completion of construction from an operating restriction that was imposed because the facility construction was not yet completed satisfactorily.

(vi) A change which either increases the probability or consequences of a previously analyzed accident or reduces a safety margin but for which the results of the change are within regulation acceptance criteria; for example resulting from the application of a small refinement of a previously used calculational model or design method.

(vii) A change to make a license conform to changes in the regulations.

(viii) An extension of the date, in a construction permit, for the completion of construction.

It should be noted that in the event an amendment to an operating license or construction permit involves no significant hazards consideration, the staff will cause a notice of proposed action to be published in the Federal Register prior to acting on the amendment when it is determined, pursuant to 2.105(a)(4), that an opportunity for a public hearing should be afforded.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 2 and 10 CFR Part 50 is contemplated.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDING

1. Paragraph 2.105(a)(3) of 10 CFR Part 2 is revised to read as follows:

§ 2.105 Notice of proposed action.

(a) * * *

(3) An amendment of a license specified in paragraph (a)(1) or (2) of this section and which involves a significant hazards consideration. The determination of significant hazards consideration for production and utilization facilities licensed under sections 103 and 104(b) of the Act or a testing facility licensed under section

104(c) shall be based on the criteria set forth in § 50.91(b) of this chapter; or".

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

§ 50.58 [Amended]

2. Paragraph 50.58(b) of 10 CFR Part 50 is amended by revising the last sentence to read: "If the Commission finds that no significant hazards consideration is presented by an application for an amendment to a construction permit or operating license, considering the criteria set forth in § 50.91(b), it may dispense with such notice and publication and may issue the amendment."

3. 10 CFR Part 50, § 50.91 is amended by redesignating the present paragraph as paragraph "(a)" and adding new paragraphs (b) and (c) to read as follows:

§ 50.91 Issuance of amendment.

(a) In determining whether * * *

(b) In making a determination that a proposed amendment to a license or construction permit involves no significant hazards consideration, the Commission will consider whether operation of the facility in accordance with the proposed amendment would (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of an accident of a type different from any evaluated previously, or (3) involve a significant reduction in a margin of safety.

(c) If the Commission reaches a negative conclusion on all criteria set forth in (b)(1), (2) and (3)of this section, the proposed amendment shall be considered to involve no significant hazards consideration.

(Secs. 161i, 189 as amended, Pub. L. 83–703, 68 Stat. 948, 955, Pub. L. 85–256, 71 Stat. 576 (42 U.S.C. 2201, 2239); Sec. 201, Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, D.C., this 21st day of March, 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-9292 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

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10 CFR Part 20

Advance Notice of Rulemaking on Certification of Personnel Dosimetry Processors

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Advance notice of rulemaking to improve accuracy in personnel dosimetry.

SUMMARY: Tests have indicated that a significant percentage of personnel dosimetry processors may not be performing with an appropriate degree of accuracy. Alternatives for action to correct this situation are presented. Interested persons are invited to submit comments on these alternatives.

DATES: Comment should be received by May 27, 1980.

ADDRESSES: Comments or suggestions for consideration in connection with these alternatives may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Alexander, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301–443–5975.

SUPPLEMENTARY INFORMATION: Recent tests indicate that a significant percentage of the personnel dosimetry processors in the United States are not performing with a degree of accuracy acceptable to the NRC when compared against a consensus standard prepared under the auspices of the American National Standards Institute.* To the extent that these test results are representative of routine field conditions, the results indicate that the dose received by occupationally exposed personnel may often be considerably different from the dose reported by the dosimetry processor. Where complete reliance for individual dose determinations is placed on personnel dosimeters, control of individual radiation exposures may not be accomplished as well as is indicated, and compliance with regulatory dose limits may not, in fact, be achieved. The test results indicate that individual doses may be over or understated. Further, these incorrect measurements could become a source of error when the dosimetry data are used in epidemiological studies intended to investigate the does-effect relationship.

The principal causes of the inconsistent test measurements that have been observed are not well understood. There is some evidence that the inconsistencies are due primarily to differences between the dosimeter irradiation techniques used by the tester and the calibration methods used by the processors; this possiblility is discussed in the following paragraph. However, actual inaccuracies may arise because of inadequate quality control in dosimeter manufacturing or in a few cases because of ineptitude on the part of the processor. These different problems would require different solutions, so that appropriate regulatory corrective action is very dependent on a better understanding of the causes of the problem.

Regarding the adoption of methods for correcting this problem, it is evident from at least two important considerations that caution should be exercised. First, as previoulsy mentioned, the inconsistent test measurements refer to differences between the amount of radiation delivered to a dosimeter, under highly controlled laboratory conditions, by the individuals conducting the test, and the amount of radiation subsequently reported by the processor. These tests do not necessarily measure the difference between the radiation delivered to a dosimeter worn by a worker and the radiation subsequently reported by the processor. For example, the radiation source used by the processor to calibrate the dosimeter may emit radition of the same or very similar quality as the radiation to which the worker is exposed, but may be quite different from the radiation used by the tester to irradiate the processor's test dosimeters. Thus, standardization of calibration techniques among U.S. processors, which may be essential for achieving good performance in a test program, could in some cases produce apparent improved accuracy while actually introducing greater errors in the personnel dose measurement process.** This consideration is an integral part of the personnel dosimetry problem and must receive full consideration in corrective action planning.

Secondly, any regulatory action taken must be handled in a manner to ensure that sufficient personnel dosimetry services remain available. Unnecessarily severe or improper corrective action could reduce the number of available processors to the extent that the dose determinations for some workers could be adversely affected.

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* Pilot study conducted for the NRC by the University of Michigan.

** For example, a processer may calibrate beta dosimeters for workers at a uranium fuel fabrication plant using a uranium slab; the tester may use a strontium-90 source. The processor could then measure the workers' doses accurately but could fail the performance test.

One of the major sources of error in personnel dosimetry is known to be the potential difference between the actual dose received by the dosimeter and the actual dose received by the wearer. Such differences can, for example, be due to shielding of the dosimeter by the body when the worker is not facing the source of radiation or due to different irradiation of the part of the body on which the dosimeter is worn than of other parts of the body. These sources of error are recognized but are not part of the dosimeter processing problem that is being considered for correction.

A Federal Interagency Policy Committee on Personnel Dosimetry Performance has been formed to guide and coordinate correction of the dosimetry processor performance problem. Represented on this Committee are: the Bureau of Radiological Health (HEW), the Department of Defense, the Department of Energy, the Environmental Protection Agency, the National Bureau of Standards (NBS), the Nuclear Regulatory Commission, the Occupational Safety and Health Administration (DOL), and the Conference of Radiation Control Program Directors (States). Dosimetry processors and users have indicated agreement that some corrective action is appropriate. A working group of the Health Physics Society Standards Committee (HPSSC) has developed and the American National Standards Institute (ANSI) has published a draft standard for dosimetry performance (N13.11, July 1978). This standard is considered to be the most important element in a corrective program. An industry committee (Personnel Dosimetry Overview Committee) has been formed to assist in ensuring that any proposed regulatory action is effective and appropriate to the need. However, agreement has not been reached as to the specific action that should be taken. Alternative corrective actions under consideration are discussed below.

Recent Federal Government Action

Some time ago, on November 30 and December 1, 1976, the Nuclear Regulatory Commission and other Federal agencies conducted a public meeting at which the personnel dosimetry performance problem was discussed in an open forum by personnel dosimetry processors, dosimetry users, and representatives of State governments and Federal agencies. Other co-sponsors of this meeting were the Energy Research and Development Administration (now the Department of Energy) and the Bureau of Radiological Health. These discussions revealed general agreement that a personnel dosimetry problem does exist and that the problem is sufficiently broad in scope that it should be addressed by the Federal government. However, many of the attendees cautioned against precipitous action and strongly recommended a pilot study (1) to evaluate the draft HPSSC/ANSI standard and (2) to provide precessors the opportunity to take any necessary corrective actions in their operations prior to the implementation of new Federal regulations on the dosimetry performance problem. These recommendations were accepted, and the Nuclear Regulatory Commission (NRC) subsequently issued a contract to the University of Michigan (UM) to conduct a two-year pilot study. The objectives of this study were:

(1) To determine whether the draft HPSSC/ANSI standard provides an adequate and practical test of dosimetry performance;

(2) To give processors an opportunity to correct any problems that are uncovered;

(3) To develop operational and administrative procedures to be used later by a permanent testing laboratory.

The study was completed December 31, 1979.

Conditions of the contract included a provision that any personnel dosimetry processor in the United States would be allowed to participate in the study on a strictly voluntary basis, provided only that the dosimeters tested be restricted to those used to provide the permanent record of occupational exposures. Processors were told that the UM would keep test results confidential (i.e., that no organization other than the UM would be able to associate specific results with the name of a processor), that all results would be published (in coded form), that the UM would charge no fee for participation, that the new HPSSC/ANSI standard would be used to evaluate their performance, that each participant would be given the opportunity to be tested twice and would also be given an opportunity to discuss with UM personnel the possible reasons for any poor performance prior to the second round of tests, and that the accuracy of the irradiations provided by the UM would be verified by the NBS, and that UM facilities and equipment would be open to inspection by the participants prior to the beginning of the tests. An open house was conducted for the latter purpose by the UM on April 20, 1978. Fifty-nine processors participated in the study; it is believed that very few U.S. processors did not participate. During the course of this study, the UM submitted monthly progress reports to the NRC. These reports are available for inspection or copying in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies may also be obtained by contacting the Public Document Room, (202) 634–3273. The final report for the study, NUREG/CR–1064, may be purchased from National Technical Information Service, Springfield, Virginia 22161.

The draft standard allowed processors to be tested in eight different radiation categories. The term "category" refers to the type of radiation being measured. For example, Category 1 is gamma radiation, Category 2 is high energy X-radiation, Category 3 is low energy X-radiation, etc. Within each category of the draft standard were several dose ranges called intervals. The consensus standard used in the pilot study evaluated a processor's ability to consistently and accurately perform within a specific tolerance limit for each interval. Failure to pass one interval within the category would cause a processor to fail the entire category test. A performance index, P, was calculated for each dosimeter as (reported dose minus the delivered dose) divided by the delivered dose. For each interval, the average performance index, P, and its standard deviation, S, were calculated. The draft standard incorporated a statistical test, $P + 2S$ equal to or less than a specific tolerance value. The tolerance value for any given interval was a function of the average delivered dose and varied from 0.3 to 2.0. A processor could only pass a given category if all intervals of a respective category were passed.

At the conclusion of the first round of testing, the results were examined by the NRC staff, by the Interagency Policy Committee on Personnel Dosimetry Performance, and by the industry's Personnel Dosimetry Overview Committee. The results indicated poor performance on the part of many processors. Only 23% of the category tests attempted by the processors were passed, using the criteria in the HPSSC/ANSI standard. None of the processors passed all of the tests attempted in the first round, but every category test was passed by at least one processor. These facts indicate that the standard is achievable and suggest that the problem may lie with the processor and/or with differences in irradiation techniques used by the UM and those used by the processors during their calibration procedures. The participants' performance in the first round was also evaluated used a simple percentage-

passed basis (as opposed to the more complicated statistical formula of the standard). Again, generally poor performance was indicated. Using a simple ±30% pass-fail criterion for each and every dosimeter in a category during the first round of tests, the weighted average of all the processors reveals 7% of the category tests were passed (i.e., all dosimeters tested in all intervals of the category fell within the ±30% criterion). Using a ±50% criterion in the same manner, 21% of the category tests were passed. Thus, the results using the draft standard are similar to those using the ±50% criterion.

It had been anticipated at the beginning of the pilot study that processors who performed poorly during the first round of testing would be able to take corrective action prior to the second round and would improve their performance. The second-round results did indicate improvement over the first round. Approximately 35% of the category tests were passed. Using a simple ±30% pass-fail criterion for each dosimeter in a category during the second round of tests, the weighted average of all the processors reveals 19% of the category tests were passed (i.e., all dosimeters tested in all intervals of the category fell within ±30% criterion). Using a ±50% criterion in the same manner, 32% of the category tests were passed.

Processor performance was not based on the percentage of dosimeters that individually passed the criteria set forth in the standard. Of the 23,000 individual dosimeters evaluated during the pilot study, 85% of the dosimeters tested passed round one of the tests and 90% of the dosimeters passed in the second round. Failure of the 15% and 10% of the dosimeters tested, to meet minimum tolerances established by the HPSSC/ANSI in the standard is an unsatisfactory level of performance when determining individual dose assessments. In the pilot study, for example, high doses (i.e., 600 rads) delivered to some of the test dosimeters were actually undetected by some of the processors.

One processor, whose results in the first round were very poor, worked with UM personnel to identify and effect the necessary changes in the process and then performed very well during the second round, passing all categories attempted but one. Another processor passed all eight of the categories. These facts provide rather strong indications that conformance with the standard is attainable, but that many processors have not made the necessary changes in their operations.

After considering this situation, the Interagency Committee on Personnel Dosimetry Performance made the following recommendations:

(1) The actual causes of the poor performance should be determined with a greater degree of certainty before finalizing plans for corrective action;

(2) A notice should be published in the Federal Register for the purpose of notifying all personnel dosimetry processors and the public that the Federal Government is determined to take action as necessary to correct the personnel dosimetry problem.

Subsequently, the NRC staff authorized the UM to conduct a series of site visits with eight of the largest processors to try to determine the causes of poor performance. At the conclusion of these site visits, the UM personnel prepared a report which indicates four major causes:

(1) Inadequate calibration sources,

(2) Variability in the thermoluminescent dosimeter chips,

(3) Clerical errors,

(4) Lack of effort on the part of the processors to make the changes necessary to pass the tests.

This report, dated May 1979, is available in the Commission's Public Document Room in the file on personnel dosimetry performance testing.

Future Action

The pilot study was completed by the UM on December 31, 1979. Future action will be based in part on the final report. However, it is possible at this time to identify the following actions that the NRC has under consideration.

Processor Certification

According to this plan, the NRC would issue new regulations stating that personnel dosimetry results would be acceptable only if provided by a processor who is certified by a testing (i.e., certifying) laboratory approved by, or specified by, the NRC.

These processors would have to obtain and maintain their certification by passing, at a specified frequency, performance tests conducted by the certifying laboratory. The certifying laboratory(s) would use performance criteria published by the American National Standards Institute (ANSI) and referenced in the new regulations. These regulations: (1) Would adopt, possibly in modified form, the final ANSI standard evolving from draft ANSI standard N13.11; (2) would specify how frequently processors would have to demonstrate, through testing, their ability to comply with this standard; (3) would establish the procedure to be used by the NRC to let its licensees know which processors have been certified as well as those who have lost their certification; (4) would (except for one possibility noted below) name the testing and certification laboratory(s) required to be used; (5) would stipulate that the laboratory(s) would be monitored for technical competence by the National Bureau of Standards; and (6) would specify the procedure to be used for reinstating processors who have lost their certifications and have appealed.

Subsequently, other affected Federal and State agencies would be likely to consider adopting similar regulations. Although it is estimated that only about 15% of U.S. personnel occupationally exposed to measurable ionizing radiation (e.g., above 30 mrems per month) are engaged in NRC-licensed activities, it should be recognized that any NRC regulations in this area would affect a much larger percentage. This is true because most commercial processors serve customers other than NRC licensees, and any improvements in their operations would be likely to benefit all of their customers rather than just the NRC licensees.

Several alternatives are possible as to the operation of the testing and certification laboratory(s):

(1) *Unspecified Laboratory(s).* This alternative would require an amendment to the NRC regulations as described above but without naming the testing laboratory(s). The processors and users would thereby be left to their own initiatives to establish one or more laboratories, which would have to be monitored by the NBS. The NRC would have no control over the laboratory(s), except through regulations applying to its licensees. However, if it is stipulated that the licensee must obtain personnel dosimetry results under conditions as described above (except for naming the testing and certification laboratory(s)), NRC licensees could only use a processor who complies with these conditions, including monitoring by the NBS.

(2) *NRC-Operated Laboratory.* This alternative would also require an amendment to the NRC regulations as described above, but the testing laboratory would be a Government facility managed and operated by NRC employees. By charging an appropriate testing fee, costs for establishing, maintaining, and operating the laboratory could be recovered.

(3) *NRC-Contracted Laboratory.* Similar regulation amendments would be needed for this alternative, but the laboratory would be operated by an NRC contractor, using the contractor's facilities. Funding would be provided by testing fees.

(4) *Federal Government (non-NRC) Operated Laboratory.* Similar regulation amendments would be needed for this alternative, but this testing laboratory would be operated by an agency of the Federal Government other than the NRC, preferably by one of the agencies experienced in laboratory testing work. Existing expertise could be utilized, or qualified personnel could be employed. The facilities would be Government-owned; funding would be provided by testing fees.

Invitation To Comment

Information pertaining to the personnel dosimetry problem discussed in this notice is invited, including comments on the alternative solutions described, suggestions of other alternatives, and estimates of costs anticipated in the process modifications necessary to permit successful passing of the ANSI standard criteria. Comments should be received by May 27, 1980.

Dated at Washington, D.C., this 21st day of March 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Acting Executive Director for Operations.

[FR Doc. 80-9513 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to notify the public of the regulatory actions currently being considered by FDIC. The agenda provides information on regulations that have been proposed by FDIC but have not yet been finally adopted, certain regulations that are currently under development, and existing regulations that are under review. The agenda also contains a list of those regulations on which final action has been taken since the publication of the last agenda.

ADDRESS: Interested persons are invited to submit comments on the semiannual agenda to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. Comments on a specific regulation included in the agenda should be addressed to the official whose name appears below with the information about the regulation.

FOR FURTHER INFORMATION CONTACT: Jerry L. Langley, Senior Attorney, Federal Deposit Insurance Corporation, 550 17th Street, N.W. Washington, D.C. 20429, 202–389–4237.

International Banking Act Amendments

[12 CFR Parts 303, 326, 328, 329, 331–333, 335, 337, 338, 341–343]

The International Banking Act of 1978 authorized Federal deposit insurance coverage for U.S. branches of foreign banks and in some cases requires insurance. The Act also establishes special requirements for branches which are insured. To bring foreign banks and branches within the coverage of its present regulatory scheme, FDIC intends to make a series of technical amendments to its existing regulations. Because these amendments are procedural in nature and are required by statute, FDIC may adopt them in final form without a comment period.

For further information, contact Margaret M. Olsen, Attorney, Legal Division, 202–389–4433.

Forms, Instructions, and Reports

[12 CFR Part 304]

Part 304 is being revised to update its information regarding the numbers, titles, and instructions for various forms being used by FDIC. It is expected that the revision will be issued as a final rule shortly.

For further information, contact Jerry L. Langley, Senior Attorney, Legal Division, 202–389–4237.

Rules of Practice and Procedure

[12 CFR Part 308]

FDIC is in the process of simplifying the language of this Part which sets forth the procedures used by FDIC in proceedings brought under section 8 of the Federal Deposit Insurance Act and certain other statutory provisions. The proposed revision should be published for comment shortly.

For further information, contact Werner Goldman, Assistant General Counsel, Legal Division, 202–389–4324.

Disclosure of Confidential Financial Information

[12 CFR Part 309]

FDIC is still considering an amendment to this Part that will provide for notice to a bank before FDIC releases business information submitted by the bank which the bank considers confidential. This is under consideration because of the concerns voiced by foreign banks now subject to FDIC rules and regulations under the International Banking Act of 1978.

For further information, contact Margaret M. Olsen, Attorney, Legal Division, 202–389–4433.

Right to Financial Privacy

[12 CFR Part 309]

On December 21, 1979 FDIC published for public comment proposed amendments to Part 309 to conform it to the requirements of the Right to Financial Privacy Act of 1978, enacted by Congress as Title XI of the Financial Institutions Regulatory and Interest Rate Control Act of 1978. The comment period ended on February 19, 1980, and the comments received are under review.

For further information, contact Pamela E. F. LeCren, Attorney, Legal Division, 202–389–4433.

Minimum Security Devices and Procedures for Insured Nonmember Banks

[12 CFR Part 326]

Part 326 is being reviewed to determine if the reporting requirements can be simplified and reduced. The part prescribes the minimum security measures for insured nonmember banks.

For further information, contact Jesse G. Snyder, Chief, Intelligence Section, Division of Bank Supervision, 202–389–4415.

Assessments

[12 CFR Part 327]

On March 3, 1980, FDIC published for public comment a proposed revision to simplify Part 327 and to make technical changes to conform it to the requirements of the International Banking Act. Part 327 sets forth the procedures to be used for the computation and payment of assessments by insured banks as provided under sections 7 and 8 of the Federal Deposit Insurance Act. The comment period for the proposal ends on May 2, 1980.

For further information, contact Jerry L. Langley, Senior Attorney, Legal Division, 202–389–4237.

Interest on Deposits

[12 CFR Part 329]

FDIC is reviewing Part 329 to determine if the structure and language can be simplified. Because the regulation is very complex, the review is a long-range project.

For further information, contact F. Douglas Birdzell, Senior Attorney, Legal Division, 202–389–4324.

Depositor Notice on Maturing Time Deposits

[12 CFR Part 329]

In the last agenda, it was reported that a proposal was being prepared to amend Part 329 to require insured State nonmember banks to give notice to depositors of maturing time deposits which become demand deposits unless renewed or withdrawn within ten days after maturity. This proposal is no longer under active consideration.

For further information, contact F. Douglas Birdzell, Senior Attorney, Legal Division, 202–389–4324.

Loans in Areas Having Special Flood Hazards

[12 CFR Part 339]

On December 21, 1979 FDIC published for public comment a proposed revision of Part 339 which sets forth the flood insurance requirements for loans that are secured by certain property located in special flood hazard areas. The proposed revision is intended to simplify the regulation by restructuring it for easier reading and eliminating unnecessary provisions. The comment period ended on February 19, 1980, and the comments received are being reviewed.

For further information, contact Jerry L. Langley, Senior Attorney, Legal Division, 202–389–4237.

Deletion of Information

[12 CFR Parts 341, 343]

On February 19, 1980, FDIC published for public comment a proposal to delete as unnecessary §§ 341.10, 343.10, and 343.11 which outline the instructions and data format for certain securities reporting forms. The comment period ends on April 21, 1980.

For further information, contact Jerry L. Langley, Senior Attorney, Legal Division, 202–389–4237.

Disclosure of Brokerage Allocation Practices

[12 CFR Part 344]

In the last agenda it was reported that FDIC was preparing an amendment under section 28(e)(2) of the Securities Exchange Act of 1934 to require insured nonmember banks exercising investment discretion to disclose their brokerage allocation practices. The proposed amendment is no longer under active consideration.

For further information, contact Gerald J. Gervino, Attorney, Legal Division, 202–389–4422.

Final Actions Since Last Semiannual Agenda

The following final regulatory actions have been taken by FDIC since the publication of the last semiannual agenda in the **Federal Register** [44 FR 55890, (September 28, 1979)]:

1. Final rules deleting Part 301 (Introductory), Part 305 (Payment of Insured Deposits), Part 306 (Receiverships and Liquidations), Part 325 (Introductory), and §§ 330.13 and 330.14 relating to the continuation of prior insurance coverage and notice to depositors have been adopted. 44 FR 75623 (December 21, 1979).

2. Amendments to Parts 303 and 304 relating to delegations of authority and a model deposit agreement for the pledge of assets by foreign banks having an insured branch have been adopted. 44 FR 73012 (December 17, 1979).

3. Amendments to Parts 303 and 304 relating to delegations of authority and the definition of "phantom" bank merger have been adopted. 44 FR 75624 (December 21, 1979).

4. Amendments to Parts 304 and a new Part 349 have been adopted to implement the reporting requirements of Titles VIII (Correspondent Accounts) and IX (Disclosure of Material Facts) of FIRIRCA. 44 FR 74801 (December 18, 1979).

5. Technical corrections have been made to those provisions of Parts 304 and 349 which implement the reporting requirements of Titles VIII and IX of FIRIRCA. 45 FR 8939 (February 11, 1980).

6. Final rules revising Part 307 and amending section 327.3 have been adopted. 45 FR 13723 (March 3, 1980).

7. Part 309 has been amended to permit routine public disclosure of Bank Trust Department Annual Report of Assets upon request. 44 FR 61587 (October 26, 1979).

8. Amendments to Part 329 concerning interest rate regulations designed to help small savers have been adopted. 44 FR 75378 (December 14, 1979).

9. A General Counsel's Opinion has been issued on Part 329 regarding the calculation and advertisement of interest on time and savings deposits during leap years. 44 FR 66575 (November 20, 1979).

10. Amendments to § 329.4(f) requiring disclosure of early withdrawal penalties to depositors have been adopted. 44 FR 60273 (October 19, 1979).

11. Amendments to §§ 329.6(b)(6) and 329.7(b)(10) of Part 329 have been adopted to place a maximum interest rate on the two-and-one-half year category of time deposit. 45 FR 14201 (March 5, 1980).

12. An exemption from the interest rate provisions of § 329.10 has been adopted for certain unsecured, short-term commercial paper issued by mutual savings banks. 45 FR 8937 (February 11, 1980).

13. An amendment to Part 329 has been adopted to include credit unions within the term "bank" for purposes of the exemption under § 329.10—Obligations Other Than Deposits. 45 FR 13725 (March 3, 1980).

14. Amendments to §§ 329.1 and 329.6 have been adopted to impose interest rate limitations on certain obligations issued by a nonmember bank's parent holding company. (March 17, 1980).

15. Amendments to Part 335 which update the FDIC's securities disclosure regulations in compliance with section 12(i) of the Securities Exchange Act of 1934 have been adopted. 44 FR 67627 (November 27, 1979).

16. Amendments to Part 344 regarding the recordkeeping and confirmation requirements for certain securities transactions have been approved. 45 FR 12775 (February 27, 1980).

17. FDIC has adopted an appendix to Part 346 that lists the States that require State-chartered banks to acquire deposit insurance as a prerequisite to receiving a charter. 44 FR 57385 (October 5, 1979).

18. Amendments to Part 348 relating to management official interlocks have been adopted. (March 3, 1980).

By Order of the Board of Directors, dated March 24, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 80-9457 Filed 3-27-80; 8:45 am]

BILLING CODE 6714-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Chapter VII

Request for Comment on Delinquent Consumer Instalment Loan Classification Policy

AGENCY: National Credit Union Administration.

ACTION: Request for Comment on Delinquent Consumer Instalment Loan Classification Policy.

SUMMARY: The National Credit Union Administration (NCUA) requests comments regarding whether it should adopt the Federal Financial Institutions Examination Council (FFIEC) delinquent loan classification policy or a similar classification policy.

The FFIEC, of which NCUA is a member, recommended at its February

7, 1980, meeting that the three banking agencies adopt the enclosed examination policy for the classification of delinquent consumer instalment loans for use in the examination of commercial banks. The FFIEC also recommended that the FDIC, FHLBB and NCUA study and seek public comment on the application of this instalment loan classification policy to the thrift institutions under their respective jurisdiction, and report back to the FFIEC on their findings.

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

ADDRESS: Send comments to Robert S. Monheit, Senior Attorney, Office of General Counsel, National Credit Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Thomas A. Straslicka, Chief, Examination Section, Division of Supervision and Examination, Office of Examination and Insurance. Telephone number: (202) 357-1065.

SUPPLEMENTARY INFORMATION: Federal Financial Institutions Examination Council's Policy for Classification of Consumer Instalment Credit Based on Delinquency Status:

The Federal Financial Institutions Examination Council was established by Title X of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, the provisions of which took effect on March 10, 1979. The Council members are composed of:

(1) the Comptroller of the Currency;

(2) the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation;

(3) a Governor of the Board of Governors of the Federal Reserve System designated by the Chairman of the Board;

(4) the Chairman of the Federal Home Loan Bank Board; and

(5) the Chairman of the National Credit Union Administration Board.

One of the Council's functions established by Title X, Section 1006(b)(1), was to ". . . make recommendations for uniformity in other supervisory matters . . .". Other supervisory matters include areas such as delinquent consumer instalment loan classification because all Federally supervised financial institutions disburse consumer instalment loans. The Council recommended at its February 7, 1980 meeting ". . . that the three banking agencies adopt the examination policy on classification of delinquent consumer instalment loans identified as Appendix A to this notice, for use in the examination of commercial banks. The Council also recommended that the FDIC, FHLBB, and NCUA study and seek public comment on the application of this instalment loan classification policy to the thrift institutions under their respective jurisdiction, and report back to the Council on their findings."

The policy adopted by the Council seeks to provide a standard for classifying delinquent consumer instalment loans and should result in more uniform treatment of all classes of insured banks and in more consistent statistical data being developed from bank examination reports. The policy recognizes that there are instances, particularly where significant amounts are involved, that may warrant exceptions to the formula in order to recognize individual situations where the bank being examined can clearly demonstrate that repayment will occur irrespective of delinquency status.

Examples of such situations might include: loans well secured by collateral and in the process of collection; loans where the claims have been filed against solvent estates and loans supported by valid guarantees or insurance.

The following general classification policy will be used during examinations of commercial banks.

(1) Closed-end consumer instalment credit delinquent 120 days or more (5 monthly payments) will be classified "loss". Loans delinquent 90 to 119 days (4 monthly payments) will be classified "subtandard" (NCUA's current equivalent classification to "substandard" is "doubtful").

(2) Open-end consumer instalment credit delinquent 180 days or more (7 zero billing cycles) will be classified "loss". Loans delinquent 90 to 179 days (4 to 6 zero billing cycles) will be classifed "substandard".

The following definitions provide guidance in application of the classification policy.

(1) *Consumer instalment loans*—Includes open and closed-end credit extended to individuals for household, family and other personal expenditures as defined in the instructions for preparation of call reports. (Note: not included in this category are loans to individuals secured by real estate and made for the purpose of home improvements or purchase of a residence. Also excluded would be loans to individuals for business purposes which are secured by collateral (i.e., loans to farmers for agriculture use secured by land or future crops).

(2) *Delinquency.* Closed-end instalment credit is considered delinquent when the borrower is in arrears 2 monthly payments. Loans in arrears 2 monthly payments are considered 30 days delinquent.

Open-end credit is treated differently when computing delinquency. A bank credit card customer generally has 25 days in which to pay billings before the loan is considered delinquent. If no payment is made between two billing cycles, the balance is considered 5 days delinquent. If no payment is received before issuance of still another statement, the balance is 35 days delinquent technically; however, current practice is to define accounts with two zero billings as 30 days delinquent.

(3) *Partial payments.* A payment equivalent to 90 percent or more of the contractual payment may be considered a full payment in computing delinquency.

At the conclusion of the policy statement, the Council recommended that examination emphasis should focus on the bank's written consumer lending policy, adherence to stated policy and a review of operating procedures. It is expected that a bank will have written policies that are suitable for its specific objectives, and that are consistent with prudent banking practices. Procedures for supervising delinquent accounts, including the procedure for renewing and extending past due loans, and automatic charge-off policy should be described. Internal controls should be in place to assure that the bank's Internal controls should be in place to assure that the bank's written policy is being followed. Banks lacking written policies or failing to implement or follow established policies should be criticized by examiners in reports of examinations.

NCUA's Present Examination Policy for Delinquent Loan Classification and Adequacy of the Allowance for Loan Losses Account. NCUA examiners spend considerable time in analyzing delinquent consumer instalment loans and the reasons for the delinquency. Examiners profile characteristics of loans charged-off during the examination period and loans delinquent 6 months or more to determine what the most common characteristics of these loans are. If the examiner detects that causes of the losses/delinquency are due to poor lending policies or practices, he/she will include in the examination report a listing of the most significant delinquent/loss characteristics. The examiner also relates the characteristics from the delinquent/loss loan profile to those developed during the current loan profile to determine if deficiencies detected in the former are present in the latter.

After completing the loss/delinquent and current loan profiles, the examiner evaluates the collectability of delinquent loans. During this analysis, collection procedures are evaluated to determine their effectiveness.

NCUA's Examiner's Guide provides the following guidelines to exminers for classifying collection problem loans.

(1) Any loan that is delinquent 6 months or more should be classified as a collection problem, unless the last principal payment (excluding transfers from shares or proceeds from sale of collateral) has been made within 2 months of the effective date of the examination and the last principal payment is equal to at least 75 percent of the monthly payment as shown on the note. If a payment is received after the effective date of the examinastion, this fact should also be considered in determining the classification.

(2) All delinquent loans in the hands of an attorney or collection agency or where the borrower is adjudged bankrupt or is a "skip" will be classified collection problems, unless there are extenuating circumstances which lead the examiner to believe that the loans will be collected.

(3) Any loan on which a substantial portion of the principal (if collected) would be absorbed as collection costs should be classified as a collection problem.

(4) Any loan on which the examiner feels that a substantial portion will not be collected, even though there are small regular or irregular payments, will be classified as a collection problem.

(5) Seriously delinquent loans with comakers as security on which adequae information is lacking will be considered for classification as collection problems. Loans secured by collateral with questionable value on which payments are irregular and falling behind, and there is no reliable information on file on which to realistically evaluate the collateral, will also be considered for classification as collection problem loans.

(6) Any other loan will be classified if warranted. Some loans are not delinquent, or are not seriously delinquent, only because of unwarranted extention agreements, refinancing, or application of the proceeds of the sale of repossessed collateral. Such loans should be considered for classification.

In the interest of uniformity, the following serve as general guidelines to distinguish between a doubtful loan and a loss loan.

(1) A collection problem loan should be classified as doubtful when a substantial degree of credit risk is present, and collection in full, based upon existing facts, is highly improbable. A loan classified as doubtful of collection contains a high degree of loss probability, but because of certain important factors not yet determinable, its classification as a loss is deferred until such time as a more exact appraisal can be made. Under ordinary circumstances, the unknown factors which caused the loan to be classified as doubtful will become known within a short period of time and the doubtful will become known within a short period of time and the doubtful classification will no longer be appropriate. Only in rare instances should it be necessary to continue classifying a loan as doubtful over prolonged periods of time.

(2) A collection problem loan should be classified as a loss when it is uncollectible and worthless as a credit union asset. Such loans should be charged off to the Allowance for Loan Losses. Frequently loans classified as losses and charged off are partially recovered. This does not mean the examiner's classification of the loan was in error or too severe. It simply means the credit union recognized the basic fact that it is not practical or desirable to defer charging off a worthless asset because a small or partial recovery may be effected at some future date.

NCUA examiners use the following standards for evaluating the adequacy of a credit union's Allowance for Loan Losses.

. . . Ideally, the balance of the account should be sufficient to cover all net collection problem loans (collection problem loans are determined by the examiner using the guidelines mentioned previously). As a key test of adequacy, the examiner should compare the amount of loss loans to the balance of the Allowance for Loan Losses. If the total of the loss loans exceeds the Allowance for Loan Losses, the officials should be informed of the failure to comply with 702.3 of the rules and regulations. When the balance of the valuation allowance equals loss loans, but the excess is not sufficient to equal at least 50 percent of net doubtful loans, the examiner will discuss with the officials the failure to provide for a reasonable percventage of potential losses. Finally, if the Allowance for Loan Losses is sufficient to provide for all loss loans, and at least 50 prcent of the net doubtful loans, but does not equal total net collection problem loans, the examiner will treat such situations on a case by case basis.

What Should NCUA Do?

Consumer instalment loans comprise a small amount of most banks' loan portfolios. Commercial loans make-up the largest portion (dollar-wise) of banks' loan portfolios. However, consumer instalment loans may outnumber commercial loans. Since the consumer instalment loans are not the most significant risk to banks, bank regulatory agencies do not believe it is cost-productive to individually evaluate each delinquent consumer loan.

Conversely, consumer instalment loans are the primary type of loans made by Federal credit unions. Therefore, NCUA believes an extensive evaluation of delinquent consumer instalment loans may be necessary because of the risk involved in this area. In addition, NCUA believes a more accurate evaluation of a credit union's delinquent loans may occur when examiners and credit union personnel evaluate delinquent loans and classify them per the guidelines in the Examiner's Guide.

NCUA requests public comment on the following alternatives with the advantages and disadvantages discussed with each alternative.

a. Adopt the FFIEC policy and require that all consumer instalment loans delinquent 4 monthly payments must be considered when determining the adequacy of the Allowance for Loan Losses.

The advantages of this standard are:

(1) Uniform treatment of all classes of financial institutions regarding consumer instalment delinquent loan classification.

(2) Consistent statistical data would be developed from examination reports which are used to monitor the condition of the institutions by the Federal financial regulatory agencies and Congress.

The disadvantages of this standard are:

(1) Federal credit unions' data processing systems do not report delinquent loan totals for a 4 month category. Presently, delinquent loan totals are reported per the following classifications: 2 to 6 months; 6 to 12 months; and over 12 months. Extensive programming changes would be required to implement the FFIEC's policy.

(2) Potential impact on the financial condition of Federal credit unions. NCUA has not performed a study of the impact this proposal would have on Federal credit unions' financial condition.

(3) Possible less accurate presentation of the fair value of credit unions' loan portfolios. Generally speaking, NCUA

examiners have found that delinquent loans do not become collection problems at 4 months.

b. Adopt as guidelines for Federal credit unions the standards used by NCUA examiners for classification of delinquent loans. These standards require that all closed and open-end consumer instalment loans delinquent 6 or more months and no principal payment in the previous 2 months that was equal to 75 percent of the contractual payment must be considered when determining adequacy of the Allowance for Loan Losses. Examiner judgment could override these guidelines if the examiner believes the loan is collectable.

The advantages of this alternative are:

(1) Clear standard for determining adequacy of the Allowance for Loan Losses.

(2) Standard is not rigid in that examiner judgement is allowed.

The disadvantages of this alternative are:

(1) Non-uniformity with the standard used in other financial institutions for classification of delinquent consumer instalment loans.

(2) Potential impact of Federal credit unions' financial condition. However, this alternative would have less impact on credit unions' financial condition than the FFIEC's policy would.

(3) Computer programming would have to be changed.

c. Require that Federal credit unions consider all delinquent consumer instalment loans over 12 months when determining the adequacy of the Allowance for Loan Losses.

The advantages of this alternative are:

(1) Clear standard for determining adequacy of the Allowance for Loan Losses.

(2) No computer programming changes would be necessary.

The disadvantages of this alternative are:

(1) Non-uniformity with the standard used in other financial institutions for classification of delinquent consumer instalment loans.

(2) Possible less accurate presentation of fair value of credit unions' loan portfolios in that delinquent loans became anticipated losses prior to reaching the over 12 month delinquency category. NCUA does not consider the alternatives discussed to be all-inclusive and would consider any other alternatives proposed.

By the National Credit Union Administration Board on March 20, 1980.

Beatrix D. Fields,

Acting Secretary of the Board.

Recommendation of the Federal Financial Institutions Examination Council to the Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency

Uniform Policy for Classification of Consumer Instalment Credit Based on Delinquency Status

The Policy

Introduction

This examination policy establishes uniform guidelines for the classification of instalment credit based on delinquency status. This use of a formula approach in determining consumer loan classifications parallels, in principle, current industry practices and recognizes the statistical validity of measuring losses predicated on past due status. The policy covers both open- and closed-end credit. Although the three Federal banking agencies have historically relied on delinquency status as a major determinant in classifying consumer instalment credit, no interagency standard has been employed. The policy seeks to provide that standard and should result in more uniform treatment of all classes of insured banks and in more consistent statistical data being developed from bank examination reports.

The general classification policy recognizes that evaluating the quality of consumer credit portfolio on a loan-by-loan basis is inefficient and unnecessary. For this reason, examiners are expected to adhere closely to the policy in their analysis of consumer credit. Nevertheless, it is recognized that there are instances particularly where significant amounts are involved, that may warrant exceptions to the formula in order to recognize individual situations where the bank being examined can clearly demonstrate that repayment will occur irrespective of delinquency status. Examples of such situations might include: loans well secured by collateral and in the process of collection; loans where the claims have been filed against solvent estates and loans supported by valid guarantees or insurance.

General Classification Policy

Examiners will adhere to the following general classification policy during examinations of commercial banks.

(1) Closed-end consumer instalment credit delinquent 120 days or more (5 monthly payments) will be classified loss. Loans delinquent 90 to 119 days (4 monthly payments) will be classified substandard.

(2) Open-end consumer instalment credit delinquent 180 days or more (7 zero billing cycles) will be classified loss. Loans delinquent 90 to 179 days (4 to 6 zero billing cycles) will be classified substandard.

Definitions

The following definitions are intended to provide guidance in application of the general classification policy.

Consumer Instalment Loans—Includes open- and closed-end credit extended to individuals for household, family and other personal expenditures as defined in the instructions for preparation of call reports. Refer to such instructions for information on any loan where there is doubt as to whether it is covered by the general classification policy.

Delinquency—Closed-end instalment credit is considered delinquent when the borrower is in arrears two monthly payments. Loans in arrears two monthly payments are considered 30 days delinquent.

Banks generally treat open-end credit differently than closed-end credit in computing delinquency. A bank credit card customer generally has 25 days in which to pay billings before the loan is considered delinquent. If no payment is made between two billing cycles, the balance is considered 5 days delinquent. If no payment is received before issuance of still another statement, the balance is 35 days delinquent technically; however, current practice is to define accounts with two zero billings as 30 days delinquent.

See attached charts which illustrate delinquency computation.

Statutory Bad Debts—Section 5204, USRS (12 U.S.C. 56), contains the definition for Federal Reserve System member banks of what constitutes bad debts. Accordingly, loans delinquent seven monthly payments, or seven billing cycles, are considered 180 days, or six months, past due and will be considered statutory bad debts, unless they are well secured *and* in the process of collection.

Partial Payments—A payment equivalent to 90 percent or more of the contractual payment may be considered a full payment in computing delinquency.

Consumer Instalment Loan Examination Scope

The general classification policy provides that performance is the principal criterion in application of the uniform policy during examinations of banks. In addition to loan classification, examination emphasis should focus on the bank's written consumer lending policy, adherence to stated policy and a review of operating procedures. It is expected that a bank will have written policies suitable for its specific objectives and that they are consistent with prudent banking practices. Procedures for supervising delinquent accounts, including the procedure for renewing and extending past due loans, and automatic charge-off policy should be fully described. Internal controls should be in place to assure that the bank's written policy is being followed. Banks lacking written policies or failing to implement or follow established policies effectively should be criticized by examiners in reports of examination.

Effective Date

This policy will be effective June 30, 1980.

Closed End Credit

Due date	Period	Delinquency status	Classification
March 10	March 11 to April 9	Not delinquent	
April 10	April 10 to May 9	30 days or 2 payments	
May 10	May 10 to June 9	60 days or 3 payments	
June 10	June 10 to July 9	90 days or 4 payments	Substandard.
July 10 [1]	July 10 to August 9	120 days or 5 payments	Loss.
August 10	August 10 to September 9	150 days or 6 payments	Loss.
September 10	September 10	180 days or 7 payments	Loss.

Open End Credit

Statement	Day	Zero billing cycle	Payment record	Days delinquent	Classification
Statement 1	1				
Due 25th	25				
Statement 2	30	1	No payment	5	
Statement 3	60	2	No payment	30	
Statement 4	90	3	No payment	60	
Statement 5	120	4	No payment	90	Substandard.
Statement 6	150	5	No payment	120	Substandard.
Statement 7	180	6	No payment	150	Substandard.
Statement 8 [2]	210	7	No payment	180	Loss.

[1] Charge-off occurs after borrower is five payments delinquent.
[2] Charge-off occurs on seventh zero billing.

[FR Doc. 80-9273 Filed 3-27-80; 8:45 am]
BILLING CODE 7535-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 570

[Docket No. R-80-788]

Small Cities Community Development Block Grant Program—Demonstration of State Participation; Transmittal of Proposed Rule to Congress

AGENCY: Department of Housing and Urban Development

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

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information a proposed rule which the Secretary is submitting to Congress for such review.

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

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

24 CFR Part 570—Small Cities Community Development Block Grant Program—Demonstration of State Participation

This proposed rule would amend 24 CFR Part 570, Subpart F, which governs the Small Cities Community Development Block Grant Program, in order to permit, on a demonstration basis, a very limited number of States to participate to a greater degree in the selection of the small cities to receive block grant awards. Participation by States in the Small Cities CDBG program is provided for in Section 104(e) of the Housing and Community Development Act of 1974, as amended.

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

Issued at Washington, D.C., March 20, 1980.

Moon Landrieu,
Secretary, Department of Housing and Urban Development.

[FR Doc. 80-9419 Filed 3-27-80; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Ch. II

Improving Government Regulations; Semiannual Agenda

AGENCY: Bureau of Government Financial Operations.

ACTION: Semiannual agenda.

SUMMARY: As required by Executive Order 12044, "Improving Government Regulations," and the Treasury Department directive implementing that Executive Order, the Bureau of Government Financial Operations announces that it has no significant or nonsignificant new regulations under development.

FOR FURTHER INFORMATION CONTACT: O. H. Brown, (202) 566-5546.

DATE: March 25, 1980.

By direction of the Secretary of the Treasury.

Gerald Murphy,
Acting Commissioner.

[FR Doc. 80-9495 Filed 3-27-80; 8:45 am]
BILLING CODE 4810-35-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL 1450-4]

Designation of Areas for Air Quality Planning Purposes; Redesignation of Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to revise the attainment status designation of the City of Great Falls for Carbon Monoxide (CO). The revision is a result of (a) a request from the State Air Quality Bureau to redesignate a portion of the City of Great Falls as nonattainment for CO and (b) the Environmental Protection Agency's decision to propose expansion of the nonattainment area to include the entire City of Great Falls. The proposed redesignation is based on violations of the eight hour CO standard during the period July 1977 to February 1979.

DATE: Comments on the proposal are due on or before April 28, 1980.

ADDRESSES: Comments should be directed to:

Ivan W. Dodson, Director, Environmental Protection Agency, Federal Building, Drawer 10096, 301 South Park, Helena, Montana 59601

Copies of these materials submitted by the Governor and comments received on this proposal may be examined during normal business hours at:

Environmental Protection Agency, Federal Building, Drawer 10096, 301 South Park, Helena, Montana 59601

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20406

FOR FURTHER INFORMATION CONTACT: Kenneth L. Alkema, Environmental Protection Agency, Federal Building, Drawer 10096, Helena, Montana 59601, 406–449–5414

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977, Pub. L. 95–95, added to the Clean Air Act (CAA) section 107(d), which directed each State to submit to the Administrator of the EPA a list of the National Ambient Air Quality Standards (NAAQS) attainment status of all areas within the State. The Administrator was required under section 107(d)(2) to promulgate the State lists, with any necessary modifications.

For each NAAQS, areas are classified as either (1) not attaining the standard or, for certain pollutants, are projected not to maintain the standard (nonattainment areas), (2) meeting the standard (attainment areas), or (3) are lacking sufficient data or information to be classified (unclassified areas). The EPA published these lists on March 3, 1978 (43 FR 8962). At that time Great Falls was classified attainment for carbon monoxide.

Under section 107(d)(5) of the CAA, as amended, a state may revise its designations of attainment status and submit them to the EPA for promulgation.

A December 24, 1979 letter from the State Air Quality Bureau requested the redesignation of a portion of the City of Great Falls from attainment to nonattainment. The requested redesignation was for that portion of Great Falls between 9th and 11th Avenue South and 2nd Street to 54th Street. This request was based upon 16 violations of the eight hour carbon monoxide (CO) standard at 10th Avenue South and 9th Street. This data, covering the period July 1977 to February 1979 was submitted to EPA in support of the State's request.

EPA has reviewed the State's proposal. In doing so, EPA also took cognizance of the "Transportation Systems Management (TSM) Program Design" submitted by the City of Great Falls to the State and Federal Highway Departments on December 7, 1979. This document is an element of the City's overall transportation plan and details traffic problems existing at various intersections and along a number of traffic corridors throughout the City. In reviewing the TSM, EPA noted that congestion and traffic delays were being encountered in other portions of the city in addition to those experienced on the 10th Avenue South corridor. Inasmuch as no ambient air quality measurement for CO have been undertaken in any of these other areas, EPA feels that they should be evaluated for potential violations of the CO standards.

Since 10th Avenue South is by far the most heavily traveled street in Great Falls, the possibility that CO violations exist in these other areas is somewhat limited. However, since the 10th Avenue South problem must be evaluated in any case, the costs to evaluate the other intersections and corridors will be only slightly more. If, on the other hand, these other areas are ignored for the present time, and future ambient monitoring in those areas shows violations, an additional study will be required equal to, if not greater in cost to, the one required for 10th Avenue South. Finally, but most importantly, the CO standard was established to prevent adverse health effects, and EPA is required by the Clean Air Act to be certain that actual and potential problems are evaluated and that the standards are achieved and maintained. Therefore, to insure that all potential carbon monoxide problem areas are evaluated, EPA is proposing that the entire City of Great Falls be designated as a nonattainment area.

At a meeting held on January 25, 1980, personnel of the EPA Montana Office advised representatives of the City of Great Falls and the Air Quality Bureau of the decision to issue a Federal Register Notice proposing to designate the entire City of Great Falls a nonattainment for carbon monoxide.

This redesignation will require the State to develop a State Implementation Plan to achieve the carbon monoxide standard. This plan is to be submitted to EPA nine months after the date that the final notice pertaining to this redesignation is published in the Federal Register.

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 rulemaking action is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: March 18, 1980.

Roger L. Williams,

Regional Administrator.

[FR Doc. 80–9498 Filed 3–27–80; 8:45 am]

BILLING CODE 6560–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Advance Notice of Reproposal To List the Kentucky Cave Shrimp as an Endangered or Threatened Species

AGENCY: Fish and Wildlife, Interior.

ACTION: Advance notice of proposed rule.

SUMMARY: The Service has received a petition to list the Kentucky cave shrimp (*Palaemonias ganteri*) as an endangered or threatened species. The Kentucky cave shrimp was previously proposed to be listed, but the proposal was withdrawn to comply with the 1978 Endangered Species Act Amendments. The petition reports the first discovery of this species since 1967 in the Flint Mammoth Cave System, Edmonson County, Kentucky, and describes threats to its existence. The Service has determined that the petition presents sufficient new evidence to warrant a reproposal to list this species. This notice informs the public of the receipt of this new information and provides advance notice of the Service's intent to repropose that the Kentucky cave shrimp be listed as an endangered or threatened species.

DATES: The Kentucky cave shrimp was proposed to be listed as a threatened species on January 12, 1977 (42 FR 2507). The proposal was withdrawn on December 10, 1979 (44 FR 70796) to comply with the 1978 Endangered Species Act Amendments. Dr. Raymond W. Bouchard submitted a petition dated December 12, 1979, to list this species, and supplemented the petition with a letter dated January 1, 1980.

ADDRESSES: Interested persons are invited to submit any information regarding the status of the Kentucky

cave shrimp to the U.S. Fish and Wildlife Service, Office of Endangered Species, Washington, D.C. 20240. The Service's file on the Kentucky cave shrimp, including the petition to list this species, is available in the Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240; located at 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Washington, D.C. 20240 (telephone: 703–235–2771).

SUPPLEMENTARY INFORMATION: On December 12, 1979, Dr. Raymond W. Bouchard (Chairman, Freshwater Crustacean Specialist Group, International Union for Conservation of Nature and Natural Resources) petitioned the Service to list the Kentucky cave shrimp (*Palaemonias ganteri*). Dr. Bouchard supplemented the petition on January 1, 1980. The Service has accepted Dr. Bouchard's petition. The petition presented a reported discovery of a dead Kentucky cave shrimp on September 1, 1979, the first discovery since 1967. The petition described factors threatening this species, primarily habitat modification or destruction, in the Flint Mammoth Cave System, Edmonson County, Kentucky. Dr. Bouchard's petition recommended an emergency listing. After reviewing the petition, the Service has determined that there is not sufficient evidence to warrant an emergency rule, but that sufficient information exists to repropose listing this species as endangered or threatened.

This notice informs the public of the Service's receipt of Dr. Bouchard's petition, the review of available information regarding the status of the Kentucky cave shrimp, and subsequent determination that sufficient new information has been presented warranting a reproposal to list this species. The Service is presently preparing the necessary documents required by the Endangered Species Act, Executive Order 12044, and 43 CFR 14—including a determination of significance—prior to issuance of a proposed rule to list the species and, if appropriate, to determine critical habitat.

Interested persons having knowledge of the Kentucky cave shrimp or its habitat requirements are invited to submit factual information to the Office of Endangered Species at the address given above. Information regarding current and potential threats to its continued existence and the possible impact of listing the species is also welcome.

This notice is prepared under the authority of the Endangered Species Act, 16 U.S.C. 1551 et. seq., by Dr. Steven M. Chambers of the Service's Office of Endangered Species.

Dated: March 24, 1980.

Warren T. Olds, Jr.,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-9510 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reproposal of Critical Habitat for One Species of Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reproposal of proposed rule.

SUMMARY: The Service reproposes Critical Habitat for the Callippe silverspot butterfly (*Speyeria callippe callippe*). Endangered status and Critical Habitat were originally proposed for this species on July 3, 1978 (43 FR 28938–28945). The Critical Habitat portion of this proposal was withdrawn by the Service on March 6, 1979 (44 FR 12382–12384) because of procedural and substantive changes in prior law made by the Endangered Species Act Amendments of 1978. This proposed rule complies with the changed requirements.

DATES: Comments from the public must be received by May 28, 1980. [Comments from the Governor of California must be received by June 28, 1980.] A public meeting on this proposal will be held on April 17, 1980.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Washington, D.C., 20240. Comments and materials relating to this rulemaking are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia 22201. The time and place of the public meeting on this proposal are presented in the table below.

FOR FURTHER INFORMATION CONTACT: For further information of this proposal, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The Callippe silverspot butterfly was proposed as Endangered with Critical Habitat on July 3, 1978. Before final action could be taken on this proposal, Congress passed the Endangered Species Act Amendments of 1978 which changed the procedures the Service must follow when designating Critical Habitat. The present rulemaking will comply with the amendments.

The Callippe silverspot butterfly formerly occurred in San Francisco and San Mateo Counties, California. it is now believed that the colonies of silverspot butterflies from Vallejo, Napa County and Oakland, Alameda County, California, do not represent the Callippe silverspot butterfly but are intermediate populations between *Speyeria callippe calippe* and *Speyeria callippe comstocki*. The only true remaining populations of the Callippe silverspot butterfly are found in grasslands in the eastern portions of the San Bruno Mountains area. The San Francisco population has been extirpated because of urban development.

Since the July 3, 1978 proposal of the butterfly as Endangered, a report by Richard A. Arnold of the Entomology Department of the University of California at Berkeley has provided additional information indicting that the area previously proposed as Critical Habitat should be supplemented to include grasslands on the extreme eastern portions of the main ridge of San Bruno Mountain. No information has been received that would warrant a change in the previously proposed status of this subspecies.

Summary of Factors Affecting the Species. The Callippe silverspot butterfly is now known to occur only on the eastern portions of San Bruno Mountain, San Mateo County, California. The butterfly formerly occurred on Twin Peaks, San Francisco County, California, an area from which it has been extirpated due to urban development.

The major threats to the remaining Callippe silverspot butterfly populations derive from projected housing development and increased recreational activities. The areas inhabited by the butterfly include San Mateo County parklands which will eventually be developed for recreational purposes, and private lands which are the projected sites of housing developments. Examples of activities which could adversely affect the butterfly include:

(1) Direct loss of habitat by clearing and leveling land for buildings, roads, and trails;

(2) A change in fire management practices, including prevention of fires which may be necessary to maintain the grassland habitat; and

(3) Human disturbance, including collection of butterflies and trampling of habitat areas associated with increased human residence on San Bruno Mountain and with increased recreational use of the parkland areas by visitors.

Comments on Critical Habitat

An extensive study done by Richard A. Arnold of the Department of Entomology of the University of California for the Department of Fish and Game of the State of California (Status of Proposed Threatened or Endangered California Lepidoptera, Interim Report on Contract #5–1620) has yielded additional information on the distribution and status of the Callippe silverspot butterfly. The Service believes this new information warrants modification of the Critical Habitat as originally published in the **Federal Register** of July 3, 1978 (43 FR 28938–28945). Since the Oakland populations of silverspot butterfly are no longer believed to represent the Callippe silverspot, the Oakland Zone is being deleted from the Critical Habitat proposal. Critical Habitat is hereby reproposed as follows:

California, San Mateo County

(1) Guadalupe Valley Zone. An area bounded on the north and east by the Guadalupe Canyon Parkway, on the south by North Hill Drive, the railroad tracks, and West Hill Drive, and on the west by the dirt road extending from West Hill Drive to the Guadalupe Canyon Parkway.

(2) San Bruno Mountain Zone. An area bounded on the west by a line extending from the fork in the quarry access road to the junction of Kearney Street and Hillside Boulevard, on the south by Hillside Boulevard, Randolph Avenue, and the South San Francisco city limit, on the east by the Bayshore Highway, and on the north by the quarry access road, the three-pole powerline to its intersection with the 900 foot contour, then by a line from this intersection east to the Bayshore Highway.

A detailed summary of comments responding to both the original proposal for listing this species, as well as this reproposal of Critical Habitat, will appear at the time of final rulemaking.

Critical Habitat

The Act defines "critical habitat" as (i) the specific areas within the geographical area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service believes that certain areas within the range occupied by the Callippe silverspot butterfly should be designated as Critical Habitat. This butterfly occupies an extremely limited range and is susceptible to change in its grassland habitat. Because changes in the areas occupied by the species could result in its extinction, designation of Critical Habitat is essential for this butterfly's conservation.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis and believes at this time that economic and other impacts of this action are not significant in the foreseeable future. The Service is notifying Federal agencies that may have jurisdiction over the land and water under consideration in this proposed action. These Federal agencies and other interested persons or organizations are requested to submit information on economic or other impacts of this proposed action (see below).

The Service will prepare a final impact analysis prior to the time of final rulemaking, and will use this document as the basis for its decision as to whether or not to exclude any area from Critical Habitat for the Callippe silverspot butterfly.

Effects of This Proposal if Published as a Final Rule

Section 4(f)(4) of the Act requires, that any proposal to determine Critical Habitat be accompanied, to the maximum extent practicable, by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be impacted by such designation. Such activities are identified below for these species. It should be emphasized that Critical Habitat designation may not affect each of the activities listed below, as Critical Habitat designation only affects Federal agency activities, through Section 7 of the Act.

1. With regard to the Callippe silverspot butterfly, a major threat to the continued existence of this species is urban housing development in the grasslands where it occurs. Major housing developments are planned in both of the Zones proposed as Critical Habitat. Clearing and leveling land for buildings and roads would directly eliminate some portions of the butterfly's habitat. urban development has already extirpated the butterfly in the Twin Peaks area of San Francisco.

2. Development of trials, interpretive centers, and other visitor facilities in the county-owned portions of San Bruno Mountain could also directly eliminate areas of the butterfly's habitat. Future plans intend that these areas be developed as a county park.

3. Changes in fire management would undoubtedly take place with increased human residence and recreational use. Periodic fires are probably necessary to maintain the grassland community structure on which the Callippe silverspot butterfly depends.

4. Other adverse effects on the butterfly's continued existence and related to increased human residence and visitation, could include trampling of habitat, increased collecting of the butterfly, and increased disturbance from off-road vehicle activities.

The Service has investigated the above activities, and was unable to discern definite federal involvements. The Service's draft economic analysis therefore indicated that there would be no adverse economic impact from Critical Habitat designation, as such designation only affects federal actions. The Service will consider all information received during the comment period concerning adverse economic, or other, impacts.

Public Comments Solicited

The Director intends that the rules finally adopted be as accurate and effective as possible in the conservation of the Callippe silverspot butterfly. Therefore, any comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of this proposed rule are solicited. The Service particularly requests comments on the following:

1. Biological and other relevant data concerning any threat (or lack thereof) to this species;

2. Additional information concerning the range and the distribution of the species;

3. Current or planned activities in the subject areas;

4. The probable impacts on such activities if the area is designated as Critical Habitat; and

5. The foreseeable economic and other impacts of the Critical Habit designation.

Public Meetings

The Service hereby announces that a public meeting and a public hearing will be held on this proposed rule. The public is invited to attend these meetings and to present opinions and information on the proposal.

Specific information relating to the public meetings and hearing are set out below:

Public Meeting

Place: Plaza Airport Inn, 401 East Millbrae Avenue, Millbrae, California
Date: April 17, 1980
Time: 7:30–10 P.M.
Subject: Callippe silverspot butterfly

Public Hearing

Place: Plaza Airport Inn, 401 East Millbrae Avenue, Millbrae, California
Date: May 1, 1980
Time: 7:30–10 P.M.
Subject: Callippe silverspot butterly

National Environmental Policy Act

A draft environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment will be the basis for a decision as to whether this determination is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rule is Dr. Michael M. Bentzien, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (702/235–1975).

Note.—The Department of the Interior has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Act 12044 and 43 CFR Part 14.

Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

§ 17.95 [Amended]

1. It is proposed that 17.95(i), Insecta, be amended by adding Critical Habitat of the Callippe silverspot butterfly as follows:

Callippe Silverspot Butterfly

(Speyeria callippe callippe)

California. San Mateo County

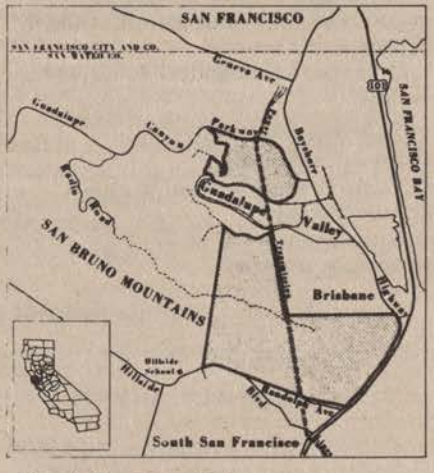
(1) Guadalupe Valley Zone. An area bounded on the north and east by the Guadalupe Canyon Parkway, on the south by North Hill Drive, the railroad tracks, and West Hill Drive, and on the west by the dirt road extending from West Hill Drive to the Guadalupe Canyon Parkway.

(2) San Bruno Mountain Zone. An area bounded on the west by a line extending from the fork in the quarry access road to the junction of Kearney Street and Hillside Boulevard, on the south by Hillside Boulevard, Randolph Avenue, and the south San Francisco city limit, on the east by the Bayshore Highway, and on the north by the quarry access road, the three-pole powerline to its intersection with the 900 foot contour, then by a line from this intersection east to the Bayshore Highway.

Callippe Silverspot Butterfly

(Guadalupe Valley and San Bruno Mountain Zones)

San Mateo, Calif.



Dated: March 21, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-9509 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Gulf of Mexico Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Public Hearings.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold public hearings for the purpose of public input on the Draft Environmental Impact Statement/Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico.

DATES: Written comments on the reef fish plan from members of the public may be submitted no later than May 5, 1980.

Individuals or organizations wishing to comment on the fishery management plan may do so at public hearings to be held as follows:

April 21, 1980—Key West, Florida
April 22, 1980—Port Isabel, Texas
April 22, 1980—Key Largo, Florida
April 23, 1980—Port Aransas, Texas
April 23, 1980—Tampa, Florida
April 24, 1980—Galveston, Texas
April 24, 1980—Panama City, Florida
April 28, 1980—Mobile, Alabama
April 29, 1980—Biloxi, Mississippi
April 30, 1980—New Orleans, Louisiana
May 1, 1980—Lafayette, Louisiana

All of the above hearings will start at 7:00 p.m. and adjourn at 10:00 p.m.

The hearings will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary will be prepared on each hearing.

ADDRESS: Send comments to: Robert P. Jones, Chairman, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228–2815.

HEARING LOCATIONS:

April 21, 1980—Key West High School Auditorium, 2100 Flagler Avenue, Key West, Florida
April 22, 1980—Port Isabel Community Center, Corner, Yturria and Maxan Streets, Port Isabel, Texas
April 22, 1980—Key Largo Civic Center, Ocean Bay Drive, Key Largo, Florida

April 23, 1980—Port Aransas Community Center, Alister Street, Port Aransas, Texas

April 23, 1980—Curtis Hixon Convention Hall, Ybor Room, 600 Ashley Street, Tampa, Florida

April 24, 1980—Jury Assembly Room, County Court House, 722 Moody, Galveston, Texas

April 24, 1980—City Commissioner's Meeting Room, 9 Harrison Avenue, Panama City, Florida

April 28, 1980—Davidson High School Cafeteria, 3900 Pleasant Valley Road, Mobile, Alabama

April 29, 1980—Biloxi Cultural Center (Library), 117 Lameuse Street, Biloxi, Mississippi

April 30, 1980—Chamber of Commerce Auditorium, 301 Camp Street, New Orleans, Louisiana

May 1, 1980—University of Southwestern Louisiana Conference Center, Two Rex Street, USL Campus, Lafayette, Louisiana

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228–2815

SUPPLEMENTAL INFORMATION: The hearings will deal with a proposal to implement a fishery management plan for reef fish species in the Gulf of Mexico under the authority of the Fishery Conservation and Management Act of 1976 (FCMA).

The Environmental Impact Statement is a review of the plan and a statement of its expected impacts. The implementation of a fishery management plan is a major Federal action significantly affecting the human environment. The Secretary of Commerce is required to approve a plan prior to implementation.

The plan for reef fish, when approved, will serve to manage the reef fish fishery for optimum yield (OY) and therefore, contains regulatory measures applicable to domestic fishing. The management area is the U.S. fishery conservation zone of the Gulf of Mexico.

Species addressed in this FMP include all species of snapper, grouper, and sea bass in the Gulf. Included in the plan as minor species, but with no management measures, are tilefish, triggerfish, amberjacks, hogfish, and several species of grunts, porgies, and sand perch.

The plan is intended to accomplish the following objectives:

1. Rebuild declining reef fish stocks wherever they occur in the fishery.

2. Establish a fishery reporting system for monitoring the fishery.

3. Conserve and increase reef fish habitats and protect juvenile reef fish.

4. Minimize conflicts between user groups.

OY is defined as 39.1 million pounds annually.

The expected domestic annual harvest (DAH) for these species for 1980 and 1981 is 39.1 million pounds (38.6 for snapper and grouper and 0.5 for sea bass). Because there is no surplus available for any of these species, there is no foreign allowable catch.

The Gulf of Mexico Fishery Management Council proposed management measures which include the following:

1. Establish a "stressed area" in the nearshore waters in which special management applies.

2. Prohibit the use of "bang sticks", roller trawls or fish traps inside the stressed area.

3. Require degradable panels on fish traps.

4. Require that traps be constructed of 1" by 2" or larger mesh and not exceed 54 cubic feet in volume.

5. Limit the number of traps per vessel to 200.

6. Prohibit the use of poisons or explosives in the fishery.

7. Prohibit harvesting of traps at night and pulling another person's trap(s).

8. Prohibit possession or more than five red snapper less than 12 inches in fork length, but exclude trawling vessels from this possession limit.

9. Provide the mechanism for instituting other bag or size limits through the regulatory amendment process.

10. Require permits for fish trap vessels and color code identification of fish traps and vessels.

11. Institute a statistical data reporting system.

Dated: March 24, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9398 Filed 3-27-80; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 45, No. 62
Friday, March 28, 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

Gospel-Hump Advisory Committee; Meeting

The Gospel-Hump Advisory Committee will meet at 7 p.m., May 5, 1980, in the meeting room of the Smokejumpers Barracks, Grangeville Airport, Grangeville, Idaho. The purpose of this meeting will be to discuss analysis units and management prescriptions for the Gospel-Hump portion of the Nezperce Forest Integrated Plan.

The meeting will be open to the public. Persons who wish to attend shold notify Ed Laven, 319 East Main, Grangeville, Idaho; telephone 208/983-1950. Written statements may be filed with the committee before or after the meeting.

Dated: March 20, 1980.

Don Biddison,

Forest Supervisor.

[FR Doc. 80-9399 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-11-M

Siuslaw National Forest; Benton, Coos, Douglas, Lane, Lincoln, Polk, Tillamook, and Yamhill Counties, Oreg.; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Forest Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for the Siuslaw National Forest Land and Resource Management Plan. This Forest Plan will be developed in accordance with established direction for land and resources management planning (36 CFR 219). The Plan will be sensitive to public issues. Tentative issues, concerns, and resource opportunities have been identified from past public input and forest management activities. These will be presented to the public in April 1980. Public participation will be through written responses and attendance at workshops on various activities within the process. National and Regional issues and concerns which appropriately pertain to the Siuslaw National Forest will be considered; as well as input received and provided by the public and interested representatives of state, county, and local governments. From this total input, a final set of issues, concerns, and opportunities will be developed. These will guide the planning process, where a range of alternatives for resource allocation and management will be developed.

R. E. Worthington, Regional Forester, Pacific Northwest Region, is the responsible official. Questions about the proposed action and environmental impact statement should be directed to Tony Vander Heide, Land Management Planning Staff, Siuslaw National Forest (phone (503) 757-4496).

It is anticipated that the entire environmental analysis will require about 3 years. The draft environmental impact statement should be available for public review by December 1982. The final environmental impact statement is scheduled to be completed in December 1983.

Comments and suggestions concerning the analysis for the Forest Plan should be sent to Larry A. Fellows, Siuslaw National Forest, P.O. Box 1148, Coravallis, Oregon 97330.

James F. Torrence,

Acting Regional Forester.

March 21, 1980.

[FR Doc. 80-9464 Filed 3-27-80; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 37450; Order 80-3-150]

Application of United Air Lines, Inc., for Compensation for Losses; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of March, 1980.

On November 28, 1978, United Air Lines, Inc. filed a 90-day notice under section 401(j)(1) of the Act announcing its intent to suspend air service at Visalia, California effective June 8, 1979. By Order 79-6-35 the Board prohibited United's suspension for 30 days.[1]

On January 21, 1980, United filed a request for compensation for losses at Visalia, claiming a cumulative loss, including a profit element, of $608,183 for the period June 8, 1979, through November 18, 1979. United alleges that its compensation request was calculated on the basis of the most recent cost and investment data available—third quarter, 1979—applied to actual operations to Visalia; that its costing conforms with the Board's Version-6 methodology, used in all major rate investigations; that its revenue includes an allocation for passengers using through or connecting service on a joint or through fare; and that its profit was calculated by assigning system capital costs to each point as has been done by the Board in rate and route cases.

We have reviewed United's petition and find that the information contained therein reasonably supports the requested compensation on an interim basis except for the profit element. Since interim compensation rates are subject to adjustment, we elect to treat them as temporary rates and recognize only operating losses and interest on long term debt, which is consistent with 399.30 of our Economic Regulations. A profit element will be considered when we propose a final settlement of the carrier's claim.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204, 419, and 1002(b), and the regulations promulgated in 14 CFR 302 and 324;

1. We set in interim level of compensation for losses sustained by United Air Lines, Inc., by virtue of its provision of essential air service to Visalia, California, at $564,559 [2] for the period June 8, 1979 through November 18, 1979;

2. The proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate of compensation set here; and

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the **Federal Register.**

[1] By various orders we extended this obligation for additional 30-day periods.

[2] Claim of $608,183 less profit element of $43,624.

All Members concurred except Member Schaffer who did not participate.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9979 Filed 3-27-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37478; Order 80-3-151]

Application of United Air Lines, Inc., for Compensation for Losses; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of March, 1980.

On July 27, 1979, United Air Lines, Inc. filed a 90-day notice under section 401(j)(1) of the Act announcing its intent to suspend air service at Bakersfield, California effective October 28, 1979. By Order 79-10-166 the Board prohibited United's suspension for 30 days.[1]

On January 21, 1980, United filed a request for compensation for losses at Bakersfield. United claims a cumulative loss, including a profit element, of $120,615 for the period October 28, 1979, through November 26, 1979, and seeks an interim rate of compensation in that amount for each 30-day period of compulsory service. United alleges that its compensation request was calculated on the basis of the most recent cost and investment data available—third quarter, 1979—applied to actual operations to Bakersfield; that its costing conforms with the Board's Version-6 methodology, used in all major rate investigations; that its revenue includes an allocation for passengers using through or connecting service on a joint or through fare; and that its profit was calculated by assigning system capital costs to each point as has been done by the Board in rate and route cases.

We have reviewed United's petition and find that the information contained therein reasonably supports the requested compensation on an interim basis except for the profit element. Since interim compensation rates are subject to adjustment, we elect to treat them as temporary rates and recognize only operating losses and interest on long term debt, which is consistent with 399.30 of our Economic Regulations. A profit element will be considered when we propose a final settlement of the carrier's claim.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204, 419, and 1002(b), and the regulations promulgated in 14 CFR 302 and 324;

1. We set an interim level of compensation for losses sustained by United Air Lines, Inc., by virtue of its provision of essential air service to Bakersfield, California, of $265,644 for the period October 28, 1979 through January 7, 1980;[2]

2. The proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate of compensation set here; and

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

All Members concurred except Member Schaffer who did not participate.

[FR Doc. 80-9475 Filed 3-27-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37479; Order 8-3-152]

Application of United Air Lines, Inc., for Compensation for Losses; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of March, 1980.

On July 27, 1979, United Air Lines, Inc. filed a 90-day notice under sections 401(j) (1) and (2) of the Act and Part 323 of our Procedural Regulations announcing its intent to suspend air service at Modesto, California effective October 28, 1979. By Order 79-10-166 the Board prohibited United's suspension for 30 days.[1]

On January 21, 1980, United filed a request for compensation for losses at Modesto. United claims a cumulative loss, including a profit element, of $97,726 for the period October 28, 1979 through November 26, 1979, and seeks an interim rate of compensation in that amount for each 30-day period of compulsory service. United alleges that its compensation request was calculated on the basis of the most recent cost and investment data available—third quarter, 1979—applied to actual operations to Modesto; that its costing conforms with the Board's Version-6 methodology, used in all major rate investigations; that its revenue includes an allocation for passengers using through or connecting service on a joint or through fare; and that its profit was calculated by assigning system capital costs to each point as has been done by the Board in rate and route cases.

We have reviewed United's petition and find that the information contained therein reasonably supports the requested compensation on an interim basis except for the profit element. Since interim compensation rates are subject to adjustment, we elect to treat them as temporary rates and recognize only operating losses and interest on long term debt, which is consistent with 399.30 of our Economic Regulations. A profit element will be considered after United's forced service requirement is terminated, and when we propose a final settlement of the carrier's claim.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204, 419, and 1002(b), and the regulations promulated in 14 CFR 302 and 324;

1. We set an interim level of compensation for losses sustained by United Air Lines, Inc., by virtue of its provision of essential air service to Modesto, California, of $432,535 [2] for the period October 28, 1979 through March 15, 1980;

2. The proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than or higher than the interim rate of compensation set here; and

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9476 Filed 3-27-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37480; Order 80-3-153]

Application of United Air Lines, Inc., for compensation for losses; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of March, 1980.

On July 27, 1979, United Air Lines, Inc. filed a 90-day notice under sections 401(j) (1) and (2) of the Act and Part 323

[1] By various orders we extended this obligation for additional 30-day periods.

[2] Although United served Bakersfield until the end of January, on January 8 it replaced its jet service with Convair-580 service. We will need information pertinent to its Convair service before compensating United for the remainder of January 1980. The interim rate set herein is calculated at $110.685 per 30-day period (claim of $120,615 less profit element of $9,930). Claim period covers two and two-fifths compulsory periods.

[1] By various orders we have extended this obligation for additional 30-day periods, the latest through March 25, 1980. United was permitted to terminate service in this market effective March 15, 1980, by Order 80-3-38.

[2] Calculated at $92,686 per 30-day period (claim of $97,726 less profit element of $5,040). Claim period covers four and two-thirds compulsory periods.

of our Procedural Regulations announcing its intend to suspend air service at Stockton, California effective October 28, 1979. By Order 79–10–166, the Board prohibited United's suspension for 30 days.[1]

On January 21, 1980, United filed a request for compensation for losses at Stockton. United claims a cumulative loss, including a profit element, of $105,101 for the period October 28, 1979 through November 26, 1979, and seeks an interim rate of compensation in that amount for each 30-day period of compulsory service. United alleges that its compensation request was calculated on the basis of the most recent cost and investment data available—third quarter, 1979—applied to actual operations to Stockton; that its costing conforms with the Board's Version-6 methodology, used in all major rate investigations; that its revenue includes an allocation for passengers using through or connecting service on a joint or through fare; and that its profit was calculated by assigning system capital costs to each point as has been done by the Board in rate and route cases.

We have reviewed United's petition and find that the information contained therein reasonably supports the requested compensation on an interim basis except for the profit element. Since interim compensation rates are subject to adjustment, we elect to treat them as temporary rates and recognize only operating losses and interest on long term debt, which is consistent with 399.30 of our Economic Regulations. A profit element will be considered after United's forced service requirement is terminated, and when we propose a final settlement of the carrier's claim.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204, 419, and 1002(b), and the regulations promulgated in 14 CFR 302 and 324;

1. We set an interim level of compensation for losses sustained by United Air Lines, Inc., by virtue of its provision of essential air service to Stockton, California, of $471,291 [2] for the period October 28, 1979 through March 15, 1980;

2. The proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate of compensation set here; and

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–9477 Filed 3–27–80; 8:45 am]

BILLING CODE 6320–01–M

[1] By various orders we have extended this obligation for additional 30-day periods, the latest through March 25, 1970. United was permitted to terminate service in this market effective March 15, 1980, by Order 80–3–38.

[2] Calculated at $100,991 per 30-day period (claim of $105,101 less profit element of $4,110). Claim period covers four and two-thirds compulsory periods.

[Docket 37573; Order 80–3–154]

Application of United Air Lines, Inc. for Compensation for Losses; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of March 1980.

On October 18, 1979, United Air Lines, Inc. filed a 90-day notice under section 401(j)(2) of the Act and Part 323 of our Procedural Regulations announcing its intent to suspend air service at Youngstown, Ohio effective December 2, 1979. By Order 79–11–193 the Board prohibited United's suspension for 30 days.[1]

On February 1, 1980, United filed a request for compensation for losses at Youngstown. United claims a cumulative loss, including a profit element, of $100,966 for the period December 2 through December 31, 1979, and seeks an interim rate of compensation in that amount for each 30-day period of compulsory service. United alleges that its compensation request was calculated on the basis of the most recent cost and investment data available—third quarter, 1979—applied to actual operations to Youngstown; that its costing conforms with the Board's Version-6 methodology, used in all major rate investigations; that its revenue includes an allocation for passengers using through or connecting service on a joint or through fare; and that its profit was calculated by assigning system capital costs to each point as has been done by the Board in rate and route cases.

We have reviewed United's petition and find that the information contained therein reasonably supports the requested compensation on an interim basis except for the profit element. Since interim compensation rates are subject to adjustment, we elect to treat them as temporary rates and recognize only operating losses and interest on long term debt, which is consistent with 399.30 of our Economic Regulations. A profit element will be considered after United's forced service requirement is terminated, when we propose a final settlement of the carrier's claim.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204, 419, and 1002(b), and the regulations promulgated in 14 CFR 302 and 324;

1. We set the interim level of compensation for losses sustained by United Air Lines, Inc., by virtue of its provision of essential air service to Youngstown, Ohio, at $95,086 for each 30-day period beginning December 2, 1979, *provided,* that for any period of less than 30 days, the interim rate of compensation shall be $3,170 per day times the number of days that essential air service is provided;

2. The proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate of compensation set here; and

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the **Federal Register.**

All Members concurred except Member Schaffer who did not participate.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–9478 Filed 3–27–80; 8:45 am]

BILLING CODE 6320–01–M

[1] By various orders we have extended this obligation for additional 30-day periods, the latest through April 1, 1980.

[Dockets 33363 and 36234]

Former Large Irregular Air Service Investigation; Application of Silvas Air Lines, Inc.; Notice of an Additional Hearing

On February 8 and 11, 1980, a hearing in the above-entitled proceeding was held before me pursuant to Notice (45 FR 3625, January 18, 1980). On March 7, 1980, the Bureau of Domestic Aviation filed a motion to reopen the record. After careful consideration of all the pleadings, I have decided to reopen the record for an additional hearing in the aforesaid matter.

Accordingly, Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the matter of the application of Silvas Air Lines, Inc., will be held on April 14, 1980, at 9:30 a.m. (local time), in Hearing Room 1003D, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C. 20428, before me.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 24, 1980.

Marvin H. Morse,

Administrative Law Judge.

[FR Doc. 80-9479 Filed 3-27-80; 8:45 am]

BILLING CODE 6320-01-M

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 March 21, 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 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 application in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other then 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
3-17-80	37874	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 an amendment of its existing certificate of public convenience and necessity for Route 87 or for a new certificate so as to authorize Piedmont to engage in air transportaion of persons, property and mail as follows: Between the terminal point Denver, Colorado and the alternate points Las Vegas, Nevada and Phoenix, Arizona. Answers may be filed by April 7, 1980.
3-18-80	37881	KLM Royal Dutch Airlines, c/o Paul V. Mifsud, 437 Madison Avenue, New York, New York 10022. Application of KLM Royal Dutch Airlines for issuance of a renewed, amended, foreign air carrier permit pursuant to Section 402 of the Act, under Subpart Q of the Board's Regulations as follows: (1) Between a point or points in The Netherlands and the terminal point Anchorage, Alaska, with respect to persons, property and mail. (2) Between a point or points in The Netherlands 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 accompanying baggage. (Anchorage Stop-Over Service). Answers may be filed by April 15, 1980.
3-18-80	37888	Republic Airlines, Inc., Hartsfield Atlanta Int'l Airport, Atlanta, Georgia 30320. Application of Republic Airlines, Inc. pursuant to Section 401 of the Act, under Supart Q of the Board's Regulations requests amendment of its certificate of public convenience and necessity for Route 86 so as to authorize it to engage in nonstop air transportation of persons, property and mail on a subsidy-ineligible basis in the following city-pair markets: Baltimore, Maryland—Cincinnati, Ohio. Cincinnati, Ohio—Nashville, Tennessee. Houston, Texas—Nashville Tennessee. Answers may be filed by April 1, 1980.
3-18-80	37886	Hughes Air Corp., d/b/a Hughes Airwest, San Francisco International Airport, San Francisco, California 94128. Application of Hughes Air Corp., d/b/a Hughes Airwest pursunt to Section 401 and Part 201 of the Board's Economic Regulations requests an amendment to its certificate of public convenience and necessity for Route 76 so as to remove the present one-stop restriction upon the air transportation of persons, property, and mail between the following points: Denver, Colorado, and Houston, Texas. Conforming Applications and Answers are due by April 1, 1980.
3-19-80	37892	United Air Lines, Inc., P.O. Box 66100, Chicago, Illinois 60666. Application of United Air Lines, Inc. pursuant to Section 401 of the Act and part 201 of the Board's Economic Regulations, and Subpart Q of the Board Regulations requests amendment of its Certificate of Public Convenience and Necessity for Route 1 so as to authorize it to engage in such transportation over Routes 1 and 57. Answers may be filed by April 7, 1980.
3-20-80	37902	Hughes Air Corp., d/b/a Hughes Airwest, San Francisco International Airport, San Francisco, California 94128. Application of Hughes Air Corp., d/b/a Hughes Airwest pursuant to Section 401 of the Act, and Part 201 of the Board's Economic Regulations and Subpart Q of the Board's Regulations requests an amendment to its certificate of public convenience and necessity for Route 76 so as to remove the present one-stop restriction upon the air transportation of persons, property, and mail between the following points: Denver, Colorado, and Phoenix, Arizona. Answers may be filed by April 3, 1980.
3-20-80	37903	Hughes Air Corp., d/b/a Hughes Airwest, San Francisco International Airport, San Francisco, California 94128. Application of Hughes Air Corp., d/b/a Hughes Airwest pursuant to Section 401 of the Act and Part 201 of the Board's Economic Regulations and Subpart Q of the Board's Regulations requests an amendment to its certificate of public convenience and necessity for Route 76 so as to remove the present one-stop restriction upon the air transportation of persons, property, and mail between the following points: Seattle, Washington, and Phoenix, Arizona. Answers may be filed by April 3, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9980 Filed 3-27-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Magco Plastics, Inc., 4 Mill Street, Cumberland, Rhode Island 02864, a producer of plastic jewelry, hunting decoys, boxes and packaging (accepted March 11, 1980); (2) Piedmont Industries, Inc., 1250 Broadway, New York, New York 10001, a producer of men's and boys' shirts and pants (accepted March 11, 1980); (3) Bergen Knitting Mills, Inc., P.O. Box 707, Union City, New Jersey 07087, a producer of men's, women's and children's sweaters (accepted March 11, 1980); (4) Bertlyn Industries, Inc., 261 Madison Avenue, New York, New York 10016, a producer of women's footwear (accepted March 11, 1980); (5) T & J Cedar, Inc., 801 Crossing Street, Raymond, Washington 98577, a producer of cedar shakes and shingles (accepted March 11, 1980); (6) F & T Jewelry Company, Inc., 220 West 19th Street, New York, New York 10011, a producer of jewelry (accepted March 11, 1980); (7) Samson Altman, Inc., 169 Elm Street, Waltham, Massachusetts 02154, a producer of women's jackets, suits, dresses, skirts, pants and blouses (accepted March 11, 1980); (8) J'Mar Glove Company, 66 East Fulton Street, Gloversville, New York 12078, a producer of gloves (accepted March 11, 1980); (9) Orofino Fine Jewelers, Inc., 17177 Ventura Boulevard, Encino, California 91316, a producer of jewelry (accepted March 12, 1980); (10) Margaret's Doll Clothing Company, Inc., 85 Fairmont Street, Fitchburg, Massachusetts 01420, a producer of doll clothing (accepted March 12, 1980); (11) Lefeber Bulb Company, Inc., 1345 Memorial Highway, Mount Vernon, Washington 98273, a producer of flower bulbs, grain, vegetables and seed (accepted March 14, 1980); (12) Niacet Corporation, 47th Street and Pine Avenue, Niagara Falls, New York 14302, a producer of sodium acetate (accepted March 14, 1980); (13) Alpine Designs, Inc., 1745 South Acoma Street, Denver, Colorado 80223, a producer of sports jackets, vests and coveralls (accepted March 17, 1980); (14) Antenna and Vehicle Accessories, Inc., 1321 8th Street SE., Waseca, Minnesota 56093, a producer of CB radio antennas (accepted March 17, 1980); (15) Reed & Prince Manufacturing Company, One Duncan Avenue, Worcester, Massachusetts 01603, a producer of screws (accepted March 17, 1980); (16) Gemini Fashions, 131 35th Street, Union City, New Jersey 07087, a producer of women's coats (accepted March 17, 1980); (17) The Ostrom Company, 8323 Steilacoom Road SE., Olympia, Washington 98503, a processor of mushrooms (accepted March 17, 1980); (18) Wex-Tex Industries, Inc., P.O. Box X, Ashford, Alabama 36312, a producer of men's and women's sleepwear (accepted March 19, 1980); (19) Rondalco Industries, 498 Seventh Avenue, New York, New York 10018, a producer of women's dresses (accepted march 19, 1980); (20) Pearlette Fashions, Inc., 1370 Broadway, New York, New York 10018, a producer of women's blouses, vests, skirts, pants and jackets (accepted March 19, 1980); (21) Ford Cedar Products, Inc., 33021 Cemetery Road, Sultan, Washington 98294, a producer of cedar shakes (accepted March 19, 1980); (22) Maple Tree, Inc., P.O. Box 73, Maplesville, Alabama 36750, a producer of women's blouses and dresses (accepted March 19, 1980); and (23) Belmont Garment Company, 169 Bridge Street, Cambridge, Massachusetts 02141, a producer of men's coats (accepted March 19, 1980).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 80-9384 Filed 3-27-80; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

Administrative Review of Antidumping Determinations

AGENCY: U.S. Department of Commerce.

ACTION: Notice of Administrative Review of Antidumping Findings/Orders.

SUMMARY: This notice is to advise the public that the Department of Commerce will review and determine the amount of any dumping duties at least once during the 12-month period beginning on the anniversary of the date of publication of all findings under the Antidumping Act, 1921, or orders under the Trade Agreements Act of 1979. Current findings and their dates of publication are listed in the Appendix to this notice. This notice is published pursuant to Section 751 of the Tariff Act of 1930, as amended.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–566–3435).

SUPPLIMENTARY INFORMATION: Pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (93 Stat. 175, 19 U.S.C. 1675(a)(1)), this notice is to advise the public that the Department of Commerce is conducting an administrative review of findings of dumping under the Antidumping Act, 1921, to determine the foreign market value and United States price of each entry of merchandise subject to the finding and included within the determination (i.e., for each

finding, all entries with dates of purchase or export, as appropriate, occuring subsequent to the period covered by the last published master list, or, as a minimum, the last 12-month period); and to determine the amount, if any, by which the foreign market value exceeds the United States price.

Section 751(a)(1) provides that administrative review take place at least once during the 12-month period beginning on the anniversary of the date of publication of all findings under the Antidumping Act, 1921, or orders under title VII of the Tariff Act of 1930, as amended (93 Stat. 150). Current findings and their dates of publications are listed in the Appendix to this notice. The administrative review of the findings listed in appendix will be completed by the anniversary in 1981 of the date of publication of the finding. Questionnaires are being, or will be, delivered to affected foreign manufacturers, producers or exporters. The responses will be analyzed and then, in accordance with section 353.53(d) of the Commerce Regulations (19 CFR 353.53(d), 45 FR 8205), the parties to the proceeding can request disclosure of the non-confidential information (or, pursuant to an administrative protective order, of confidential information) on the basis of which the determination will be made. Where disclosure is requested, it will be made generally about 30 days prior to the date a notice of review is published. Written views may be presented, and an opportunity to present oral views may be requested, by any party to whom disclosure was made. After providing an opportunity for comment by interested parties, the Department of Commerce will publish in the **Federal Register** the results of such review, together with notice of any antidumping duties to be assessed and estimated antidumping duties to be deposited.

This notice is published pursuant to section 751(a)(1) of the Act (93 Stat. 175, 19 U.S.C. 1675(a)(1)).

John D. Greenwald,

Deputy Assistant Secretary Import Administration.

March 21, 1980.

Appendix

Antidumping Orders

Finding dates	Commodity	Country
1/16/74	Expanded metal, of base metal.	Japan
1/17/74	Calcium pantothenate	Japan
1/31/78	Railway track maintenance equipment.	Austria
2/02/77	Melamine in crystal form	Japan
2/18/76	Three-ply birch doorskins	Japan
2/27/74	Racing plates (aluminum horseshoes).	Canada
3/10/71	TV receivers	Japan

Appendix—Continued

Antidumping Orders

Finding dates	Commodity	Country
3/13/71	Ferrite cores (of the type used in consumer electronic products).	Japan
3/14/72	Ice cream sandwich wafers	Canada
3/21/79	Viscose rayon staple fiber	Finland
3/21/79	Viscose rayon staple fiber	France
3/23/73	Canned Bartlett pears	Australia
4/01/72	Diamond tips for phonograph needles.	U.K.
4/07/70	Steel reinforcing bars	Australia
4/12/73	Roller chain, other than bicycle.	Japan
4/13/79	Bicycle tires and tubes	S. Korea
4/21/61	Portland cement, other than white non-staining.	Sweden
4/21/64	Steel reinforcing bars	Canada
5/04/63	Portland cement, other than white non-staining.	Dominican Rep.
5/07/71	Clear plate and float glass	Japan
5/18/71	Clear sheet glass	Japan
5/18/71	Ceramic wall tile	U.K.
5/18/79	Perchlorethylene	Belgium
5/18/79	Perchlorethylene	France
5/18/79	Perchlorethylene	Italy
5/25/78	Impression fabric	Japan
5/30/78	Carbon steel plate	Japan
6/02/61	Portland cement, other than white non-staining.	Belgium
6/05/72	Large power transformers	Japan
6/08/73	Stainless steel plate	Sweden
6/09/72	Fish netting	Japan
6/10/74	Picker sticks	Mexico
6/13/79	Carbon steel plate	Taiwan
6/13/79	Viscose rayon staple fiber	Italy
6/13/79	Sugar	Belgium
6/13/79	Sugar	W. Germany
6/13/79	Sugar	France
6/14/72	Large power transformers	Italy
6/14/72	Large power transformers	U.K.
6/14/72	Large power transformers	France
6/28/72	Elemental sulphur	Mexico
6/30/78	PVC sheet and film	Taiwan
7/10/73	Synthetic methionine	Japan
7/16/71	Pig iron	Canada
7/16/71	Pig iron	Finland
7/16/71	Pig iron	W. Germany
7/27/79	Methyl Alcohol (Methanol)	Canada
8/04/72	Cadmium	Japan
8/17/76	Tapered roller bearings	Japan
8/20/71	Clear sheet glass	Taiwan
8/24/73	Printed vinyl film	Argentina
8/24/73	Printed vinyl film	Brazil
8/28/68	Titanium sponge	U.S.S.R.
8/28/73	Stainless steel wire rods	France
8/30/76	Acrylic sheet	Japan
9/07/77	Swimming pools	Japan
9/07/77	Parts of paving equipment	Canada
9/13/66	Steel jacks	Canada
9/21/79	Condenser paper	France
9/21/79	Condenser paper	Finland
9/25/64	Steel bars & Structural shapes.	Canada
9/25/71	Tempered sheet glass	Japan
9/27/72	Instant potato granules	Canada
10/15/73	Steel wire rope	Japan
10/18/68	Pig iron	E. Germany
10/18/68	Pig iron	Romania
10/18/68	Pig iron	U.S.S.R.
10/21/77	Pressure sensitive tape	Italy
10/29/68	Pig iron	Czechoslovakia
11/02/72	Drycleaning machinery	W. Germany
11/19/75	Electric golf carts	Poland
11/22/72	Bicycle speedometers	Japan
11/27/78	Viscose rayon staple fiber	Belgium
12/06/73	Polychloroprene rubber	Japan
12/09/71	Clear sheet glass	Italy
12/12/70	Tuners	Japan
12/17/73	Elemental sulphur	Canada
12/18/78	Steel strand for prestressed concrete.	Japan
12/19/69	Potash	Canada
12/22/77	Inedible gelatin & animal glue	W. Germany
12/22/77	Inedible gelatin & animal glue	Netherlands
12/22/77	Inedible gelatin & animal glue	Yugoslavia
12/22/77	Inedible gelatin & animal glue	Sweden

[FR Doc. 80-9376 Filed 3-27-80; 8:45 am]

BILLING CODE 3510-22-M

Certain Fresh Winter Vegetables From Mexico; Antidumping: Final Determination of Sales at Not Less Than Fair Value

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Final Determination of Sales at Not Less Than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that certain fresh winter vegetables from Mexico are not being sold at less than fair value within the meaning of Section 735 of the Tariff Act of 1930, as amended. Generally, sales at less than fair value occur when merchandise exported to the United States is sold in the U.S. at a price which is less than (a) the price of such or similar merchandise sold in the home market, (b) in the absence of a viable home market, the price at which it is sold in a third country or (c) the constructed value.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Shannon Stock Shuman, Office of Policy, Import Administration, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202–566–8256).

SUPPLEMENTARY INFORMATION: On October 19, 1979, a petition in proper form was received pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel on behalf of the Southwest Florida Winter Vegetable Growers Association, the Palm Beach-Broward Farmers Committee for Legislative Action, Inc., and the South Florida Tomato and Vegetable Growers, Inc., alleging that certain fresh winter vegetables from Mexico are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C. 160 *et seq.*).

An "Antidumping Proceeding Notice and Tentative Determination of Sales at Not Less Than Fair Value" was published in the **Federal Register** of November 5, 1979 (44 FR 63588). On January 1, 1980, the antidumping provisions (Title I) of the Trade Agreements Act of 1979 became effective, and the Antidumping Act of 1921, was repealed. (Sections 106(a), 107, Trade Agreements Act of 1979, 93 Stat. 193, 19 U.S.C. 1671 note). The Department of Commerce subsequently determined that the transition rules of the 1979 Act covered pending

investigations of less-than-fair-value sales in which no final determinations had been made but in which tentative negative, as well as tentative affirmative, determinations had been made by December 31, 1979.

There had been some doubt about whether the act covered tentative negative determinations, because Sec. 102(b)(a) can be read as containing an explicit reference to tentative *affirmative* determinations but no such reference to tentative *negative* determinations. However, but for the comma between the words "determination" and "that" (emphasized below) in section 102(b)(2) of the statute, coverage of tentative negative determinations would be explicit:

> If the Secretary has made * * * a preliminary determination, but not a final *determination, that* imports * * * are being or are likely to be sold * * * at less than fair value * * *, the investigation shall be terminated and the matter previously under investigation shall be subject to the provisions of Title VII of the Tariff Act of 1930 as if the preliminary determination under the Antidumping Act, 1921, were a preliminary determination under section 733 * * *" (93 Stat. 189, 19 U.S.C. 1671 note).

In addition, the introductory clauses of section 102(a) of the 1979 Act (dealing with transition rules for pending countervailing duty investigations) and section 102(b) of the 1979 Act parallel each other and are all-inclusive in their reference to pending investigations. Moreover, other provisions of the 1979 Act, such as sections 2 (a) and 1002 (93 Stat. 147, 306, 19 U.S.C. 2503(a), 1516a note), refer indirectly to all preliminary determinations.

The House Report on the 1979 Act clearly indicates Congressional intent that all tentative determinations be covered by the transition rules. The House Report states: "With respect to pending antidumping and countervailing duty investigations, the last determination made under the old law will be treated as having been made under new law and the time limits and procedures of the new law will subsequently apply." (H.R. Rep. No. 317, 96th Cong., 1st Sess. at 78 (1979). The Senate Report is equally clear. (See S. Rep. No. 249, 96th Cong., 1st Sess, at 102 (1979)).

In light of the Department's conclusion that the transition rules of the 1979 Act apply to tentative negative, as well as tentative affirmative, determinations pursuant to section 102(b)(2) of the 1979 Act, the investigation under the 1921 Act covering certain fresh winter vegetables from Mexico terminated on January 1, 1980, and the matter became subject to the provisions of Title VII of the Tariff Act of 1930 (93 Stat. 150 *et seq.*) as if the preliminary determination under the 1921 Act were a preliminary determination under section 733 of the Tariff Act of 1930, as amended (93 Stat. 163, 19 U.S.C. 1673b), made on January 1, 1980.

For purposes of this determination, the term "certain fresh winter vegetables" means fresh cucumbers, eggplant, peppers, squash, and tomatoes (except cherry tomatoes), the product of Mexico, provided for in items 135.90 through 135.92, 136.20 through 136.22, 137.10, 137.50, and 137.60 through 137.63, of the Tariff Schedules of the United States and meeting the United States Department of Agriculture minimum standards for grades as set out in 7 CFR 51.2220 through 51.2239. 51.2190 through 51.2207, 51.3270 through 51.3286, 51.4030 through 51.4062, and 51.1855 through 51.1877. This investigation concerns only vegetables shipped during the winter vegetable season and covers of entries during the period November 1 in any year through the last day of the following April.

Determination of Sales at Not Less Than Fair Value

On the basis of the information developed in this investigation and for the reasons noted below, I hereby determine, pursuant to section 735(a) of the Tariff Act of 1930, as amended (93 Stat. 169, 19 U.S.C. 1673d(a)) (hereinafter "the Act"), that certain fresh winter vegetables from Mexico are not being, and are not likely to be, sold in the United States at less than fair value.

Reasons for Determination

a. *Scope of Investigation.* As indicated, this investigation covers the vegetables enumerated above imported into the United States between November 1, 1977, and April 30, 1978.

The Commerce Department and, prior to January 1, 1980, the Customs Service, analyzed data reflecting the activities of thirty-four grower units which account for approximately fifteen percent of the imports of these winter vegetables from Mexico. The sample, which was selected by the Customs Service, includes the largest individual producers of these vegetables as well as some middle- and small-sized growers. Most growers produce more than one type of vegetable. The sample covers fifty-six distinct combinations of grower and vegetable.

Approximately two thousand growers of these vegetables in Mexico export their winter crop to the United States. There are hundreds of thousands of vegetable sales transactions in the course of a season. The sample used covers approximately 58,000 transactions and is statistically representative of all transactions across all growers and throughout the season in light of the fungibility of the product of different growers. The sample is large enough to ensure that, by all conventional statistical measures, it yields meaningful results. There is no evidence that enlarging the sample would materially alter the results. In fact, the sample was enlarged by about 50 percent after the preliminary determination. The additional data had the effect of refining but not materially changing the earlier results.

Petitioners have argued that the sample is unrepresentative of Mexican growers who export fresh winter vegetables. They contend that large growers are disproportionately represented in the sample. However, growers in the survey were selected so as to reflect the importance of each of the products subject to this investigation. The sample was designed to include a fair representation of size of grower operations in the State of Sinaloa, as well as to provide the largest sample of imports possible. Moreover, there is no evidence on the record that costs of production and marketing behavior correlate in any way with grower size.

b. *Inclusion of Perishable Merchandise Under the Antidumping Law.* Early in the initial investigation, a question was raised as to whether perishable agricultural commodities are within the scope of the antidumping law. There is nothing in the law itself that supports the notion that perishable merchandise is excluded. Further, there is precedent for the investigation of perishable commoditis under the Antidumping Act of 1921. See *Concord Grapes from Canada* (34 FR 7460 (1969)), *Chicken Eggs in the Shell from Mexico* (36 FR 5387 (1971)), and *Chicken Eggs in the Shell from Canada* (40 FR 16687 (1975)). Moreover, a comprehensive review of the legislative history of the Act makes it clear that agricultural commodities are subject to its provisions.

The first antidumping provision appeared in the Underwood Tariff bill of 1913, H.R. 3321, 63d Cong., 1st Sess. That provision was passed by the House but deleted from the Underwood bill as reported by the Senate Finance Committee. The Underwood bill was, in the main, an emergency tariff bill directed toward various agricultural products. In the debates, agricultural products were specifically mentioned as being subject to its provisions. See, e.g.,

50 Cong. Rec. 1236 (1913) (remarks of Representative Switzer).

The provision that became the Antidumping Act of 1921 was part of the Emergency Tariff Act of 1921, H.R. 2435, 67th Cong., 1st Sess. As with the 1913 legislation, Congressional debate concentrated on the bill's tariff aspects, all of which were related to agricultural products. Most of the rather limited debate on the dumping provision concerned whether it was *limited* to agricultural products, and assurances were provided that the antidumping provision was not so circumscribed but applied to *all* goods, incluing manufactured goods. Indeed, so clear was the understanding that the Act would cover agricultural products that the real concern centered upon whether manufactured goods were included. (See, e.g., 61 Cong. Rec. 327–38 (Remarks of Rep. Green); 61 Cong. Rec. 1020–21 (Colloquoy of Sens. McCumber & Harrison)).

In addition, as discussed below, the law provides sufficient flexibility to allow the Department to take into account the unique factors which arise in the case of perishable agricultural goods in determining whether such goods are being, or are likely to be, sold at less than fair value. Indeed, the Department must administer the antidumping law in a manner which reflects economic reality and is consistent with the basic purpose of the Act. In this connection, any decision in this case must take into account the special characteristics of the fresh winter vegetable industry and market.

c. *Characteristics of the Industry.* The approximately two thousand growers of fresh winter vegetables located in the State of Sinaloa in Northwest Mexico sell their crops primarily to buyers in the United States and Canada. They supply approximately 50% of the U.S. market for the fresh winter vegetables subject to this investigation.

The produce of these growers is marketed and distributed in the United States and Canada by approximately fifty distributors who serve as consignees of the merchandise on a commission basis. Most of them are located in Nogales, Arizona. They have exclusive responsibility for negotiating the highest price and most favorable terms possible. Although the growers retain title over their produce until sale, they have no effective control over the prices at which, and the buyers to whom, their produce is sold.

There are a number of other points which distinguish growers of fresh winter vegetables (and, for that matter, other perishable agricultural commodities) from other industries. The growers do not have the ability to control their production, at least over the short term, and cannot store it. The crop in any one year depends largely upon factors beyond the control of the grower, such as weather or disease. Relatively rapid perishability precludes systematic withholding of output from the market should temporary oversupply depress the price below the cost to produce.

Taken together, these factors prevent the Mexican growers from exercising any real influence on the prices received for their produce within the course of a day, a week, a month or a season.

d. *Characteristics of the Market.* Both petitioners and respondents agree that the U.S. and Canadian markets for fresh winter vegetables are essentially the same, i.e., unitary. There are no Canadian customs duties or other import barriers at the Canadian border to impede the free movement of this merchandise from Mexico through the United States into Canada. The pattern of price movements occurring over the season in the U.S. and Canada is the same.

The investigation produced no evidence of price discrimination—intentional or otherwise—between sales to the U.S. and sales to Canada. Further, there is no evidence that consumer behavior in Canada differs from consumer behavior in the United States. Prices throughout the combined U.S. and Canadian markets reflect aggregate supply and demand conditions.

The price data show significant daily price fluctuation for fresh winter vegetables. This wide price variation reflects certain factors. These factors, which are particularly significant, have been isolated in our investigation. They are: the quality of the produce, its color or ripeness and the time of day of sale.

There is considerable evidence on the record describing the general impact on sales price of quality variations, ripeness, and expected shelf-life. In fact, one purchaser indicated that ripeness alone can account for price discounting of as much as 50% off the price of typical high quality produce. Price is similarly adjusted to take into consideration bruises and other quality factors which affect the desirability and perishability of the vegetables. Typically, the farther a buyer is from Nogales, the more he demands a less ripe product of high quality which will withstand up to four days transportation time. In contrast, vegetables of inferior quality or near full ripeness are typically sold to buyers closer to Nogales. This merchandise would not survive several days on the road, and prices are, accordingly, lower. Canada is not a viable market for very low quality or very ripe merchandise. The evidence indicates low incidence of sales of such distressed merchandise.

There is also evidence that the time of day of a sale can have a significant price impact. Prices vary hourly depending on aggregate supply and demand and tend to dip towards the day's end as sellers seek to minimize the costs of holding merchandise overnight.

Although it is clear that these three factors have a significant impact upon prices at all times, the volume of transactions (hundreds of thousands) and accepted record-keeping practices of the growers/distributors make it impossible to calculate the degree to which these factors affect price for any particular sale. For this reason, traditional fair-value comparisons, even in the context of the same grower, same day, same vegetable type and size fall far short of insuring complete comparability of transactions in this dynamic volatile market. There is simply no way of isolating, for purposes of comparison, identical merchandise of identical quality, sold under identical circumstances.

e. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the appropriate comparison is a comparison between U.S. purchase price of the merchandise and third country price of such or similar merchandise.

Home market prices could not be used for fair value comparison purposes since vegetables of the types and qualities covered by this investigation are not sold in Mexico in sufficient quantities for fair value comparison purposes. Instead, fair value comparisons for the growers subject to this investigation were based on the prices at which fresh winter vegetables from Mexico were sold to Canada, determined in accordance with § 353.5, Commerce Regulations (19 CFR 353.5, 45 FR 8191).

The investigation was limited to those growers having a sufficient number of sales to Canada to make a fair value comparison valid. Most of the growers submitting information have such sales. The fair value for comparison purposes was calculated as the volume weighted average of a grower's daily Canadian sales of a given vegetable and type. Sales of each of the five vegetables to Canada by each grower represented virtually 100% of each grower's non-U.S. sales and at least 5% of each grower's sales volume to the United States.

Purchase price, as defined in section 772(b) of the Act (93 Stat. 181, 19 U.S.C. 1677a(b)), was used since all export sales to the United States were made to

unrelated U.S. customers by consignees of the Mexican growers. The consignees are located in Nogales, Arizona and execute the sales for a commission. All sales are F.O.B. Nogales. The price charged includes a guarantee that the produce purchased will arrive at its specified destination in the condition agreed upon by the buyer and the consignee.

Data for purposes of calculating purchase price was collected by choosing different days of the week for each week of the investigation for each grower in the sample and requesting information on all transactions executed on those days by a given grower. The sample days in any week varied among the growers. Throughout the season, a given grower reported transactions for every business day of the week.

Adjustments to purchase price were made, whenever applicable, for brokers' and distributors' commissions, U.S. Customs duties and charges, U.S. Department of Agriculture inspection fees, U.S. and Mexican customs house brokerage, freight to Nogales, Mexican export duty and charges and growers' association fees and charges.

With the exception of U.S. Customs duties and charges, the same deductions made to calculate the U.S. price were made to find Canadian price. There are no Canadian Customs duties or charges.

Petitioners have argued strongly that the proper basis for determining fair value in this case is to use a constructed value for the merchandise in question. However, the use of constructed value is not required by the 1979 Act, and § 353.4(b) of the Commerce Regulations (19 CFR 353.4(b), 45 FR 8191) expresses a general preference for the use of third country sales, rather than constructed value, where home market prices cannot be used. Furthermore, use of constructed value in this case would produce a result that manifestly disregards economic reality. One of the main characteristics of the fresh winter vegetable market is wide price variation both within a day and over the season. Petitioners concede that it is normal practice in the industry for individual sales to be below the average cost of production. The economics of the industry, including its profitability, is keyed to performance over the course of a season. The use of a unitary price, such as constructed value, in circumstances such as those presented by this case would necessarily result in less than fair value sales even though sellers are acting in a normal, indeed in a necessary, way given the nature of the industry. Thus, use of constructed value would be inappropriate because it would require finding that an accepted, reasonable and economically necessary practice is unfair.

Just as use of constructed value for purposes of determining fair value would produce results which bear no relationship to economic reality, so too, the mechanical use of an unadjusted average daily Canadian price for comparison purposes would produce equally unjustifiable results. Traditional methodology for establishing fair value based on sales to a third country was developed with reference to the production and marketing of manufactured goods in which output is controllable and price movements are relatively small. Production and marketing of perishable agricultural commodities are radically different. The use of one daily Canadian price for fair value purposes in this case, without appropriate allowance for market price fluctuations, would ignore normal fluctuations caused by variation in the quality of the merchandise, and its ripeness, the time-of-day of the sale. With a large number of buyers and sellers competing for perishible merchandise of variable quality and with supply in the short-term largely beyond the control of the seller, price variation is the expected norm, not the exception.

f. *Sales at Less than Cost of Production.* Petitioners have argued that comparisons to prices to Canada were inappropriate because there are numerous instances of sales below cost. However, section 773(b) of the Act (93 Stat. 183, 19 U.S.C. 1677b(b)) provides for disregarding sales below the cost of production in determining foreign market, or fair, value if such sales have been made over an extended period of time and in substantial quantities and are not at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade. The predecessor of section 773(b)—section 205(b) of the Antidumping Act, 1921—was added to the 1921 Act by the Trade Act of 1974. In its Report on that Act, the Senate Finance Committee expressly indicated that the standards of section 205(b) did not proscribe all sales below cost but rather only below-cost sales which were not normal in the ordinary course of business:

> These standards would not require the disregarding of below-cost sales in every instance, for under normal business practice in both foreign countries and the United States, it is frequently necessary to sell obsolete or end-of-model year merchandise at less than cost * * * Thus, infrequent sales at less than cost, or sales at prices which will permit recovery of all costs based on anticipated sales volume over a reasonable period of time would not be disregarded. (S. Rep. No. 1298, 93rd Cong., 2d Sess. at 173 (1974)).

In the fresh vegetable market, in contrast to markets for industrial products or for agricultural products with longer "shelf life," a relatively high level of sales below cost is normal and to be expected. As mentioned above, growers do not have the ability to control their output, at least over the short-term and cannot store their production. Moreover, the perishability of the produce precludes systematic withholding of the growers' output from the market. Under these circumstances, sales below cost are a normal part of a grower's operations. The grower looks to make his profit over the season as a whole; he does not expect to recover full costs on any individual sale. In fact, in the normal course of business, it is not uncommon for as much as 50% of sales to be below the cost of production.

In this regard, producers in the United States are subject to the same influences, and their normal market behavior is not essentially different from that of the Mexican producers in the investigation. In determining when to exclude below-cost sales from computation of fair value, one must interpret the language of the statute in light of the normal business practice of the industry subject to the investigation. In this case, it would be appropriate to disregard below-cost Canadian sales only if such sales constituted 50% or more of a grower's total sales to Canada of the type of produce under consideration. Moreover, under the methodology adopted, no difference would result if the fair value price comparisons were made on all sales to Canada or only on the above-cost sales for those growers who had substantial below-cost sales.

g. *Methodology for Comparing U.S. and Canadian Sales.* Based on all the evidence in the record, the point of departure for determining whether Mexican vegetables are being sold in the United States market at less than fair value must be that the Canadian and United States markets for fresh winter vegetables are for all practical purposes the same.

All purchases are made through Nogales whether on behalf of U.S. or Canadian buyers. Terms and conditions of sales are the same whether the purchase is for delivery in the U.S. or Canada. The very nature of this marketing and distribution process and all evidence in the record belie the presence of price discrimination—intentional or unintentional—between the U.S. and Canadian markets. To the seller, it is a matter of indifference

whether the merchandise is sold in the U.S. or Canada.

This observation is corroborated by available statistical evidence. A comparison of average Canadian and U.S. sales prices by grower for each of the vegetables subject to the investigation shows that for some growers the average price of sales to the U.S. was higher; for others, the reverse was true—the prices were, on average, slightly higher for the Canadian market.

Additional statistical evidence as to the essential similarity of prices in Canada and the U.S. is illustrated by plotting the range of actual prices in the U.S. and Canada, along with the U.S., Canadian and combined average market prices, on a daily basis over the season. The resulting graph shows clearly that overall price movements are the same in both level and variation. Furthermore, the U.S. daily average price is neither systematically higher nor lower than the average daily price in Canada.

Further, given the clear statistical evidence of the unitary nature of the markets and the absence of any barriers to the free flow of this merchandise across the U.S.-Canadian border, any sustained price discrimination in favor of U.S. buyers almost certainly would result in arbitrage (the reselling of merchandise by a U.S. buyer to a Canadian buyer for profit). There is no evidence that any such practice occurs.

The conclusion that there is no price discrimination between the U.S. and Canadian markets was tested by means of an F-test based on regression analysis. Regression analysis is a statistical technique which seeks to determine if two variables are linearly related. In theory if the U.S. and Canadian markets are unitary, they would have a slope and intercept close to the values of slope = 1 and intercept 0. The linear relationship between U.S. and Canadian prices in our sample was shown to be consistent with price equality because the slope and intercept of the regression equation are close, in a statistical sense, to the values of 1 and 0 respectively. The results of the F-test performed on the regression show conclusively that there is no discrimination in the pricing of fresh winter vegetables sold in the U.S. compared with those sold in Canada.

The antidumping law is directed at "unfair" pricing of imports. The concern is price discrimination, either intentional or inadvertent, between sales in the U.S. market and sales in the home (or third country) market.

In this case, there is no question of price discrimination. The statistical analyses of the available data, as well as the conclusions to be drawn from the qualitative evidence about the nature of the industry and the nature of the market, rule out a finding of sales at less than fair value because of price discrimination.

Statistical analysis does reveal remarkably wide variation in the price of the same vegetables, of the same size, from the same grower, sold within the same day. However, the evidence available indicates clearly that these price swings are a function of a robust "auction" market for fresh winter vegetables in which the price at which any given sale takes place will depend on the quality and ripeness of merchandise involved in the transaction as well as aggregate market forces at the time of sale. The record contains ample evidence that the price variations observed reflect real differences in quality and ripeness, and time of day of sale. These are the kinds of factors for which price adjustments are normally made under section 773(a)(4) of the Act (93 Stat. 183, 19 U.S.C. 1677b(a)(4)).

Differences in quality and ripeness clearly represent differences in the merchandise for which an adjustment under section 773(a)(4)(C) of the Act is appropriate. The fact that different prices prevail at different times within a day represents a circumstance of sale within the meaning of section 773(a)(4)(B). This factor clearly is directly related to the sales under consideration.

Because of the volume (hundreds of thousands) and speed of transactions, standard record keeping practices of the industry do not permit precise quantification of the impact of each of these factors on each individual sale. Nevertheless, the evidence in the aggregate is compelling. The contention that these factors have a direct and substantial impact on price has not been seriously disputed, and moreover, there is nothing in the record to suggest that a given price differential is attributable to anything other than these factors.

The provisions of the 1979 Act dealing with antidumping do not define "fair value," but there is sufficient flexibility under these provisions to allow the Department to administer the law in light of the economic realities of a particular situation.

The evidence on the record does not support any argument that price discrimination lies behind market price volatility. The inherent variability in sales price as a result of quality, ripeness, shelf-life, and time of day of sale, as described above, leads to the conclusion that were it possible in this case to compare identical merchandise of identical quality sold under identical circumstances, the price of a sale in the U.S. would be the same as the price in Canada.

The evidence relating to the impact on prices of quality of merchandise/conditions of sale must be assessed in general terms. There is strong evidence—both qualitative and statistical—that there is no price discrimination between sales to the U.S. and sales to Canada. Moreover, the evidence in the record satisfactorily explains the price fluctuations in the fresh winter vegetable market. Accordingly, based on all the evidence in the record, it has been established to the satisfaction of the Administering Authority that the amount of any apparent price differentials is wholly due to the factors described above for which adjustments under Sections 773(a)(4) of the Act are mandated. Therefore, it is not possible to conclude that fresh winter vegetables from Mexico are being, or likely to be, sold in the U.S. at less than fair value.

Results of Fair Value Comparisons

Using the above criteria, purchase price was found not to be less than third country price of the merchandise under investigation. Under these circumstance certain fresh winter vegetables from Mexico are not being, and are not likely to be, sold at less than fair value within the meaning of Section 735 of the Tariff Act of 1930, as amended.

In accordance with section 776(a) of the Act (93 Stat. 186, 19 U.S.C. 1677e(a)), all information relied upon in making this final determination has been verified to the extent such information was capable of being verified. Where specific information was not susceptible to verification, the best information available was used. Verification was accomplished by agents of the U.S. Customs Service who were granted access to the books and records of the grower sample used in this investigation. Using traditional Customs verification procedures, the agents spot-checked the information submitted by the growers by requiring documentary support for such information.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to section 774 of the Act (93 Stat. 186, 19 U.S.C. 1677c).

This determination is being published pursuant to section 735(d) of the Act (93 Stat. 172, 191 U.S.C. 1673d(d)).

Dated: March 23, 1980.

Stanley J. Marcuss,

Acting Assistant Secretary Trade Administration

[FR Doc. 80-9472 Filed 3-27-80; 8:45 am]

BILLING CODE 3510-22-M

Malleable Pipe Fittings of Cast Iron From Japan; Final Countervailing Duty Determination

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Final Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a determination that the Government of Japan has given benefits which constitute subsidies within the meaning of the countervailing duty law on the manufacture, production, or exportation of malleable pipe fittings of cast iron. Suspension of liquidation of entries shall continue, and a cash deposit, bond or other security in the amount of the estimated net subsidy will be required at the time of entry in addition to duties normally collected on dutiable shipments of this merchandise.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Robert Robeson, Office of Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 566-2323.

SUPPLEMENTARY INFORMATION: On January 2, 1980, a notice of "Preliminary Countervailing Duty Determination" was published in the **Federal Register** (45 FR 122). The notice stated that benefits bestowed by the Government of Japan on the manufacture, production, or exportation of malleable pipe fittings constitute the payment of subsidies within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to as the "Act"). In accordance with section 703(d) of the Act, the aggregate net amount of the subsidies provided, directly or indirectly, upon the manufacture, production or exportation of this merchandise was estimated to be 0.6 percent *ad valorem;* liquidation of entries was suspended effective January 2, 1980; and from January 2 until further notice, a cash deposit, bond or other security in an amount equal to the estimated net subsidy has been required on all entries, or withdrawals from warehouse, for consumption. Imports covered by this investigation include malleable pipe fittings of cast iron which are used as junctions and fittings in water, steam and gas piping systems and classifiable under item number 610.7400 of the Tariff Schedules of the United States Annotated (TSUSA).

The preliminary determination stated that benefits were provided under the following programs:

(1) Emergency debt financing for certain businesses under the "Law Concerning Temporary Measures for Medium and Small Enterprises Relating to Steep Revaluation of Yen Rates" (High Yen Act).

(2) Partial tax sheltering of current and previous years' earnings through the Overseas Market Development Reserve Program (OMDR). Under this program, a portion of the export earnings of certain firms are placed in a reserve and sheltered from tax liability for 5 years. The deferred tax is viewed as an interest-free loan, and the bounty is calculated to be the interest which would have been paid if the loan was secured at market rates.

In addition the subject merchandise receives benefits in the form of export promotional assistance from the Japan External Trade Organization (JETRO).

The following programs alleged to be benefiting manufacturers and exporters of the subject merchandise were determined preliminarily not to have been bestowed on the subject merchandise:

(1) Low interest loans to facilitate the conversion of certain businesses under the High Yen Act.

No manufacturers or exporters of malleable pipe fittings have received benefits under this program.

(2) Liberalized terms for government financed loan guarantees under the High Yen Act.

No manufacturers or exporters of malleable pipe fittings have received benefits under this program.

(3) Extended loss carry-back provisions applying to the determination of taxable income.

No manufacturers or exporters of malleable pipe fittings have received tax refunds due to this provision of the High Yen Act.

(4) Benefits applicable to those industries which have been designated "depressed."

The malleable pipe fitting industry does not fall into this category.

(5) Preferential financing through the Japan Development Bank.

No manufacturers or exporters of malleable pipe fittings have received loans of any type from the Japan Development Bank.

Section 776 of the Tariff Act of 1930, as amended (93 Stat. 186, 19 U.S.C. 1677e) requires that all information used in final determinations be verified. Whenever such information is not produced in the form required and in a timely manner, the Department shall use the best information otherwise available. Verification in this case did not occur in time for its consideration in the final determination. The estimated countervailing duty reached in this determination may be revised after the opportunity has been taken to analyze the results of this verification.

It is hereby determined that the Government of Japan provides subsidies with respect to all programs discussed above, regardless of the conclusions presented in the preliminary determination. Based on the best information available to Commerce, in accordance with §§ 355.33(c) and 355.39(b) of the Commerce Regulations (19 CFR 355.33(d), 355.39(b) 45 FR 4946, 4947), and until further notice, the net amount of the subsidies provided on the merchandise subject to this determination has been estimated to be 4 percent of the f.o.b. import value of the subject merchandise imported from Japan. This amount is determined based on an overall analysis of the potential impact of the programs found to be counteravailable.

Effective on or after the publication date of this notice, and until further notice, upon the entry, or withdrawal from warehouse, for consumption of malleable cast iron pipe fittings of cast iron which benefit from these subsidies on data imported directly or indirectly from Japan, there shall be collected, in addition to any other duties estimated or determined to be due, estimated countervailing duties in the form of cash deposit, bond or other security in the amount ascertained in accordance with the above declaration. The suspension of liquidation ordered in the notice of preliminary determination remains in effect until further notice. However, the cash deposit, bond or other security required for entries made as of the date of publication of this final determination shall be in an amount equal to the amount of the aggregate net subsidy declared herein. To the extent that it can be established to the satisfaction of the Assistant Secretary for Trade Administration that imports of the subject merchandise from Japan are benefitting from a subsidy smaller than the amount which otherwise would be applicable under the above declaration, the smaller amount so established shall be collected.

This determination has been referred to the U.S. International Trade Commission under section 705(c) of the Act (93 Stat. 160, 19 U.S.C. 1671d(d)).

Any merchandise subject to the terms of this order shall be deemed to have

benefited from a subsidy if such subsidy has been or will be provided directly or indirectly, upon the manufacture, production or exportation of malleable pipe fittings from Japan.

This final determination is published pursuant to section 705(a)(1), Tariff Act of 1930, as amended (93 Stat. 159, 19 U.S.C. 1671d(a)(1)).

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration.

March 17, 1980.

[FR Doc. 80-9473 Filed 3-27-80; 8:45 am]

BILLING CODE 3510-22-M

Committee for the Implementation of Textile Agreements

Visa Requirement for Cotton, Wool, and Man-Made Fiber Apparel Exported From the Republic of Indonesia; Correction

March 24, 1980.

On February 6, 1980, there was published in the **Federal Register** (45 FR 8084) a new export visa requirement for cotton, wool and man-made fiber apparel from the Republic of Indonesia. The effective date of this visa requirement should be corrected to read as follows:

Effective on March 15, 1980, entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool or man-made fiber apparel products, produced or manufactured in the Republic of Indonesia and exported on and after March 15, 1980 for which the Government of the Republic of Indonesia has not issued an appropriate export visa, will be prohibited.

As indicated, apparel products exported before March 15, 1980, will be permitted entry into the United States for consumption, or withdrawal from warehouse for consumption, until June 15, 1980.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement with Indonesia and the export visa requirement established under its terms for apparel products, it would be appreciated if you would correct the date of effect included in the directive of February 1, 1980 to indicate that the visa requirement will be effective on March 15, 1980 for apparel products in the specified categories which have been exported on and after March 15, 1980.

This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-9439 Filed 3-27-80; 8:45 am]

BILLING CODE 3510-25-M

Announcing Revisions in Lists of Officials of the Government of Pakistan Authorized to Issue Export Visas and Certifications for Exempt Cotton Textile Products

March 25, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Revising the lists of officials authorized by the Government of Pakistan to issue export visas and certifications for exempt cotton textile products exported to the United States.

SUMMARY: The Government of Pakistan has authorized the officials named in the enclosures to the letter to the Commissioner of Customs, which follows this notice, to issue export visas and certifications for exempt cotton textile products, produced or manufactured in Pakistan and exported to the United States.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Judith L. McConahy, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On July 7, 1972, a letter dated June 28, 1972, to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was publish in the **Federal Register** (37 FR 13365), which established an export visa requirement for cotton textiles and cotton textile products, produced or manufactured in Pakistan and exported to the United States. On May 30, 1973 and January 18, 1974, there were published in the **Federal Register** (38 FR 14184 and 39 FR 2293) letters dated May 16, 1973 and January 15, 1974, respectively, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, announcing an administrative mechanism to certify for exemption from the levels of restraint established under the bilateral cotton textile agreement between the Governments of the United States and Pakistan certain handloomed and folklore products of the cottage industry of Pakistan. To qualify for exemption each shipment of exempt cotton textile products must be accompanied by a signed certification. One of the requirements is that the visas and certifications for exemption must be signed by an official authorized by the Government of Pakistan.

The Government of Pakistan has informed the Government of the United States that the lists of officials authorized to issue visas and certifications for exempt cotton textile products exported to the United States have been revised. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to make these changes. Merchandise certified by officials previously designated shall not be denied entry.

The lists of officials currently authorized to issue both visas and exempt certifications are published as enclosures to the letter to the Commissioner of Customs which follows this notice.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Commissioner of Customs
Department of the Treasury
Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of June 28, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Pakistan, for which the Government of Pakistan had not issued an export visa or certification for exemption, where appropriate. It also amends, but does not cancel, the directives of March 3, October 7, and November 19, 1976, and July 7, and November 25, 1977, which named Government of Pakistan officials authorized to issue export visas and certifications for exempt textile products.

Under the terms of the Arrangement Regarding International Trade in Textile, done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977 the aforesaid directives are further amended, effective on March 28, 1980, to revise the lists of officials, who are authorized to issue export visas and exempt certifications for cotton textile products, produced or manufactured in Pakistan. Complete lists of the officials currently authorized to issue visas and certifications are enclosed. Merchandise certified by officials previously designated shall not be denied entry.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been

determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Enclosures.

Government of Pakistan Officials Authorized To Issue Export Visas for Cotton Textile Products Exported to the United States

Riaz Ahmad, Ejaz Ahmad, Shabbir Ahmad, Mohammad Akhtar Alam, S. M. Anwar, S. A. Aziz, S. Asif Ali Bokhari, Moinul Hasan, Pir Monhammad Khan, Ghulam Mustafa, Sajjad Hussain Naqvi, Tariq Iqbal Puri, Abdul Ghaffar Quereshi, Mujib-ur-Rehman, Asif Ali Shaikh, Niamat Shah, I. H. Siddiqui, M. Adil Siddiqui, S. A. Zaidi, Abdul Aziz Zia.

Government of Pakistan Officials Authorized to Issue Certifications for Exempt Cotton Textile Products Exported to the United States

S. Zaheer Abbas, Iftikhar Ali, S. A. Aziz, S. Asif Ali Bokhari, Mohammad Sadiq Khan, Abdul Aziz Zia.

[FR Doc. 80-9440 Filed 3-27-80; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Deletions from Procurement List.

SUMMARY: This action deletes from Procurement List 1980 services provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: March 28, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On February 1, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (45 F.R. 7276) of proposed deletions from Procurement List 1980, November 27, 1979 (44 F.R. 67925).

After consideration of the relevant matter presented, the Committee has determined that the services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following services are hereby deleted from Procurement List 1980:

SIC 0782

Grounds Maintenance, State Line Park, West Point Lake, West Point, Georgia.

SIC 7641

Furniture Rehabilitation, Upholstery portion only, Fairbanks, Alaska, plus 30-mile radius.

C. W. Fletcher,

Executive Director.

[FR Doc. 80-9436 Filed 3-27-80; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1980; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1980 a commodity to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 30, 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 addition, all entites of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1980, November 27, 1979 (44 FR 67925):

Class 6230

Light, Desk, Flourescent, 6230–00–643–2077.

C. W. Fletcher,

Executive Director.

[FR Doc. 80-9437 Filed 3-27-80; 8:45 am]

BILLING CODE 6820-33-M

CONSUMER PRODUCT SAFETY COMMISSION

Process of Selection of Chemicals for Toxicological Testing; Public Meeting

AGENCY: Consumer Product Safety Commission (CPSC).

ACTION: Notice of public meeting.

SUMMARY: A public meeting will be held on Friday, April 18, 1980, at 9:30 a.m. to discuss the process by which the CPSC identifies chemicals for toxicological testing. The meeting will be held at 1111 18th Street, NW., Washington, DC 20207 in the Third Floor Conference Room.

FOR FURTHER INFORMATION CONTACT: Mary Morris, Health Sciences, CPSC, (301) 492–6957. For questions concerning funding for public participation contact Catherine Bolger, Office of the Secretary, CPSC, (202) 634–7700

SUPPLEMENTARY INFORMATION: Through the years the Consumer Product Safety Commission has been actively involved in the evaluation of toxicological testing data on chemicals in consumer products. It has also been interested in identifying chemicals in consumer products requiring additional testing and in having the necessary tests performed. At present, the Commission participates in a number of forums, including the National Toxicology Program (NTP), which are charged with the toxicological testing of chemicals.

Commission staff are developing a program for identifying and nominating chemicals for further testing, whether by the Commission, other federal agencies such as the NTP, or by private organizations. Toward this end the Commission has scheduled an open meeting on April 18, 1980 to present an overview of the planned process, to receive comments and suggestions from other groups and interested parties not within CPSC, and to receive nominations of chemicals for toxicological testing along with the rationale for such testing.

The meeting will commence at 9:30 a.m. with presentations by Peter W. Preuss, Ph.D., Deputy Associate Executive Director for Health Sciences, and members of his staff describing the methods the Commission has used previously to select chemicals for testing and the planned approach to developing a rational process for identifying future chemicals. Subsequent to these presentations key Commission staff will be available to receive comments, suggestions and questions from the public.

It is requested that persons planning to attend the April 18, 1980 meeting give advance notice to: Mary Morris (301)

492–6957, Health Sciences, CPSC, 5401 Westbard Avenue, Washington, D.C. 20207.

Written comments and nominations of chemicals for testing will be received by Ms. Morris at the above address until May 16, 1980. All written submissions will be reviewed by Commission staff (and utilized where indicated).

During this meeting, the Commission hopes to receive from consumers, public interest groups, industry representatives, state and local government representatives, and other interested groups comments on the process for selecting chemicals for toxicological testing and nominations of chemicals for testing. In order to ensure effective representation of diverse viewpoints from groups and individuals who might not otherwise have the means to participate in this meeting, the Commission may make available funding for reasonable expenses incurred in participating in this meeting. Funding may be authorized on an ad hoc basis, in accordance with 16 CFR 1050.6(b), for transportation to and from the meeting, for other travel-related expenses, including lodging and meals, and for other reasonable costs incurred, such as babysitting. Persons who wish to apply for financial compensation should request an application for funding from: Catherine Bolger, Office of the Secretary, CPSC, 1111 18th Street, NW., Washington, D.C. 20207. Applications should be submitted as soon as possible.

Dated: March 24, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-9383 Filed 3-27-80; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Proposed Flood Control Project on Uvas Creek Near Gilroy, Santa Clara County, Calif.

AGENCY: San Francisco District, U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of Intent to prepare a DEIS.

SUMMARY:

1. Proposed Action. The tentatively selected plan involves the construction of a flood control levee and recreational facilities along Uvas Creek in the Pajaro River Basin in the vicinity of Gilroy, Santa Clara County, California. The flood control levee, which would protect Gilroy and vicinity against flooding by the Standard Project Flood and all lesser floods, would only be constructed on the Gilroy side of the stream. The levee would be approximately 9,500 feet long and it would be located between a point 2,000 feet downstream of Thomas Road and a point 1,000 feet upstream of Miller Road. To protect the riparian vegetation along Uvas Creek, the levee would be set back approximately 100 feet from the bank of the stream. The recreational facilities would consist of a 7,000-foot-long hiking trail, a 6,440-foot-long biking trail with staging and rest areas.

2. In addition to the tentatively selected plan, the following alternatives will be studied in detail:

a. The No Action alternative.

b. Alternative 1. This alternative involves the raising/reconstruction of about 4,500 feet of existing levee and the construction of about 4,000 feet of new levee on the Gilroy side of Uvas Creek. The levee would be set back approximately 10 feet from the bank of Uvas Creek. The Thomas Road Bridge would be raised in place. The recreational facilities would be the same as in the tentatively selected plan.

c. Alternative 2. The levee configuration would be the same as in Alternative 1 except that the set-back would vary depending on the width of the riparian vegetation along the stream. A new Thomas Road Bridge would be constructed upstream of the present location. The recreational facilities would be the same as those described under the tentatively selected plan.

d. Alternative 3 is described under the tentatively selected plan.

e. Alternative 4. This alternative involves the raising/reconstruction of about 4,500 feet of existing levee and the construction of about 2,000 feet of new levee. The set-back of the levee would be 10 feet from the bank of Uvas Creek. The Thomas Road Bridge would not be modified. The recreational facilities would consist of a 7,000-foot-long hiking trail and a 5,900-foot-long bike trail with staging and rest areas.

f. Alternative 5. This alternative is the same as Alternative 4 except that the set-back of the levee would vary with the width of the riparian vegetation. The Thomas Road Bridge would not be modified. The recreational facilities would be the same as those in Alternative 4.

g. Alternative 6. This alternative is the same as Alternative 5 in every aspect except that the set-back of the levee would be 100 feet from the bank of the creek. Thomas Road Bridge would not be modified.

h. Alternative 7. This is a non-structural alternative which consists of either raising, sealing, or flood proofing of individual structures or flood walls or ring levees for individual or small groups of structures depending on the location within the flood plain.

3. The Corps of Engineers circulated an Environmental Working Paper, in which an array of alternatives was presented, in 1975. In June 1976, a public meeting was held in Gilroy where an array of alternatives was presented. In July 1978, a Feasibility Study was circulated for comments and in December 1978, a Notice of Study Initiation of Phase I GDM was circulated. A meeting was held with the Citizens' Committee in April 1979. The U.S. Fish and Wildlife Service has reviewed the Environmental Working Paper and the Feasibility Study and it will submit to the Corps of Engineers a letter report evaluating the alternatives evaluated in the DEIS. A public meeting is tentatively scheduled for May 1980 to discuss the Phase I GDM and the DEIS.

4. Scoping Process:

a. To allow for the identification of significant issues and to facilitate communication between interested agencies and other interested parties, the San Francisco District, Corps of Engineers has been and is coordinating the EIS and planning process with the City of Gilroy, Santa Clara County, the California State Resources Agency, the U.S. Fish and Wildlife Service, and environmental organizations and the Citizens' Advisory Group. The Corps of Engineers formally requested comments from these agencies and organizations in the Environmental Working Paper that was issued in 1975.

b. The significant issues identified during the planning process will be analyzed in depth in the DEIS. The following elements were identified as significant: Loss of riparian habitat, air quality, recreational opportunities, fish and wildlife resources, and economic resources.

c. Consultation is being performed under the Fish and Wildlife Coordination Act (16 USC Sec 661 et seq), the National Historic Preservation Act of 1966 (16 USC Sec 470 et seq) and the Endangered Species Act of 1973 (16 USC 1532 et seq).

d. Because coordination with concerned agencies and organizations is already in progress, and because the significant resources in the study area have been identified, a scoping meeting as described in the CEQ Final Regulations dated 29 November 1978 is not planned.

5. It is estimated that the DEIS will be available to the public in April 1980.

6. Questions about the proposed action and the DEIS can be answered by Lars M. Forsman, Environmental Branch, San Francisco District, Corps of Engineers, 211 Main Street, San Francisco, California 94105.

Dated: March 17, 1980.

John M. Adsit.

[FR Doc. 80-9231 Filed 3-27-80; 8:45 am]

BILLING CODE 3710-FS-M

Office of the Secretary of Defense

Advisory Group on Electron Devices; Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session April 17, 18, 1980 at 201 Varick Street, 9th Floor, New York, New York 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night vision sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, § 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 25, 1980.

[FR Doc. 80-9420 Filed 3-27-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Leonard O. Rice d.b.a. Rice Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Leonard O. Rice, d.b.a. Rice Oil Company (Rice), Highway 2 and 52 E., Minot, North Dakota 58701. This Proposed Remedial Order charges Rice with pricing violations in the amount of $22,382.31, connected with the resale of gasoline and diesel fuel during the time period November 1, 1973, through April 30, 1974, in the State of North Dakota.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Kenneth E. Merica, District Manager of Enforcement, 1075 South Yukon Street, P.O. Box 26247—Belmar Branch, Lakewood, CO 80226, phone (303) 234-3195. On or before April 14, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Lakewood, CO, on the 18th day of March 1980.

Kenneth E. Merica,

District Manager of Enforcement, Rocky Mountain District.

Concurrence by:

Charles F. Dewey,

Regional Counsel.

[FR Doc. 80-9394 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-01-M

Rice-Lindquist, Inc.; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Rice-Lindquist, Inc. (RLI), Highway 2 and 52 E., Minot, North Dakota 58701. This Proposed Remedial Order charges RLI with pricing violations in the amount of $202,524.51 connected with the resale of gasoline and diesel fuel during the time period November 12, 1973, through April 30, 1974, in the State of North Dakota.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Kenneth E. Merica, District Manager of Enforcement, 1075 South Yukon Street, P.O. Box 26247—Belmar Branch, Lakewood, CO 80226, phone (303) 234-3195. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR § 205.193.

Issued in Lakewood, CO, on the 18th day of March 1980.

Kenneth E. Merica,

District Manager of Enforcement, Rocky Mountain District.

Concurrence by:

Charles F. Dewey,

Regional Counsel.

[FR Doc. 80-9395 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project Nos. 3007-3013]

Concordia Manufacturing Co. et al.; Applications for Preliminary Permit

March 24, 1980.

Concordia Manufacturing Company, Project No. 3007, American Hoechst Corporation, Project No. 3008, Westerman Realty Company, Project No. 3009, Valley Industries, Inc., Project No. 3010, Arctic Development Corporation, Project No. 3011, Saybrooke Manufacturing Company, Project No. 3012, Quidnick Reservoir Association, Project No. 3013.

Take notice that seven applications were filed for preliminary permits on December 6, 1979, under the Federal Power Act, 16 U.S.C. § 791(a)–§ 825(r), by the above listed Applicants for projects identified by project number, name, location, and correspondence contact, as follows:

Project No. 3007 would be known as the Anthony Pond Project, and would be located at the Anthony Pond Site (Rhode Island Dam No. 152), on the South Branch of the Pawtuxet River, in the Town of Coventry, Kent County, Rhode Island. Correspondence with the Applicant on this matter should be addressed to: Paul Boghassian, Jr., President, Concordia Manufacturing Company, P.O. Box 151, West Warwick, Rhode Island 02893.

Project No. 3008 would be known as the Quidnick Upper Project, and would be located at the Quidnick Upper Site (Rhode Island Dam No. 151), on the South Branch of the Pawtuxet River, in the Town of Coventry, Kent County, Rhode Island. Correspondence with the Applicant on this matter should be addressed to: Walter Smith, Manager of Materials and Inventory Control, American Hoechst Corporation, P.O. Box 268, Coventry, Rhode Island 02816.

Project No. 3009 would be known as the Upper and Lower Crompton Project, consisting of a development of two separate sites at two dams located on the South Branch of the Pawtuxet River: (1) the Crompton Upper Site (Rhode

Island Dam No. 194), in the Town of Coventry; and (2) the Crompton Lower Site (Rhode Island Dam No. 150), in the Town of West Warwick, both sites in Kent County, Rhode Island. Correspondence with the Applicant on this matter should be addressed to: Joel Westerman, Vice President, Westerman Realty Company, 20 Remington Street, West Warwick, Rhode Island 02893.

Project No. 3010 would be known as the Centerville Project, and would be located at the Centerville Site (Rhode Island Dam No. 149), on the South Branch of the Pawtuxet River, in the Town of West Warwick, Kent County, Rhode Island. Correspondence with the Applicant on this matter should be addressed to: Robert Galkin, President, Valley Industries, Inc., 33 Factory Street, West Warwick, Rhode Island 02893.

Project No. 3011 would be known as the Arctic Project, and would be located at the Arctic Site (Rhode Island Dam No. 148), on the South Branch of the Pawtuxet River, in the Town of West Warwick, Kent County, Rhode Island. Correspondence with the Applicant on this matter should be addressed to: Robert Galkin, President, Arctic Development Corporation, 33 Factory Street, West Warwick, Rhode Island 02893.

Project No. 3012 would be known as the River Point Upper Project, and would be located at the River Point Upper Site (Rhode Island Dam No. 147), on the South Branch of the Pawtuxet River, in the Town of West Warwick, Kent County, Rhode Island. Correspondence with the Applicant on this matter should be addressed to: Ann Barrish, Partner, Saybrooke Manufacturing Company, 125 Providence Street, West Warwick, Rhode Island 02893.

Project No. 3013 would be known as the Natick Project, and would be located at the Natick Site (Rhode Island Dam No. 145), on the Pawtuxet River, in the Town of West Warwick, Kent County, Rhode Island. Correspondence with the Applicant on this matter should be addressed to: Mr. Robert Galkin, Vice President, Quidnick Reservoir Association, c/o Natco Products, Inc., 33 Factory Street, West Warwick, Rhode Island 02893.

Purposes of Projects—Energy produced at Projects Nos. 3007, 3008, 3010, and 3011, would be utilized totally by the respective Applicants for internal manufacturing processes. Project energy from Projects Nos. 3009 and 3012, would be utilized in part by the respective Applicants' internal manufacturing processes, with the balance of the energy from the projects being sold to American Hoechst Corporation, or to the local utility company. Project energy from Project No. 3013 would be sold to the local utility company for use by customers in its service area.

Proposed Scope and Costs of Studies Under Permits—Applicants seek issuance of preliminary permits, each for a period of three years, during which time each Applicant would accomplish data gathering, surveys, environmental assessment studies, additional subsurface explorations, and materials testing as necessary. In addition, preliminary plans woulds be prepared and, based on results of overall feasibility evaluations, final plans and specifications would be completed for the projects along with the preparation of applications for FERC licenses. Applicants estimate the costs of studies under the permits would vary from $150,000 for Project No. 3007, to $760,000 for Project No. 3013.

Project Descriptions—Project works for the seven projects, to be operated primarily as run-of-river projects, are described below. (Detailed dimensions of project works are to be determined by Applicants' data gathering surveys during permit periods.)

Project No. 3007—The project would consist of: (1) the existing earth and stone gravity dam, constructed in 1800, about 80 feet long and about 21 feet high; (2) new turbines and generators installed in an existing powerhouse in the mill on the north side of the former tailrace channel, or installed in a new powerhouse to be constructed at the eastern end of the Concordia mill; (3) an existing reservoir (Anthony Pond) with negligible storage capacity; (4) a new penstock; (5) a powerhouse discharge conduit or channel; and (6) appurtenant facilities. Based upon an average flow of 134 cfs, and an average available head of 14 feet, this project would have an installed capacity of 150 kW, and an estimated annual generation of 886,000 kWh.

Project No. 3008—The project would consist of: (1) an existing granite masonry dam, 110 feet long and about 14 feet high; (2) an existing reservoir of negligible storage; (3) a headrace channel; (4) a new powerhouse; (5) a new turbine, generator, and switchgear; (6) a tailrace; and (7) appurtenant facilities. Based upon an average flow of 137 cfs, and an average available head of 14 feet, this project would have an installed capacity of 150 kW, and an estimated average annual generation of 886,000 kWh.

Project No. 3009—The project would include the development of two sites. The *Crompton Upper Site* would consist of: (1) an existing concrete and timber dam, about 250 feet long and 6 feet high impounding a reservoir of negligible storage; (2) a headrace channel about 2,500 feet long; (3) an existing granite masonry powerhouse; (4) new turbines and generators; (5) a granite masonry walled tailrace channel; and (6) appurtenant facilities. Based upon an average flow of 137 cfs, and an available head of 18 feet at the powerhouse, this plant would have an installed capacity of 185 kW, and an estimated average annual generation of 1,093,000 kWh. The *Crompton Lower Site* would consist of: (1) an existing granite masonry dam of two sections joined in the center at a granite-sheathed island, 60 feet wide, with the west dam section about 120 feet long, and the east dam section about 50 feet long, and the average height of both sections about 12 feet high; (2) a reservoir of negligible storage; (3) a concrete-lined headrace channel; (4) a powerhouse area in the existing mill building; (5) a new turbine-generator unit; (6) a tailrace channel; and (7) appurtenant facilities. Based upon an average flow of 143 cfs, and available head of 12 feet at the powerhouse, this plant would have an installed capacity of 110 kW, and an estimated average annual generation of 650,000 kWh.

Project No. 3010—The project would consist of: (1) an existing granite masonry horseshoe shaped dam, about 75 feet long, and about 24 feet high; (2) an existing reservoir of negligible storage; (3) an existing headrace channel; (4) a powerhouse area in the existing mill building; (5) a new turbine-generator unit; (6) an existing tailrace; and (7) appurtenant facilities. Based upon an average flow of 146 cfs, and an average head of 20 feet, this plant would have an installed capacity of 220kW, and an estimated average annual generation of 1,300,000 kWh.

Project No. 3011—The project would consist of: (1) an existing granite masonry dam, constructed in 1885, about 225 feet long and 30 feet high; (2) an existing reservoir of negligible storage; (3) an existing headrace channel which has been filled in (to be re-excavated); (4) an existing powerhouse in the mill building; (5) new turbine-generator units; (6) an existing tailrace channel about 400 feet long; and (7) appurtenant facilities. Based upon an average flow of 147 cfs, and an average head of 28 feet, this plant would have an installed capacity of 310 kW, and an estimated average annual generation of 1,837,000 kWh.

Project No. 3012—The project would consist of: (1) an existing granite masonry dam about 75 feet long and 29 feet high; (2) an existing reservoir of negligible storage; (3) an existing

headrace channel; (4) three 6-foot-diameter penstocks leading to (5) the existing powerhouse; (6) new turbine-generator units in the powerhouse; (7) existing draft tube and tailrace channel; and (8) appurtenant facilities. Based upon an average flow of 147 cfs, and an average head of 27 feet, this project would have an installed capacity of 300 kW, and an estimated annual generation of 1,773,000 kWh.

Project No. 3013—The project would consist of: (1) an existing granite masonry dam about 160 feet long and about 18 feet high; (3) an existing reservoir (Natick Pond) of negligible storage; (4) an existing raceway channel which has been filled in (to be re-excavated and used for the project headrace and tailrace); (5) a new powerhouse; (6) new turbines and generators; and (7) appurtenant facilities. Based upon an average flow of 337 cfs and an average head of 30 feet, the project would have an installed capacity of 760 kW, and an estimated average annual generation of 4,500,000 kWh.

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 Coments—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 a preliminary permit. (A copy of the applications may be obtained directly from the respective Applicants). Coments should be confined to substantive issues relevant to the issuance of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *May 23, 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 *July 22, 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 § 1.8 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, protests, or petitions to intervene must be filed on or before May 23, 1980. Comments, protests and petitions to intervene should specify the project(s) being addressed in the filing. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The applications are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9402 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-285]

Duke Power Co.; Filing

March 24, 1980.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on March 18, 1980 a supplement to the Company's Electric Power Contract with the City of Lexington. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 267.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in contract demand: Delivery Point No. 2 from 23,700 KW to 40,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of May 19, 1980.

According to Duke Power copies of this filing were mailed to the City of Lexington and the North Carolina Utilities Commission.

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 April 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. 80-9405 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-287]

Consumers Power Co.; Facilities Agreement

March 24, 1980.

The filing Company submits the following:

Take notice that Consumers Power Company, on March 18, 1980, tendered for filing a Facilities Agreement dated February 20, 1980, between Consumers Power Company and the City of Holland, Michigan ("Holland"). Consumers Power states that the Facilities Agreement provides for the construction of the Black River interconnections facilities, and was motivated by the desire of Holland to begin exchanging power and energy at 138 kV. Consumers Power states that Holland is currently receiving service at 46 kV under an Interconnection Agreement that has been designated Consumers Power Company Rate Schedule FERC No. 37. Consumers Power states that, when executed, a new Operating Agreement will cancel and supersede the present Interconnection Agreement.

Consumers Power states that the Facilities Agreement describes the facilities that will comprise the Black River Interconnections, establishes the ownership interest of the parties therein, and establishes the respective obligations and rights of each of the

parties in the procurement, installation and maintenance of the facilities. Consumers Power states that the facilities to be provided by Consumers Power are expected to be ready for service on or about June 1, 1980.

Consumers Power states that the filing was served on Holland and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said Facilities Agreement should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 14, 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 the Facilities Agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9404 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-283]

Consumers Power Co.; Filing

March 24, 1980.

The filing company submits the following:

Take notice that on March 17, 1980, Consumers Power Company ("Consumers Power") tendered for filing revised tariff sheets cancelling and superseding the corresponding tariff sheets in consumers Power's Electric Service Tariff First Revised Volume No. 1, affecting the wholesale for resale jurisdictional customer class. Consumers Power states that the revisions to the tariff sheets reflect, in part, a recent order of the Michigan Public Service Commission dealing with emergency electric procedures. Consumers Power states that the revisions to the tariff sheets will neither increase nor decrease rates and charges to the jurisdictional customer class.

Consumers Power states that a copy of the filing was served on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said revisions should file a petition to invervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Porcedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed by or before April 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 said revisions are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9403 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3037]

Elizabeth Webbing Mills Co., Inc.; Application for Preliminary Permit

March 24, 1980.

Take notice that an application was filed on February 8, 1980, under the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r), by the Elizabeth Webbing Mills for a preliminary permit. The project would be known as the Elizabeth Webbing Mills Hydroelectric Project (FERC Project No. 3037) and would be located on the Blackstone River in the Town of Central Falls, Providence County, Rhode Island. Correspondence with the Applicant on this matter should be directed to: Elliot Lifland, President, Elizabeth Webbing Mills, P.O. Box 157, Pawtucket, Rhode Island 02862.

Purpose of the Project—Project energy developed at this project will be almost entirely utilized by the Applicant's internal manufacturing processes, with the balance of the energy being sold to the Blackstone Valley Electric Company for sale to customers in its service area.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. Applicant proposes to develop preliminary designs, collect hydraulic data, perform field surveys, and prepare an application for FERC license, including an environmental report. Applicant estimates that the cost of work to be performed under the permit would be less than $15,000.

Project Description—The Elizabeth Webbing Mills Project, a run-of-river project, would consist of: (1) the existing granite masonry dam, 156 feet long and 10 feet high, with provisions for installing additional 9-inch high flashboards, (2) a reservoir of negligible storage capacity, (3) new project works to include a headrace, powerhouse with turbine-generator unit having a rated capacity of 675 kW, switchgear, and tailrace; and (4) appurtenant facilities. The Applicant estimates the annual generation would average about 4,360,000 KWh.

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 application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 23, 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 July 22, 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 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, § 1.10 (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 May 23, 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. 80-9416 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1889]

Irving K. Kessler; Filing

March 24, 1980.

Take notice that on March 14, 1980, Irving K. Kessler (Applicant), filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Atlantic City Electric, Public Utility.
Executive Vice President, RCA Corporation, Electrical Supplier.

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 April 18, 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. 80-9407 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-1-60 (PGA80-1 and PGA80-1a)]

Locust Ridge Gas Co.; Ordered Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Refund and Subject to Conditions

March 20, 1980.

On February 4, 1980, as amended on February 19, 1980,[1] Locust Ridge Gas Company (Locust Ridge) filed revised tariff sheets [2] reflecting increased purchased gas costs and a surcharge adjustment increase. In addition, Locust Ridge filed a tariff sheet [3] changing the effective dates for its semi-annual PGA adjustment from January 1 and July 1, to March 1 and September 1. The proposed effective date is March 1, 1980.

The filing provides for a 141.04¢ per Mcf increase to track a $2,080,756 increase in the cost of purchased gas and an initial surcharge of 09.45¢ per the deferred purchased gas cost account. Locust Ridge requests waiver of notice requirements to permit the proposed tariff sheets to become effective March 1, 1980.

Based upon a review of Locust Ridge's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Locust Ridge's filing, grant waiver of the 30-day notice requirements and suspend the effectiveness such that it shall become effective on March 1, 1980, subject to refund and subject to the Conditions described below.

Locust Ridge's filing includes increases pursuant to area rate clauses in the contracts between Locust Ridge and its producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. That determination shall be made in accordance with the procedures prescribed in Order 23, as amended by subsequent orders, in Docket No. RM79-22. Should it be ultimately determined that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to the pipeline shall be flowed through to ratepayers in accordance with the procedures prescribed in the pipeline's PGA clause.

Locust Ridge's filing also requests that its dates for semi-annual filing be changed from January 1 and July 1 to March 1 and September 1. Locust Ridge has not filed any semi-annual PGA adjustments pursuant to its current tariff provisions. The subject filing includes purchases from producers which were not included in the company's most recent rate case.[4] The projected cost from these new services total $1,959,166 for the six month period beginning January 1, 1980.

Requiring a company of Locust Ridge's size to defer increased purchased gas cost until its next scheduled adjustment could cause a real economic hardship. Therefore, the Commission finds it appropriate to grant the requested amendment to Locust Ridge's tariff.

Furthermore, our review of the filing indicates the current cost of purchased gas should be adjusted by approximately $1.04 rather than the $1.41 amount used by Locust Ridge. Accordingly, Locust Ridge shall, within 15 days of the date of issuance of this order, file a revised PGA adjustment reflecting this correction as well as any necessary correction to its surcharge amount.

The Commission notes that Locust Ridge has not filed tariff sheets to conform its PGA clause to the incremental pricing provision of Order Nos. 49 and 49-A. However, upon review of the circumstances of Locust Ridge's operations, the Commission finds that Locust Ridge would qualify for a conditional exemption from the incremental pricing PGA filing requirements. In Order No. 49-A, issued December 27, 1979, Docket No. RM79-14, the Commission determined that conditional relief from the reporting and accounting requirements should be granted to, among others, a pipeline which sells segregated sources of gas supply to other interstate pipelines. Locust Ridge sells all of the gas it purchases to one pipeline, Michigan Wisconsin Pipeline Company.

Accordingly, pursuant to Order No. 49-A, Locust Ridge is exempted from the filing and accounting requirements of Part 282 of the Commission's Regulations subject to the following provisions. Locust Ridge will still be required to determine and report to Michigan-Wisconsin its expected incremental gas costs for each of its PGA reporting periods. Each month, Locust Ridge will also report the actual acquisition costs subject to incremental cost passthrough to Michigan-Wisconsin. Finally, Locust Ridge is required to notify the Commission of any changes in the circumstances of its operations discussed above.

The Commission Orders:

(A) Locust Ridge Gas Company's proposed Substitute Second Revised Sheet No. 1-A to FERC Original Volume No. 3, filed February 19, 1980, replacing Second Revised Sheet No. 1-A filed on February 4, 1980, are accepted for filing and suspended, and waiver of notice requirements is granted such that the

[1] The filing was amended to make a mathetical correction to the original PGA adjustment.

[2] Substitute Second Revised Sheet No. 1-A to FERC. Original Volume No. 3, filed February 19, 1980, replacing Second Revised Sheet No. 1-A filed on February 4, 1980.

[3] Second Revised Sheet No. 21-B to FERC. Original Volume No. 3.

[4] Filed October 4, 1979, and suspended for one day by Commission order dated October 26, 1979, in Docket No. RP80-4.

filing shall become effective March 1, 1980, subject to refund, and subject to the conditions enumerated in the body of this order and the ordering paragraphs below.

(B) Locust Ridge shall file within 15 days of the issuance of this order a revised PGA rate change as discussed in the body of the order.

(C) Locust Ridge's proposal to amend its tariff to change its semi-annual filing dates from January 1 and July 1 to March 1 and September 1 is hereby approved.

(D) Locust Ridge is exempted from the filing and accounting requirements of Part 282 of the Regulations as conditioned in the body of the order.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9415 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-284]

Louisiana Power & Light Co.; Proposed Electric System Interconnection Agreement

March 24, 1980.

The filing Company submits the following:

Take notice that on March 17, 1980, Louisiana Power & Light Company (LP&L) tendered for filing an Electric System Interconnection Agreement dated March 11, 1980 with the Town of Jonesville, Louisiana (Town) which provides service schedules for Emergency Service, Reserve Capacity, Supplemental Power, Surplus Power, Economy Power, and Transmission Service. LP&L further states that the proposed agreement and schedules A, B, C, D, E, F, and F–I, are the same as accepted for filing in FERC Docket No. ER76–162 with the City of Ruston (Rate Schedule FERC No. 54), in Docket ER76–868 with the Town of Rayville (Rate Schedule FERC No. 58), in Docket No. ER76–867 with the Town of Homer (Rate Schedule FERC No. 57), in Docket No. ER77–405 with the Town of Jonesboro (Rate Schedule FERC No. 59), in Docket No. ER77–404 with the City of Monroe (Rate Schedule FERC No. 60), and in Docket No. ER79–366 with the City of Minden (Rate Schedule FERC No. 63).

LP&L requests that the Agreement become effective May 16, 1980, the date of expiration of FERC Rate Schedule No. 22.

LP&L stated that a copy of this filing was mailed to the Town of Jonesville, Louisiana and the Louisiana Public Service Commission.

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 April 14, 1980. Protest 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. 80-9408 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-288]

Montaup Electric Co.; Proposed Tariff Change

March 24, 1980.

The filing Company submits the following:

Take notice that Montaup Electric Company ("Montaup"), on March 19, 1980, tendered for filing an amended Exhibit A to Supplement No. 8 to Montaup's Rate Schedule FPC No. 36 for service to the Middleboro Municipal Gas and Electric Department ("Middleboro"). The amendment will, on an annual basis, decrease by $1,776 the charge paid by Middleboro for non-firm transmission service over the 115 kV radial line connecting Montaup and Middleboro.

The existing charge to Middleboro is based on 1978 costs. The amended Exhibit A is based on 1979 costs. Montaup has requested a January 1, 1980 effective date for the new rate.

Copies of the filing have been served on Middleboro and the Massachusetts Department of Public Utilities.

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 §§ 1.18 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 April 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9409 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-286]

New England Power Pool; Filing of Amendment to the New England Power Pool Agreement

March 24, 1980.

The filing Company submits the following:

Take notice that on March 19, 1980, the New England Power Pool (NEPOOL) filed an Agreement Amending NEPOOL Power Pool Agreement (Amendment), dated as of January 31, 1980, which modifies the provisions of the New England Power Pool Agreement, dated as of September 1, 1971.

NEPOOL indicates that the Amendment provides for revision of Section 9.4(d) of the NEPOOL Agreement to eliminate the threshold and sliding payment scale in Section 9.4(d) of the NEPOOL Agreement, as ordered by the Commission in its Opinions 775 and 775–A in Docket No. E–7690.

NEPOOL proposes that the Amendment become effective on May 1, 1980, the commencement date of the next pool Capability Period.

Any person desiring to be heard or to make any protest with reference to the Amendment should on or before April 14, 1980, filed 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, 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. 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. Copies of this filing are on file with the Commission and are available for public inspection

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9410 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-291]

New England Power Pool; Filing of Amendment to the New England Power Pool Agreement

March 24, 1980.

The filing Company submits the following:

Take notice that on March 18, 1980, the New England Power Pool (NEPOOL) filed an Agreement Amending NEPOOL Power Pool Agreement (Amendment), dated as of February 1, 1980, which modifies the provisions of the New England Power Pool Agreement, dated as of September 1, 1971.

NEPOOL indicates that the Amendment provides for revision of Section 9.4(d) of the NEPOOL Agreement to reduce the Capability Responsibility deficiency charge rate from $22.00 per Kilowatt year to $14.00 per Kilowatt year.

NEPOOL proposes that the Amendment become effective on May 1, 1980, the commencement date of the next pool Capability Period.

Any person desiring to be heard or to make any protest with reference to the Amendment should on or before April 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Persons wishing to become parties to the proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. 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. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9411 Filed 3-27-80; 8:45 am]

BILLING CODE 6540-85-M

[Docket No. ER80-282]

Ohio Power Co., Proposed Changes in Rates and Charges

March 24, 1980.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on March 17, 1980, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio Power), Modification No. 9 dated January 1, 1980 to the Facilities and Operating Agreement dated May 1, 1967 between Ohio Power Company and Dayton Power & Light Company, designated Ohio's Rate Schedule FERC No. 36.

Section 1 of Modification No. 9 increases the demand charge for Short Term Power from $0.70 to $0.85/kW-week and the Short Term Power transmission charge from $0.175 to $0.240/kW-week, if the supply party is Ohio Power and from $0.175 to $0.22/kW-week if the supplying party is Dayton. Section 2 of Modification No. 9 increases the demand charge for Limited Term Power from $3.75 to $4.50/kW-month and Section 3 increases the Limited Term Power transmission charge from $0.75 to $1.00/kW-month, if the supplying party is Ohio Power, from $0.75 to $0.95/kW-month, if the supplying party is Dayton. The aforementioned transmission charges are utilized for third party transactions only.

Applicant states that since the use of Short Term Power Service Schedule cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification.

Copies of the filing were served upon Dayton Power & Light Company, and the 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 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 April 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. 80-9412 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-289]

Otter Tail Power Co.; Filing

March 24, 1980.

The filing Company submits the following:

Take Notice, That Otter Tail Power Company (Otter Tail) on March 19, 1980, tendered a statement of understanding or agreement with the Western Area Power Administration (WAPA), United States Department of Energy (DOE), (formerly the Bureau of Reclamation, United States Department of the Interior). The agreement provides for maintaining 21 points of interconnection between the transmission facilities of Otter Tail and those of WAPA and for maintaining scheduling procedures that had been established by the parties under Otter Tail's now terminated FPC Rate Schedule No. 84.

The new understanding or agreement was made necessary by the termination of prior arrangements upon the expiration and termination of a contract between Otter Tail and the Bureau of Reclamation, which expired by its terms on December 31, 1976, but the termination of which was suspended for five months until May 31, 1977.

Copies of the filing were served upon the Western Area Power Administration, the Minnesota Public Utilities Commission, the Public Service Commission of North Dakota, and the Public Utilities Commission of South Dakota.

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 for protests should be filed on or before April 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-9413 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-202]

Public Service Co. of Indiana, Inc.; Order Accepting for Filing and Suspending Proposed Notice of Cancellation, Granting Intervention, Denying Motion, and Establishing Expedited Hearing Procedures

Issued: March 24, 1980.

On January 25, 1980, Public Service Company of Indiana (PSI) tendered for filing a notice of termination of a

currently effective service agreement (the Agreement) between PSI and the City of Logansport, Indiana (City).[1] Under the Agreement PSI provides full service to four of the City's retail industrial customers—the customers are collectively referred to as the "Bunge Load." By letter dated December 15, 1978, PSI provided the City with one year's prior written notice of its intent to terminate service to the Bunge Load, as required by the Agreement, and it filed a copy of that letter with the Commission on February 23, 1979, in Docket No. ER 79–213. PSI Proposes to terminate service to the Bunge Load on May 22, 1980.

The City operates its own generation, transmission and distribution systems. The City's principal load is served by its own generation and firm power purchases under an interconnection agreement with PSI.[2] The four Bunge Load customers are not interconnected with the City's main distribution system and are served from a separate PSI transmission delivery point.

In Docket No. ER79–213, the Commission accepted for filing PSI's notice of intent to terminate the agreement. In its acceptance letter of June 4, 1979, the Commission stated that a subsequent filing by PSI of an official notice of termination, required by Section 35.15 of the Regulations, would constitute a rate schedule change under Section 205(e) of the Federal Power Act, and that an investigation might be undertaken to determine whether the termination comports with the public interest.[3]

The City filed on February 22, 1980, a protest and petition to intervene.[4] The City states that without PSI's service under the Agreement the City would have to cut off the Bunge Load as they are not interconnected and distribution circumstances would make it difficult to integrate these industrial customers into its main distribution system. The City alleges that the proposed termination is anticompetitive because it would render the City unable to provide service to the Bunge Load, and thereafter PSI could take over service to these customers. The City also asserts that the proposed termination is discriminatory because PSI has not sought to terminate service to any other wholesale customer served under the tariff applicable to Bunge Load service. Additionally, the City maintains that continuation of service under the Agreement will cause PSI no hardship, and it points out that the company offered no reason why it wants to terminate this service. The City requests that the Commission reject PSI's filing to terminate service, or alternatively, suspend the filing for the maximum period.

On March 7, 1980 PSI filed a response to the City's pleading. In its response PSI claims that when the agreement for PSI to serve the City's Bunge Load was initiated there was an understanding between PSI and the City that this service was temporary until the City constructed its own facilities to serve these customers. The company alleges that the City has not tried to construct the facilities necessary to assume service for the Bunge Load from its main system, and it states that the City's inaction, and not the company's desire to take over service, is the reason for the proposed termination. The company, therefore, denies the anticompetitive nature of its proposed termination and further denies any discrimination.[5]

We shall deny the City's motion to reject inasmuch as the company's filing is consistent with the terms of the Agreement and because PSI should be given an opportunity to demonstrate that the termination is in the public interest. Otherwise, our review indicates that PSI's filing has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept PSI's submittal for filing and suspend its effectiveness for five months from May 22, 1980, the proposed effective date, until October 22, 1980. Furthermore, we shall establish expedited hearing procedures in order to determine whether the proposed cancellation is consistent with the public interest. The Commission hereby instructs the designated presiding law judge to establish a procedural schedule that will allow final Commission action before October 22, 1980. In order to preserve the status quo while this matter is pending, it may be necessary for PSI to request a postponement of the effective date of its proposed termination, and we invite such a filing. The Commission finds that participation in this proceeding by the City may be in the public interest and its petition to intervene will be granted.

The Commission orders:

(A) The City's motion to reject the filing is hereby denied.

(B) PSI's proposed notice of cancellation is hereby accepted for filing and suspended for five months to become effective on October 22, 1980.

(C) The City of Logansport is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation by such intervenor shall be limited to the matters 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 because of any order or orders of the Commission entered in this proceeding.

(D) 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, and pursuant to the Commission's rules of practice and procedure and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the proposed notice of cancellation filed by PSI. Said hearing shall be expedited as hereinafter prescribed.

(E) A presiding administrative law judge to be designated by the Chief Administrative Law Judge shall convene a prehearing conference in this proceeding within 15 days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. This conference will be held for the purpose of expediting the data requests of the City and the other parties to this proceeding. 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. The presiding judge shall establish an expedited procedural schedule that will permit Commission action on this matter before October 22, 1980.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80–9494 Filed 3–27–80; 8:45 am]

BILLING CODE 6450–85–M

[1] The service agreement was filed September 3, 1975 and designated as PSI, FERC Electric Tariff Original Volume No. 1 (3rd Revision).

[2] PSI Rate Schedule FPC No. 223.

[3] *See Pennsylvania Water & Power Co.* v. *Federal Power Commission,* 343 U.S. 414 (1952).

[4] Public notice of PSI's filing was issued on January 31, 1980, with responses due by February 23, 1980.

[5] On March 14, 1980, the City filed a reply to PSI's response.

[Project Nos. 2114 etc.]

Public Utility District No. 2 of Grant County, Wash., et al.; Order Approving Interim Offer of Settlement as Modified

March 20, 1980.

Public Utility District No. 2 of Grant County, Washington, Project No. 2114, Public Utility District No. 1 of Chelan County, Washington, Project Nos. 943 and 2145, Public Utility District No. 1, of Douglas County, Washington, Project No. 2149, State of Washington, Department of Fisheries vs. Public Utility District No. 2 of Grant County, Washington, Docket No. E–9569.

On March 7, 1979, the Commission consolidated several matters into the captioned proceeding which is to determine whether the operation of Project Nos. 943, 2114, 2145 and 2149 should be modified in the interest of protecting the fishery resources of the Columbia River, including, among other matters, determinations of appropriate flows at the Priest Rapids, Wanapum, Rock Island, Rocky Reach and Wells dams in the middle reaches of that river within the State of Washington. The Commission said that questions pertaining to studies and interim operating measures that may be required for a long-term resolution of the proceeding would be left to the judgment of an administrative law judge as part of the exercise of his delegated authority under § 1.27 of the Commission's Rules of Practice and Procedure.

On December 31, 1979, the PUDs,[1] licensees of the foregoing projects, together with the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Oregon Department of Fish and Wildlife and the Idaho Department of Fish and Game, submitted an interim Offer of Settlement [2] to the presiding administrative law judge for comment and approval. The "Agreement" therein recites, among other matters,

A five-year study program shall be conducted by the Public Utility Districts to investigate the effect of the projects and their operation on the downstream migration of juvenile salmonids, the methods of improving protection of natural production of salmonids, and the methods of improving and increasing semi-natural and artificial production of salmonids from the Mid-Columbia River.

[1] Public Utility District No. 2 of Grant County, Washington; Public Utility District No. 1 of Chelan County, Washington; and Public Utility District No. 1 of Douglas County, Washington.

[2] The Offer of Settlement was negotiated by the parties and is obviously an interim measure designed to gather data, rather than a final resolution of appropriate flows.

Comments submitted by the Washington State Department of Fisheries and Department of Game (WDF/WDG), the State of Washington Department of Ecology, the Confederated Tribes of the Umatilla Indian Reservation (Umatilla Tribes), the Confederated Tribes and Bands of the Yakima Indian Nation (Yakima Tribes) and the Commission staff counsel, generally recommend approval of the Offer of Settlement although, in some instances, the recommendations are conditioned upon certain clarifications. WDF/WDG, however, recommends its certification with "slight modifications" to the Commission for approval.

Responses to the comments were submitted by the parties sponsoring the Offer of Settlement, as well as by the staff counsel, and generally clarified that offer in the aspects requested. But the sponsoring parties rejected the modification proposed by WDF/WDG.[3] Thereafter, on march 4, 1980, the presiding judge modified the Offer of Settlement in accordance with the clarifications of the sponsoring parties; rejected the modification of WDF/WDG; ordered the Offer of Settlement effective, as so modified, as of that date; [4] and certified it, also as so modified, to the Commission for approval.[5] In doing so, the judge said, "Final resolution (of the issues in this proceeding) will be possible only after the necessary data has been collected during the interim second stage."

The Offer of Settlement provides, among other matters, for the maintenance of specified flows at the five dams, and for spills at each of the dams that will begin on specified dates and will continue "for 30 days or until approximately 80 percent of the migrating juveniles have passed the dams, whichever is sooner." WDF/WDG, supported by the Yakima Tribes, request that the quoted language be modified so that the spills will continue "for 30 days or until the migrating juveniles have passed, whichever is later." Citing the treaties between the United States and the Umatilla and Yakima Tribes, as well as Section 10(a) of the Federal Power Act and certain decisions of the Supreme Court,[6] they contend that "additional progressive destruction of the fish runs should not be consciously approved."

The PUDs respond that while the cited authorities can be read to require reasonable protection of the fishery resources of the Columbia River, those authorities do not require that the development and utilization of other water resources of that river be subordinated to the protection of *all* of the migrating juvenile salmonids. They say that the question of whether more fish are injured going through turbines, or falling over spillways, is one of the principal issues in this proceeding. And they point out that the 80% limitation in question is only one of several components of the five-year interim program, and that WDF/WDG "have suggested no specific (compensating) changes in the other components." The other parties sponsoring the Offer of Settlement explain, in this connection, that salmon tend to migrate in peaks approximating a bell-shaped curve, and that the spills are to be targeted at the peaks of the migrations to assure maximum protection of the fish with the available amounts of water:

Spill would not commence until the initial 10 percent of the migrating fish had passed the PUD dams. As migrating builds and peaks, spill would gradually be increased to up to 20 percent per dam, and would be adjusted using available water until most of the fish had passed the dams. Under this regime, the amount of spill would parallel the distribution of the migrating populations; spill would be directed at the central 80 percent of the fish populations, but would not be provided for the initial 10 percent or final 10 percent of those populations.

The presiding judge said that it is not now possible to decide the relative merit of protecting only 80%, or the requested 100%, of the migrating juvenile salmonids, because there is no conclusive evidence as to whether the turbines or spillways are more deleterious to the fish, adding, that WDF/WDG does not attempt to justify its request for 100% protection as being factually superior. The presiding judge said one of the objectives of the proposed five-year study is to collect reliable information on which to base a decision as to whether turbines or spillways are more deleterious. And he concluded that WDF/WDG's proposal is not supportable as a matter of law for

[3] The Yakima Tribes, on the other hand, added their support to the modification.

[4] Pursuant to Ordering Paragraph (F) of the Commission's order of March 7, 1979.

[5] Pursuant to § 1.18(e)(4)(ii) of the Commission's Rules of Practice and Procedure. The judge noted, in this connection that counsel for Public Utility District No. 2 of Grant County, Washington, requested "expedited consideration" to permit bids to be solicited early in March for the purpose of a]tering the Priest Rapids spawning channel in time for the 1980 Spring migration.

[6] *Udall* v. *Federal Power Commission*, 387 U.S. 428 (1967), *Puyallup Tribe, Inc.* v. *Department of Game of Washington*, 433 U.S. 165 (1977) and *State of Washington* v. *Washington State Commercial Passenger Fishing Vessel Association*, U.S. , 61 L.Ed.2d 823 (1979).

the reasons advocated by the parties sponsoring the Offer of Settlement.

We have considered the Offer of Settlement and the comments and responses of the parties, and we approve that offer as modified, and for the reasons set forth, in the presiding judge's Certification of Settlement Agreement and Interim Order of Operating Procedures dated March 4, 1980. As the staff counsel indicated in her response to the comments, the proposed studies are designed to help answer the question of whether the spills lessen the mortality rate of the downstream migrants, and Section 9 of the Offer of Settlement provides for convening a settlement conference for the purpose of seeking modifications of the minimum flow or spill requirements. Therefore, depending upon the early results of the studies, the parties can request a settlement conference to increase or decrease the spills that are provided in the Offer of Settlement.

The Commission orders:

The interim Offer of Settlement submitted in this consolidated proceeding on December 31, 1979, is approved as modified and placed into effect by the presiding administrative law judge on March 4, 1980.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9414 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-3]

State of Colorado, Section 103 NGPA Determination, L&B Oil Co., Inc.; Preliminary Finding

Issued March 21, 1980.

On February 5, 1980, the Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a notice of its determination that the L & B Oil Co., Inc., State No. 1 JD No. 80-14668, well qualifies as a new onshore production well under section 103 of the Natural Gas Policy Act of 1978 (NGPA), Pub. L. No. 95-621.

Section 103(c)(1) of the NGPA provides that in order for a well to qualify as a new, onshore production well, surface drilling of that well must have begun on or after February 9, 1977. The applicants filed a statement made under oath as part of its filing, that the reentry of the subject well began on or after February 19, 1977.

Although the reentry-date given by Colorado is April 23, 1979, the record in this proceeding shows that the original well had been plugged and abandoned on May 12, 1971. Since the spud date of such well was prior to February 19, 1977, the Commission finds a lack of substantial evidence in this record to support Colorado's determination that the subject well is a new, onshore production well under Section 103 of the NGPA.

Accordingly, the Commission hereby makes a preliminary finding (pursuant to 18 CFR 275.202(a)(1)(i) that the determination made by Colorado was not supported by substantial evidence in the record upon which the determination was made.

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9401 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-79]

State of Kansas, Section 108 NGPA Determination, Ladd Petroleum Corp.; Preliminary Finding

Issued: March 21, 1980.

On October 24, 1979, Kansas Corporation Commission (Kansas) submitted to the Commission a notice of determination that the Ladd Petroleum Corporation HCU 1731 #1 Well, JD80-3571, qualifies as a stripper well pursuant to section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301, *et seq.*

Section 108(b)(1) of the NGPA stipulates that in order to qualify as a stripper well, a well must produce nonassociated natural gas at a rate that does not exceed an average of 60 Mcf per production day during the preceding 90-day production period and produce at its maximum efficient rate of flow (MER) during the same period. Section 108(b)(3) defines "production day" as (i) any day during which natural gas is produced [1] and (ii) any day during which natural gas is not produced if production during that day is prohibited by a requirement of State law or a conservation practice recognized or approved by a state agency.

The record submitted with the determination indicates that there were 63 days during the 90-day production period when the well was shut-in. According to the supplemental information provided by this applicant and forwarded to the Commission by Kansas on February 7, 1980, the well was shut-in during 23 days of the 90-day production period at the request of the purchaser in order to decrease field production. The applicant asserts that the only alternative means of decreasing field production is to have the purchaser increase line pressure. The applicant states that this would result in inefficient and wasteful operation of compressors, gas entering salt water disposal lines and wasteful use of the produced gas in the pumping units.

In an Interim Interpretive Regulation issued in Docket No. RM79-73 on November 9, 1979, the Commission stated that days on which a well is shut-in by the operator may qualify as "production days" if the jurisdictional agency makes a finding that conservation practice requires intermittent shut-in of the well. The Commission also stated that this finding should as a minimum verify the particular physical impediment which requires that intermittent shut-in of the well, explain the conservation practice which the jurisdictional agency recognizes as applicable in the particular case, and explain why the conservation practice as applied to the subject well is necessary to achieve and maintain production.

Although the applicant asserted that the shut-in of the subject well was required by an accepted conservation practice, Kansas has not made the specific "conservation practice" finding nor has it furnished the requisite explanation as provided in the above-mentioned Interim Interpretive Regulation. Therefore we conclude that there is a lack of substantial evidence that the 23 days during which the well was shut-in at the request of the purchaser meets the statutory definition of "production day".

Accordingly, the production average for the subject well during the 90-day production period must be calculated by dividing the total production (2,229 Mcf) by the number of qualifying production days (29), resulting in an average rate of production of 76.2 Mcf per production day. This rate exceeds the production limitation of an average of 60 Mcf per day prescribed by section 108 of the NGPA.

On the basis of the record submitted with this determination, the Commission hereby makes a preliminary finding, pursuant to 18 CFR 275.202(a)(1)(i), that the notice of determination submitted by the State of Kansas Corporation Commission for the above-referenced well is not supported by substantial evidence in the record on which the determination was made.

[1] Natural gas is produced, within the meaning to section 108(b)(3), on any day during which there is measurable production from a well, and on any day on which a well is open to the line but is unable to produce measurable quantities of gas. *See* § 271.803(e).

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-9406 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-290]

Wisconsin Electric Power Co.; Filing

March 24, 1980.

The filing Company submits the following:

Take Notice that Wisconsin Electric Power Company (WE) on March 18, 1980, tendered for filing a Supplement, effective November 1, 1977, to the Interconnection Agreement between WE and Wisconsin Power and Light Company (WPL).

This supplement, Appendix G (South Fond du Lac Interconnection), modifies the Interconnection Agreement, dated June 7, 1971, to provide for an additional point of interconnection between WE and WPL. Said Interconnection Agreement is on file with the Commission and designated as Wisconsin Electric Rate Schedule FERC No. 31. WE maintains that it is not practical to estimate with any degree of accuracy the quantities of energy to be exchanged at this point of interconnection.

WE states that a signed duplicate original of the supplement had been provided to WPL and a copy of the supplement has been provided to the Public Service Commission of Wisconsin.

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 Paragraph 1.8 and Paragraph 1.10 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 April 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. 80-9417 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Decisions and Orders by the Office of Hearings and Appeals, Week of November 26 Through November 30, 1979

Notice is hereby given that during the week of November 26 through November 30, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Dechert, Price & Rhoads, Philadelphia, Pennsylvania; BFA-0032, freedom of information.

Dechert, Price & Rhoads filed an Appeal from a denial by the Deputy Assistant Secretary for Utility and Industrial Energy Applications of the Resource Applications Division of the Department of Energy of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that certain statistical information concerning the volume of purchases and sales of uranium by utilities, should not be withheld under Exemption 4 unless it is determined on remand that release of such information could cause substantial harm to the competitive position of the utilities.

Fulbright & Jaworski, Washington, D.C.; BFA-0039, freedom of information.

The law firm of Fulbright & Jaworski filed an Appeal from a partial denial by the Disclosure Officer of the Office of Special Counsel for Compliance of the Department of Energy of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the Disclosure Officer correctly withheld certain sections of a 1974 Federal Energy Administration report under Exemptions 2 and 5, but it determined that one section withheld under Exemption 2 should not be withheld because its release was not contrary to the public interest.

Shell Oil Company, Houston, Texas; DEA-0539, motor gasoline.

Shell Oil Company (Shell) filed an Appeal of an Order for Redirection of Product which was issued to Shell on March 20, 1979 by the Office of Fuels Regulation of the DOE Economic Regulatory Administration. Shell initially submitted its Appeal of the Redirection Order on July 24, 1979. In considering whether to dismiss Shell's Appeal as untimely, the DOE noted that its Procedural Regulations require that appeals of Redirection Orders be filed within thirty days of service of the Orders. The DOE found that Shell had prompt notice of the Redirection Order, its regulatory basis, and the proper procedure and time limits for filing an Appeal of that Order. Accordingly, the DOE dismissed Shell's Appeal.

Remedial Orders

Polaris Production Corporation; Midland, Texas; DRO-0252 crude oil

Polaris Production Corporation objected to a Proposed Remedial Order which the Southwest District Office of Enforcement issued to the firm on May 30, 1979. In the Proposed Remedial Order, the District Office found that Polaris sold crude oil at prices exceeding the applicable ceiling price levels by misclassifying certain properties and improperly treating its properties as stripper well properties. In considering the firm's objections, the DOE found that the firm improperly misclassified its Buckley property as two separate properties by virtue of differences in royalty payments that were not mandated by the governing lease instrument. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order. The important issues discussed in the Decision and Order include (i) the applicability of the exemption from the property definition discussed in FEA Ruling 1977-1 regarding separate accounting for identified portions of the premises; and (ii) the proof required to establish that wells previously reported to a state agency as non-producing wells actually produced crude oil, thereby permitting the owner to include the well and its production in calculations of whether a property qualified for the stripper well exemption.

William Herbert Hunt Trust Estate; Arkansas County, Texas; DRO-0112 crude oil

The William Herbert Hunt Trust Estate objected to a Proposed Remedial Order which the Economic Regulatory Administration issued to the firm on August 31, 1978. In the Proposed Remedial Order, the ERA found that Hunt had violated the crude oil producers' price rule by selling at upper tier prices condensates recovered at mechanical facilities operated by the firm. In considering the firm's objections, the DOE found that the firm's facilities were not a crude oil producing properly and that condensates recovered at the facilities must be priced as crude oil produced from the properties from which the condensate originated. Since the ERA determined that the entire volume of condensates must be sold at the lower tier price, the DOE concluded that the Proposed Remedial Order should be remanded for a determination of the applicable ceiling price by reference to the base production control levels of the properties from which the condensate originated.

Tenneco Oil Company; Houston, Texas; DRO-0089; DRD-0089 No. 2 fuel oil

Tenneco Oil Company objected to a Proposed Remedial Order which the Southwest District of the ERA Office of Special Counsel for Compliance issued to the firm on July 26, 1978. Tenneco also filed a Motion for Discovery in which it sought to obtain documents related to the manner in which the DOE and its predecessors interpreted the term "transaction" as applied to variable-price contracts.

In the Proposed Remedial Order, the Southwest District found that Tenneco had sold No. 2 fuel oil to the Georgia Power Company at prices which exceeded the maximum permissible selling prices. In considering the firm's objections, the DOE found that the Southwest District erroneously failed to allow Tenneco to adjust its May 15 price, according to the terms of its variable-price contract, to account for the average calorific value of the fuel oil purchased. The DOE therefore concluded that the Proposed Remedial Order should be remanded to the Southwest District for a recomputation of the overcharge figure.

The DOE also determined that Tenneco's maximum permissible selling prices would be computed in the same manner, regardless of which definition of "transaction" were used, and that the material which Tenneco sought to discover was therefore irrelevant to the firm's objectons. Moreover, the DOE concluded that Tenneco's Motion for Discovery was not timely filed. Accordingly, Tenneco's Motion for Discovery was denied.

Petition for Special Redress

United Oil Company; Washington, D.C.; BSG–0003

United Oil Company filed a Petition for Special Redress in which the firm requested that the DOE Office of Enforcement be directed to accept settlement terms proposed by the firm with respect to a pending enforcement proceeding. The request was denied since the settlement strategy of the Office of Enforcement is a matter of prosecutorial discretion.

Requests for Exception

Belco Petroleum Corporation; Houston, Texas; DXE–8263 crude oil

The Belco Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR 212.73. The firm sought permission to sell the crude oil producted from the White River Unit located in Uintah County, Utah, at prices in excess of the lower tier ceiling price. In considering the request, the DOE found that exception relief was necessary to provide the firm with an economic incentive to continue its crude oil extraction operations.

Chevron U.S.A. Inc.; San Francisco, California; DXE–2167 crude oil

Chevron U.S.A. Inc. filed an Application for Exception in order to obtain continued exception relief from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted pursuant to the *Great Southern* line of cases to permit Chevron to sell at upper tier prices 23.49 percent of the crude oil produced from the N–1–C Ranger Fault Block VI.

Earth Resources Company of Alaska; Fairbanks, Alaska; DEE–2237 crude oil

On March 20, 1979, the Earth Resources Company of Alaska (ERCA) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) in which the firm requested that it be issued additional entitlements with respect to its reported crude oil receipts and runs to stills for the period September 1977 through September 1978. In considering the request, the DOE found that ERCA processes Alaska North Slope crude oil which it receives from the Trans-Alaska Pipeline System (TAPS). In addition, the DOE found that ERCA did not receive $341,741 worth of entitlements which it would have obtained if it had included in its entitlements reports only the net, rather than the gross, volumes of crude oil taken from the pipeline during the September 1977 through September 1978 period. Since the applicable regulatory criteria concerning the reporting of crude oil received from TAPS were somewhat ambiguous prior to November 27, 1978, the DOE determined that exception relief to correct ERCA's reporting error would be appropriate. Accordingly, a proposed decision was issued in which exception relief was granted, and the firm was allocated an additional $341,741 worth of entitlements. When there was no timely Statement of Objection filed, the proposed decision was issued in final form.

Frederick P. Lyte; Los Angeles, California; DEE–8031 crude oil

Frederick P. Lyte filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted pursuant to the *Great Southern* line of cases to permit Lyte to sell at market prices 33.07 percent of the crude oil produced from the Skeeter Slaughter No. 2 lease.

Maguire Oil Co.; Dallas, Texas; DXE–2191 crude oil

The Maguire Oil Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted pursuant to the *Great Southern* line of cases to permit Maguire to sell the crude oil produced from the Chandler lease in Howard County, Texas, Texas, as market prices.

Port Petroleum, Inc.; Washington, D.C.; DEE–6994 crude oil

Port Petroleum, Inc. filed an Application for Exception from the provisions of 10 CFR 211.65 in which the firm sought to be permitted to participate in the Crude Oil Buy-Sell Program as a refiner-buyer. In considering the request, the DOE found that the firm did not commit funds toward the construction of its refinery until 1978 and was accordingly barred from participating in the Buy-Sell Program by virtue of Section 211.65(a)(iii). The DOE found that Port was aware when it began construction of its refinery that it could not participate in the program. Since Ports' difficulties were attributable to its own discretionary business decisions, exception relief was denied.

Thorn Tree; Washington, D.C.; DEE–7559

Thorn Tree filed an Application for Exception from the provisions of 10 CFR 490 in which the firm sought permission to lower the minimum summer temperature in its business establishment to 75°F. In considering the request, the DOE found that exception relief was necessary to avoid a serious health risk to one of the firm's employees, who was under treatment for congestive heart failure and atrial fibrillation.

Utilities Board of the Town of Citronelle-Gas; Theodore, Alabama; BEE–0293 reporting requirements

The Utilities Board of the Town of Citronelle-Gas (Citronelle) filed an Application for Exception from the reporting requirements set forth in Form EIA–149 ("Natural Gas Supply, Requirements, and Usage"). Citronelle requests that it be relieved of the requirement to complete and submit the form to the EIA. In considering Citronelle's request, the DOE found that a hurricane had destroyed the firm's records and that the requirement to complete the form would therefore impose a serious hardship on Citronelle. The DOE made exception relief effective immediately through the issuance of a Special Decision and Order pursuant to 10 CFR 205.69C.

Request for Stay

Mallard Resources, Inc., Cameron Parish, La., BES–0008, BST–0008, crude oil

Mallard Resources, Inc. filed Applications for Stay and Temporary Stay of the requirement that it report to the ERA volumes of crude oil which the firm purchased and of any entitlements purchase obligations which the firm may incur as a result of those purchases. In considering the Applications, the DOE determined that the firm had not shown that it would experience an immediate or irreparable injury as a result of a denial of its stay request or that there was a substantial likelihood of success on the merits of its underlying exception application. Accordingly, the stay requests were denied.

Request for Temporary Stay

Energy Cooperatives, Inc., East Chicago, Ind., BST–0021, motor gasoline

On November 23, 1979 Energy Cooperatives, Inc. (ECI) filed an Application for Temporary Stay of the requirement that it provide Foremost Petroleum Corporation with 29,400,000 gallons of motor gasoline pursuant to a Temporary Assignment Order issued to ECI on November 16, 1979, by the Economic Regulatory Administration. In considering the Application for Temporary Stay, the DOE determined that ECI and its customers would suffer an irreparable injury if ECI were required to comply with the November 16 ERA Order. Accordingly, the temporary stay request was granted.

Motion for Discovery

Commonwealth Oil Refining Co., Inc., Washington, D.C. BED–0003, crude oil

Commonwealth Oil Refining Co., Inc. filed a Motion for Discovery and Protective Order in which the firm requested that the DOE direct the Mobil Oil Corporation to furnish it with certain cost and supply data pertaining to the crude oil purchased and refined by Mobil during the first nine months of 1979. In considering the request, the DOE found that the information requested by Corco would enhance Corco's ability to respond to arguments raised by Mobil in opposition to several petitions filed by Corco on September 4, 1979. The Corco discovery request was therefore granted.

Request for Special Refund

Office of Enforcement (Forgotson), Washington, D.C., DFF–0005, special refund procedures

The ERA Office of Enforcement filed a Petition for the Implementation of Special

Refund Procedures pursuant to 10 CFR Part 205, Subpart V. The Petition requests OHA to supervise the distribution of $62,645.88, representing overcharges made by James M. Forgotson in sales of crude oil as specified in a Remedial Order issued by the Office of Hearings and Appeals on July 31, 1979. The Office of Hearings and Appeals dismissed the Petition because the refund amount was not of sufficient size to warrant use of the special refund procedures and no other special need was demonstrated.

Supplemental Orders

Ashland Oil, Inc., Ashland, Ky., BEX–0013, supplemental order

The Office of Hearings and Appeals issued a Supplemental Order with respect to a temporary exception granted to Ashland on November 27, 1979, Case Number BEL–0373. In the Supplemental Order, the DOE set forth the methods used to calculate the specific obligations of refiners designated to supply Ashland with crude oil.

Energy Cooperatives, Inc., East Chicago, Ind., BEX–0012, crude oil

On November 19, 1979, Energy Cooperatives, Inc. (ECI) requested a clarification of the provisions of Paragraph (4) of a Temporary Decision and Order issued to ECI on October 3, 1979. Specifically, ECI requested a clarification of the ERA's ability to enter directed sales orders, under the authority of Paragraph (4) of the October 3 Order, that would redirect volumes of crude oil under the Buy/Sell program to ensure that ECI's weighted average acquisition cost of crude oil under the Buy/Sell program was equal to or less than the average price of imported crude oil of all refiner-sellers. In considering the request, the DOE found that while Paragraph (4) of the October 3, 1979 Order issued to ECI empowered the ERA to issue such directed sales orders, orders of that kind would not be necessary at the present time in view of ERA's estimation that the price paid by ECI for its crude oil allocation under the Buy/Sell program closely approximated the average price of imported crude oil of all refiner-sellers.

Requests for Temporary Exception

Ashland Oil, Inc., Ashland, Ky., BEL–0373, crude oil

Ashland Oil, Inc. filed an Application for Temporary Exception in which the firm requested that the DOE assign refiners to supply Ashland with additional supplies of relatively low cost crude oil. In considering the request, the DOE found that temporary exception relief was necessary to avoid severe dislocations among Ashland's customers. In addition, the DOE found that the firm had demonstrated a substantial likelihood of success on the merits of its underlying exception request. Accordingly, temporary exception relief was granted.

Beacon Oil Co., Hanford, Calif., BEL–0007, gasohol

The Beacon Oil Company filed an Application for Temporary Exception from the provisions of 10 CFR 212.83 in which the firm sought to mrket gasohol as a separate category and grade of gasoline for cost pass through purposes and to pass through the entire cost of the alcohol in its sales of gasohol. In considering the request, the DOE found that temporary exception relief was necessary to allow Beacon to implement a successful test marketing program for gasohol. Accordingly, temporary exception relief was granted.

Gulf Energy Refining Corp., Brownsville, Tex., BES–0016, BEL–0016, crude oil

Gulf Energy Refining Corp. filed an Application for Stay and an Application for Temporary Exeption pertaining to the provisions of 10 CFR 211.67 (the Entitlements Program). If the firm's stay request were granted, its obligation to purchase 198,601 entitlements (for approximately $3.4 million, as specified in the Entitlements Notice for August 1979 would be stayed. If the firm's temporary exception request were granted, the firm would be permitted to sell entitlements with a value of approximately $500,000. In its applications, Gulf Energy contended that the ERA had promised that the firm would recieve an adjustment in its entitlements obligations to reflect its initial purchase of inventory for a new refinery. However, the ERA subsequently suspended the starting inventory adjustment. In considering the requests, the DOE noted that it had previously determined that the ERA had no statutory or regulatory authority to grant starting inventory adjustments and the advice to Gulf Energy that it would receive an adjustment was therefore manifestly unjustified. *See Sierra Anchor Refining Company,* 3 DOE Par. 80,114 (1979). The DOE also found that certain actions taken by Gulf Energy to obtain recertification of imported Venezuelan oil were possibly illegal and circumvented the intent of DOE regulations. The DOE also found, however, that Gulf Energy might suffer irreparable injury in the absence of stay relief and that there was a likelihood that it would receive some level of exception relief. Accordingly, the application for temporary exception was denied and the application for stay was granted in part.

Phillips & Munzell Shell, Ruskin, Fla., BEL–0300, motor gasoline

Phillips & Munzell Shell filed an Application for Temporary Exception in which the firm requested that exception relief previously granted in *Phillips & Munzell Shell,* Case Nos. DEE–2925, DES–2925, DST–2925 (Proposed Decision and Stay issued April 26, 1979) be extended pending a final determination on its related Application for Exception which it filed on the same day (Case No. BXE–0300). In considering the firm's request, the DOE noted that in the previous proceeding it had concluded that the firm would suffer a serious financial hardship and its existence would be jeopardized if it were not permitted to purchase more gasoline than it was entitled to under the DOE allocation regulations. The DOE therefore concluded that there was a substantial likelihood of success on the merits of the firm's underlying request for extension and that the firm would suffer irreparable injury in the absence of temporary exception relief. Accordingly, the firm's request was granted.

Total Petroleum, Inc., Detroit, Mich., BEL–0017, BES–0017, BST–0017

Total Petroleum, Inc. filed an Application for Exception from the provisions of 10 CFR 212.83 in which the firm sought immediate relief from the DOE pricing regulations in order to facilitate the firm's blending and marketing of Gasohol. In considering the request, the DOE found that exception relief was necessary to encourage and assist Total in its efforts to market Gasohol and to help shift the nation away from its reliance on petroleum products for energy. The DOE also found that, on balance, the critieria of 10 CFR 205.125(b), concerning the issuance of a temporary exception, had been met. Accordingly, temporary exception relief was granted.

New Jersey Highway Authority; New Jersey Energy Department, Woodbridge, N.J.; Newark, N.J., BEX–0010, motor gasoline

The Office of Hearings and Appeals issued an Interlocutory Order which would convene a hearing at 10:00 a.m. on December 19, 1979 to consider certain contradictions in the record of the New Jersey Highway Authority's request for exception relief (Case No. DXE–8279). The contradictions concern whether or not the New Jersey State set-aside Program had substantial uncommitted volumes of gasoline on September 25, 1979, when the DOE issued a temporary exception directing that 360,000 gallons of the set-aside be supplied to eight retail outlets along the Garden State Parkway.

Interim Orders

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company Name, Case No., and Location

Schapeler Oil Co., DEN–7086; Rockville, MO
B&B Oil Co., Inc., DEN–5854; Spokane, WA
Melton's Exxon, DEN–5474; Camden, SC
Mission Car Wash, DEN–5198; San Gabriel, CA
Stefano's Gasoline, DEN–5183; Lodi, CA
Hawk Oil Co., Inc., DEN–5801; Scranton, PA
M. D. Fisher Oil, DEN–4880; New Braunfels, TX
Publix Oil Co., DEN–8115; Washington, DC
Anthony R. Barone, DEN–6721; Philadelphia, PA

Petitions Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The request, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued a Decision and Order which determined that the request be granted:

Company Name, Case No., and Location

Ray W. Reeves, BXE–0132; McDonough, GA

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name, Case No.

Champlin Pet. Co., BFA–0074
City of Murray, KY, DEE–7352

Ft. Cheswick Farm, DEE–6075
Amerada Hess, BES–0048; BEA–0048
C.T. Associates, DEE–8002
Carter & Towers Engineering Corp., DEE–7698
Exxon USA, Inc., BES–0020; BEA–0020
Northwest Nat. Gas, BEE–0233
Packaging Services, DEE–5781
Park Mart Sunoco, BEO–0001
Beldon Roofing & Remodeling, DEE–5994
Craft Pet. Corp., DXE–4756
Don Thompson Shell, DEE–6316
Edlene's Shell, DEE–4535
Gary's Exxon, DST–7251; DES–7251
Jim's Elm St. Gulf, DEE–6848
Leesburg Oil Co., DEE–4835
Thomas P. Reidy, Inc., DST–0360; DES–9360
Wayland Oil Corp., DEE–2897
Whipple 17 Mobil, DEE–7414
Fast Stops, Inc., DST–0029
Fitchett, Inc., DEE–4205; DES–4205
Flintex Oil Co., DEE–3429
Frank's Mini Market, DEE–4996; DES–4996
Greenhouse Hair Design, DEE–7834
Harbor Island Spa, DEE–7570

Company Name, Case No.

Holiday Exxon, DEE–5492
Hough's American, DEE–7177
Junior's Exxon, DEE–7626
Murray Natural Gas, DEE–8266
Noyes Sunoco, DEE–6813; DES–6813
Page Boy Maternity, DEE–7563
Palm & McKinley Shell, DEE–6205
Peacock's Super Kwik, DEE–6482
Pet. Service Co., DEE–3472
Wm. H. Lyman, Sr., DEE–7412
George L. Ralph, Inc., DEE–2636; DST–2636
Hone Oil Co., Inc., DEE–6291
Hottman Co., DEE–6106
Hughes Oil Co., DEE–2344; DST–2344
Malcom Black Associates, Inc., DEE–7401
Mike Rose Oil Co., DEE–2733; DST–2733
Mr. Clean Car Wash, DEE–7224
Mr. Grocer Corp., DEE–7130
Patterson Oil Co., DEE–3701; DST–3701
Pride Pet. Co., Inc., DEE–2599
R.J.P. Service St., DEE–8124
Reilly's Coin-Op Car Wash, DES–6356; DST–6356
Rode's Hazel Pk. Mobil, BEO–0002
S&E Oil Co., DEE–7379
Sinclair Oil Corp., DES–5522

Copies of the full text of these 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.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

March 21, 1980.

[FR Doc. 80-9371 Filed 3-27-80; 8:45 am]

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Issuance of Decisions and Orders by the Office of Hearings and Appeals, Week of January 4, through January 11, 1980

Notice is hereby given that during the week of January 4 through January 11, 1980, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

JOC Oil, Inc. and Wellen Oil, Inc.; New York, New York; BFA–0087, freedom of information

JOC Oil, Inc. and Wellen Oil, Inc. filed an Appeal from a partial denial by the Manager of the Northeast District Office of Enforcement of a Request for Information which the firms had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that one of the documents was improperly withheld under Exemption 5 and ordered its release. The remainder of the documents were found to be properly withheld under Exemption 4, Exemption 5, and Exemption 7(A).

Mobil Oil Corporation; Valley Forge, Pennsylvania; DEA–0565, through DEA–0568 motor gasoline

Mobil Oil Corporation filed four related Appeals of Assignment Orders issued to Home Heating Oil Company (Home), a Mobil branded jobber, by Region III Office of the Economic Regulatory Administration. The Assignment Orders assigned Home as the base period supplier for four retail outlets pursuant to the provisions of 10 CFR 211.105(d). In its Appeals, Mobil asserts that Home could not become a base period supplier for the four retail outlets under the provisions of 211.105(d) because the outlets were not "branded independent marketers" as defined in the Emergency Petroleum Allocation Act of 1973 (EPAA). Mobil further claims that Home should be required by Region III to request any appropriate downward certifications to its base period allocation before it could request any upward certifications from Mobile. Finally, Mobil alleges that Home's use of the upward certification mechanism was inconsistent with Sections 4(b)(1) (F) and (I) of the EPAA. In considering Mobil's Appeals, the DOE determined that (i) because of the retail outlets' historical relationship with Mobil, they were in fact branded retail marketers and could benefit from the provisions of 10 CFR 211.105(d); (ii) Home appeared to have submitted all certifications to Mobil that were required under the provisions of 10 CFR 211.13(f); and (iii) Home's actions were consistent with EPAA because, by supplying the retail outlets with motor gasoline, Home was enabling them to continue operations and was therefore promoting competition within the petroleum industry. Accordingly, Mobil's Appeals were denied.

Shenandoah Oil Corporation; Fort Worth, Texas; DRA–0089 crude oil

Shenandoah Oil Corporation filed an Appeal from a Remedial Order which DOE Region VI issued to the firm on December 12, 1977. In the Remedial Order, DOE Region VI found that Shenandoah sold quantities of crude oil produced from three tracts at prices which exceeded the maximum permissible selling prices. In considering the firm's Appeal, the DOE determined that the Remedial Order had made no findings as to whether the Bel Estate and Stribling leases created multiple rights to produce. The DOE also determined that the Remedial Order had not explained the basis for its finding that there is only one geological formation on the Bel Estate tract. Finally, the DOE concluded that Shenandoah could not apply the "imputed stripper well" provision of 10 CFR 212.75 to the Morrison Ranch Unit. The DOE therefore remanded those portions of the Remedial Order dealing with the Bel Estate and Stribling leases to Region VI and denied Shenandoah's Appeal concerning the Morrison Ranch Unit.

Remedial Order

Koch Industries, Inc., Wichita, Kans., DRO–0411, motor gasoline

Koch Industries, Inc. objected to an Amended Interim Remedial Order for Immediate Compliance (IROIC) which the Office of Special Counsel (OSC) issued to the firm on August 28, 1979. In the Amended IROIC, the OSC found that Koch had violated the DOE allocation and price regulations by changing the credit terms for the sale of motor gasoline to the Saturn Petroleum Company. In considering the firm's objections, the DOE found that the OSC failed to establish that the issuance of the IROIC was required to avert an immediate irreparable harm to Saturn or for public interest reasons. The DOE therefore concluded that the Amended IROIC should be rescinded.

Requests for Exception

Beacon Oil Co., Washington, D.C., DEE–2141, crude oil

On February 1, 1979, the Beacon Oil Company (Beacon) filed an Application for Exception from its regulatory obligations under the Old Oil Entitlements Program (10 CFR 211.67). The Beacon request, if granted, would have relieved the firm from fulfilling its obligation to purchase entitlements for the period March 1979 through August 1979. On March 19, 1979, the DOE issued a Proposed Decision and Order in which it determined that exception relief was not warranted. In arriving at this determination, the DOE adjusted the firm's profits to account for a substantial increase in its resale activity.

In its Statement of Objections to the Proposed Decision, Beacon claims that the DOE's adjustment of its profit margin to account for the firm's increased resale activity was inappropriate and factually incorrect. In this regard, the firm contended that: (i) the *pro forma* financial data utilized by the DOE to calculate Beacon's resale activity is inaccurate; (ii) the DOE failed to establish that the firm had abused the Entitlements Program by expanding its resale activity; (iii) the resale adjustment used in the Proposed Decision failed to comply with applicable rulemaking procedures; and (iv) the DOE inappropriately applied the resale adjustment retroactively.

In considering the firm's Statement of Objections, the DOE determined that the resale adjustment is an adjudicatory standard, not an administrative rule, and therefore is not subject to general rulemaking procedures. In addition, the DOE indicated that the resale adjustment is not based on a finding of abuse of the Entitlements Program by the applicant and that it should be consistently applied to all recipients of entitlements relief. Finally, while disagreeing with the firm's contention that the resale adjustment had been applied retroactively, the DOE agreed with the firm's contentions concerning the proper calculation of this adjustment. In accordance with a previous Decision issued to the *Navajo Refining Company* (Navajo), 3 DOE (May 16, 1979), the DOE modified the methodology used to calculate the resale adjustment. On the basis of these revised calculations, the DOE extended exception relief to Beacon which reduced by $397,812 per month the firm's obligation to purchase entitlements during the period March 1979 through February 1980.

Chevron U.S.A., Inc., San Francisco, Calif., DXE–2801, crude oil

Chevron U.S.A. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Murphy Non-Unit at upper tier ceiling prices. *Chevron U.S.A., Inc.*, 3 DOE Par. 81,019 (1979). In considering the exception application, the DOE found that Chevron continued to incur increased operating expenses at the Murphy Non-Unit and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that property. In view of this determination and on the basis of the operating data which Chevron had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Chevron to sell at upper tier ceiling prices 40.33 percent of the crude oil produced from the Murphy Non-Unit for the benefit of the working interest owners for a six-month period.

Chevron U.S.A., Inc., San Francisco, Calif., DXE–2800, crude oil

Chevron U.S.A., Inc., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Huntington B–PE Unit at upper tier ceiling prices. *Chevron U.S.A., Inc.*, 3 DOE Par. 81,054 (1979). In considering the exception application, the DOE found that Chevron continued to incur increased operating expenses at the property and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that unit. In view of this determination and on the basis of the operating data which Chevron had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Chevron to sell at upper tier ceiling prices 40.33 percent of the crude oil produced from the Huntington Unit for the benefit of the working interest owners for a six-month period.

Double B Oil, Inc., Wichita, Kans., DEE–5070, crude oil

Double B Oil, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D, in which the firm requested that it be permitted to sell the working interests' share of the crude oil produced at the Hagerman Lease at market prices. In considering the request, the DOE found that exception relief was necessary to provide the working interest owners with an incentive to continue crude oil production. Accordingly, relief was granted in part and the firm was permitted to sell 8.4 percent of the crude oil produced and sold for the benefit of the working interest owners at market prices. Other issues discussed are whether Double B's investment to install a disposal well in October 1977 should be included in the analysis of the firm's application and whether exception relief should be based upon the Hagerman Lease's projected operating posture.

Farley Co., Hartford, Conn., DEE–7899, emergency building temperature restrictions

The Farley Company filed an Application for Exception from the provisions of 10 CFR Part 490 in which the firm sought an extension of time in which to comply with the heating set back requirement in The Exchange, a building which it manages. In considering the request, the DOE found that exception relief was necessary to enable the firm to install automatic night set back controls. Accordingly, exception relief was granted.

Florida Studio Theatre, Sarasota, Fla., BEO–0031, emergency building temperature restrictions

Florida Studio Theatre filed an Application for Exception from the privisions of 10 CFR Part 490 in which the firm sought permission to lower the minimum cooling temperature below 78°F. in its auditorium. In considering the request, the DOE found that the firm had not submitted medical evidence to support its claim that it is unhealthy for the performers to perform and senior citizens to sit in an auditorium with a temperature level of 78°F. Accordingly, exception relief was denied.

The Lighthouse, San Antonio, Tex., DEE–7554, emergency building temperature restrictions

The Lighthouse filed an Application for Exception from the provisions of 10 CFR Part 490 in which the firm sought permission to lower the cooling temperature below prescribed minimum levels and raise heating levels above prescribed maximum levels. In considering the request, the DOE found that exception relief was necessary to alleviate the health difficulties of the blind and multi-handicapped people that use the facilities of The Lighthouse. Accordingly, exception relief was granted.

Main Street Chevron, Morro Bay, Calif., BEO–0054

Main Street Chevron filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the applicant purchased Main Street after the updating of the base period and was therefore in a position to know the retail outlet's base period allocation before making the decision to acquire it. Accordingly, exception relief was denied.

Olsen Jewelry, Beloit, Wis., BEO–0044, emergency building temperature restrictions.

Olsen Jewelry filed an Application for Exception from the provisions of 10 CFR Part 490 in which the firm sought permission to raise the maximum heating temperature in its business establishment above 65°F. In considering the request, the DOE found that the firm presented no medical evidence to demonstrate that the person who performs jewelry repairs has any medical condition which subjects his hands to unusual hardships or difficulties at 65°F. Accordingly, exception relief was denied.

Request for Temporary Exception

Mid-South Oil Co., Dallas, Tex., BEL–0011, motor gasoline

Mid-South Oil Company filed an Application for Temporary Exception requesting an order directing Oklahoma Refining Company to resume supplying motor gasoline to Mid-South according to the historic credit terms which allegedly existed between the two firms. In considering the Application, the DOE determined that the matter should be referred to the Office of Enforcement for appropriate action. Mid-South's temporary exception request was therefore dismissed.

Request for Stay

Kerr-McGee Refining Corp., Oklahoma City, Okla., BES–0063, BST–0063, motor gasoline

Kerr-McGee Refining Corporation filed Applications for Stay and Temporary Stay from the requirement that it supply motor gasoline to American Agri-Fuels Corporation (AAF) pursuant to an October 11, 1979 Order issued by the Region VII Office of Petroleum Operations of the Economic Regulatory Administration at the direction of an August 28, 1979 Decision and Order in which AAF was granted exception relief; *see American Agri-Fuels Corporation*, 3 DOE Par. ——— (August 28, 1979). In considering the Applications, the DOE determined that Kerr-McGee had failed to submit any evidence to substantiate its claim that it or its customers will be irreparably harmed in the absence of immediate stay relief. Consequently, the firm's Application for Temporary Stay was denied. The DOE also concluded that Kerr-McGee's due process rights had not been violated by the procedures used in choosing it as a supplier in the October 11 Order. Kerr-McGee's stay request was therefore denied.

Request for Temporary Stay

Cities Service Co., Tulsa, Okla., BST–0044, crude oil

Cities Service Company filed an Application for Temporary Stay from the requirement that it supply Union Oil Company of California (Union) with crude oil pursuant to the terms of an Interim Decision and Order issued to Union on December 21, 1979. *See Union Oil Company of California,* Case No. DEE–5748 (Proposed Decision and Order issued December 21, 1979). In considering the Application, the DOE determined that the Cities supply obligation to Union would not threaten Cities essential operations, nor affect its competitive positions *vis a vis* other refiners. The Cities temporary stay request was therefore denied.

Special Refund Procedures

Office of Enforcement (in re PVM), Washington, D.C., BFF–0002, special refund procedures

The ERA Office of Enforcement filed a Petition for the Implementation of Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V. The Petition requests OHA to supervise the distribution of $215,000 representing alleged overcharges made by PVM Oil Associates, Inc., in sales of crude oil as specified in a Consent Decree approved by a federal District Court on June 29, 1979. The Office of Hearings and Appeals dismissed the Petition on the basis that the refund amount was not of sufficient size to warrant use of the special refund procedures and no other special need was demonstrated.

Motion for Discovery

Johnson Oil Co., Salt Lake City, Utah, DED–0483, crude oil

The Johnson Oil Company filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Decision and Order which the DOE issued to the Southwestern Refining Company on December 19, 1978. In its Motion, Johnson requests that the DOE respond to several interrogatories and requests for documents that relate to the December 19 Proposed Decision. In considering the request, the DOE determined that Johnson had failed to demonstrate the relevance or materiality of the documents and interrogatories set forth in its Motion. Accordingly, the Motion for Discovery was denied.

Supplemental Orders

Aminoil U.S.A., Inc., Houston, Tex., BEX–0015, crude oil

On November 8, 1979, the Department of Energy issued a Decision and Order to Aminoil U.S.A., Inc. which granted the firm's request for an extension of exception relief from the provisions of 10 CFR, Part 212, Subpart D. Subsequently, the DOE determined that the lower and upper tier prices for crude oil used in the November 8 Decision and Order were incorrect. Accordingly, the DOE issued a Supplemental Decision and Order utilizing the correct prices and amended the November 8 Order to reflect the proper amount of exception relief.

Commonwealth Oil Refining Co., Inc., San Antonio, Tex., BEX–0023, crude oil

Pursuant to an order of the bankruptcy court, the Commonwealth Oil Refining Company, Inc. (Corco) requested that the DOE approve two amendments to the credit agreement between the firm and its lenders. *See Commonwealth Oil Refining Company, Inc.,* 3 DOE Par. 82,532 (1979). In approving the amendments, the DOE noted that Corco's financial position has improved considerably since February 1979, the time the DOE last reviewed the credit agreement.

Union Oil Co. of California, Los Angeles, Calif., BEX–0022, crude oil

Union Oil Company of California was issued a Supplemental Order clarifying several aspects of a Proposed Decision and Order and Interim Order issued to the firm on December 21, 1979. Specifically, the condition that Union not take advantage of the DOE "Tilt Regulations" in order to receive exception relief was made applicable only to the incremental crude oil furnished to Union pursuant to the Orders.

Interim Orders

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company Name, Case No., and Location

Citadel Corporation, BEN–0126; Washington, DC
Forrest General Chevron Service, DEN–7274; Hattiesburg, MS
Murray Pet. Co., Inc., DEN–6993; Bakersfield, CA
Mickey's Anchor, BEN–0277; Dudley, MA

Protective Orders

The following firm filed and Application for Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following application and issued the requested Protective Order as an Order of the Department of Energy:

Name, Case No., and Location

Mobil Oil Corp., BEJ–0012; Washington, DC

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name and Case No.

Chabot's Super Service, DEE–4988; DST–4988
Cumberland Parkway Standard, DEE–7257
Gordon Court, DEE–6748
Howard Cantrell, DEE–7162
Main St. Texaco, DEE–7292
Tenley's Standard Service, DEE–3192
Williamson Auto Electric, DEE–4750
J. T. McKinney Co., Inc., DEE–6920
Miller Oil Co., DEE–4990; DST–4990
Autohaus V.I.C., DEE–6209
Home Service Oil Co., DEE–2489; DES–2489
Alan's Interstate Std., DEE–6243
Albert V. Soukup, DEE–6553
Bob Martin's Shell, DEE–2773
Forrest General Chevron Service, DES–7274
Gene's Texaco, DEE–3539
J&R Service Center, DEE–6808
Ladurini Oil Co., DEE–2650
Price & Henderson, Inc., DEE–5215; DES–5215
Reiner Oil Co., DEE–7595
Swidorski Oil Co., Inc., DEE–4366; DES–4366; DST–4366
Van Drisse Oil Co., DEE–2737; DST–2737
By-Rite Oil Co., DEE–4587
Charles Hasting Oil, DEE–6868
David G. Palamara, DRO–0294; DRO—0295; DRO–0296
Foster Oil Co., DEE–3054
Gaithersburg Exxon, DEE–3187
Gas Service, Inc., DEE–2401
Grace Western Auto, BEO–0310
Lunday-Thagard Oil, DED–0021; DED–1936
Rick Trombetta, BFA–0102
Sav-Mor Oil Co., DEE–3703; DST–3703
Skorupski Brothers, DEE–5355
Tiger Pet. Products, DEE–3848
White Oil Co., DEE–3095; DST–3095

Copies of the full text of these 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.s.t., except Federal holidays. They are also avaliable in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

March 21, 1980.

[FR Doc. 80–9372 Filed 3–27–80; 8:45 am]

BILLING CODE 6450–01–M

Notice of Cases Filed With the Office of Hearings and Appeals; Week of February 8 through February 15, 1980

Notice is hereby given that during the week of February 8, 1980 through February 15, 1980 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. 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. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

March 21, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of February 8 through 15, 1980]

Date	Name and Location of Applicant	Case No.	Type of Submission
Feb. 8, 1980	Exxon Company, U.S.A., Houston, Texas	BED-0035, BEH-0035.	Motion for Discovery; Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Exxon Company, U.S.A. to the December 21, 1979 Proposed Decision and Order issued to Union Oil Company of California (Case No. DEE-5748).
Feb. 8, 1980	Getty Regining and Marketing Company, New York, New York.	BED-0033, BEH-0033.	Motion for Discovery; Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing convened in connection with the Statement of Objections submitted by Getty Refining and Marketing Company to the December 21, 1979 Proposed Decision and Order issued to Union Oil Company of California (Case No. DEE-5748).
Feb. 8, 1980	Mobile Oil Corporation, Washington, D.C.	BED-0034	Motion for Discovery. If granted: Discovery would be granted to Mobil Oil Corporation in connection with the Statement of Objections submitted by Mobil to the December 21, 1979 Proposed Decision and Order issued to Union Oil Company of California (Case No. DEE-5748).
Feb. 8, 1980	Phillips Petroleum Company, Washington, D.C.	BEH-0015	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by Phillips Petroleum Company to the December 21, 1979 Proposed Decision and Order issued to Union Oil Company of California (Case No. DEE-5748).
Feb. 11, 1980	Ashland Oil, Inc., Ashland Kentucky	BEX-0032,	Supplemental Order. If granted: The November 23, 1979 Temporary Exception (Case No. BEL-0373) granted to Ashland Oil, Inc. would be modified.
Feb. 11, 1980	Capital Energy Corporation, Harris County, Texas	BEE-0833	Price Exception (Section 212.73). If granted: Capital Energy Corporation would be permitted to sell crude oil produced from the A.M. Bogart Lease, located in Harris County, Texas, at upper tier ceiling prices.
Feb. 11, 1980	City of Long Beach, California, Long Beach, California.	BMR-0024	Request for Modification. If granted: The January 16, 1979 Decision and Order (Case No. DMR-0034) issued to the City of Long Beach, California would be modified.
Feb. 11, 1980	Crenshaw Oil Company, Lancaster, South Carolina	BED-0836	Allocation Exception. If granted: Crenshaw Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 11, 1980	Dechert, Price, & Rhodes, Philadelphia, Pennsylvania.	BFA-0176	Appeal of Information Request Denial. If granted: The January 9, 1980 Information Request Denial issued by the Assistant Secretary for Industrial and Utility Applications would be rescinded, and Dechert, Price, & Rhodes would receive access to DOE records of sales and purchases of domestic and foreign uranium.
Feb. 11, 1980	DeMenno/Kerdoon, Washington, D.C.	BEA-0180, BEH-0181.	Appeals of Buy/Sell; Orders. If granted: The January 11, 1980 Decisions and Orders issued to DeMenno/Kerdoon by the Economic Regulatory Administration, Office of Petroleum Operations regarding the firm's requests for emergency allocations of crude oil under the Buy/Sell Program would be rescinded.
Feb. 11, 1980	Edington Oil Company, Washington, D.C.	BEE-0832	Allocation Exception. If granted: Edington Oil Company would recieve an exception from the provisions of 10 CFR 211.65 which would permit the firm to participate in the Buy/Sell Program.
Feb. 11, 1980	Exxon Company, U.S.A., Houston, Texas	BEA-0177	Appeal of Assignment Order. If granted: The January 11, 1980 Assignment Order issued to Exxon Company, U.S.A. by the Economic Regulatory Administrtion, Region IV, regarding the firm's supply obligations to Moore Oil Company would be rescinded.
Feb. 11, 1980	Exxon Company, U.S.A., Houston, Texas	BEA-0178	Appeal of Assignment Order. If granted: The January 11, 1980 Assignment Order issued to Exxon Company, U.S.A. by the Economic Regulatory Administration, Region IV, regarding the firm's supply obligations to Cosmo Oil Company, Inc. would be rescinded.
Feb. 11, 1980	Giant Industries, Inc., Washington, D.C.	BEA-0182	Appeal of Buy/Sell Order. If granted: The January 11, 1980 Decision and Order issued to Giant Industries, Inc., by the Economic Regulatory Administration, Office of Petroleum Operations regarding the firm's request for emergency allocations of crude oil under the Buy/Sell Program would be rescinded.
Feb. 11, 1980	Guy Goodine, Broken Arrow, Oklahoma	BEE-0866	Allocation Exception. If granted: Guy Goodine would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 11, 1980	Helmerich and Payne, Inc., Beaver County, Oklahoma.	BEE-0842	Price Exception (Section 212.73). If granted: Helmerich and Payne, Inc. would be permitted to sell the crude oil produced from the Dwight Leonard "A" No. 1 Lease, located in Beaver County, Oklahoma, at upper tier ceiling prices.
Feb. 11, 1980	Henry Engineering, Midland, Texas	BXE-0834	Extension of Relief Granted in *Henry Engineering*, 4 DOE Par. ——, (December 4, 1979). If granted: Henry Engineering would be permitted to continue to sell the crude oil produced from the Jones Estate "F" Lease located in Gaines County, Texas at upper tier ceiling prices.
Feb. 11, 1980	Hillard Chevron, Grants, New Mexico	BRW-0021	Finalization of Interim Remedial Order. If granted: A Proposed Remedial Order issued to Hillard Chevron on October 19, 1979 would be issued as a final Remedial Order.
Feb. 11, 1980	Jane Rasmussen, Bethesda, Maryland	BEE-0870	Exception from Emergency Building Temperature Restrictions. If granted: Jane Rasmussen would receive an exception from the provisions of 10 CFR 490, the Emergency Building Temperature Restrictions.
Feb. 11, 1980	John Walker, Tulsa, Oklahoma	BEE-0865	Allocation Exception. If granted: John Walker would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 11, 1980	L. J. Bonaffons, Washington, D.C.	BEA-0179	Appeal of Assignment Order. If granted: The January 29, 1980 Assignment Order issued to Shell Oil Company by the Economic Regulatory Administration, Region VI regarding the firm's supply obligations to L. J. Bonaffons would be rescinded.
Feb. 11, 1980	National Oil Jobbers Council, Washington, D.C.	BES-0060, BST-0060.	Requests for Stay and Temporary Stay. If granted: Members of the National Oil Jobbers Council would receive a stay and temporary stay of the Special Report Orders issued by the Economic Regulatory Administration, Office of Enforcement pending a final determination on the Application for Exception which the Council intends to file on behalf of its members.
Feb. 11, 1980	Nordstrom Oil Company, Cedar Rapids, Iowa	BEE-0837	Allocation Exception. If granted: Nordstrom Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 11, 1980	Paul Clayton, Tulsa, Oklahoma	BEE-0864	Allocation Exception. If granted: Paul Clayton would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 11, 1980	Revell Oil Company, Inc., Monticello, Florida	BEE-0830	Allocation Exception. If granted: Revell Oil Company, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 11, 1980	Sheperd Oil Company, Blackwell, Oklahoma	BEE-0831	Allocation Exception. If granted: Sheperd Oil Company would receive an exception from tbe provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 11, 1980	Texaco, Inc., White Plains, New York	BMR-0025	Request for Modification. If granted: The October 13, 1979 Decision and Order (Case No. DEE-6985) issued to Texaco, Inc. would be modified.
Feb. 12, 1980	Arnoldo Barg, Tulsa, Oklahoma	BEE-0855	Allocation Exception. If granted: Arnoldo Barg would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. test marketing program.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of February 8 through 15, 1980]

Date	Name and Location of Applicant	Case No.	Type of Submission
Feb. 12, 1980	Bill Cooper, Tulsa, Oklahoma	BEE-0861	Allocation Exception. If granted: Bill Cooper would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Bill Satterfield, Tulsa, Oklahoma	BEE-0858	Allocation Exception. If granted: Bill Satterfield would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Bob Grinter, Tulsa, Oklahoma	BEE-0862	Allocation Exception. If granted: Bob Grinter would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Clark Jones, Tulsa, Oklahoma	BEE-0853	Allocation Exception. If granted: Clark Jones would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Crown Central Petroleum Corporation (Certified Transport, Inc.) Baltimore, Maryland.	BEA-0184	Appeal of Assignment Order. If granted: The January 3, 1980 Assignment Order issued to the U.S. Army/New York National Guard (USA/NG) by the Economic Regulatory Administration, Region II, regarding Certified Transport, Inc.'s supply obligations to USA/NG would be rescinded.
Feb. 12, 1980	Dee Davis, Tulsa, Oklahoma	BEE-0867	Allocation Exception. If granted: Dee Davis, would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Don Cooper, Catoosa, Oklahoma	BEE-0854	Allocation Exception. If granted: Don Cooper would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Jim Cole, Tulsa, Oklahoma	BEE-0859	Allocation Exception. If granted: Jim Cole would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Jim Deer, Sand Springs, Oklahoma	BEE-0851	Allocation Exception. If granted: Jim Deer would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Jim Still, Tulsa, Oklahoma	BEE-0856	Allocation Exception. If granted: Jim Still would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	John Polk, Tulsa, Oklahoma	BEE-0850	Allocation Exception. If granted: John Polk would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Larry Reber, Tulsa, Oklahoma	BEE-0852	Allocation Exception. If granted: Larry Reber would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	LaSalle Oil Co., Inc., Dunmore, Pennsylvania	BEE-0845	Allocation Exception. If granted: LaSalle Oil Co., Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 12, 1980	Mid States Petroleum, Inc., Troy, Michigan	BEE-0847	Allocation Exception. If granted: Mid States Petroleum, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 12, 1980	Milt Sears, Tulsa, Oklahoma	BEE-0860	Allocation Exception. If granted: Milt Sears would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	National Exploration Company, Houston, Texas	BEE-0878	Exception from the Reporting Requirements. If granted: National Exploration Company would be granted an extension of time in which to file Form EIA-23 ("Annual Survey of Domestic Oil and Gas Reserves").
Feb. 12, 1980	Perrine Oils, Sharon, Pennsylvania	BEE-0846	Allocation Exception. If granted: Perrine Oils would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 12, 1980	Petroleum Carrier Company, Inc., Roanoke, Texas	BEE-0835	Price Exception, (Section 212). If granted: Petroleum Carrier Company, Inc. would receive an exception from the provisions of 10 CFR 212, Subpart L which would permit the firm to resell crude oil at stripper well prices.
Feb. 12, 1980	Phillips Petroleum Company, Bartlesville, Oklahoma	BEE-0835	Allocation Exception. If granted: Phillips Petroleum Company would receive an exception from the provisions of 10 CFR 211.105 and 211.13 which would permit the firm to be relieved of any new assignments of motor gasoline supply obligations.
Feb. 12, 1980	Reeder Service Center, Tulsa, Oklahoma	BEE-0849	Allocation Exception. If granted: Reeder Service Center would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 12, 1980	Stock Nolle Oil Co., Inc., St. Charles, Mississippi	BEE-0848	Allocation Exception. If granted: Stock Nolle Oil Co., Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 12, 1980	West Paterson Amoco, Inc., Paramus, New Jersey	BEH-0819	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by West Paterson Amoco, Inc. in response to the Proposed Decision and Order issued to the firm (Case No. BEO-0819).
Feb. 12, 1980	Will McConnell, Broken Arrow, Oklahoma	BEE-0857	Allocation Exception. If granted: Will McConnell would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 13, 1980	American Petrofina, Inc., Washington, D.C.	BED-0036, BEH-0036.	Motion for Discovery; Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing convened in connection with the Statement of Objections submitted by American Petrofina, Inc. in response to the January 11, 1980 Proposed Decision and Order issued to Fina Jobbers Association, Inc. (Case No. DEE-5568).
Feb. 13, 1980	Charles H. Booth, Anniston, Alabama	BEE-0874	Allocation Exception. If granted: Charles H. Booth would receive an exception from the provisions of 10 FR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 13, 1980	Consumer Energy Council of America, Washington, D.C.	BFA-0189	Appeal of Information; Request Denial. If granted: The February 4, 1980 Information Request Denial issued to Consumer Energy Council of America by the DOE Office of Special Counsel would be rescinded and the firm would receive access to certain DOE documents.
Feb. 13, 1980	Exxon Company, U.S.A., Washington, D.C.	BEA-0185	Appeal of Assignment Order. If granted: The January 10, 1980 Assignment Order issued to Exxon Company, U.S.A. by the Economic Regulatory Administration, Region VIII, regarding Exxon's supply obligations to North Side Center would be rescinded.
Feb. 13, 1980	Jack Ritter Oil Distributing Company, Austin, Texas	BEE-0868	Allocation Exception. If granted: Jack Ritter Oil Distributing Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of February 8 through 15, 1980]

Date	Name and Location of Applicant	Case No.	Type of Submission
Feb. 13, 1980	Phillips Petroleum Company, Bartlesville, Oklahoma	BES-0825, BST-0825.	Request for Stay and Temporary Stay. If granted: Phillips Petroleum Company would receive a stay and temporary stay of the provisions of 10 CFR 211.105 and 211.13 pending a final determination on its Application for Exception (Case No. BEE-0825).
Feb. 13, 1980	Strefling Oil Company, Inc., Baroda, Michigan	BEE-0869	Allocation Exception. If granted: Strefling Oil Company, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleased motor gasoline for the purpose of blending gasohol.
Feb. 13, 1980	United Steel Workers of America, Lackawanna, New York.	BFA-0188	Appeal of Information; Request Denial. If granted: The January 31, 1980 Information Request Denial issued to the United Steel Workers of America by the DOE Oak Ridge Operations Office would be rescinded, and the union would receive access to files concerning 1949-1951 Atomic Energy Commission contracts involving the Lackawanna Plant.
Feb. 14, 1980	Bassman, Mitchell & Levy, Washington, D.C.	BFA-0192	Appeal of Information; Request Denial. If granted: The January 16, 1980 Information Request Denial issued by the Economic Regulatory Administration, Region VII, would be modified, and Bassman, Mitchell & Levy would receive access to all documents concerning the 1974 audit of Illinois Ayers Oil Company of Quincy, Illinois.
Feb. 14, 1980	Economic Regulatory Administration (Industrial Fuel & Asphalt), Washington, D.C.	BMR-0026	Request for Modification/Rescission. If granted: The December 14, 1979 Decision and Order issued to Industrial Fuel and Asphalt of Indiana, Inc. (Case No. DEA-0664) would be modified.
Feb. 14, 1980	Getty Refining & Marketing Company, Tulsa, Oklahoma.	BEE-0492, BEL-0492.	Price Exception, Request for Temporary Exception. If granted: Getty Refining & Marketing Company would receive an Exception and Temporary Exception from the provisions of 10 CFR 212.83 which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution and marketing of gasohol.
Feb. 14, 1980	Mobil Oil Corporation, Scarsdale, New York	BEA-0191	Appeal of Assignment Order. If granted: The December 27, 1979 Assignment Order issued to Mobil Oil Corporation by the Economic Regulatory Administration, Region II, regarding Mobil's supply obligations to Rally Oil Company would be rescinded.
Feb. 14, 1980	Petraco-Valley Oil and Refining Company, Houston, Texas.	BEE-0876	Allocation Exception. If granted: Petraco-Valley Oil and Refining Company would receive an exception from the provisions of 10 CFR 211.67 which would adjust the firm's entitlements position to reflect its start-up inventory of crude oil.
Feb. 14, 1980	Texaco, Inc., White Plains, New York	BEJ-0046	Motion for Protective Order. If granted: Texaco, Inc. and Energy Cooperative, Inc. (ECI) would enter into a protective order regarding the exchange of certain confidential information in connection with ECI's Application for Exception and related proceedings (Case Nos. DEE-8112, DXE-8112, DES-8112, DEL-8112).
Feb. 14, 1980	Texas Association of Community Organizations for Reform Now, Austin, Texas.	BED-0436	Motion for Discovery. If granted: Discovery would be granted to the Texas Association of Community Organizations for Reform Now with respect to information sought from the Texas Oil Marketers Association in connection with the Association's Application for Exception (Case No. BEE-0436).
Feb. 14, 1980	The Washington Post Company, Washington, D.C.	BEA-0190	Appeal of Assignment Order. If granted: The December 31, 1979 Assignment Order issued to the Washington Post Company by the Economic Regulatory Administration, Region III, regarding a motor gasoline allocation to the firm would be modified.

Notices of Objection Received

[Week of 2/8/80 to 2/15/80]

Date	Name and location of applicant	Case No.
2/11/80	J & L Towing, Inc., Englewood, NJ	BEO-1036
2/11/80	Homestead Dairies, Inc., Massena, NY.	BEO-1035
2/11/80	Garrett's Exxon Servicenter, Salem, VA.	BEO-1034
2/11/80	Deberson Arco, Oakmont, PA	BEO-1033
2/12/80	Carr & Duff, Inc., Huntington Valley, PA.	BEO-1032
2/11/80	Bud's Texaco, Princeton, WV	BEO-1031
2/8/80	Fair's Exxon, York Springs, PA	BEO-1030
2/11/80	Read, Martin, Frandsen & Associates, Reno, NV.	DEE-6691
2/11/80	John Siciliani, Anaheim, CA	DEE-5973
2/11/80	Duncan Oil Company, Washington, D.C.	DXE-6624
2/12/80	Buck's Butane & Propane, San Jose, CA.	DEE-5546
2/11/80	T. C. Treakle & John Christopher, Inc., Irvington, VA.	DEE-5393
2/11/80	Tom's Arco, Indiana, PA	BEO-1049
2/11/80	Township Line Texaco, Drexel Hill, PA.	BEO-1050
2/11/80	Tobey's General Store, Palermo, ME.	BEO-1048
2/13/80	Tom's Mobil, Lebanon, PA	BEO-1047
2/12/80	Stroehmann Bros. Co., Williamsport, PA.	BEO-1046
2/11/80	Straka's Service, Toledo, OH	BEO-1045
2/12/80	Staatsburg Auto, Staatsburg, NY	BEO-1044
2/11/80	Price Oil Co., Greenfield, IL	BEO-1043
2/11/80	Poughquag Service Center, Poughquag, NY.	BEO-1042
2/11/80	Penn-Flat Service Center, Inc., Brooklyn, NY.	BEO-1041
2/12/80	Meriden Yellow Cab Co., Inc., Meriden, CT.	BEO-1039
2/12/80	Ludwig's Corner Service Station, Glenmoore, PA.	BEO-1038
2/12/80	Jarrell's Exxon, Hinton, WV	BEO-1037
2/11/80	Transit Truck Stop, Millersville, MD	BEO-1051
2/11/80	Wedge Service Station, Elmford, NY	BEO-1052
2/11/80	Yelo Jak Oil Co., Moscow, PA	BEO-1054
2/12/80	Lankford's 66 Service, Memphis, TN.	BEO-1055
2/11/80	Rainey's, Inc., Decatur, AL	BEO-0153
2/11/80	Benda's Little Freeway Service Stations, Lansing, MI.	BEO-1056
2/11/80	Charles L. R. Wood Oil Co., Inc. Leavenworth, KS.	BEO-1057
2/11/80	Cuenin's Marathon, Amherst, OH	BEO-1058
2/11/80	Danielson Standard, Wichita, KS	BEO-1059
2/11/80	Mid America Mobil Service, Fort Wayne, IN.	BEO-1060
2/11/80	Northfield Shell Auto Care, Chicago, IL.	BEO-1061
2/11/80	Tey Enterprizes, Milwaukee, WI	BEO-1062
2/12/80	Big K, Inc., Toledo, OH	BEO-1063
2/11/80	City of Midland, Texas, Midland, TX	BEO-1064
2/12/80	Dee's Market, Bryant, AR	BEO-1066
2/12/80	Grisez Oil Co., Tulsa, OK	BEO-1068
2/11/80	Handy Mart Food Store, Sherman, TX.	BEO-1069
2/12/80	James M. Kite, Rockford, IL	BEO-1070
2/12/80	River Valley Marina, Little Rock, AR	BEO-1071
2/12/80	Ted Lockey Oil Co., Austin, TX	BEO-1076
2/12/80	Blees Oil Co., Bowman, ND	BEO-1078
2/12/80	Cable Car Wash, Vacaville, CA	BEO-1079
2/11/80	Chevron U.S.A. Inc., San Francisco, CA.	BEO-1080
2/11/80	Southern Union Gas Co., Dallas, TX	BEO-1073
2/11/80	South Central Bell Telephone Co., New Orleans, LA.	BEO-1072
2/12/80	Townsend Full Service, Woodward, OK.	BEO-1077
2/11/80	Glendale Automotive Service., Glendale, CA.	BEO-1081
2/12/80	Gordon E. Farotte, Gilroy, CA	BEO-1082
2/11/80	Half Bay Moon Texaco, San Mateo, CA.	BEO-1083
2/11/80	Industrial Metal Supply, Burbank, CA.	BEO-1084
2/12/80	Sherp Texaco, El Centro, CA	BEO-1040
2/11/80	Vanguard Companies, Cucamonga, CA.	BEO-1085,
2/13/80	East Bay Regional Park District, Oakland, CA.	BEO-1099
2/12/80	Tom's Skelly Service, Lawrence, KS	BEO-1101
2/13/80	Daniel Kobasa, Lansdale, PA	BEO-1103
2/12/80	Salvatore Sanfilippo, Arlington, VA	BEO-1104
2/13/80	James F. Adair, Jr., Welch, WV	BEO-1106
2/13/80	C. D. Biggers & Son, Camden, AR	BEO-1107
2/13/80	Alex Nuszen, Patchogue, NY	DEE-7770
2/12/80	Eagle Oil Company, Washington, DC.	BEE-0095
2/13/80	Ashland Oil, Inc., Washington, DC	BEE-0373
2/12/80	Tony Grasso Chevron, Orange, CA	DEE-7221
2/13/80	Mel's 66 Truck Stop, Spooner, WI	BEO-1090
2/13/80	Robert Stein, Jonestown, PA	BEO-1091
2/13/80	Bennett Air Conditioning, Inc., Clinton, MD.	BEO-1092
2/12/80	Bart's Exxon, Westerville, OH	BEO-1093
2/13/80	Leon Edwards, Ponchatoula, LA	BEO-1094
2/13/80	Edward Kuhl, Jr., Highland, IL	BEO-1095
2/13/80	Christian Oil Co./Lake N. Dale, Paola, KS.	BEO-1096
2/13/80	Fairless Hills Atlantic Service, Fairless Hills, PA.	BEO-1097
2/13/80	Mabank Texaco, Mabank, TX	BEO-1098
2/13/80	Nor-Bel Servicenter, Jericho, NY	BEO-1100
2/11/80	David Slone, Indianapolis, IN	BEO-1108
2/14/80	Charles Fenley Enterprises, Modesto, CA.	BEO-1130
2/11/80	Go-Clean, Inc., Milwaukee, WI	BEO-1067
2/14/80	Snow & Stumph Shell, Parma, OH	BEO-1125
2/14/80	Furr's Texaco, Annandale, VA	BEO-1116
2/12/80	Earl H. Gore, Gadsden, AL	BEO-1109
2/13/80	Surfco Branded Service Station, Tulsa, OK.	BEO-1075
2/15/80	Dale Olson Oil Co., Sioux City, SD	BEO-1132
2/14/80	New Haven Shell Service, Inc., New Haven, IN.	BEO-1112
2/12/80	Henry's Citgo, Farmingham, MA	DEE-7099
2/14/80	Blevins Exxon Garage, Sugar Grove, VA.	BEO-1113
2/11/80	Majik Market, Austin, TX	BEO-1002
2/14/80	The Happy Store, Greenville, NC	BEO-1111
2/14/80	Sunnyvale Mobil Station, Sunnyvale, CA.	BEO-1110

Proposed Remedial Orders

Notices of Objection Received

[Week of 2/8/80 to 2/15/80]

Date	Name and location of applicant	Case No.
2/12/80	Ed's Exxon, San Francisco, CA	BRO-1029
2/12/80	Moraga Shell, San Francisco, CA	BRO-1088
2/12/80	Moraga Union, San Francisco, CA	BRO-1089
2/12/80	Bell's Texaco Service Garage, San Francisco, CA.	BRO-1087
2/12/80	A's Auto Safety Service, San Francisco, CA.	BRO-1086
2/15/80	Metropolitan Dade County, Florida, Miami, FL.	BRO-1102

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of February 8 through February 15, 1980]

If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline.

Cooley Delivery, Inc	BEE-0945	02/08/80	North Carolina.
State of New Jersey	BXE-0843	02/08/80	New Jersey.
Sylvan Park Service Station	BEE-0810	02/08/80	Tennessee.
Bob's Texaco	BEE-0838	02/11/80	California.
Bruton's Gulf	BEE-0839	02/11/80	Texas.
Golden Rule Oil Co	BEL-0041	02/11/80	Wisconsin.
Handeyside Oil Corp	BEE-0901	02/11/80	Wisconsin.
Jim Wafer Oil Co	BEE-0879	02/11/80	Texas.
Mintzer Petroleum Corp	BEE-0840	02/11/80	New York.
P.J.'s Kwik-Stop	BEE-0943	02/11/80	New York.
Sheid's Amoco	BEE-0841	02/11/80	Maryland.
Cohodes Oil Co	BEE-0902	02/12/80	Michigan.
Jonestown Gas Station	BEE-0871	02/12/80	North Carolina.
Lanes Gas Station	BEE-0872	02/12/80	North Carolina.
Lenoir Gas Station	BEE-0873	02/12/80	North Carolina.
Randy Gaudin's Arco	BEE-0959	02/13/80	New York.
Scanlon Oil Co., Inc	BEE-0875	02/13/80	Wisconsin.
New Haven Shell Service	BEE-0917	02/14/80	Indiana.
Edgar Lucas Service Station	BEE-0895	02/15/80	Indiana.
Irving's Super Service	BEE-0877	02/15/80	New Jersey.
Valley Oil Co	BEL-0042	02/15/80	Wisconsin.

[FR Doc. 80-9369 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-01-M

Notice of Cases Filed With the Office of Hearings and Appeals; Week of February 15 through February 22, 1980

Notice is hereby given that during the week of February 15, 1980 through February 22, 1980, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. 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. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

March 21, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Feb. 15 through 22, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 15, 1980	Dearborn Stove Company, Dallas, Texas	BEE-0883	Exception from the Energy Conservation Program for Consumer Products. If granted: Dearborn Stove Company would not be required to perform energy efficiency test of its vented gas-fired room heaters as required under 10 CFR 430.
Feb. 15, 1980	Gambrell, Russell and Forbes, Atlanta, Georgia	BFA-0193	Appeal of Information Request Denial. If granted: The Information Request Denial issued to Gambrell, Russell and Forbes by the DOE Director of Petroleum Price Regulations would be rescinded, and the firm would receive access to certain DOE documents concerning the promulgation of 10 CFR 212.126(d).
Feb. 15, 1980	Highway Oil Company, Washington, D.C.	BEE-0881, BEL-0881.	Allocation Exception, Request for Temporary Exception. If granted: Highway Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol. The firm would receive a temporary exception pending a final determination on its Application for Exception.
Feb. 15, 1980	Jim Adams, Tulsa, Oklahoma	BEE-0885	Allocation Exception. If granted: Jim Adams would receive an exception from the provisions of 10 CFR 211, Subpart F which would permit the firm to receive increased volumes of gasohol through the Texaco, Inc. gasohol test marketing program.
Feb. 15, 1980	Industrial Fuel and Asphalt of Indiana, Hammond, Indiana.	BEA-0194, BES-0194, BST-0194.	Appeal, Requests for Stay and Temporary Stay. If granted: The February 12, 1980 Decision and Order issued to Industrial Fuel and Asphalt of Indiana by the Economic Regulatory Administration, Office of Petroleum Operations would be rescinded, and the firm would receive an allocation of crude oil under the Crude Oil Buy/Sell Program. The firm would receive a stay and temporary stay pending a final determination on its appeal.
Feb. 15, 1980	Johnson Oil Company, Lawton, Oklahoma	BEE-0886	Allocation Execption. If granted: Johnson Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 15, 1980	Lauver Oil Company, Council Bluffs, Iowa	BEE-0882	Allocation Execption. If granted: Lauver Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 15, 1980	Marathon Oil Company, Findlay, Ohio	BEA-0195	Appeal of Assignment Order. If granted: The January 15, 1980 Assignment Order issued to Marathon Oil Company by the Economic Regulatory Administration, Region IV regarding the firm's supply obligations to Publix Oil Company would be rescinded.
Feb. 15, 1980	Tosco Corporation, Los Angeles, California	BEA-0196	Appeal of Entitlements Notice. If granted: The September 1979 Entitlements Notice would be modified with respect to Tosco Corporation's entitlements purchase <obligations.
Feb. 19, 1980	Cotten Service Stations & Rentals, Dallas, Texas	BEZ-0023	Interlocutory Order. If granted: A hearing would be convened in connection with the Application for Exception filed by Cotton Service Stations & Rentals (Case No. DEE-6464).
Feb. 19, 1980	Fried, Frank, Harris, Shriver & Kampelman, Washington, D.C.	BFA-0197	Appeal of Information Request Denial. If granted: The Information Request Denial issued by the Economic Regulatory Administration would be rescinded, and Fried, Frank, Harris, Shriver & Kampelman would receive access to a document entitled "Memorandum Concerning National Environmental Policy Act Determination: Inclusion of Synthetic Fuels in the Entitlements Program."
Feb. 19, 1980	Pennzoil Producing Company, Houston, Texas	BXE-0887	Extension of Relief Granted in *Pennzoil Producing Company*, 4 DOE Par.——(November 15, 1979). If granted: Pennzoil Producing Company would be permitted to continue to sell the crude oil produced from the Perry Sand Waterflood Unit—North Segment site located in Yazoo County, Mississippi at upper tier ceiling prices.
Feb. 20, 1980	Aluminum Company of America, Point Comfort, Texas.	BEE-0891	Exception from the Reporting Requirements. If granted: Aluminum Company of America would not be required to file Form ERA-69 ("Crude Oil Resellers Self-Reporting Form").

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Feb. 15 through 22, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 20, 1980	Atlantic Richfield Company, Cook Inlet, Alaska	BXE-0890	Extension of Relief Granted in *Atlantic Richfield Company,* 4 DOE Par. —— (November 15, 1979). If granted: Atlantic Richfield Company would be permitted to continue to sell crude oil produced from the Platform Spark, located in Cook Inlet, Alaska, at upper tier ceiling prices.
Feb. 20, 1980	C. F. Lawrence and Assoc., Inc., Pecos, Texas	BXE-0892	Extension of Relief Granted in *C. F. Lawrence and Assoc., Inc.,* 4 DOE Par. — (October 4, 1979). If granted: C. F. Lawrence and Assoc., Inc. would be permitted to continue to sell the crude oil produced from the Childress MI Masterson Lease, located in Pecos County, Texas, at upper tier ceiling prices.
Feb. 20, 1980	Chevron U.S.A. Inc., Washington, D.C.	BEJ-0044	Motion for Protective Order. If granted: Chevron U.S.A. Inc. and Energy Cooperatives, Inc. (ECI) would enter into a protective order regarding the exchange of certain confidential information in connection with ECI's Application for Exception and related proceedings (Case Nos. BEE-0508, BES-0508, BSG-0009).
Feb. 20, 1980	Hendel's, Inc., Groton, Connecticut	BMR-0023, BES-0027.	Request for Modification; Request for Stay. If granted: The January 23, 1980 Decision and Order issued by the Office of Hearings and Appeals to Hendel's, Inc. would be modified. Hendel's would receive a stay of the Order pending a final determination on its Request for Modification.
Feb. 20, 1980	Laketon Asphalt Refining Inc., Evansville, Indiana	BEX-0034	Supplemental Order. If granted: The DOE would stay a portion of the entitlement purchase obligations of Laketon Asphalt Refining Inc. during the period March 1980 through August 1980.
Feb. 20, 1980	Petroleum Delivery Service, Inc., Atlanta, Georgia	BFA-0198	Appeal of Information Request Denial. If granted: The January 10, 1980 Information Request Denial issued to Petroleum Delivery Service, Inc. by the Economic Regulatory Administration, Region IV would be rescinded, and the firm would receive access to information regarding the pending Office of Enforcement case against the firm (Case No. 414H00053).
Feb. 20, 1980	Phillips Petroleum Company, Bartlesville, Oklahoma	BSG-0013	Petition for Special Redress. If granted: Phillips Petroleum Company would receive special redress relief from the provisions of 10 CFR 211, which would modify the firm's supply obligations to Robinson Petroleum Company.
Feb. 20, 1980	Purity Oil Company, Tulsa, Oklahoma	BEE-0894	Allocation Exception. If granted: Purity Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 20, 1980	Shell Oil Company, Houston, Texas	BEA-0200	Appeal of Assignment Order. If granted: The January 15, 1980 Assignment Order issued to Shell Oil Company by the Economic Regulatory Administration, Region VI regarding the firm's supply obligations to Winter Oil Company would be rescinded.
Feb. 20, 1980	Shell Oil Company, Lea County, New Mexico	BEE-0889	Price Exception (Section 212.83). If granted: Shell Oil Company would be permitted to sell the crude oil produced from the North Hobbs Unit, located in Lea County, New Mexico, at upper tier ceiling prices.
Feb. 20, 1980	Standard Oil of Ohio, Cleveland, Ohio	BEA-0203	Appeal of Decision and Order. If granted: The January 21, 1980 Decision and Order issued to Energy Cooperatives, Inc. by the Office of Hearings and Appeals would be rescinded.
Feb. 20, 1980	Dolph Honicker, Nashville, Tennessee	BFA-0199	Appeal of Information Request Denial. If granted: The January 31, 1980 Information Request Denial issued to Dolph Honicker by the DOE Oak Ridge Operations Office would be rescinded, and Dolph Honicker would receive access to information regarding the Paducah Gaseous Diffusion Plant.
Feb. 20, 1980	Tosco Corporation, Los Angeles, California	BEX-0033	Supplemental Order. If granted: Tosco Corporation would be entitled to receive interest from Petraco-Valley Oil and Refining Company for the period during which Petraco-Valley failed to purchase entitlements from Tosco.
Feb. 21, 1980	City of Cleburne, Texas, Cleburne, Texas	BEE-0897, BES-0897.	Allocation Exception; Request for Stay. If granted: The City of Cleburne, Texas, would receive an exception from the provisions of 10 CFR 211, which would permit the City to receive an allocation of diesel fuel. The City would receive a stay pending a final determination on its Application for Exception.
Feb. 21, 1980	Farmland Industries, Kansas City, Missouri	BEE-0899, BEL-0899.	Allocation and Price Exception, Request for Temporary Exception. If granted: Farmland Industries would receive an exception from the provisions of 10 CFR 211 and 10 CFR 212 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol and would permit the firm to pass through incremental expenses relating to the blending, storage, distribution and marketing of gasohol. The firm would receive a temporary exception pending a final determination on its Application for Exception.
Feb. 21, 1980	Oasis Petroleum Corporation, Research Fuels, Inc., BLT, Inc., Champlin Petroleum Co., Marathon Oil Co., Trans-Texas Petroleum Corp., Culver City, California.	BSG-0015	Petition for Special Redress. If granted: A Decision would be issued setting forth a comprehensive analysis of the allocation rights to motor gasoline of several parties as they were affected by the sale of 84 retail sales outlets by Research Fuels, Inc. to Oasis Petroleum Corporation.
Feb. 21, 1980	R. H. Engelke, Jackson County, Texas	BXE-0896	Extension of Relief Granted in *R. H. Engelke,* 4 DOE Par. —— (January 4, 1980). If granted: R. H. Engelke would be permitted to continue to sell the crude oil produced from the Bertha Copsey Lease, located in Jackson County, Texas, at upper tier ceiling prices.
Feb. 21, 1980	Sun Oil Company of Pennsylvania, Philadelphia, Pennsylvania.	BED-0038, BEJ-0045.	Motion for Discovery, Motion for Protective Order. If granted: Discovery would be granted to Sun Oil Company of Pennsylvania in connection with information concerning the Application for Exception filed by Farm Fuel Products Corporation (Case No. DEE-7059). Sun Oil Company would enter into a Protective Order with Farm Fuel Products Corporation regarding the exchange of confidential material relating to the proceeding.
Feb. 22, 1980	Busler Enterprises, Inc., Evansville, Indiana	BXE-0907	Extension of Relief Granted in *Busler Enterprises, Inc.,* 4 DOE Par. —— (January 17, 1980). If granted: Busler Enterprises, Inc., would be assigned new, lower priced suppliers of motor gasoline for the period May through September 1980.
Feb. 22, 1980	Common Ground, Santa Barbara, California	BFA-0201	Appeal of Information Request Denial. If granted: Common Ground would receive access to certain information submitted to the Energy Research and Development Administration regarding Karen Silkwood.
Feb. 22, 1980	Hupp Oil Company, Bogalusa, Louisiana	BEE-0905	Allocation Exception. If granted: Hupp Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 22, 1980	International Biomass Institute, Washington, D.C.	BFA-0202	Appeal of Information Request Denial. If granted: The January 23, 1980 Information Request Denial issued by the Office of Procurement Operations would be rescinded, and International Biomass Institute would receive access to the "Analysis of Legislative, Executive and Non-Government Biomass Energy Programs."
Feb. 22, 1980	Mosinee Alcohol, Inc., Mosinee, Wisconsin	BEE-0906	Allocation Exception. If granted: Mosinee Alcohol, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 22, 1980	Sav-O-Mat, Inc., Denver, Colorado	BSG-0014	Petition for Special Redress. If granted: The DOE would review the past supply practices of Oil Transit, Inc. with respect to Sav-O-Mat, Inc.
Feb. 22, 1980	Sun Oil Company of Pennsylvania, Washington, D.C.	BES-0397	Request for Stay. If granted: Sun Oil Company of Pennsylvania would receive a stay of the February 15, 1980 Interim Order issued to Geib Oil Company pending a final determination on Sun's Statement of Objections to the February 15, 1980 Proposed Decision and Order issued to Geib (Case No. BEE-0397).

Notices of Objection Received

[Week of 2/15/80 to 2/22/80]

Date	name and location of applicant	Case No.
2/15/80	Stephen J. Zona Sunoco, Ellwood City, PA.	BEO-1131
2/15/80	P. & L. Shell Service, Welch, WV	DEE-7207
2/15/80	Colstrip Town Pump, Butte, MN	DEE-5883
2/15/80	Cardinal Petroleum Co., Cumberland, NC.	DEE-4117
2/15/80	Pearce Community Mart, Kinston, NC.	BEO-1120
2/19/80	Tom's Fishermen Supply, Santa Cruz, CA.	BEO-1135
2/19/80	Prudential Overall Supply, Santa Ana, CA.	BEO-1134
2/15/80	Decker Blvd. Texaco, Columbia, SC.	BEO-1126
2/20/80	Dave's General Store, Andover, ME	DEE-6437
2/20/80	High/Eighty Exxon Service Station, Longview, TX.	DEE-6913
2/20/80	Geib Oil Co., Washington, DC	BEO-0397
2/20/80	Dalee Oil Co., Inc., Belleville, IL	BEO-1138
2/20/80	First Street Standard, Willmar, MN	BEO-1139
2/20/80	William W. Floyd, Sr., Ukiah, CA	BEO-1140
2/20/80	Goodies, Savannah, GA	BEO-1141
2/15/80	Winston's Corner, Springdale, AR	BEO-1129
2/15/80	W. G. Roberts Oil Co., Albuquerque, NM.	BEO-1128
2/15/80	B & B Garage, Springfield, NB	BEO-1122
2/15/80	Zanni's Chevron Service, McCloud, CA.	BEO-1133
2/15/80	Shell Oil Co., Maumee, OH	BEO-1127
2/15/80	Ruffin Oil Co., Wichita, KS	BEO-1124
2/15/80	Hotchkiss Oil Co., Harrisonville, MO.	BEO-1123
2/15/80	A & T Marathon, Chili, IN	BEO-1121
2/15/80	Hood Co., Gainsville, FL	BEO-1119
2/15/80	Philip M. Croft, Charleston, SC	BEO-1118
2/15/80	Norman-Stuart Service, No. Miami Beach, FL.	BEO-1117
2/15/80	Felter's Store, New Lebanon Center, NY.	BEO-1115
2/15/80	Dave's Texaco Station, Brighton, MA.	BEO-1114
2/21/80	A. J. LeBlanc Heating Co., Manchester, NY.	DEE-7687
2/21/80	Southwest Research Institute, San Antonio, TX.	DEE-5896
2/21/80	H & H Oil Co., Philadelphia, PA	DEE-5975
2/22/80	Brace's Service Station, Mexico, MO.	BEE-0393
2/22/80	Biofuel, Inc., Washington, DC	BEE-0077

Proposed Remedial Orders, Notices of Objection Received

[Week of 2/15/80 to 2/22/80]

Date	name and Location of Applicant	Case No.
2/20/80	Norman Boutin, Portland, OR	BRO-1136

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of February 15 Through February 22, 1980

If granted: The following firms would granted relief which would increase their base period allocation of motor gasoline.

February 15, 1980

Edgar Lucas Service Station, BEE-0895 Indiana.

Irving's Super Service, BEE-0877 New Jersey.

Valley Oil Co., BEL-0042 Wisconsin.

February 18, 1980

Eicher, Roy, BEE-0888 Ohio.

February 19, 1980

Best Oil, Inc., BES-0061 Pennsylvania.

Best Oil, Inc., BEL-0061 Pennsylvania.

February 20, 1980

Kay's Texaco Service, BEE-0893 Pennsylvania.

February 21, 1980

Tlougan Oil Company, BEE-0908 Minnesota.

February 22, 1980

Daigh Automotive Engineering, BXE-0914 California.

Isiminger's Arco, BEE-0903 Pennsylvania.

R&R Texaco (Strother), BXE-0904 Louisiana.

Sumner's Amoco, BEE-0911 Virginia.

FR Doc. 80-9370 Filed 3-27-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Assistant Secretary for Fossil Energy

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Memorandum of Understanding

1. Authority and Purpose

(a) The Department of Energy (DOE) conducts coal mining production research and development under the Assistant Secretary for Fossil Energy's programs. Section 302 of the Department of Energy's Organization Act, 42 U.S.C. 7101 *et seq.*, transferred these research responsibilities from the Bureau of Mines to DOE. The coal mine production research programs of DOE include the development of improved and innovative mining technologies to increase coal mine productivity and the efficiency of coal extraction.

(b) DOE also participates in research and demonstration projects to develop alternative coal mining technologies as specified under section 908 of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* These cooperative program efforts will maximize the recovery of available coal resources and improve safety and health.

(c) In carrying out its responsibility for research to increase the efficiency of production technology, DOE is aware of the critical importance of safety and health in production and wishes to be advised of safety and health considerations relevant to the development of new mining technologies. The Mine Safety and Health Administration (MSHA) is responsible for enforcing the safey and health provisions of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 *et seq.* (Supp. I) (Mine Act) and for promoting mine safety and health in general. The current appropriations authority for the Department of Labor authorizes MSHA to cooperate with other agencies in carrying out these responsibilities.

(d) Section 501 of the Mine Act, 30 U.S.C. 951, places the responsibility for conducting research to improve working conditions and practices in mining and to prevent accidents and occupational diseases originating in mining occupations with the Secretary of the Interior and the Secretary of Health, Education, and Welfare.

(e) MSHA has a memorandum of understanding with the Bureau of Mines (BOM), Department of the Interior, for mutual assistance in the management, coordination, and technology transfer of research and development programs in mine safety and health.

(f) MSHA also has a memorandum of understanding with the National Institute of Occupational Safety and Health (NIOSH) of the Department of Health, Education, and Welfare for cooperation in research activities related to mine health.

(g) Coal mine production research and development must take into consideration coal mine safety and health factors. New production technologies can make potentially significant improvements in safety and health, and building safety and health considerations into production research will accelerate availability of new technologies for mine use. Coordination of efforts will strengthen both agencies' programs.

(h) New mine technologies often result in new problems which need to be identified and solved early in the development cycle. These new production technologies may require special data evaluation and other special measures during their development to ensure that they are no less safe than existing mining practices. Coordinated actions by both Agencies will provide a basis for appropriate changes in the applicable regulations and will facilitate the transfer of new coal production technologies for mine use.

2. Establishment of Cooperative Assistance and Coordination

MSHA and DOE propose to work together to develop procedures so that the progress of the coal mine production technology programs can be monitored and potential problems addressed to accelerate the transfer of the research-developed technologies for mine use.

(a) MSHA and DOE will establish a program review committee for coal mine production technology consisting of senior management personnel from DOE and MSHA assigned respectively by the Assistant Secretary for Fossil Energy and the Assistant Secretary for Mine Safety and Health.

(b) The committee will periodically review the coal mine production programs to identify and assess major projects which are of interest from the safety and health regulatory standpoint. The committee will maintain continuous oversight of such projects from inception to completion of each project and provide policy guidance.

(c) DOE and MSHA will each designate a liaison officer to serve as a point of contact and to be the responsible officer for the Agency to coordinate the committee activities.

3. Methodology of Program Coordination

(a) The committee will meet as necessary, but not less than once each year, to review major projects of mutual interest. BOM and NIOSH will be invited to all meetings and will be provided with all relevant documents.

(b) The committee will identify major projects with potential new technology regulatory problems. For selected major projects, the committee will appoint a working group consisting of MSHA and DOE personnel to evaluate specific problem areas, resolve problems, and recommend appropriate actions for review by the committee.

(c) The committee will review the recommendations submitted by the workgroups and initiate appropriate actions to speed the transfer of the coal mine production technology project results.

(d) Recommendations of the working group shall include, but not be limited to:

(i) changes or modifications in the major projects to assure safety and health of mine production operations;

(ii) individual modifications of existing safety and health standards in order to facilitate experimental testing of new techniques and equipment pursuant to section 501(f) of the Mine Act. The recommendations will also include an evaluation on the potential of the method to assure that the new technology is no less safe than existing technologies.

(iii) changes in the regulations to facilitate the use of emerging production technologies to promote coal mine safety and health; and

(iv) other appropriate actions to achieve the objectives of the production technology programs under acceptable safety and health standards.

4. Effective Date and Termination

This agreement will become effective on the date of the last signature and will continue in effect unless modified or terminated by mutual consent of both parties or terminated by either party upon thirty (30) days advance written notice to the other.

Dated: February 13, 1980.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health, Department of Labor.

Dated: March 4, 1980.

George Fumich, Jr.,

Assistant Secretary for Fossil Energy, Department of Energy.

[FR Doc. 80-9335 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1449-4; OPP-50466]

Abbott Laboratories; Experimental Use Permit for "Hirsutella Thompsonii Fisher"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to Abbott Laboratories for use of the fungicide *Hirsutella thompsonii Fisher* on citrus, blueberries, and turf to evaluate control of citrus rust mite, blueberry bud mite, and Bermuda turf mite. This experimental use permit is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

FOR FURTHER INFORMATION CONTACT: 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: Abbott Laboratories, North Chicago, IL 60064, has been issued experimental use permit No. 275-EUP-20. This permit allows the use of the remaining supply of the 1,000 pounds of the fungicide *Hirsutella thompsonii Fisher* authorized in a previous experimental use permit on citrus, blueberries, and turf to evaluate control of the citrus rust mite, blueberry bud mite, and Bermuda turf mite.

A total of 100 acres are involved; the program is authorized only in the States of Florida, North Carolina, and Texas. This experimental use permit is effective from February 25, 1980 to February 25, 1981. A temporary exemption from the requirement for a tolerance for residues of the spores of *Hirsutella thompsonii Fisher* when used as a mycocide on citrus and small fruits has been established.

Perons 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 SW., 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: March 21, 1980.

Herbert S. Harrison,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-9504 Filed 3-27-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1449-8; 80P-1]

Conrel; Receipt of Application To Register a Pesticide Product Containing New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Conrel has submitted an application to register the pesticide product NOMATE BORER-GARD which contains the active ingredients (*E,Z*)-3,13-octadecadien-l-ol acetate and (*Z,Z*)-3,13-octadecadien-l-ol acetate not included in any previously registered pesticide product.

COMMENTS: Interested persons are invited to submit written comments on this application. Comments submitted should bear a notation indicating the EPA "File Symbol 36638-G." Comments may be submitted, and inquiries directed to: Mr. Franklin D.R. Gee, Product Manager (PM) 17, Room E-341, (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202-426-9417).

The label furnished by Conrel as all 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.

DATE: The comments must be received by April 28, 1980. Comments received by the specified date will be considered before a final decision is made; comments received after the specified date will be considered only to the extent possible without delaying processing of the application.

FOR FURTHER INFORMATION CONTACT: Mr. Franklin D. R. Gee at the above address.

SUPPLEMENTARY INFORMATION: Conrel, an Albany International Col, 110 A Street, Needham Heights, MA 02194, has submitted an application to EPA to register the pesticide product NOMATE BORER-GARD (EPA File Symbol 36638–G) containing 0.1% of the active ingredient (*E,Z*)-3,13-octadecadien-l-ol acetate and 38% of the active ingredient (*Z,Z*)-3,13-octadecadien-l-ol acetate which have not been included in any previously registered pesticide product. The application proposes that the pesticide be classified for general use as an insecticide to disrupt the mating of the peachtree borer and lesser peachtree borer on almond, apricot, cherry, nectarine, and plum trees.

Notice of approval or denial of this application to register NOMATE BORER-GARD will be announced in the **Federal Register.** Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) and the regulations thereunder (40 CFR 162), the test data and other scientific information deemed relevant to the registration decision may be made available after approval under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved. Notice of receipt of this application does not indicate a decision by the Agency on the application.

(Sec. 3(c)(4), 86 Stat. 72, (7 U.S.C 136a))

Dated: March 21, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-9501 Filed 3-27-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1449-7; 80P-2]

Conrel; Filing of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Conrel has submitted a pesticide petition proposing to amend 40 CFR 180 by establishing an exemption from the requirement of a tolerance for residues of *(E,Z)*-3,13-octadecadien-1-ol acetate and *Z,Z*-3,13-octadecadien-1-ol acetate on almond, apricot, cherry, nectarine, and plum trees under the Federal Food, Drug, and Cosmetic Act.

COMMENTS: Comments submitted should bear a notation indicating the petition number "OF2315". Written comments filed in connection with this notice will be available for public inspection in the Product Manager's office from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

DATE: Comments may be made at any time while the petition is pending before the Agency.

FOR FURTHER INFORMATION CONTACT: Mr. Franklin 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: Conrel, An Albany International Co., 110 A Street, Needham Heights, MA 02194, has submitted a pesticide petition (OF2315) proposing that 40 CFR 180 be amended by establishing an exemption from the requirement of a tolerance for combined residues of *(E,Z)*-3,13-octadecadien-1-ol acetate and *Z,Z*-3,13-octadecadien-1-ol acetate in or on almond, apricot, cherry, nectarine, and plum trees to disrupt the mating of the peachtree borer and lesser peachtree borer. The proposed analytical method for determining residues is gas liquid chromatography. 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: March 21, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-9502 Filed 3-27-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1449-2; 80P-34]

Conrel; Receipt of Application To Register a Pesticide Product Containing New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Conrel, an Albany International Co., has submitted an application to register the pesticide product *N–Trap Elm Bark Beetle* which contains the active ingredients 4-methyl-3-heptanol; 2,4-dimethyl-5-ethyl-6,8-dioxabicyclo (3.2.1) octane; and cubebene not included in any previously registered pesticide product.

COMMENTS: Interested persons are invited to submit written comments on this application. Comments submitted should bear a notation indicating the EPA "File Symbol 36638–G." Comments may be submitted, and inquiries directed to: Mr. Franklin D.R. Gee, Product Manager (PM) 17, Room E–341, TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202–426–9417).

The label furnished by Conrel, as well as all 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.

DATE: The comments must be received by April 28, 1980. Comments received by the specified date will be considered before a final decision is made; comments received after the specified date will be considered only to the extent possible without delaying processing of the application.

FOR FURTHER INFORMATION CONTACT: Franklin D.R. Gee at the above address.

SUPPLEMENTARY INFORMATION: Conrel, an Albany International Co., 110 A Street, Needham Heights, MA 02194, has submitted an application to EPA to register the pesticide product *N–Trap Elm Bark Beetle* (EPA File Symbol 36638–U) containing 4.9%, 1.9%, and 14.2% of the active ingredients 4-methyl-3-heptanol; 2,4-dimethyl-5-ethyl-6,8-dioxabicyclo (3.2.1) octane, and cubebene, respectively, which have not been included in any previously registered pesticide product. The application proposes that the pesticide be classified for general use as an insecticide attractant to lure elm bark beetles (*Scolytus multistriatus*) into traps.

Notice of approval or denial of this application to register *N–Trap Elm Bark Beetle* will be announced in the **Federal Register.** Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) and the regulations thereunder (40 CFR 162), the test data and other scientific information deemed relevant to the registration decision may be made available after approval under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved. Notice of receipt of this application does not indicate a decision by the Agency on the application.

(Sec. 3(c)(4), 86 Stat. 72, (7 U.S.C. 136a))

Dated: March 21, 1980.

Douglas D. Campt,

Director, Registration Division Office of Pesticide Programs.

[FR Doc. 80-9505 Filed 3-27-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1450-5]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A-104), US Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements (EISs), which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of March 17, 1980 to March 21, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from March 28, 1980 and will end on May 12, 1980. The 30-day review period for final EIS's as calculated from March 28, 1980 will end on April 28, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

For hard copy reproduction: Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036.

For hard copy reproduction or microfiche: Information Resources Press, 2100 M Street, NW, Suite 316, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A-104), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 245-3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ Regulations became effective. Pursuant to § 1506.10(a), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of March 17, 1980 to March 21, 1980 the 30-day review period will be calculated from March 28, 1980. The review period will end on April 28, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of March 17, 1980 to March 21, 1980. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this Notice. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the **Federal Register** and the newly established date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: March 25, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

Appendix I.—EIS's Filed with EPA During the Week of March 17 through 21, 1980

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-A, Admin. Building, Washington, D.C. 20250, (202) 447-3965.

Forest Service

Final

Crooked River National Grassland, Ochoco NF, Jefferson County, Oreg., March 20: Proposed is a land management plan for the Crooked River National Grassland located in Ochoco National Forest, Jefferson County, Oregon. The preferred alternative includes: (1) Primary recreation for the areas around Haystack Reservoir, Lake Billy Chinook, and portions of the Squaw Creek and Deschutes River canyons; (2) primary riparian wildlife management; (3) primary wildlife/secondary range management of most of the Deschutes Canyon Roadless Area as well as the remainder of the west side of the Grassland; (4) support of wildlife management through range management activities, and (5) management of canyon areas for dispersed recreation. Comments made by: AHP, USDA, DOI, GSA, DOT, HUD, EPA, HEW, DOC, DOE, DOD, State and Local Agencies Groups, Individuals and Businesses. (EIS Order No. 800204.)

Rural Electrification Administration

Draft Supplement

River Bend Nuclear Power Station Unit 1, Transmission, West Feliciana County, La., Mar. 21: This document supplements an NRC final EIS, #41491, filed 9-30-74 which has been adopted by the USDA/REA. Proposed is assistance for the purchase of undivided ownership interests in the River Bend Nuclear Power Station Unit 1, West Feliciana Parish, Louisiana. Assistance may also be used for construction of related transmission facilities which extend through several parishs. The unit will consist of a boiling-water reactor, and two steam turbine generators. Exhaust steam would be cooled by mechanical cooling towers using make-up water obtained from and discharged to the Mississippi River. (USDA-REA-EIS-(ADM)-80-4-D.) (EIS Order No. 800209.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272-0121.

Final

Belle River powerplant, St. Clair River, St. Clair County, Mich., March 18: Proposed is the construction and operation of a 1,328 mega-coal-fired electrical generation facility on the St. Clair River, St. Clair County, Michigan, at the existing St. Clair Power Plant site. Water for the proposed once-through cooling system would be supplied from, and discharged into, the St. Clair River via pipeline. Land designated for the facilities consists of approximately 942 acres in China and East China Townships. In addition to the two generating units, the project will require two 665-foot stacks, air pollution control equipment, coal and material storage areas, ash basins, a waste material storage area and river intake and discharge facilities (Detroit District). Comments made by: EPA, DOI, USDA, DOC, DOT, FERC, State and local agencies. (EIS Order No. 800196.)

Final Supplement

Shidler Lake, Salt Creek, section 404 (FS–1), Osage County, Okla., March 19: This statement supplements final EIS, #51660, filed 11–13–75 concerning the construction of Shidler Dam, a multipurpose project on Salt Creek, Osage County, Oklahoma. This supplement is an evaluation of the effects of discharge of dredged or fill material into the waters of Salt Creek during the construction of an earthern dam and the relocation of a section of a county road (Tulsa District). Comments made by: USDA, DOT, EPA, DOT, State agencies, and groups. (EIS Order No. 800201.)

Draft

Seward small boat harbor, navigation improvement, Alaska, March 20: Proposed are navigation improvements for the Seward small boat harbor in Seward, Alaska. Plan A consists of extending the existing north-south breakwater, creating a new entrance channel, removing a section of the existing breakwater, and dredging a mooring basin. Plan B consists of breakwater enclosure, a dredged entrance channel, and a dredged mooring basin (Alaska District). (EIS Order No. 800203.)

Final Supplement

Big Pine Lake and Creek, regulatory exemption, Red River County, Tex., March 21: This statement supplements a final EIS, #51424, filed 9–22–79. Proposed for regulatory exemption is the placement of dredged or fill material into the water of Big Pine Creek of Big Pine Lake located in Red River County, Texas. This action is in conjunction with the construction of Big Pine (earthen) Dam and the relocation of four sections of two County roads totaling approximately 2.9 miles. Fill material would be obtained from the flood plain of Big Pine Creek and from borrow areas in adjacent terrece deposits. (Tulsa District). Comments made by: DOT, USDA, AHP, EPA, DOI, State and local agencies. (EIS Order 800211.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 377–4335.

National Oceanic and Atmospheric Administration

Draft

Point Reyes-Farallon Islands Marine Sanctuary, California Pacific Regulatory, March 21: Proposed is the designation of the waters around Point Reyes and the Farallon Islands as a marine sanctuary. The sanctuary would extend shoreward to the seaward boundary of the Point Reyes National Seashore and seaward 3 nautical miles beyond territorial waters, specific regulations are proposed which would apply only within the sanctuary boundaries. In addition to requiring sanctuary review and certification for the laying of pipelines, the following would be prohibited: hydrocarbon exploration, discharges, construction on or alteration of the seabed, unnecessary operation of vessels, disturbing marine mammals, and removing or disturbing historical resources. (EIS Order No. 800205.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, (202) 755–6300.

Final

Old Farm, Homestead, Brairgate, and Norwood, El Paso County, Colo., March 18: Proposed is the issuance of HUD home mortgage insurance for the Old Farm, Homestead, Briargate, and Norwood planned developments in Colorado Springs, El Paso County, Colorado. The developments would consist of 1,240, 3,301, 3,561 and 7,472 dwelling units respectively. Other land uses will include commerical, school, and park (14D–R08–EIS–79–XVIF). Comments made by: DOI, DOT, DOC, USAF, EPA, State and local agencies. (EIS Order No. 800195.)

Village Creek West Subdivision, Harris County, Tex., March 18: The proposed action is for the HUD to accept for HUD–FHA mortgage insurance purposes the 628 acre Village Creek West Subdivision located in western Harris County, Texas, roughly 7 miles north of the small municipality of Katy. When completed, the subdivision will contain approximately 2,200 single-family homes plus some shopping and recreational facilities (HUD–R06–EIS–80–4F). Comments made by: EPA, COE, DOT, DOI, HEW, DOW, State agencies, and groups. (EIS Order No. 800194.)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104 H of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

Poor Farm Ridge waterline extension CDBG, Campbell County, Tenn., March 18: Proposed is the issuance of a CDBG for extension of a waterline for the Poor Farm Ridge Community, LaFollette, Campbell County, Tennessee. The extensions will consist of 4-winch and 6-inch lines which will be extended from an existing 8-inch line. The lines would serve an area which presently has 70 dwelling units and is still being developed. In addition to no action an alternative location for the waterline extension is considered. (EIS Order No. 800199.)

Fincastle area waterline extension, CDBG, Campbell County, Tenn., March 18: Proposed is the issuance of a CDBG for extension of a waterline in the Dossett Creek of Fincastle, Campbell County, Tennessee. The extension would consist of approximately 14,000 linear feet of eight-inch pipe and will be extended from the existing waterline adjacent to TN–63. The extension would serve approximately 240 people. In addition to no action an alternate location for the line extension is considered. (EIS Order No. 800200.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

Final

Abandoned mine land reclamation, SMCRA, Programmatic Policy, March 17: Proposed is the implementation of program policies for Federal, State, and Indian Abandoned Mine Land Reclamation Under Title IV of the Surface Mining Control and Reclamation Act of 1977. The program would provide the authority to use moneys from this fund to reclaim and restore land and water resources adversely affected by past coal mining. The alternatives considered for the two program elements were: (1) Federal discretionary fund allocation, and (2) abandoned mine land reclamation guideline (FES–OSM–EIS–2). Comments made by: USDA, HEW, HUD, DOI, TREA, EPA, FERC, State and local agencies, individuals and businesses. (EIS Order No. 800193.)

Bureau of Land Management

Draft

Mountain foothills grazing management, several counties, Montana, March 21: Proposed is a grazing management program for the mountain foothills in Beaverhead, Deer Lodge, Madison and Silver Bow Counties, Montana. The alternatives considered include: (1) adjustment of current management with improvement in erosion condition and some wildlife habitat; (2) continue present management with adjustment of current livestock use; (3) reduce livestock use and implement systems to improve watershed, recreation, and wildlife habitat; (4) implementation of vegetation manipulation practices; (5) freeze current program; and (6) eliminate livestock grazing on public lands. (DES–80–15). (EIS Order No. 800210.)

Final

Gulf of Alaska OCS Oil and Gas Lease Sale No. 55, Alaska, March 21: Proposed is OCS oil and gas lease sale No. 55 in the Eastern Gulf of Alaska. Three hundred and fifty blocks consisting of 1,952,242 acres are proposed for leasing. The tracts extend from south and east of Yakutat along the territorial boundary and generally seaward from the coast to the 300 meter isobath. The alternatives consider no sale, delay of the sale, and three modified sales. (FES–80–12). Comments made by: NRC, FERC, COE, DOI, USDA, EPA, DOC, State agencies, groups and businesses. (EIS Order No. 800208.)

National Park Service

Draft

Shiloh National Military Park, General Management, Hardin County, Tenn., March 18: Proposed is a general management plan for the Shiloh National Military Park, Hardin County, Tennessee. The plan involves: (1) inclusion of the Three Stories of Shiloh, (2) construction of a visitor contact station at a new entry/exit point, (3) construction of the Hamburg Road Bypass, (4) conversion of circulation in the park to a one-way loop, (5) new interpretive and handicapped trails. The alternatives consider: (1) No action, (2) site locations for the contact station, (3)

restoration of historic fields, and (4) other features. (DES–80–13). (EIS Order No. 800197.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.

Federal Aviation Administration

Final

Logan International Airport, Runway 22Right, Suffolk County, Mass., March 21: Proposed is the selection of a procedure for use by turbo jet aircraft using Runway 22Right to depart Logan International Airport located in Suffolk County, Massachusetts. The alternative procedures considered are: (1) A 210 degree compass heading, (2) a 180 degree compass heading with right turn, (3) a 180 degree compass heading with left turn around, (4) a 140 degree compass heading to intercept the 160 degree radial of the Boston VORTAC, (5) a 195 degree compass heading to intercept the 220 degree radial of the Boston VORTAC, and (6) a 100 degree compass heading to 5 DME, then course divergence depending on initial destination. Comments made by: HUD, DOE, State and local agencies, groups, individuals and businesses. (EIS Order No. 800206.)

Federal Highway Administration

Draft

North Washington—38th St., Lawrence/Larimer to I–7, Denver County, Colo., March 18: Proposed is the reconstruction of North Washington and 38th Streets between Lawrence/Larimer and I–70 in the City and County of Denver, Colorado. The project includes: (1) Widening of the existing facility to an improved four-lane or six-lane facility, (2) realignment of the southern portion, (3) reconstruction of three railroad overpasses. The length of the project is approximately one mile. In addition to no action four alignment alternatives are considered. (FHWA–COLO–EIS–79–02–D). (EIS Order No. 800198.)

VETERANS ADMINISTRATION

Contact: Mr. Willard Sitler, Director, Office of Environmental Activities (004A), Veterans Administration, 810 Vermont Avenue, Washington, D.C. 20420, (202) 389–2526.

Final

Spinal Cord Injury Unit, Land Acquisition and Construction, Shelby County, Tenn., March 21: Proposed is the acquisition of eight parcels of land plus a reserved accessway totalling approximately three and a half acres adjacent to the present VA Hospital site, and to construct a Spinal Cord Injury Unit located in Memphis, Shelby County, Tennessee. Two alternatives have been considered: (1) The construction of the facility without any land acquisition; and (2) no action. The preferred alternative of the VA is the proposed land acquisition and facility construction. Comments made by: HUD, DOI, EPA, VA, GSA, State and local agencies. (EIS Order No. 800207.)

EIS's Filed During the Week of Mar. 17 through Mar. 21, 1980

[Statement title index—by State and county]

State	County	Status	Statement title	Accession No.	Date filed	Originating agency No.
Alaska		Final	Gulf of Alaska OCS Oil and Gas Lease Sale #55	800208	Mar. 21, 1980	DOI
		Draft	Seward Small Boat Harbor, Navigation Improvement.	800203	Mar. 30, 1980	COE
California		Draft	Point Reyes-Farallon Islands Marine Sanctuary	800205	Mar. 31, 1980	DOC
Colorado	Denver	Draft	North Washington-38th St., Lawrence/Larimer to I-7.	800198	Mar. 18, 1980	DOT
	El Paso	Final	Old Farm, Homestead, Brairgate, and Norwood	800195	Mar. 18, 1980	HUD
Louisiana	West Feliciana	Supple	River Bend Nuclear Power Station Unit 1, Trans. (DS).	800209	Mar. 21, 1980	USDA
Massachusetts	Suffolk	Final	Logan International Airport, Runway 22 Right	800206	Mar. 21, 1980	DOT
Michigan	St. Clair	Final	Belle River Power Plant, St. Clair River	800196	Mar. 18, 1980	COE
Montana	Several	Draft	Mountain Foothills Grazing Management	800210	Mar. 21, 1980	DOI
Oklahoma	Osage	Supple	Shidler Lake, Salt Creek, Section 404 (FS–1)	800201	Mar. 19, 1980	COE
Oregon	Jefferson	Final	Crooked River National Grassland, Ochoco NF	800204	Mar. 20, 1980	USDA
Pacific Ocean		Draft	Point Reyes-Farallon Islands Marine Sanctuary	800205	Mar. 21, 1980	DOC
Policy		Final	Abandoned Mine Land Reclamation, SMCRA	800193	Mar. 17, 1980	DOI
Programmatic		Final	Abandoned Mine Land Reclamation, SMCRA	800193	Mar. 17, 1980	DOI
Regulatory		Draft	Point Reyes-Farallon Islands Marine Sanctuary	800205	Mar. 21, 1980	DOC
Tennessee	Campbell	Draft	Poor Farm Ridge Waterline Extension CDRG	800199	Mar. 18, 1980	HUD
		Draft	Fincastle Area Waterline Extension, CDRG	800200	Mar. 18, 1980	HUD
	Hardin	Draft	Shiloh National Military Park, General Mgmt	800197	Mar. 18, 1980	DOI
	Shelby	Final	Spinal Cord Injury Unit, Land Acquis, and Const	800207	Mar. 21, 1980	VA
Texas	Harris	Final	Village Creek West Subdivision	800194	Mar. 18, 1980	HUD

Appendix II.—*Extension Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Waiver/ extension	Date review terminates
None.					

Appendix III.—*EIS's Filed with EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER.	Date of withdrawal
None.				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/No.	Date notice published in FEDERAL REGISTER	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed with EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
U.S. ARMY CORPS OF ENGINEERS			
Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272-0121.	Missouri River Bank Stabilization and Navigation Project, Continuing Construction and Operation.	Mar. 19, 1980	800202

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Correction
ENVIRONMENTAL PROTECTION AGENCY				
Mr. Ed Cox, Environmental Protection Agency, Publication Distribution Unit, 5555 Ridge Avenue, Cincinnati, Ohio 45260, (513) 684-8491.	Criteria for Classification of Solid Waste Disposal Facilities and Practices.	Final 800114	Mar. 3, 1980	The contact for this EIS was incorrectly listed in the EIS and FEDERAL REGISTER. The correct contact is as it appears under the Federal Agency Contact of this Appendix.
U.S. DEPARTMENT OF AGRICULTURE				
Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412—A Admin. Bldg., Washington, D.C. 20250, (202) 447-3965.	National Soil and Water Conservation Program, RCA.	Draft 800063	Feb. 5, 1980	An extension was published with an incorrect termination date. The correct termination date is March 28, 1980.

[FR Doc. 80-9507 Filed 3-27-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1444-6; OPTS-50009]

Transfer of TSCA Premanufacture Notification Information to Contractor; Notice of Data Transfer

AGENCY: Environmental Protection Agency (EPA), Office of Pesticides and Toxic Substances.

ACTION: Notice of Data Transfer.

SUMMARY: EPA will transfer information on the use of chemical substances and on manufacturers and importers to its contractor, Tracor-Jitco, Inc. of Rockville, Maryland. Some of the information submitted by chemical manufacturers or importers under Section 5 of the Toxic Substances Control Act (TSCA) may have been designated as Confidential Business Information. Tracor-Jitco, Inc. will perform a search for published literature related to the use, manufacturer and importer information and furnish the results to EPA.

DATE: Transfer of confidential information on use, manufacturers, and importers which is covered by this notice will not begin until April 4, 1980, and will continue as required by EPA.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Pesticides and Toxic Substances (TS-793), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. The toll-free telephone number is 800-424-9065. In Washington, D.C. please call 554-1404.

SUPPLEMENTARY INFORMATION: TSCA imposes on the Administrator statutory responsibility for evaluation and regulation of certain chemical substances. In order to assist with these tasks, it is often necessary to perform searches of the open scientific literature for information on the uses, manufacturers and importers of chemical substances. In most instances, the use information will be submitted by manufacturers and importers of new chemical substances under Section 5 of the Act. Some of the Section 5 information is designated as Confidential Business Information by the submitting companies. Tracor-Jitco, Inc. has been conducting literature searches for EPA on specified confidential chemical substances since August 9, 1979 (contract No. 68-01-5114 and No. 68-01-6021). They have been asked to perform additional searches for use, manufacturer and importer information because EPA does not have the resources to do so.

This notice is published in accordance with § 2.306(j)(3) of EPA's Public Information Regulations, which requires that every affected business be notified of the transfer of TSCA confidential information to a contractor and be afforded a minimum of five days to submit its comments. EPA has chosen to afford five working days notice in this instance, primarily because of an urgent need to turn over these activities to the contractor. In addition, EPA earlier announced its intent to transfer confidential chemical identities to Tracor-Jitco, Inc., and has been doing so for several months. As required by § 2.306(j)(1), EPA has determined that the contractor must be provided with confidential information in order to satisfactorily perform its contract.

Tracor-Jitco, Inc. has been authorized to receive Confidential Business Information under the terms of EPA's

TSCA Confidential Business Information Security Manual. The Office of the Inspector General has reviewed the contractor's facilities and security plan and found both in compliance with the Manual's requirements.

Under the terms of its contract, Tracor-Jitco, Inc. is required to treat all confidential use, manufacturer and importer information in accordance with procedures required by the Security Manual. The contractor is also legally bound not to reveal to anyone outside its organization that EPA has requested a particular literature search. Any information gathered as a result of a search may not be disclosed to a third party without written authorization from EPA, and must be safeguarded from unauthorized disclosure.

(Sec. 5 of TSCA (Pub. L. 94–469, 90 Stat. 2003, (150 U.S.C. 2601 et. seq.)))

Dated: March 17, 1980.

Marilyn C. Bracken,

Deputy Assistant Administrator for Program Integration and Information.

[FR Doc. 80-9506 Filed 3-27-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1450-3]

Correction on Notices of PSD Permit Issuance

In the Tuesday March 4, 1980, **Federal Register**, Vol. 45, No. 44, Notice of Issuance of PSD Permits were published for the following sources:

(1) Boise Cascade Corporation, P.O. Box 310, Kettle Falls, Washington 99141 (FR Doc. 80–6700—Page 14138).

(2) Bergsoe Metal Corporation, 200 S.W. Market Street, Portland, Oregon 97201 (FR Doc. 80–6699—Page 14138–14139).

The information regarding review of the permit under Section 307 should read, "The PSD permit is reviewable under Section 307 of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed on or before May 27, 1980.

Dated: March 17, 1980.

Donald P. Dubois,

Regional Administrator—Region 10.

[FR Doc. 80-9499 Filed 3-27-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

[Report No. A-12]

Cut-Off Date: May 19, 1980.

Released: March 20, 1980.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after May 19, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 19, 1980, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on May 19, 1980.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on May 19, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment.

Appendix

BPH–790711AF (KFRA–FM), Franklin, Louisiana, KFRA, Inc., Has: 95.3 MHz; Channel No. 237A, ERP: 3 kW; HAAT: 170 Ft. (LIC), Req: 105.5 MHz; Channel No. 288A, ERP: 3 kW; HAAT: 300 Ft.

BPH–790813AQ (new), Quanah, Texas, Joy Radio Broadcasting, Inc., Req: 100.9 MHz; Channel No. 265A, ERP: 3 kW; HAAT: 219 Ft.

BPH–790815AC (new), McConnellsville, Ohio, William A. & Janice E. Brackney, Req: 100.9 MHz; Channel No. 265A ERP: 1.89 kW; HAAT: 401.8 Ft.

BPH–790821AE (new), New Seymour, Texas, Floyd Broadcasting, Inc., Req: 94.3 MHz; Channel No. 232A ERP: 3 kW; HAAT: 109 Ft.

BPH–7908 (new), Belpre, Ohio, Composite Communications, Inc., Req: 107.1 MHz; Channel No. 296A ERP: 1.81 kW; HAAT: 370 Ft.

BPH–790831AG (new), Metropolis, Illinois, Owensboro on the Air, Inc., Req: 98.3 MHz; Channel No. 252A ERP: 3 kW; HAAT: 300 Ft.

BPH–790911AA (new), Falls City, Nebraska, Southeast Nebraska B/Cting Co., Inc., Req: 95.3 MHz; Channel No. 237A ERP: 3 kW; HAAT: 300 Ft.

BPH–790917AE (new), Rosamond, California, Rosamond Broadcasters, Req: 105.5 MHz; Channel No. 288A ERP: 3 kW; HAAT: 28 Ft.

BPH–790918AB (WJOA), Tuscaloosa, Alabama, Tuscaloosa Broadcasting Company, Inc., Has: 95.7 MHz; Channel No. 239C ERP: 50 kW; HAAT: 320 Ft., (LIC), Req: 95.7 MHz; Channel No. 239C ERP: 100 kW; HAAT: 414 Ft.

BPH–790918AC (new), Beaufort, South Carolina, Beaufort County Broadcasting Co., Req: 104.9 MHz; Channel No. 285A, ERP: 3 kW; HAAT: 300 Ft.

BPH–790924AC (WOBR–FM), Wanchese, North Carolina, WOBR, Inc., Has: 95.3 MHz; Channel No. 237A ERP: 3 kW; HAAT: 175 Ft., (LIC), Req: 95.3 MHz; Channel No. 237A, ERP: 3 kW; HAAT: 300 Ft.

BPH–790926AC (new), Columbia, North Carolina, Flanagan, Flanagan & Cross, Inc., Req: 105.7 MHz; Channel No. 289C, ERP: 100 kW; HAAT: 256 Ft.

BPH–791001AD (new), Clinton, Louisiana, Feliciana Broadcasting Company, Inc., Req: 92.7 MHz; Channel No. 224A, ERP: 3 kW; HAAT: 300 Ft.

BMPH–790111AH (WPOL), Gaylord, Michigan, Maumee Valley Broadcasting Assoc., Has: 95.3 MHz; Channel No. 237A, ERP: 1.8 kW; HAAT: 370 Ft., (CP), Req: 95.3 MHz; Channel No. 237A, ERP: 2 kW; HAAT: 360 Ft.

BPED–790313AD (WBWC), Berea, Ohio, Baldwin-Wallace College, Has: 88.3 MHz; Channel No. 202DS, ERP: .01 kW; HAAT: Ft., (LIC), Req: 88.3 MHz; Channel No. 202A, ERP: .138 kW; HAAT: 36 Ft.

BPED–790409AK (WKHR), Bainbridge, Ohio, Kenston Local School District, Has: 88.3 MHz; Channel No. 202D, TPO: .01 kW. (Lic), Req: 88.3 MHz; Channel No. 202A, ERP: .100 kW; HAAT: 237 ft.

BPED–790614AG (WNEK–FM), Springfield, Massachusetts, Western New England College, Has: 89.1 MHz; Channel No. 206D, TPO: .01 kW. (Lic), Req: 97.5 MHz; Channel No. 248D, ERP: .013 kW; HAAT: −22.9 ft.

BPED–790621AL (NEW), Abilene, Texas, The Christian Broadcasting Co., Inc., Req: 88.1 MHz; Channel No. 201C, ERP: 3.07 kW; HAAT: 71 ft.

BPED–790703AE (KRPC), Owatonna, Minnesota, Pillsbury Baptist Bible College, Has: 90.5 MHz; Channel No. 213D, ERP, TPO: .01 kW. (Lic), Req: 90.5 MHz; Channel No. 213A, ERP: .131 kW; HAAT: 131.5 ft.

BPED–790727AD (WSRN–FM), Swarthmore, Pennsylvania, Swarthmore College, Has: 91.5 MHz; Channel No. 218D, TPO: .01 kW. (Lic), Req: 91.5 MHz; Channel No. 218A, ERP: .110 kW; HAAT: 142 ft.

BPED–790815AE (WRFT), Indianapolis, Indiana, Franklin Twnshp Community Sch Corp., Has: 91.5 MHz; Channel No. 218DS, ERP: .01 kW; HAAT: —— ft. (Lic), Req: 91.5 MHz; Channel No. 218A, ERP: .13 kW; HAAT: 178 ft.

BPED–790824AB (KSPB), Pebble Beach, California, Robert Louis Stevenson School, Has: 91.5 MHz; Channel No. 218D, erp: .015 kW; HAAT: 42 ft. (Lic), Req: 91.9 MHz; Channel No. 220A, ERP: .115 kW; HAAT: 470 ft.

BPED–791011AB (NEW), Reserve, Wisconsin, Lac Courte Oreilles Ojibwa PB BC COR, Req: 88.9 MHz; Channel No. 205C, ERP: 100 kW; HAAT: 605 ft.

BPED–791226BI (WAMF), Tallahassee, Florida, Florida A&M University, Has: 90.5 MHz; Channel No. 213DS, ERP: .01 kW; HAAT: —— ft. (Lic), Req: 90.3 MHz; Channel No. 212C, ERP: 100 kW; HAAT: 782 ft.

BPED–800108AM (NEW), Concord, New Hampshire, Granite State Public Radio, Inc., Req: 89.1 MHz; Channel No. 206B, ERP: 50 kW; HAAT: 243 ft.

BMPED–790815AA (KUCB–FM), Des Moines, Iowa, CTR for Study & APP of Black Theology, Has: 89.3 MHz; Channel No. 207DS, ERP: .018 kW; HAAT: 94 ft. (CP),

Req: 89.3 MHz; Channel No. 207C, ERP: 5 kW; HAAT: 262 ft.

[FR Doc. 80-9490 Filed 3-27-80; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 80-109, File No. 21344-CD-P-79; CC Docket No. 80-110, File No. 21903-CD-79]

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: March 17, 1980.

Released: March 24, 1980.

In re Application of James A. Frederickson, for a Construction Permit to establish a new one-way signaling station to operate on frequency 158.70 MHz in the Domestic Public Land Mobile Radio Service at Gillette, Wyoming; Collins Radio Communications Corporation, for a Construction Permit to establish a new one-way signaling station to operate on frequency 158.70 MHz in the Domestic Public Land Mobile Radio Service at Gillette, Wyoming.

By the Chief, Common Carrier Bureau:

1. Presently before the Chief, Common Carrier Bureau, pursuant to delegated authority, are the applications of James A. Frederickson (Frederickson), File No. 21344-CD-P-79, and Collins Radio Communications Corporation (Collins), File No. 21903-CD-P-79, which both request a Construction Permit to establish a new one-way paging station to operate on frequency 158.70 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) at Gillette, Wyoming. A Petition to Deny the Frederickson application was filed by M. L. Green, d.b.a. Gillette Radio Telephone (Green), licensee of DPLMRS Stations KUC875 and KDS447 at Gillette.[1]

2. Because these applications request use of the same frequency in the same geographic area, they are electrically mutually exclusive. Accordingly, under current practice, a comparative hearing must be held to determine which applicant would better serve the public interest. We find both applicants to be legally, technically, financially, and otherwise qualified to construct and operate their proposed facilities, except as otherwise noted below.

3. The sole issue raised by Green's petition is that Frederickson has failed to demonstrate a need for its proposed service in accordance with the requirements of *Long Island Paging*, 30 FCC 2d 405, *rev. denied*, 32 FCC 2d 235 (1971), *recon. denied*, 34 FCC 2d 216 (1972).[2] In an amendment to its application filed on December 14, 1979, Frederickson submitted the results of a market study conducted on his behalf in which he received 25 favorable responses from interested subscribers. We find that this study was properly conducted and that it demonstrates substantial unsatisfied demand for Frederickson's proposed service. Accordingly, we will deny Green's petition.

4. Collins' Motion For Waiver of Section 22.13(f) of the Rules requests that we require Frederickson to submit, before any further consideration is given to his application, evidence of the required state authority to operate his proposed facilities.[3] Submitted with Collins' motion is a letter dated November 5, 1979 from the staff of the State of Wyoming Public Service Commission (PSC), recognizing Collins as the only carrier authorized by the PSC to provide paging service on frequency 158.70 MHz to the Gillette area. This letter states that "another carrier" which, the PSC understands, is seeking FCC authority to operate on the same frequency and in the same area as Collins, has not petitioned the PSC for state authority. However, the PSC's letter further provides:

> It is difficult to comment upon the outcome of a competing application for [frequency 158.70 MHz] in the Gillette area should such ever be filed. It would be fair to state however, that the general policy of this Commission is to discourage dual certification for shared use of a channel when there is no compelling need for such and where the public interest could be adversely affected by such action. Experience indicates shared use simply does not work in Wyoming.

Accordingly, Collins submits that designation for hearing of these competing applications under these circumstances would result in a wasteful use of resources in a comparative hearing in which one of the applicants would, allegedly, not be able to provide service for lack of state authority. Collins asserts that Frederickson's "inability" to secure state certification is a "threshold, fatal disqualification" which would negate any advantages Frederickson might be able to show in a hearing. Collins also suggests that an FCC hearing would lead to a needless conflict with the PSC.

5. Collins' motion will be denied. Section 22.13(f) (2) was adopted in order to allow for simultaneous processing of DPLMRS applications at the state and federal levels.[4] One purpose of the rule was to eliminate state certification as a basis for filing petitions to deny FCC application.[5] Collins' motion is little more than a petition to deny for lack of state certification submitted in a different form. The PSC has not issued a definitive ruling denying state certification to Frederickson. Indeed, as Collins asserts, Frederickson has not yet even applied for state certification. It is apparent that a proceeding before the PSC may be necessary to resolve the public interest issues outlined in the PSC's letter, *supra.*, para. 6. Therefore, our dismissal of Frederickson's application at this stage for lack of state certification would require us to draw grossly premature conclusions from the PSC's letter about state questions which the PSC must resolve. This is the sort of coercive preemptive approach which the Commission specifically rejected in its *First Report and Order, supra.*, n. 4, at pgs. 402-3. The Commission anticipated that state regulatory commissions might deny state certification to some FCC permittees and licensees. We find that Collins has not shown good cause for a waiver of Section 22.13(f) of the Rules.

6. Finally, the Bureau's letter of August 17, 1979 requested Frederickson to submit a copy of the completed Federal Aviation Administration (FAA) study regarding his proposed antenna structure's potential hazard to aviation. This information is required by Section 22.15(d) of the Commission's Rules.[6] Despite numerous additional requests by the Bureau, Frederickson has not yet supplied sufficient information to satisfy the Rules. Accordingly, we will designate an issue for hearing to determine whether Frederickson's application complies with Section 22.15(d) of the Rules.

7. Accordingly, It is ordered, That the petition to deny filed by M. L. Green, d.b.a. Gillette Radio Telephone is denied, That the Motion For Waiver of Section 22.13(f) of the Commission's Rules, filed by Collins Radio Communications Corporation, is denied, and That pursuant to Section 309(e) of

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[1] Collins had filed a Motion For Waiver of Section 22.13(f) of the Commission's Rules (47 C.F.R. § 22.13(f)) concerning Frederickson's application.

[2] See also New York Telephone Company, 47 FCC 2d 488, *recon. denied*, 49 FCC 2d 264 (1974), *aff'd sub nom.*, Pocket Phone Broadcast Service, Inc. v. FCC, 538 F.2d 447 (D.C. Cir. 1976).

[3] If Frederickson cannot producer such evidence, Collins' motion requests that his application be returned. Section 22.13(f) (2) of the Rules provides that DPLMRS applicants are not required to include evidence of state certification upon filing an application with the FCC. However, in the case of a license grant, the licensee must obtain all requisite state authority and be in operation within 240 days of the grant or the license will automatically expire and must be submitted for cancellation.

[4] See, Regulatory Policies and Procedures in the Domestic Public Land Mobile Radio Service, Docket 20870, First Report and Order, 69 FCC 2d 398, 400 (1978).

[5] *Id.*

[6] 47 C.F.R. 22.15(d).

the Communications Act of 1934, as amended,[7] the above-referenced applications of James A. Frederickson, File No. 21344–CD–P–79, and Collins Radio Communications Corporation, File No. 21903–CD–P–79, are designated for hearing in a consolidated proceeding upon the following issues:

(a) to determine on a comparative basis, the nature and extent of the service proposed by each applicant, including the rates, charges, maintenance personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) to determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 43 dBu contours, based upon the standards set forth in Section 22.504(a) of the Commission's Rules,[8] and to determine the need for the proposed services in said areas;

(c) to determine whether Frederickson's application is in compliance with Section 22.15(d) of the Commission's Rules; and

(d) to determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications would best serve the public interest, convenience and necessity.

8. IT IS FURTHER ORDERED, That, with respect to issues (a) and (b), the burden of proof and the burden of proceeding with the introduction of evidence are placed jointly on the applicants.

9. IT IS FURTHER ORDERED, That, with respect to issue (c), the burden of proof and the burden of proceeding with the introduction of evidence are placed on James A. Frederickson.

10. IT IS FURTHER ORDERED, That, with respect to issue (d), the ultimate burden of proof is placed jointly on the applicants.

11. IT IS FURTHER ORDERED, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

12. IT IS FURTHER ORDERED, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

13. IT IS FURTHER ORDERED, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to Section 1.221(c) of the Commission's Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80-9491 Filed 3-27-80; 8:45 am]

BILLING CODE 6712-01-M

[7] 47 U.S.C. § 309(e).

[8] Section 22.504(a) describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in paging service on frequency 158.70 MHz. Propagation data set forth in Section 22.504(b) are the proper bases for establishing the location of the service contours F (50, 50) for the facilities involved in this proceeding.

List of Broadcast Stations in the Standard Broadcast Band (535–1605 kHz) in the Dominican Republic

The Federal Communications Commission has received the following list of broadcast stations in the Standard Broadcast Band (535–1605 kHz) in the Dominican Republic. The list was transmitted by letter dated December 28, 1979, from the Director General of Telecommunications of the Dominican Republic.

Call	Location	Power	Schedule
	540 kHz		
HICM	Santo Domingo	5kwD/1kw N	U
	550 kHz		
	560 kHz		
HIAA	Santiago	0.5kwD/0.25kwN	U
	570 kHz		
HIMS	Santo Domingo	5kwD/1kwN	U
	580 kHz		
	590 kHz		
HIDV	La Vega	10kwD/1kwN	U
	600 kHz		
	610 kHz		
	620 kHz		
HISD	Santo Domingo	15kwD/5kwN	U
	630 kHz		
HIAF	Monte Cristy	1kwD/0.25kwN	U
	640 kHz		
	650 kHz		
HIAT	Santo Domingo	20kwD/1kwN	U
	660 kHz		
HIAM	Santiago	2kw	U
	670 kHz		
HILB	San Pedro de Macoris	1kwD/0.25kwN	U
	680 kHz		
HIJX	Santiago Rodriquez	0.5kwD/0.25kwN	U
	690 kHz		
HIAW	Santo Domingo	5kwD/1kwN	U
	700 kHz		
HIDC	Valverde Mao	1kwD/0.25kwN	U
	710 kHz		
	720 kHz		
HIAQ	Santiago	5kwD/0.25kwN	U
	730 kHz		
HIZ	Santo Domingo	5kwD/1kwN	U
	740 kHz		
	750 kHz		
HIDB	Santiago	5kwD/1kwN	U
	760 kHz		
HICO	Santo Domingo	5kw	U
	770 kHz		
HIMD	Tamboril	0.5kw	U
	780 kHz		
HIBO	Constanza	1kwD/0.25kwN	U
	790 kHz		
HIL	Santo Domingo	5kwD/1kwN	U
	800 kHz		
	810 kHz		
	820 kHz		
HIAZ	Santiago	5kwD/1kwN	U
	830 kHz		
HIJB	Santo Domingo	10kwD/2.5kwN	U

		840 kHz	
HIAB	Puerto Plata	0.5kwD/0.25kwN	U
		850 kHz	
		860 kHz	
HIUA	Santo Domingo	50kwD/5kwN	U
HIUA	Santiago	10kwD/1kwN	U
		870 kHz	
		880 kHz	
HIOR	Valverde Mao	1kwD/0.25kwN	U
		890 kHz	
HIPJ	Santo Domingo	5kwD/1kwN	U
		900 kHz	
HIBN	Puerto Plata	1kwD/0.25kwN	U
		910 kHz	
HIDE	San Francisco de Marcoris	1kwD/0.25kwN	U
		920 kHz	
HIBA	San Domingo	5kwD/0.25kwN	U
		930 kHz	
HICK	Santiago	5kwD/1kwN	U
		940 kHz	
		950 kHz	
HIG	Santo Domingo	5kwD/0.25kwN	U
		960 kHz	
HIFF	Puerto Plata	12kwD/0.25kwN	U
		970 kHz	
		980 kHz	
HIFA	Santo Domingo	5kwD/1kwN	U
		990 kHz	
HISA	Santiago	0.75kw	U
		1000 kHz	
HIHG	Dajabon	1kwD/0.25kwN	U
		1010 kHz	
HIJP	Santo Domingo	10kwD/0.25kwN	U
		1020 kHz	
		1030 kHz	
HIDL	La Vega	5kwD/0.25	U
		1040 kHz	
HION	Santo Domingo	10kwD/0.25kwN	U
		1050 kHz	
HICB	Santiago	10kwD/0.25kwN	U
		1060 kHz	
HIRV	San Pedro de Macoris	1kwD/0.25kwN	U
HIJB	Barahona (under construction)	1kwD/0.25kwN	U
		1070 kHz	
HIBI	San Francisco de Macoris	5kwD/0.25kwN	U
		1080 kHz	
HIMC	Santo Domingo	0.5kw	U
		1090 kHz	
HIJM	Licey al Medio	1kwD/0.25kwN	U
		1100 kHz	
HIRB	Jimani	0.25kw	U
HIMP	San Jose de Ocoa	1kwD/0.25kwN	U
HIFS	Nagua	1kwD/0.25kwN	U
HIHD	San Pedro de Macoris	1kwD/0.25kwN	U
		1110 kHz	
HIJI	Jarabacoa	0.5kw	U
		1120 kHz	
HICN	Santo Domingo	5kw	U
		1130 kHz	
HIRL	Santiago	10kwD/0.25kwN	U

	1140 kHz		
HIRA	San Juan Maguana	1kwD/0.25kwN	U
	1150 kHz		
HIAS	Santo Domingo	5kwD/0.25kwN	U
	1160 kHz		
HIBG	Tamboril	5kwD/0.25kwN	U
	1170 kHz		
	Monte Cristy (under construction)	1kwD/0.25kwN	U
	1180 kHz		
HIBE	Santo Domingo	10kwD/0.25kwN	U
	1190 kHz		
HIAG	Santiago	5kwD/0.25kwN	U
	1200 kHz		
HIBS	San Pedro de Macoris	1kwD/0.25kwN	U
HIMR	Azua	1kwD/0.25kwN	U
	1210 kHz		
HICJ	San Francisco de Macoris	1kwD/0.25kwN	U
	1220 kHz		
HIN	Santo Domingo	10kwD/1kwN	U
	1230 kHz		
HING	Moca	1kwD/0.25kwN	U
	1240 kHz		
HIAU	Puerto Plata	1kwD/0.25kwN	U
HICV	Barahona	5kwD/0.25kwN	U
	1250 kHz		
HIBC	San Francisco de Macoris	5kwD/0.25kwN	U
	1260 kHz		
HIT	Santo Domingo	1kwD/0.25kwN	U
	1270 kHz		
HISD	Santiago	1kwD/0.25kwN	U
HITA	Bani	1kwD/0.25kwN	U
	1280 kHz		
	1290 kHz		
HIVM	Bonao	1kwD/0.25kwN	U
HIVD	Janico	0.5kw	U
HIGA	Barahona	5kwD/0.25kwN	U
	1300 kHz		
HIKQ	Santo Domingo	1kwD/0.25kwN	U
	1310 kHz		
HIMH	La Vega	0.5kwD/0.25kwN	U
HIAV	Bani	0.5kwD/0.25kwN	U
HISD	El Seibo	1kwD/0.25kwN	U
	1320 kHz		
	1330 kHz		
	Santo Domingo (under construction)	10kwD/0.25kwN	U
	1340 kHz		
HIBZ	San Juan Maguana	1kwD/0.25kwN	U
HIXM	Moca	5kwD/1kwN	U
	1350 kHz		
HIXZ	Santo Domingo	1kwD/0.25kwN	U
HIMG	La Romana	0.25kw	U
	1360 kHz		
HISJ	Monte Cristy	1kwD/0.25kwN	U
HISD	La Vega	1kwD/0.25kwN	U
	1370 kHz		
HIFA	Elias Pina	5kwD/0.25kwN	U
HISI	Barahona	1kwD/0.25kwN	U
	1380 kHz		
HISC	Santiago	5kwD/0.25kwN	U
	1390 kHz		
HISH	San Juan	1kwD/0.25kwN	U
	1400 kHz		
HISD	Pedernales	0.25kw	U
HIAL	La Vega	0.25kw	U
	1410 kHz		
	Rio San Juan	1kwD/0.25kwN	U
HIRM	Higuey	0.25kw	U
HIAE	Santo Domingo	1kwD/0.25kwN	U
HIPK	Neyba	0.25kw	U

	1420 kHz		
HIFD	Cotui	0.25kw	U
	1430 kHz		
HIVG	La Vega	1kwD/0.25kwN	U
	1440 kHz		
HIAK	Santo Domingo	5kwD/0.25kwN	U
HIFS	Nagua	0.25kw	U
HILF	Higuey	0.25kw	U
HIAD	San Juan	5kwD/0.25kwN	U
	1450 kHz		
HIAC	Salcedo	0.25kw	U
	1460 kHz		
HIAV	San Cristobal	0.5kwD/0.25kwN	U
HIAN	Hato Mayor	1kwD/0.25kwN	U
	1470kHz		
HIVP	Villa Tapia	0.2kwD/0.25kwN	U
	Barahona (under construction)	1kwD/0.25kwN	U
	1480kHz		
HIAH	Santo Domingo	5kwD/0.25kwN	U
	1490kHz		
HIKF	Azua	1kwD/0.25kwN	U
HIRP	Seibo	0.5kwD/0.25kwN	U
HIAP	Moca	0.25kw	U
	1500kHz		
	Higuey	0.25kw	U
HISD	Puerto Plata	1kwD/0.25kwN	U
	1510kHz		
HIBL	Santo Domingo	10kwD/0.25kw	U
	1520kHz		
	1530kHz		
HIJN	Santiago	5kwD/1kwN	U
HIFP	Santo Domingo	1kwD/0.25kwN	U
HIBD	La Romana	0.25kw	U
	1550kHz		
HITS	Tamayo	1kw	U
	1560kHz		
HIJC	Santiago	1kwD/0.25kwN	U
HIPZ	Pedernales	0.5kwD/0.25kwN	U
	1570kHz		
HIAJ	Santo Domingo	1kwD/0.25kwN	U
HIRJ	La Romana	0.25kw	U
	1580kHz		
HIWJ	Samana	0.5kw	U
	1590kHz		
HIDA	Santiago	1kwD/0.25kwN	U
	1600kHz		
HIEG	Santo Domingo	5kwD/0.25kwN	U

Richard J. Shiben,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc. 80-9426 Filed 3-27-80; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Uniform Policy for Classification of Consumer Installment Credit Based on Delinquency Status—Request for Comments on Applicability of Policy to Mutual Savings Banks

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of Policy Statement: Request for Public Comment.

SUMMARY: The Federal Financial Institutions Examination Council has developed a uniform policy for classifying delinquent consumer installment loans at commercial banks. The FDIC has adopted this policy for insured state nonmember commercial banks. The FDIC seeks comment as to whether the policy should also apply to insured mutual savings banks. Bank examiners use loan classifications to evaluate the overall quality of a bank's loan portfolio and to identify loans that are performing poorly or that have more than normal risk of loss.

DATES: Effective date of policy statement: June 30, 1980; public comment to be received by May 15, 1980.

ADDRESS: Comments should be addressed to Office of the Executive Secretary, Federal Deposit Insurance Corporation, Room 6108, 550 17th Street NW., Washington, D.C. 20429 (202–389–4425). Comments may also be hand-delivered to Room 6108 between 8:30 and 5 on workdays.

FOR FURTHER INFORMATION CONTACT: Jack Edgington, Assistant Director, Division of Bank Supervision, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, 202–289–4404.

SUPPLEMENTARY INFORMATION: The policy, recommended by the Federal Financial Institutions Examination Council and adopted by the FDIC, establishes the following examination classifications for deliquent consumer installment loans:

1. *Loans that would be classified as losses to the bank: Open end credit* (such as credit obtained by use of a credit card) that is overdue by 180 days or more; *Closed end credit* (such as a car loan) overdue by 120 days or more.

2. *Loans that would be classified as substandard: Open end credit* that is overdue by 90 to 179 days; *Closed end credit* that is overdue by 90 to 119 days.

The policy recognizes that some flexibility in such classifications may be appropriate provided that bank management can clearly demonstrate that exceptions are warranted.

The policy differs from earlier proposals—on which hundreds of comments were received—in that it classifies as losses open end delinquent consumer installment loans after 180 days, rather than 120 days. It includes a number of clarifying definitions for consumer loans, deliquencies and statutory bad debts and clarifies the circumstances in which partial payments may be considered by examiners as full payment.

The text of the Uniform Policy is set forth below.

By Order of the Board of Directors, dated March 3, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

Uniform Policy for Classification of Consumer Installment Credit Based on Delinquency Status

The Policy

Introduction

This examination policy establishes uniform guidelines for the classification of installment credit based on delinquency status. The use of a formula approach in determining consumer loan classifications parallels, in principle, current industry practices and recognizes the statistical validity of measuring losses predicated on past due status. The policy covers both open- and closed-end credit. Although the three Federal banking agencies have historically relied on delinquency status as a major determinant in classifying consumer installment credit, no interagency standard has been employed. The policy seeks to provide that standard and should result in more uniform treatment of all classes of insured banks and in more consistent statistical data being developed from bank examination reports.

The general classification policy recognizes that evaluating the quality of a consumer credit portfolio on a loan-by-loan basis is inefficient and unnecessary. For this reason, examiners are expected to adhere closely to the policy in their analysis of consumer credit. Nevertheless, it is recognized that there are instances, particularly where significant amounts are involved, that may warrant exceptions to the formula in order to recognize individual situations where the bank being examined can clearly demonstrate that repayment will occur irrespective of delinquency status. Examples of such situations might include: loans well secured by collateral and in the process of collection; loans where the claims have been filed against solvent estates and loans supported by valid guarantees or insurance.

General Classification Policy

Examiners will adhere to the following general classification policy during examinations of commercial banks.

(1) Closed-end consumer installment credit delinquent 120 days or more (5 monthly payments) will be classified loss. Loans delinquent 90 to 119 days (4 monthly payments) will be classified substandard.

(2) Open-end consumer installment credit delinquent 180 days or more (7 zero billing cycles) will be classified

loss. Loans delinquent 90 to 179 days (4 to 6 zero billing cycles) will be classified substandard.

Definitions

The following definitions are intended to provide guidance in application of the general classification policy.

Consumer installment loans.—Includes open- and closed-end credit extended to individuals for household, family and other personal expenditures as defined in the instructions for preparation of call reports. Refer to such instructions for information on any loan where there is doubt as to whether it is covered by the general classification policy.

Delinquency.—Closed-end installment credit is considered delinquent when the borrower is in arrears two monthly payments. Loans in arrears two monthly payments are considered 30 days delinquent.

Banks generally treat open-end credit differently than closed-end credit in computing delinquency. A bank credit card customer generally has 25 days in which to pay billings before the loan is considered delinquent. If no payment is made between two billing cycles, the balance is considered 5 days delinquent. If no payment is received before issuance of still another statement, the balance is 35 days delinquent technically; however, current practice is to define accounts with two zero billings as 30 days delinquent.

See attached charts which illustrate delinquency computation.

Statutory Bad Debts—Section 5204, USRS (12 U.S.C. 56), contains the definition for Federal Reserve System member banks of what constitutes bad debts. Accordingly, loans delinquent seven monthly payments, or seven billing cycles, are considered 180 days, or six months, past due and will be considered statutory bad debts, unless they are well secured *and* in the process of collection.

Partial Payments—A payment equivalent to 90 percent or more of the contractual payment may be considered in full payment in computing delinquency.

Consumer Installment Loan Examination Scope.

The general classification policy provides that performance is the principal criterion in application of the uniform policy during examinations of banks. In addition to loan classification, examination emphasis should focus on the bank's written consumer lending policy, adherence to stated policy and a review of operating procedures. It is expected that a bank will have written policies suitable for its specific objectives and that they are consistent with prudent banking practices. Procedures for supervising delinquent accounts, including the procedure for renewing and extending past due loans, and automatic charge-off policy should be fully described. Internal controls should be in place to assure that the bank's written policy is being followed. Banks lacking written policies or failing to implement or follow established policies effectively should be critized by examiners in reports of examination.

Effective Date: This policy will be effective June 30, 1980.

Closed End Credit

Due date	Period	Delinquency status	Classification
3/10	3/11–04/09	Not delinquent	
4/10	4/10–05/09	30 days or 2 payments	
5/10	5/10–06/09	60 days or 3 payments	
6/10	6/10–07/09	90 days or 4 payments	Substandard.
7/10*	7/10–08/09	120 days or 5 payments	Loss.
8/10	8/10–09/09	150 days or 6 payments	Loss.
9/10	9/10	180 days or 7 payments	Loss.

Open End Credit

Statement	Day	Zero billing cycle	Payment record	Days delinquent	Classification
Statement 1	1				
Due 25th	25				
Statement 2	30	1	No payment	5	
Statement 3	60	2	No payment	30	
Statement 4	90	3	No payment	60	
Statement 5	120	4	No payment	90	Substandard.
Statement 6	150	5	No payment	120	Substandard.
Statement 7	180	6	No payment	150	Substandard.
Statement 8**	210	7	No payment	180	Loss.

* Charge-off occurs after borrower is five payments delinquent.
**Charge-off occurs on seventh zero billing.

[FR Doc. 80-9435 Filed 3-27-80; 8:45 am]
BILLING CODE 6714-01-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 April 22, 1980.

A. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

Texas Commerce Bankshares, Inc., Houston, Texas (finance activities; Texas): to engage, through its subsidiary, Texas Commerce Funding Company in making or acquiring loans and other extensions of credit, including commercial loans both secured and unsecured, loans to purchase real property, securities, commodities, standby and commercial letters of credit, and acceptances. These activities would be conducted from an office in Wilmington, Delaware, serving the Houston metropolitan area.

B. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

Sun Banks of Florida, Inc., Orlando, Florida (mortgage banking activities; Florida): to engage, through its subsidiary, Sunbank Mortgage Company, in making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by real estate mortgages; and servicing loans and other extensions of credit for any person. These activities would be conducted from an office in Lakeland, Florida, serving Polk County, Florida.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 20, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9540 Filed 3-27-80; 8:45 am]

BILLING CODE 6210-01-M

Citicorp; Proposed Retention of Citicorp Homeowners, Inc.; Formerly a Subsidiary of Advance Mortgage Corporation

Citicorp, New York, New York, has 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)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to retain voting shares of Citicorp Homeowners, Inc., Des Peres, Missouri, a corporation established to engage in certain activities and to hold certain assets formerly conducted and held by Advance Mortgage Corporation, Southfield, Michigan.

Applicant states that the subsidiary would continue to engage in making, acquiring, and servicing extensions of credit secured by mobile homes, mobile home inventories, or second liens on residential real estate; and the subsidiary would engage *de novo* in the origination of 1–4 family residential mortgage loans. The mobile home financing activities will be conducted from existing offices in the following cities: Detroit and Birmingham, Michigan; Atlanta, Georgia; Denver, Colorado; Gainesville and Hialeah, Florida; Indianapolis, Indiana; Towson, Maryland; Chattanooga, Tennessee; Columbia, South Carolina; Winston-Salem, North Carolina; Louisville, Kentucky; Montgomery, Alabama; Alexandria, Louisiana; Roanoke, Virginia; Phoenix, Arizona; Springfield, Illinois; Charleston, West Virginia; and Roseville, Minnesota. Each of these offices will serve one or more of the following states: Michigan, Indiana, Georgia, Alabama, Florida, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Colorado, Arizona, Nebraska, New Mexico, Nevada, Wyoming, Utah, Kentucky, West Virginia, Ohio, Pennsylvania, Delaware, Maryland, Arkansas, Louisiana, Illinois, and Minnesota. The subsidiary's second mortgage lending activities will be conducted from existing offices in each of the following cities (each office will serve the metropolitan area in which that city is located): Indianapolis and Merrillville, Indiana; Parma, Cincinnati,[1] Dayton, and Akron, Ohio; Hillside and Waukegan, Illinois;[2] and Covina, Long Beach, Garden Grove, Riverside, Van Nuys, Emeryville, San Diego, and Campbell, California. In addition, *de novo* second mortgage offices would be established in Atlanta, Georgia, and Denver, Colorado, to serve their respective metropolitan areas. The *de novo* residential mortgage origination activities would be conducted from offices to be established in the following cities: Washington, D.C.; Denver, Colorado; Dallas, Texas; Atlanta, Georgia; Miami, Florida; and Des Peres, Missouri. In addition, the activities of the following existing offices would be expanded *de novo* to include residential mortgage origination activities: Hillside, Illinois;[2] and Campbell, Long Beach, and San Diego, California. Each of these ten offices would have a service area comprised of the entire state in which it is located, except for the Washington, D.C. office, which would serve the District of Columbia, Maryland, and Virginia. Finally, it is proposed that Citicorp Homeowners, Inc. would service the residential mortgage loans that it originates.

These activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b)

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 24, 1980.

Board of Governors of the Federal Reserve System, March 24, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9541 Filed 3-27-80; 8:45 am]

BILLING CODE 6210-01-M

[1] The subsidiary expects to relocate its Cincinnati office to Springdale, Ohio. This office would continue to serve the Cincinnati metropolitan area.

[2] The subsidiary expects to relcoate its Hillside and Waukegan, Illinois, offices to Oak Brook and Schaumberg, Illinois, respectively. Both offices would continue to serve the Chicago metropolitan area (second mortgage activities), and the Oak Brook office would serve Illinois (residential mortgage origination and servicing).

Clayton Bancshares Corp.; Acquisition of Bank

Clayton Bancshares Corporation, St. Louis, Missouri, has applied for the Board's approval under § 3(a)(5) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(5)) to merge with Hampton Bankshares Corporation and Crestwood Bank Shares Corporation, both of St. Louis, 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)).

Clayton Bancshares Corporation, St. Louis, Missouri, 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 Metro Trust Company, Clayton, Missouri.

Applicant states that the subsidiary is engaged in the performance of trust and fiduciary services. These activities would be performed from offices of Applicant's subsidiary in Clayton, Missouri, and the geographic areas to be served are the city and county of St. Louis. Such activities have been specified by the Board in 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater covenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conficts of interests, or unsound banking practices."

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 April 24, 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, March 24, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9542 Filed 3-27-80; 8:45 am]

BILLING CODE 6210-01-M

Diboll State Bancshares, Inc.; Formation of Bank Holding Company

Diboll State Bancshares, Inc., Diboll, Texas, 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 Diboll State Bank, Diboll, Texas. 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 Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 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, March 21, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9543 Filed 3-27-80; 8:45 am]

BILLING CODE 6210-01-M

Fayette Bancorp.; Formation of Bank Holding Company

Fayette Bancorporation, Marion, 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 88.2 per cent of the voting shares of Citizens Savings Bank, Marion, 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)).

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 April 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, March 21, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9544 Filed 3-27-80; 8:45 am]

BILLING CODE 6210-01-M

Texas Commerce Bancshares, Inc.; Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, 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 100 per cent (except Directors' qualifying shares) of the voting shares of The First National Bank of Port Neches, Port Neches, Texas. 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 Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 24, 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, March 24, 1980.

William N. McDonough,

Assistant Secretary to the Board.

[FR Doc. 80-9545 Filed 3-27-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 80F-0061]

Air Products and Chemicals; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Air Products and Chemicals has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 2,4,7,9-tetramethyl-5-decyn-4,7-diol as a surface active agent in resinous and polymeric coatings in contact with food.

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B3467) has been filed by Air Products and Chemicals, P.O. Box 538, Allentown, PA 18105, proposing that § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) be amended to provide for the safe use of 2,4,7,9-tetramethyl-5-decyn-4,7-diol as a surface active agent in resinous and polymeric coatings in contact with food.

The potential environmental impact of this action is being reviewed. If this petition results in a regulation, and the

agency concludes that an environmental impact statement is not required, the notice of availability of the environmental assessment or finding of no significant impact, as applicable, will be published in the **Federal Register** regulation, as provided by 21 CFR 25.25(b).

Dated: March 20, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-9387 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 78F-0141]

Gentian Violet; Final Order on Request for a Hearing Regarding Denial of a Petition for a Food Additive Regulation on Gentian Violet

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs denies a hearing on an order denying a petition for a food additive regulation regarding the use of gentian violet in animal feed. Marshall Minerals, Inc., sponsor of the petition, requested, but did not justify, a hearing.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: Marshall Minerals, Inc., P.O. Box 506, Bainbridge, GA 31717, submitted a food additive petition proposing that the food additive regulations be amended to provide for the safe use of gentian violet in a feed premix at a level of 1.60 percent to be added to feed at a rate of 1-pound-per-ton as an aid in controlling fungus and mold growth in poultry feed. The petition was found by the agency to be inadequate for filing under 21 CFR 571.1. Marshall was notified of the inadequacy by letter. However, as a result of an action brought by Marshall Minerals, Inc., filed on December 13, 1977, and in conformity with the judgment entered in that case on April 19, 1978, by the United States District Court for the Middle District of Georgia, the petition was deemed to be filed and a notice of filing was issued by the Director of the Bureau of Veterinary Medicine. This notice was published in the **Federal Register** of May 19, 1978 (43 FR 21727).

In the **Federal Register** of March 30, 1979 (44 FR 19035), a notice was published denying the petition for a food additive regulation on gentian violet. The notice reviewed the various correspondence between FDA and Marshall Minerals, including a letter FDA sent to Marshall Minerals dated September 19, 1978, which explained in detail why available data did not support approval of the petition. In that letter FDA detailed the inadequacies in all of the data submitted by Marshall Minerals. The letter constituted a final determination on the merits of all the submitted data that the petition did not support a food additive regulation.

The notice concluded that the safety of gentian violet as an additive to animal feed had not been established because not only had the toxicity of gentian violet not been defined but also because Marshall had made no effort to counter or rebut the agency's demonstration that gentian violet is a suspect carcinogen. Furthermore, the notice provided that the residue data submitted in support of the application were inadequate. Additional grounds fo the denial of their food additive application were the failure of Marshall Minerals (1) to submit data to support that gentian violet is indeed a mold inhibitor in animal feed as claimed; (2) to satisfy the requirements of 21 CFR 571.1 regarding the submission of stability data; and (3) to provide an acceptable environmental impact analysis report.

The notice provided that any interested person who would be advesely affected by the denial had until April 30, 1979, to submit written objections and make a written request for public hearing on the stated objections. The notice provided that each objection be separately numbered and that each numbered objection specify with particularity the provision of the order to which the objection was made. The notice required that each numbered objection for which a hearing was requested include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event a hearing is held; failure to include such a description and analysis for any particular objection would consitute a waiver of the right to a hearing on the objection.

Marshall Minerals requested additional time to respond to the notice denying its petition. The time for filing data to support a request for hearing on the order of denial of the petition was granted by a notice published in the **Federal Register** of July 13, 1979 (44 FR 40933), extending the time for comment to August 3, 1979. The request for extension was made in a submission from Marshall Minerals on April 26 1979, in which Marshall set forth its objections to the order denying the petition. To date Marshall Minerals has not submitted any data or information in response to the order denying the petition. Its only submission is the April 26, 1979, "Objections to Order."

Because this action is the refusal to approve a food additive petition, Marshall Minerals, the petitioner, has the burden of showing that the use of gentian violet in animal feed will be safe. To sustain its request for a hearing, Marshall Minerals must point out flaws in the FDA's denial order or must submit compliant studies. CF. *American Cyanamid Co.* v. *FDA, et al.*, 606 F.2d 1307, 1314 (D.C. Cir. 1979). marshall has done neither. Instead, it has opted to provide legal argument and legal conclusions in the place of a reasoned and articulated response to the safety issues raised in the denial notice. Nor has Marshall attempted to address substantively any of the other related issues raised in the denial order. Those issues related to the proof of the functionality of the food additive, proof of its stability, and compliance with the National Environmental Policy Act requirements. See 21 CFR 25.1. Marshall's effort, or lack of effort, to justify a hearing is palpably shallow.

FDA has considered all the material submitted by Marshall Minerals and has concluded that Marshall has not raised any genuine issues of material fact requiring a hearing. FDA also concludes the legal objections offered by Marshall Minerals are insubstantial.

A full summary of Marshall Minerals' numbered objections to the denial order follows. Marshall raised 24 objections and requested a hearing on each objection.

Objections to Section A, "The Safety of Gentian Violet as an Additive to Animal Feed Has Not Been Established"

The first six paragraphs of section A of the Denial Notice summarized the six safety studies submitted by Marshall Minerals to prove the proposition that gentian violet is safe as an additive in animal feed. The agency concluded that references 4, 5, and 8 merely indicated and did not define the toxicity of gentian violet. With regard to reference 9 the agency concluded that no meaningful information was presented and, in fact, that the study was contradicted by numerous more recent studies that raised new toxicity questions. Marshall in Objection No. 1 requested a hearing solely on the basis of its characterization of the agency's opinions regarding references 4, 5, 8, and 9 as "limited, adverse, erroneous, unreasonable, and unwarranted."

Marshall offered no basis for this opinion. Nor did it attempt to respond in any meaningful way to the agency's analysis of the safety questions presented by the use of gentian violet in animal feed. Under 21 CFR 12.24(b)(2), the agency denies a hearing on Objection No. 1 because of Marshall's reliance merely on allegations and on general descriptions of positions and contentions.

In paragraph 7 of the notice, FDA found that references 4, 5, 8, and 9 submitted by Marshall Minerals provide no information useful in interpreting the demonstrated carcinogenic potential of gentian violet. The paragraph pointed out that Marshall has in fact submitted no information addressing the potential carcinogenicity of gentian violet. In following paragraphs, the notice detailed the specific concerns giving rise to the agency's characterization that a carcinogenic potential for gentian violet has been demonstrated. In paragraph 8 the notice discussed unpublished studies conducted by Fitzhugh in 1949 that indicate that long-term feeding of gentian violet to rats is followed by the appearance of neoplastic nodules and hyperplastic foci in the liver, these sometimes coexistant with hepatocellular carcinoma. The notice stated that these findings suggest that the carcinoma may have been induced by gentian violet. In paragraph 9 of the notice, FDA's concern about the carcinogenicity of gentian violet was further buttressed by a discussion of the chemical structure of gentian violet. The notice pointed out that crystal violet, the main component of gentian violet, belongs to a class of dyes related by molecular structure which can be generally referred to as aminophenylmethanes. The notice provided support for the agency's contentions that some aminophenylmethanes are known animal carcinogens, and two of them have been implicated as human carcinogens as a result of observations of human exposures in the dye industry. The notice in succeeding paragraphs detailed the results of other studies, including those showing that gentian violet produces chromosomal anomalies, to further support the agency's determination that gentian violet has a carcinogenic potential and that therefore, before any approval can be granted, carefully controlled toxicity studies to investigate the toxicological and oncogenic effect of gentian violet must be performed.

Marshall Minerals objected to the conclusions in the seventh paragraph by merely stating its contention that there was no demonstrated carcinogenic potential of gentian violet (Objection No. 2). Marshall objected to the 8th, 9th, and 10th paragraphs of the notice on the grounds that the conclusions reached by FDA from the references cited in those paragraphs were "unduly limited, adverse, erroneous, unreasonable, and unwarranted" (Objection No. 3). Marshall failed to offer any basis for its opinions or for its objections. Marshall did not attempt to respond in a meaningful way to the agency's discussion and interpretation of the information and data contained in the references cited in paragraphs 7 through 10. Under 21 CFR 12.24(b)(2), the agency denies a hearing on the objections raised by Marshall relating to paragraphs 7, 8, 9, and 10 because of Marshall's reliance merely on allegations and descriptions of positions and contentions.

The eleventh and twelfth paragraphs of subsection A of the denial notice discuss studies that demonstrated the capability of gentian violet to induce damage to DNA. Paragraph 12 generally discussed the significance of these data. Paragraph 12 was not supported by any references.

Marshall objected (Objection No. 4) to the conclusions in paragraph 11 as an "unduly limited, adverse, erroneous, unreasonable, and unwarranted interpretation by the Food and Drug Administration of the information contained in the references referred to." With regard to paragraph 12, Marshall objected (Objection No. 5) "that the conclusions contained therein are unwarranted and unreasonable findings by the Food and Drug Administration without grounds or other bases therefor." Regarding the objection on paragraph 11, Marshall again has failed to respond meaningfully to the agency's description and interpretation of the data. Under 21 CFR 12.24(b)(2) the agency denies a hearing on this objecton because of Marshall's reliance merely on allegations and on a general description of its position and contentions. Marshall's objection to paragraph 12, however, is in part correct in that FDA did not provide references for the agency's assertions. Thus, the agency has not put forth a factual base upon which such issues could be raised (A factual base does exist, however. See Refs. 1–5 of this notice.). Marshall, however, did not otherwise attempt to address or rebut the conclusion found in that paragraph, and therefore has not raised a genuine and substantial issue of fact regarding the points raised in paragraph 12. In any event, the agency does not need to rely on paragraph 12 to support its contention that the safety of gentian violet for use in animal feed has not been established. The agency has provided ample information in the notice to demonstrate the carcinogenic potential of gentian violet as well as to demonstrate that the toxicity or lack of toxicity of gentian violet has not been determined by adequate scientific data. Accordingly, under 21 CFR 12.24(b)(4) a hearing will not be granted on the objections raised to paragraph 12.

Paragraph 13 of the notice summarized the preceding data and concluded that in the absence of carefully controlled chronic toxicity studies properly designed to investigate the toxicological and oncogenic effects of gentian violet Marshall Minerals has not established that the proposed use of gentian violet would be safe insofar as human safety is concerned. Marshall objected (Objection No. 6) that this conclusion is "erroneous, unfounded, and unreasonable." Marshall further objected that "said conclusion is an extension of the desire of the Food and Drug Administration to regulate to the point of prohibition and thus constitutes the taking of the properly of Marshall Minerals without due process in violation of the Constitution of the United States." Marshall failed to raise a hearing issue on the conclusions contained in paragraph 13. See 21 CFR 12.24(b)(2). Marshall's legal objection, even if it held merit, would not be sufficient to grant a hearing since a hearing cannot be granted on issues of law. See 21 CFR 12.24(b)(1). The Supereme Court has, in any event, disposed of the issue by ruling that the premarketing clearance scheme for drugs (a scheme to which the food additive petition process is in this respect practically identical) does afford an applicant due process. See *Weinberger* v. *Hynson, Westcott, and Dunning,* 412 U.S. 609, 620–621 (1973).

Paragraphs 14 and 15 of the notice, the final two paragraphs of subsection a of the notice, discussed the residue studies submitted by Marshall Minerals and contained the conclusion that the studies are not adequate to base a safety decision on because the methodology employed is not capable of detecting levels of gentian violet lower than 200 parts per billion. Other data cited by the agency in the notice demonstrate that gentian violet residues may be as high as 50 parts per billion. Furthermore, paragraph 15 stated that residue data submitted by Marshall contain no information on the level of gentian violet and its metabolities (the total residue of gentian violet) that may remain in the edible parts of animal

tissues. Furthermore, the agency pointed out that the residue data submitted were not even run on Marshall Minerals' gentian violet product but were run on a product manufactured by a different company. Marshall has not even demonstrated the equivalence of its product to the product on which the residue studies were run. After discussing the deficiencies in the residue data submitted by Marshall Minerals, the agency clarified the fact that the safety of any given level of residues of gentian violet, i.e., 200 parts per billion or 50 parts per billion simply cannot be determined in the absence of an adequate toxicity data base which, as discussed above, has not been submitted by Marshall Minerals.

Marshall objected to (Objection No. 7) paragraph 14 on the grounds "that the paragraph is contradictory in its terms as well as being an erroneous, unreasonable, and unwarranted interpretation of the information contained in the reference referred to therein." Marshall failed to identify or explain the alleged contradiction. No contradiction is apparent to the agency. As in each of its objections, Marshall, here, to, has failed to submit any particularized or factual rebuttal to the agency's interpretation of the data regarding gentian violet. Under 21 CFR 12.24(b)(2) a hearing cannot be granted on the basis of mere allegations and general descriptions of positions and contentions.

Regarding paragraph 15, Marshall objected (Objection No. 8) that the conclusion "contained therein is unwarranted, erroneous, and unreasonable, as well as being in part contradictory to the position taken by the Food and Drug Administration and other litigation between the Food and Drug Administration and Marshall Minerals involving the use of gentian violet as an animal feed premix." Marshall Minerals again simply misread the paragraph. The proposition set forth in the paragraph is that residue data submitted by Marshall contain no information on the total residue of gentian violet that may remain in the edible parts of edible animal tissue. In litigation the agency has relied, as it did in the notice, on the fact that gentian violet does leave residues in the edible tissues of animals administered the product. The agency, however, has never contended that there was complete information on the total residue, i.e., the level of gentian violet and its metabolites. The paragraph contains no contradiction, and Marshall again under 21 CFR 12.24(b)(2) has failed to justify a hearing on the basis of its objection.

Objections to Section B, "The Effectiveness of Gentian Violet in Inhibiting Mold Growth in Animal Feed Has Not Been Established"

Marshall Minerals objected (Objection No. 9) to the entire subparagraph B in the denial notice upon the grounds that "the conclusions contained in this portion of said order are unwarranted, erroneous, and contradictory to the information contained in the references therein referred to (Refs. 14–23)." This objection is insufficient under 21 CFR 12.24(b)(2) to justify a hearing. Marshall also objected (Objection No. 10) to the entire subsection "on the grounds that there is no requirement of the food additive provisions of the Federal Food, Drug, and Cosmetic Act which requires that any effectiveness of a product be shown in the tissue, and upon the further grounds that any such requirement made by the regulations issued under said act are excessive and illegal and were issued by the Secretary of Health, Education, and Welfare, and/or the Commissioner of the Food and Drug Administration outside of the scope of their authority." This objection raises solely legal issues, and a hearing will not be granted on issues of law. See 21 CFR 12.24(b)(1). Regarding the legal issue, however, Marshall has overlooked 21 U.S.C. 348(b)(2)(C), which requires "all relevant data bearing on the physical or other technical effect an additive is intended to produce, and the quantity of such additive required to produce such effect * * *." Marshall has claimed that its product inhibits mold growth. The notice detailed the reasons why the agency determined that the data submitted by Marshall do not demonstrate that the product will inhibit mold growth. Marshall has submitted no data or information to rebut FDA's analysis or to point out flaws in that analysis.

Objections to Section C, "The Requirements of 21 CFR 571.1 Regarding the Submission of Stability Data Have Not Been Met"

Section 571.1(c) is a further particularization of section 409(b)(2) of the act. If a food additive is not stable under prolonged storage or proposed conditions of use, the product may not only be unsafe, but also may not be functional. The requirements found in 21 CFR 571.1(c) regarding the stability of a food additive were promulgated in accordance with the administrative procedures provided for under the Federal Food, Drug, and Cosmetic Act as well as the Administrative Procedure Act.

Marshall objected (Objection No. 11) to subsection C of the denial order upon the grounds that "the food additive petition requirements of the Federal Food, Drug, and Cosmetic Act make no requirement regarding the submission of stability data in said petition, and any regulation issued by the Secretary of Health, Education, and Welfare and/or the Commissioner of the Food and Drug Administration placing such requirement upon a food additive petition is excessive, illegal, and issued outside the scope of the authority of such Secretary and/or Commissioner." Marshall's objection does not justify a hearing. See 21 CFR 12.24(b)(1).

Marshall has posited six additional objections (Objection Nos. 12–17) to subsection C of the notice. Marshall objected to the first paragraph on the grounds that data to verify the chemical identity and composition of the gentian violet proposed for use had been furnished. Marshall objected also on the grounds that the proposed supplier is not E. I. DuPond deNemours and Co., Inc., as specified in the paragraph. Marshall also objected to the requirement of submitting information regarding the minimum content and identity of reaction byproducts and other impurities in the proposed gentian violet as well as to the requirement of submitting a representative batch formula. In each instance Marshall based its grounds on the proposition that neither the act nor the regulations contain such requirements. Marshall in yet another objection contended that the information on stability that it had submitted in its petition showed unquestioned stability for at least 3 years. Finally, Marshall objected to that portion of subsection C of the order on stability which reads, "No discussion of an expiration date was provided in the submission." This objection was also based on the ground that this is not a requirement of the act or of the regulations. Even if Marshall's objections on the stability section of the notice presented factual issues, and the agency believes they do not, the issues would not be determinative with respect to the approval of the gentian violet food additive petition. In fact, even if all the objections were resolved in the way sought by Marshall, the petition would still be denied because of the more critical deficiencies detailed in Sections A, B, and D of the Notice. Accordingly, under 21 CFR 12.24(b)(4), a hearing will not be granted on the matters raised in objections to Section C.

Objections to Section D, "Marshall Minerals' Environmental Impact Analysis Report (EIAR) Is Unacceptable"

Marshall submitted four objections (Objection No. 18–21) to the very brief section D of the Notice contained in the notice regarding Marshall Minerals' environmental impact analysis report (EIAR). Three of Marshall's objections are premised on the supposition that there is no legal authority under the Federal Food, Drug, and Cosmetic Act to require an EIAR and that the deficiencies spelled out in section D simply are not within the jurisdiction of the Federal Food, Drug, and Cosmetic Act. Marshall also objected on the grounds that it has "submitted adequate information to the FDA showing no harm to the environment by the manufacture of the proposed product and the conclusions contained in subsection D are unwarranted, unreasonable, excessive, and illegal."

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.) is the basic policy-setting Federal law relating to the protection of the environment. Section 102(2) of that act contains action-forcing provisions to make sure that Federal agencies follow the letter and spirit of the act. FDA in 1973 codified the NEPA procedures required to be followed in the agency's environmental consideration of proposed agency actions. See 21 CFR 25.1. In april 1975, FDA amended its regulations implementing NEPA to specify that FDA "may take or refrain from taking action on the basis of a determination of an adverse environmental impact only to extent that such action is independently authorized" by the laws FDA administers. In the *Environmental Defense Fund, Inc.* v. *Mathews, et al.*, 410 F. Supp. 336 (D. D.C. 1976), the court held that NEPA "provides FDA with supplementary authority to base its substantive decisions on all environmental considerations including those not expressly identified" in the Federal Food, Drug, and Cosmetic Act and the statutes implemented by FDA. In fact, courts have held that NEPA makes environmental protection a part of the mandate of every Federal agency and department. See, for example, *Calvert Cliffs Coordinating Committee* v. *The Atomic Energy Commission*, 449 F. 2d 1109, 1112 (D.C. Cir. 1971). NEPA does not supersede other statutory duties, but to the extent that it is reconcilable with those duties it supplements them. Full compliance with its requirements cannot be avoided unless such compliance directly conflicts with other existing statutory duties. Id. at 1115, footnote 12. The two deficiencies specifically identified in section D of the notice are specifically referred to as requirements for any EIAR. See 21 CFR 25.1(j).

Marshall's objections regarding NEPA are, on their face, without substance. Furthermore, the objections are legal in nature and even if correct would not justify a hearing under 21 CFR 12.24(b)(1). The remaining objection in which Marshall generally contends that adequate data have been submitted is devoid of any supporting information or reasoning and is insufficient under 21 CFR 12.24(b)(2) to justify a hearing.

Miscellaneous Objections

Marshall also objected (Objection No. 22) to that portion of the order which denied its petition on the failure to establish safety, antifungal effectiveness (functionality), and stability of gentian violet under conditions of use proposed in the petition and because of insufficient information concerning the environmental impact upon the grounds that "such denial and such conclusions are unwarranted, unreasonable, and illegal." Marshall objected (Objection No. 23) to the entire order denying the petition on the grounds that "said order in unreasonable, excessive, unwarranted, and illegal."

These objections are insufficient under 21 CFR 12.24(b)(2) to justify a hearing. Once again, Marshall refused to submit any reasoned articulation to support its objections, but merely relied on general contentions and positions.

Marshall's final objection (Objection No. 24) was to that portion of the notice that provided "each numbered objection for which a hearing is requested shall include a detailed description analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of their right to a hearing on the objection." Marshall Minerals' objection was based on the grounds that "the requirement is excessive, illegal, and is not required by either the Federal Food, Drug, and Cosmetic Act or by any regulation issued lawfully thereunder."

Because of its legal nature, this objection fails to justify a hearing. Furthermore, the objection is without merit. The Federal Food, Drug, and Cosmetic Act requires that FDA give notice before it can deny the approval of a food additive petition. See section 409(c)(1)(B) of the act. By regulation (21 CFR 571.10 and 21 CFR 12.22, 12.24) FDA requires any petitioner for whom a food additive petition has been denied and who desires a hearing to submit reasons why the application should not be denied together with well-organized full factual analyses of the data the petitioner is prepared to provide in support of its opposition to the notice of denial. When it clearly appears from the data and from the reasons and factural analyses in the request for hearing that there is no genuine issue or substantial issue of fact, FDA may deny a hearing. What the agency in effect has said is that it will not provide a formal hearing where it is apparent at the threshold that the applicant has not tendered any evidence which on its face meets the statutory standards as particularized by the regulations. The propriety of this procedure has been expressly upheld by the Supreme Court. See *Weinberger, et al* v. *Hynson, Westcott, and Dunning*, 412 U.S. 609, 620–621 (1973); see also *United States* v. *Storer Broadcasting Co.*, 351 U.S. 192, 205 (1956).

References

1. Miller, E. and J. A. Miller, "The Mutagenicity of Chemical Carcinogens: Correlations, Problems and Interpretations," Chemical Mutagens, Vol. I, 83–119, (1971), Plenum Press, New York-London.

2. Brown, M. M. et al., "Literature Survey of Bacterial, Fungal, and Drosophila Assay Systems Used in the Evaluation of Selected Chemical Compounds for Mutagenic Activity," *Journal of National Cancer Institute* 62, 841–871 (1979).

3. Bridges, B. A., "Short-term Screening Tests for Carcinogens: Review Article," *Nature* 261, 195–200 (1976).

4. DeSerres, F. J., "Prospects for a Revolution in the Methods of Toxicological Evaluation," *Mutagen Research* 38, 165–176 (1976).

5. Ames, B. A., "Structural Correlations of Carcinogenesis and Mutagenesis: In Vitro Testing of Environmental Mutagens/Carcinogens," Proceedings of the Second FDA office of Sciences Summer Symposium (1977).

Conclusion

Marshall Minerals has failed to justify a hearing in this action. Under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1)(B), (e), and (f), 72 Stat. 1786–1787 (21 U.S.C. 348(c)(1)(B), (e), and (f))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and pursuant to the preceding findings, the hearing is denied, effecive March 28, 1980.

Dated: March 24, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-9386 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-03-M

Office of Human Development Service

National Conferences on Aging Program; Announcement of Competition for Grants or Cooperative Agreements

[Program Announcement No. 13637-802]

AGENCY: Office of Human Development Services, HEW.

SUBJECT: Announcement of Competition for Grants or Cooperative Agreements for the National Conferences on Aging Program.

SUMMARY: The Administration on Aging announces that applications are being accepted under title IV, part A, of the Older Americans Act of 1965, as amended (42 U.S.C., Section 3031 *et seq.*) for grants or cooperative agreements for national conferences.

DATES: Closing date for receipt of application is May 27, 1980.

Scope of This Announcement

This program announcement is one of two (2) published in this issue of the **Federal Register** for grant and/or cooperative agreement competitions under title IV, part A, of the Older Americans Act. Information describing these activities and other programs of the Office of Education and Training, Administration on Aging, is contained in *AoA Education and Training Program Plans and Guidelines, FY 1980.* Guidelines for the National Conference on Aging Program are included in this document.

Program Purpose

The purpose of the National Conference Program is to provide forums so that policy makers, business and labor leaders, scientists, educators, service providers, and practitioners, can meet to exchange ideas, develop policy proposals and begin planning productively to meet the needs of a rapidly growing older population.

Program Goal and Objectives

The goal of the National Conference on Aging Program is to provide support for planning, developing, and conducting conferences, symposia, seminars, and other types of meetings which promote the well-being of older persons within the nation in keeping with the overall purpose of the Older Americans Act.

The focus of the Program for Fiscal Year 1980 is on the special needs of older persons of nation-wide concern, looking toward the year 2000. The emphasis is upon an exploration of the changing needs and population trends during the period, and the effects of the general shift in age within the total American society, calling for fundamental changes in societal attitudes, economic arrangements, knowledge of the aging process, and public policy at all levels.

The program goal will be met by developing conferences addressing the following priority areas:

(a) Constitutional Issues Relating to the Age Discrimination Act (one award)

(b) Role of Community Hospitals in Providing Appropriate Care for Older Persons (one award)

(c) Abuse of Older Persons (one award)

(d) Other National Conferences concerned with issues of overriding importance to older persons (two-four awards)

Eligible Applicants

Public or non-profit private agencies or organizations may apply for grants under this announcement.

Available Funds

The Administration on Aging has available $820,000 for the National Conferences on Aging Program in Fiscal Year 1980. Of this amount, $280,000 has been reserved for continuation obligations and conferences on long-term care in each HEW Region. Additionally, $300,000 has been reserved for White House Conference on Aging activities. $240,000 is available for new awards under this announcemnt.

In Fiscal Year 1979, some $930,000 was awarded to thirteen (13) grantees. The amount of awards ranged from $5,000 to $200,000. It is estimated that about six (6) conferences will be supported in Fiscal Year, 1980 with an average award of approximately $40,000. The project period may not exceed one (1) year.

Recipient Share of the Project

It is generally expected that all activities supported under this Announcement will also be supported from other sources. The grantee is expected to show how other entities would be involved through in-kind resources and/or registration fees. Grantee contributions must be project related and allowable under the Department's applicable cost principles, published in 45 CFR Part 74, Subparts G and Q (See 43 FR 34076, August 2, 1978)

Indirect Cost Limitation

Indirect costs for the conduct of training by educational institutions and non-profit organizations may not exceed eight (8) percent of allowable direct costs.

Types of Awards

Award of funds under this Program will be either by grant or cooperative agreement. The cooperative agreement award instrument will be used in those cases in which the Administration on Aging expects to have considerable involvement with the projects. The Administration on Aging will jointly, with the recipient, approve on a general basis the approach in carrying out the project.

The Application Process

Availability of Forms

In order to be considered for a grant under the National Conferences on Aging Program, all applications must be submitted on Standard Form 424, Application for Federal Assistance, and other forms provided for this purpose. Application kits and appropriate instructions are included in *AoA Education and Training Program Guidelines FY 1980.* Copies may be obtained by writing to: Office of Education and Training, Administration on Aging, Room 4266, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone: (202) 472-3050.

Application Submission

One signed original and two (2) copies of the grant application, including all attachments, are required of each applicant. The original and (2) copies must be submitted to the address indicated in the application instructions. It is suggested that one (1) additional copy be submitted to the appropriate State Agency on Aging and one (1) copy be submitted to the Director of the DHEW Regional Office of the Administration on Aging. Addresses for State Agencies on Aging and HEW Regional Offices of AoA are included in the application instructions.

A-95 Notification Process:

Not Applicable.

Application Consideration

The Commissioner on Aging will make the final decision on each grant application under this announcement. Applications which are complete and conform to the requirements of the program guidelines will be subjected to a competitive review and evaluation by qualified persons outside the Administration on Aging. The results of the technical peer review will assist the Associate Commissioner for Education and Training in considering competing applications and making recommendations for funding to the Commissioner on Aging. The Associate

Commissioner will take into account comments of the State Agency on Aging and the HEW Regional Offices of the Administration on Aging and priorities described under "Special Considerations for Funding." Unsuccessful applicants will be notified in writing. Successful applicants will be notified through the issuance of Notice of Financial Assistance Awarded. This notice sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, the total grantee share expected, and the total period for which project support is intended.

Special Consideration for Funding

Special consideration will be given to conferences which address the needs and concerns of minority older persons (Black Hispanic, Asian and Pacific Islander, or Native American); those living in rural, isolated areas; low income older persons; and chronically ill or handicapped older persons.

Criteria for Review and Evaluation of Application

The following criteria will be used by individuals who conduct the competitive review of conference grant applications:

1. Relationship of proposed project to announced priorities; completeness and feasibility of proposed conference plans including a presentation of the current status of thought or development in the proposed topic. (0–20 points)
2. Carefully formulated measurable objectives and methods for meeting objectives. (0–20 points)
3. Appropriateness of methodology and approach or type of meeting(s) proposed participants and meeting format. (0–20 points)
4. Capability of proposed staff and adequacy of facilities and resources of the applicant organization for conducting the conference. (0–10 points)
5. Track record of applicant organization conducting related activities. (0–10 points)
6. Feasibility of proposed budget; justification of costs and cost sharing by applicant or other organizations. (0–5 points)
7. Likelihood of completion of conference activities within proposed time schedule. (0–5 points)
8. Evaluation and reports on proceedings. (0–5 points)
9. Potential for implementation of findings, plans for utilization of results of conference, including any products for use by others. (0–5 points)

Closing Date for Receipt of Application

The closing date for receipt of applications under this program announcement for funds available in Fiscal Year 1980 is May 27, 1980. Applications may be mailed or hand delivered. Hand delivered applications will be accepted daily (except Saturdays, Sundays, and Federal holidays) from 9:00 a.m. to 5:30 p.m. Applications will be considered "on time" if they are either postmarked (first class mail) or received by the deadline unless they arrive too late to be considered by the independent review panel.

(Catalog of Federal Domestic Assistance Program No. 13.637, Programs for the Aging—Training Grants)

Dated March 13, 1980.

Robert Benedict,

Commissioner on Aging.

Approved: March 21, 1980.

Manuel Carballo,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 80-9425 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-92-M

[Program Announcement No. 13637-801]

National Continuing Education and Training Program; Announcement of Competition for Grants or Cooperative Agreements

AGENCY: Office of Human Development Services, HEW.

SUBJECT: Announcement of Competition for Grants or Cooperative Agreements for the National Continuing Education and Training Programs.

SUMMARY: The Administration on Aging (AoA) announces that applications are being accepted under title IV, part A, of the Older Americans Act of 1965, as amended (42 U.S.C., sec. 3031 *et seq.) for grants or cooperative agreements meeting the education and training needs of service personnel in the field of aging.*

DATES: Closing date for receipt of applications is May 27, 1980.

Scope of this Announcement

This program announcement is one of two (2) published in this issue of the **Federal Register** for grant and/or cooperative agreement competitions under title IV, part A, of the Older Americans Act. Information describing these activities and other programs of the Office of Education and Training, Administration on Aging, is contained in *AoA Education and Training Program Plans and Guidelines, FY 1980.* Guidelines for the National Continuing Education and Training Program are included in this document.

Program Purpose

The purpose of the National Continuing Education and Training Program is to provide financial support for design, development and implementation of training activities meeting the continuing needs of public and private service practitioners and providers in the field of aging.

Program Goal and Objectives

Financial assistance under this program is awarded for projects which prepare adult educators and trainers to design, develop and implement training programs in the field of aging. The program goal is to support projects which use a "train the trainer" approach. Projects are expected to design, develop and evaluate curricula or instructional materials and related activities for the conduct of workshops, institutes or courses for use by continuing educators and trainers. These educators and trainers will, in turn, use knowledge gained from these training programs to design, develop and conduct education and training activities within their own States, localities and regions. The ultimate beneficiaries of this program are administrators, practitioners, and providers of services to older persons in their homes and in such settings as hospitals, nursing homes, long term care facilities, day centers and hospitals, out-patient service departments, and community health and mental health centers. The program goal, and the needs of service practitioners and providers will be met by designing education and training activities meeting these content objectives:

- Identify and understand the unique service needs of older persons;
- Understand the administrative structure and services provided under the Older Americans Act of 1965, as amended;
- Knowledge of and familiarity with the resources available to professionals who develop, implement, manage, or provide staff development programs;
- Knowledge and skill development in the teaching methods and training techniques that are most useful for staff development activities used in training service practitioner and provider personnel; and
- Knowledge of adult and continuing education organizations.

The Administration on Aging has the following priority areas for the National Continuing Education and Training Program in Fiscal Year 1980:

- Senior center and community focal point staff capacity building (one award);

- Personnel in community care services (one award);
- Improvement of service delivery to low income minority and economically disadvantaged older persons (one award);
- Orientation of aging service personnel to Older Americans Act programs, legislation and national organizations in the field of aging (one award);
- Wellness and health education for older persons (one award);
- Dissemination and utilization of curricula and instructional materials (six awards); and
- Other proposed projects that contribute to the purpose of the National Continuing Education and Training Program (one award).

Grantees will be responsible for the design and development of curricula and activities that meet the above program objectives and priorities and should consider the following strategies for dissemination and implementaion:

- AoA's training and technical assistance activities in HEW Regional Offices of the Administration on Aging;
- Major continuing education systems and information centers;
- State Units on Aging; and
- Placement of project materials in the public domain.

Eligible Applicants

Any public or private non-profit agency, organization or institution may apply for financial support under this announcement.

Available funds

In Fiscal Year 1980, the Administration on Aging under the National Continuing Education and Training Program has available $2,400,000, of which $1,400,000 has been reserved for continuating obligations. $1,000,000 is available for new awards under this announcement. It is expected that a maximum of twelve (12) new awards will be made during FY 1980. Each award will be approximately $25,000 to $150,000 for a budget period of twelve months. The project period may not exceed two (2) years.

Recipient Share of the Project

Cost sharing is considered to be an important means of demonstrating an applicant's commitment to the objectives of this program. Recipients are expected to provide five (5) percent of the total allowable project costs. The recipient share may be cash or in kind, and must be allowable under the Department's applicable regulations published in 45 CFR Part 74, Subparts G and Q (see 43 FR 34076, August 2, 1978).

Indirect Cost Limitation

Indirect costs for the conduct of training by educational institutions and non-profit organizations may not exceed eight (8) percent of allowable direct costs.

Types of Award

Awards may be made under this program by both grant and cooperative agreement. The cooperative agreement instrument will be used in those cases in which the Administration on Aging expects to have considerable involvement with the projects, such as jointly reviewing and approving activities and products. The involvement shall not include identifying or directing the specific individuals to be trained or specific content of curriculum or instructional materials to be developed. However, the Administration on Aging will jointly, with the recipient, approve on a general basis, the approach in carrying out the project.

The Application Process

Availability of Forms

Application for financial assistance under the National Continuing Education and Training Program must be submitted on Standard Form 424, Application for Federal Assistance, and other forms provided for this purpose. Application kits and appropriate instructions are included in *AoA Education and Training Program and Guidelines, FY 1980.* Copies may be obtained by writing to: Office of Education and Training, Administration on Aging, Room 4266, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone: (202) 472–3050.

Application Submission

One (1) signed original and two (2) copies of the grant application, including all attachments, must be prepared. The original and two (2) copies must be submitted to the address indicated in the application instruction. It is suggested that one additional copy be submitted to the appropriate State Agency on Aging and one (1) copy to be submitted to the Director of the HEW Regional Office of the Administration on Aging. Addresses for State Agencies on Aging and HEW Regional Offices of the Administration on Aging are included in the application instructions.

A–95 Notification Process

Not Applicable.

Application Consideration

The Commissioner on Aging will make the final decision on each grant application under this announcement. Applications which are complete and conform to the requirements of the program guidelines will be subjected to a competitive review and evaluation by qualified persons outside the Administration on Aging. The results of the technical peer review will assist the Associate Commissioner for Education and Training in considering competing applications and making recommendations for funding to the Commissioner on Aging. The Associate Commissioner will take into account comments of the State Agency on Aging and the HEW Regional Offices of the Administration on Aging and priorities described under "Special Considerations for Funding." Unsuccessful applicants will be notified in writing. Successful applicants will be notified through the issuance of Notice of Financial Assistance Awarded. This notice sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, the total grantee share expected, and the total period for which project support is intended.

Special Considerations for Funding

Special consideration will be given to projects which emphasize development of curricula and course content that address the needs and concerns of minority older persons (Black, Hispanic, Asian and Pacific Islander, or Native American); those living in rural, isolated areas; low income older persons; and chronically ill or handicapped older persons.

Criteria for Review and Evaluation of Applications

Competing applications will be reviewed and evaluated using the following criteria:

1. The significance of the project to the improvement of the state-of-the-art (field), (0–20 points).
2. Reasonableness and specicity of project objectives, (0–20 points).
3. Appropriateness and feasibility of methodology to accomplish proposed objectives, (0–20 points).
4. Appropriateness of evaluation and dissemination plans, (0–20 points).
5. Capability and qualifications of the applicant to carry out the proposed project, (0–15 points).

Closing Dates for Receipt of Applications

The closing date for receipt of applications under this announcement is May 27, 1980. Applications may be mailed or hand delivered. Hand delivered applications will be accepted daily (except Saturdays, Sundays, and

Federal holidays) from 9:00 a.m. to 5:30 p.m. Applications will be considered "on time" if they are either postmarked (first class mail) or received by the deadline, unless they arrive too late to be considered by the independent review panel.

(Catalog of Federal Domestic Assistance Program No.: 13.637. Programs for the aging—Training Grants.

Dated: March 13, 1980.

Robert Benedict,

Commissioner on Aging.

Approved: March 21, 1980.

Manuel Carballo,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 80-9424 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-92-M

National Institutes of Health

Board of Scientific Counselors, Division of Cancer Biology and Diagnosis; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCBD, National Cancer Institute, May 16 and 17, 1980, Building 31, Conference Room 7, "C" Wing, 6th Floor, National Institutes of Health. This meeting will be open to the public on May 16, 1980, from 9 a.m. to 5 p.m. to discuss the scientific research program of the Immunology Branch, DCBD. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 17, 1980, from 9 a.m. to adjournment, for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Alan S. Rabson, Director, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31A, Room 3A–03, National Institutes of Health, Bethesda, Maryland 20205 (301/496–4345) will furnish summary minutes, rosters of committees members, and substantive program information.

Dated: March 19, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-9389 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-08-M

Review of Contract Proposals and Grant Applications; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual contract proposals and grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, unless otherwise stated.

Name of Committee: Bladder and Prostatic Cancer Review Committee (Prostatic Subcommittee).
Dates: April 29, 1980.
Place: Cary Meeting Room, Roswell Park Research Study Center, 666 Elm Street, Buffalo, New York.
Times: Open, April 29, 8:30 a.m.–9 a.m.; Closed, April 29, 9 a.m. to adjournment.
Closure Reason: To review grant applications.
Executive Secretary: Dr. Andrew Chiarodo; Address: Westwood Building, Room 853, National Institutes of Health; Phone: 301/496–7194.

(Catalog of Federal Domestic Assistance Number 13.393, 13.394, 13.395, National Institutes of Health.)

Name of Committee: Clinical Trials Committee.
Dates: May 13–14, 1980.
Place: Building 31, Conference Room 9, National Institutes of Health.
Times: Open, May 13, 9 a.m.–9:30 a.m.; Closed, May 13, 9:30 a.m.–5 p.m., and May 14, 9 a.m. to adjournment.
Closure Reason: To review contract proposals.
Executive Secretary: Dr. Gerald Liddel; Address: Westwood Building, Room 826, National Institutes of Health; Phone: 301/496–7575.

(Catalog of Federal Domestic Assistance Number 13.395 National Institutes of Health.)

Name of Committee: Developmental Therapeutics Committee.
Dates: June 5–6, 1980.
Place: Landow Building, Conference Room A, 7910 Woodmont Avenue, Bethesda, Maryland.
Times: Open, June 5, 9 a.m.–9:30 a.m.; Closed, June 5, 9:30 a.m.–5 p.m., and June 6, 9 a.m. to adjournment.
Closure Reason: To review contract proposals.
Executive Secretary: Dr. Gerald Liddel; Address: Westwood Building, Room 826, National Institutes of Health; Phone: 301/496–7575.

(Catalog of Federal Domestic Assistance Number 13.395 National Institutes of Health.)

Dated: March 19, 1980.

Suzanne L. Fremeau,

Committee Management Office, National Institutes of Health.

[FR Doc. 80-9390 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-08-M

Office of Education

National Direct Student Loan College Work Study Supplemental Educational Opportunity Grants; List of Approved Need Analysis Systems

AGENCY: Office of Education, HEW.

ACTION: Notice of Approved Need Analysis Systems

SUMMARY: The Commissioner of Education announces the list of approved need analysis systems that institutions of higher education must use in making awards to students during the academic year 1980–81 under the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grants Programs.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John A. McGonigal, Campus Based Branch, Division of Policy and Program Development, Bureau of Student Financial Assistance, 400 Maryland Avenue, S.W., Washington, D.C. 20202, (202) 245–9720.

SUPPLEMENTARY INFORMATION:

General

Section 174.13 of the National Direct Student Loan Program Regulations (45 CFR 174.13), section 175.13 of the College Work-Study Program Regulations (45 CFR 174.13), and section 176.13 of the Supplemental Educational Opportunity Grant Program Regulations (45 CFR 176.13) approve the use of certain need analysis systems and methods of determining expected family contributions for dependent and independent students. They also set forth procedures for an annual review and approval by the Commissioner of other need analysis systems for both dependent and independent students for use in those programs. In order to be approved for dependent student calculations, a system must generate expected parental contributions for a least 75 percent of the sample cases which are within $50 of the benchmark figures published by the Commissioner for those cases. The benchmark figures for the 1980–81 academic year were published in the **Federal Register** of October 3, 1979 (44 FR 56938). For independent students, a system that was not specifically included in the regulations must produce expected family contributions which include all resources available to the applicant and which increase incrementally as the family's financial strength increases.

The approved systems are:

1. Dependent students only—

a. The Income Tax System.

2. Dependent and independent students—

a. The method of calculating expected family contributions used in the Basic Educational Opportunity Grant Program (45 CFR 190);

b. The system of need analysis published by the American College Testing Program;

c. The system of need analysis published by College Scholarship Service;

d. The system of need analysis published by Financial Analysis Service;

e. The system of need analysis published by Functional Solutions Incorporated;

f. The system of need analysis published by G.E. White Associates;

g. The system of need analysis published by Graduate and Professional School Financial Aid Services;

h. The system of need analysis published by the Illinois State Scholarship Commission;

i. The system of need analysis published by Information & Communications, Incorporated—SAFE System;

j. The system of need analysis published by Monroe, the Calculator Company;

k. The system of need analysis published by the Pennsylvania Higher Education Assistance Agency;

l. The system of need analysis published by Student Aid Management, a program of Education Methods, Incorporated.

(20 U.S.C. 1087dd, 42 U.S.C. 2754, and 20 U.S.C. 1070b—1 and 1070b—2)

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; 13.463, College Work-Study Program; and 13.471, National Direct Student Loan Program)

Dated: March 20, 1980.

William L. Smith,

U.S. Commissioner of Education.

[FR Doc. 80-9253 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-02-M

Office of the Assistant Secretary for Education

Advisory Panel on Financing Elementary and Secondary Education; Meeting

AGENCY: Advisory Panel on Financing Elementary and Secondary Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Panel on Financing Elementary and Secondary Education. It also describes the functions of the Panel. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, Section 10(a)(2)). This document is intended to notify the general public of its opportunity to attend.

DATE: April 26, 1980, 9:00 a.m. to 5:00 p.m., and April 27, 1980, 9:00 a.m. to 4:30 p.m.

ADDRESS: One Washington Circle Hotel, One Washington Circle, NW., Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: Dr. George B. Lane, Acting Executive Director, Advisory Panel on Financing Elementary and Secondary Education, Room 313–H, 200 Independence Avenue, S.W., Washington, D.C. 20202 (202–245–8220).

SUPPLEMENTARY INFORMATION: The Advisory Panel on Financing Elementary and Secondary Education is established under section 1203, Title XII of the Education Amendments of 1978 (Pub. L. 95–561). The Panel is directed to provide the Secretary and the Congress with periodic advice and counsel concerning public policies on raising and distributing revenues to support elementary and secondary education. The views and recommendations of the Advisory Panel shall provide periodic advice to the Secretary concerning the conduct of studies authorized by Section 1203 and make interim reports to the President and the Congress in 1980, 1981, and 1982 on the results of the studies conducted. The Advisory Panel shall also provide commments on the Secretary's annual reports and such additional recommendations for legislation or other appropriate action to the Congress no later than sixty days after submission of such reports.

The meeting of the Panel will be open to the public on April 26 from 9:00 a.m. until 3:00 p.m. and on April 27 from 9:00 a.m. to 4:30 p.m.

The agenda for the meeting will include the following items:

1. Presentation of the Plan of Study prepared by the H.E.W. School Finance Project Staff.

2. Consideration of recommendations to be included in the interim report on the Plan of Study.

3. Review and approval of the interim report.

On Saturday, April 26, from 3:00 p.m. to 5:00 p.m., the meeting will be closed to the public in order for the Panel to review applicants for positions on the Panel staff. The meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and under the exemptions contained in the Government in the Sunshine Act, 5 U.S.C. 552b(c) (2) and (6).

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of 5 U.S.C. 552b(c) as well as other Panel proceedings shall be available for public inspection at the Office of the Assistant Secretary for Education, 200 Independence Avenue, S.W., Room 313–H, Washington, D.C. 20202, within 14 days following the session.

Signed at Washington, D.C., on March 25, 1980.

George B. Lane,

Acting Executive Director, Advisory Panel on Financing Elementary and Secondary Education.

[FR Doc. 80-9434 Filed 3-27-80; 8:45 am]

BILLING CODE 4110-89-M

Public Health Service

Health Maintenance Organizations; Delegation of Authority

Correction

In FR Doc. 80–8267 appearing at page 17640 in the issue of Wednesday, March 19, 1980, third column, third line of the second paragraph, "IV" should read "V".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-80-945]

Changes to HUD 4900.1 Minimum Property Standards (MPS) for One- and Two-Family Dwellings

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

ACTION: Notice of Availability—Changes to Minimum Property Standards.

SUMMARY: Revision No. 8a to the Minimum Property Standards for One- and Two-Family Dwellings 4900.1 [1] has been completed and distributed to the field offices of the Department of Housing and Urban Development. The revision corrects pagination errors only; it contains no other changes.

EFFECTIVE DATE: May 27, 1980.

FOR FURTHER INFORMATION CONTACT: Donald R. Fairman, Minimum Property Standards Division, Office of Architecture and Engineering Standards, Room 6170, telephone 202/755–6590. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: HUD Minimum Property Standards are published in handbooks: Minimum Property Standards for One- and Two-Family Dwellings in Handbook 4900.1, Multifamily Housing in Handbook 4910.1, and Care-Type Housing in Handbook 4920.1. The Minimum Property Standards are incoporated by reference into 24 CFR 200.927. An updated copy of the Minimum Property Standards is available for public examination in (1) the Information Center, Room 1104, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C., and in each HUD Regional Area, and Service Office; and (2) the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. In addition, copies of volumes 1, 2, and 3 of the Minimum Property Standards may be purchased from the United States Government Printing Office, Washington, D.C. 20402.

Notices of changes in the Minimum Property Standards are required by 24 CFR 200.933 to be published in the **Federal Register.** An official, historic file of such changes is available in the office of the Rules Docket Clerk in the HUD Headquarters in Washington, D.C., and in each HUD Regional, Area, and Service Office. A similar copy of the standards is also being maintained in the Office of the Federal Register, Washington, D.C.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

The revision corrects pagination errors only; it contains no other changes.

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

Issued at Washington, D.C., March 20, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-9391 Filed 3-27-80; 8:45 am]

BILLING CODE 4210-01-M

[1] Filed as part of the original document.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Approval of Petition for Reassumption of Jurisdiction Over Indian Child Custody Proceedings by the Omaha Tribe

March 11, 1980.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approval of Petition for Reassumption of Jurisdiction over Indian child custody proceedings.

SUMMARY: The Omaha tribe has filed a petition with the Interior Department to reassume exclusive jurisdiction over child custody proceedings involving Indian children who reside or are domiciled on the Omaha Reservation in Nebraska. The Assistant Secretary, Indian Affairs has reviewed the petition and determined that tribal exercise of jurisdiction is feasible and that the tribe has a suitable plan for exercising such jurisdiction. This notice constitutes the official approval of the Omaha tribe's petition by the Interior Department.

EFFECTIVE DATE: The Omaha tribe shall reassume exclusive jurisdiction sixty days after publication of this notice in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Office of the Field Solicitor, Department of the Interior, P.O. Box 549, Aberdeen, South Dakota 57401, telephone (605) 225–7254.

SUPPLEMENTARY INFORMATION: The authority for the Assistant Secretary, Indian Affairs to publish this notice is contained in 25 U.S.C. § 1918(c), 25 C.F.R. § 13.14, and 209 DM 8.

The principal author of this document is Louise Zokan, Division of Social Services, Bureau of Indian Affairs, Department of the Interior, Washington, D.C.

Section 108 of the Indian Child Welfare Act of 1978, Pub. L. 95–608, 92 Stat. 3074, 25 U.S.C. § 1918, authorizes Indian tribes that occupy a reservation as defined in 25 U.S.C. § 1903(10) over which a state asserts jurisdiction over Indian child custody proceedings pursuant to federal statute to reassume jurisdiction over such proceedings.

To reassume such jurisdiction a tribe must first file a petition in the manner prescribed in 25 CFR Part 13. The petition is then reviewed by the Interior Department using criteria set out in 25 CFR § 13.12. If the Department finds that the tribe has submitted a suitable plan and that tribal exercise of jurisdiction is feasible, the petition is approved by publication in the **Federal Register.** Tribal reassumption becomes effective 60 days after publication.

Notice that the Omaha tribe had submitted a petition for reassumption of jurisdiction was published in the **Federal Register** on February 4, 1980 F.R. Vol. 45 No. 24. The following notice is based on the Interior Department's review of that petition:

Notice

This is notice that a petition for tribal reassumption of jurisdiction over Indian child custody proceedings filed by the Omaha Tribe is approved effective 60 days after publication of this notice in the **Federal Register.**

The geographic area subject to the reassumption of jurisdiction is the land known as the Omaha Indian Reservation.

Rick Lavis,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80-9237 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[AA-6676-I and AA-6676-L]

Alaska Native Claims Selections

On December 9, 1974, Koliganek Natives Limited, for the Native village of Koliganek, filed selection applications AA-6676-I and AA-6676-L, as amended, under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611) (1976) (Ancsa), for the surface estate of certain lands in the vicinity of Koliganek.

On November 14, 1978, the State of Alaska filed general purposes grant selection applications AA-21626, AA-21643, AA-21664, AA-21665 and AA-21687, all as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)) for certain lands in the Koliganek area.

The following described lands have been properly selected by Koliganek Natives Limited or segregated by applications pursuant to the public land laws. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select *vacant, unappropriated* and *unreserved* public lands in Alaska. Therefore, the following State selection applications are hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA-21626

T. 3 S., R. 48 W.,
Secs. 12 and 13, excluding the Nushagak River.
Containing approximately 885 acres.

State Selection AA-21643

T. 4 S., R. 47 W.,
Sec. 33, excluding the Nushagak River.
Containing approximately 465 acres.

State Selection AA-21664

T. 5 S., R. 46 W.,
Sec. 20, all.
Containing approximately 640 acres.

State Selection AA-21665

T. 5 S., R. 48 W.,
Secs. 24, 25, 35 and 36, all.
Containing approximately 2,560 acres.

State Selection AA-21687

T. 6 S., R. 47 W.,
Sec. 1, all;
Secs. 5 to 8, inclusive, all;
Secs. 17, 18, 20 and 21, all.
Containing approximately 5,679 acres.

Aggregating approximately 10,229 acres.

Further action on the above State selection applications, as to those lands not rejected herein will be taken at a later date.

As to the lands described below, the applications submitted by Koliganek Natives Limited, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 10,189 acres, is considered proper for acquisition by Koliganek Natives Limited and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Unsurveyed)

T. 5 S., R. 46 W.,
Sec. 20, all.
Containing approximately 640 acres.

T. 4 S., R. 47 W.,
Sec. 33, excluding the Nushagak River.
Containing approximately 465 acres.

T. 6 S., R. 47 W.,
Sec. 1, all;
Secs. 5 to 8, inclusive, all;
Sec. 17, excluding Native allotment AA-7845 Parcel A;
Secs. 18, 20 and 21, all.
Containing approximately 5,639 acres.

T. 3 S., R. 48 W.,
Sec. 12 and 13, excluding the Nushagak River.
Containing approximately 885 acres.

T. 5 S., R. 48 W.,
Secs. 24, 25, 35 and 36, all.
Containing approximately 2,560 acres.

Aggregating approximately 10,189 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)), and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-6676-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenth-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

a. (EIN 26a C4) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 26 C4 in Sec. 13, T. 5 S., T. 48 W., Seward Meridian, southwesterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 27a C4) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 27 C4 in Sec. 1, T. 5 S., R. 48 W., Seward Meridian, northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any of the lands hereinabove granted, as are prescribed in said section.

Kloiganek Natives Limited is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 86,232 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 5,928 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Bristol Bay Native Corporation when conveyance is granted to Koliganek Natives Limited for

the surface estate, and shall be subject to the same conditions as the surface conveyance.

Within the above described lands, only the following inland water body is considered to be navigable: Nushagak River.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the ANCHORAGE TIMES. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until 4–28–80 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights, which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Koliganek Natives Limited, Koliganek, Alaska 99576.

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

Barbara A. Yoppke

Acting Chief, Branch of Adjudication.

[FR Doc. 80-9438 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-84-M

Montana Wilderness Inventory, Protest Period for Overthrust Belt Inventory Butte BLM District

March 19, 1980.

This announcement is a followup to the Federal Register Notice announcing the final wilderness inventory decision for Montana Overthrust Belt lands. That announcement appeared in the February 22, 1980, Federal Register (pages 11920, 11921).

The February 22 notice described 21 wilderness inventory units totaling 131,768 acres which were designated wilderness study areas (WSA's). Another 27 inventory units totaling 249,360 acres were dropped from further wilderness consideration. At the time of the February announcement, maps and detailed narrative documents were not available for public review. These materials have subsequently been printed and will be mailed to all individuals on the Montana BLM wilderness mailing list no later than the week of March 24, 1980.

The official 30 day protest period which was announced in the February notice will begin March 30, 1980. Any person who has disagreement with this decision and has information which may influence the decision may file a written protest with the Montana State BLM Director (931), P.O. Box 30157, 222 North 32nd Street, Billings, Montana 59107. Protests must be received by the Montana State Director by 4:30 p.m., April 30, 1980, in order to be considered. Protests must specify the unit(s) upon which the decision is being protested and must include a clear and concise statement of reasons for the protest, including any supporting data available. Should protests be filed on any inventory unit(s), the Montana State Director will consider such protests and issue a decision which will be subject to appeal under 43 CFR, Part 4, to the Department of the Interior, Board of Land Appeals.

This decision will become final at 4:30 p.m., April 30, 1980, for all inventory units for which there were no protests received. A Federal Register Notice announcing this fact will be published after the close of the protest period.

Michael J. Penfold,

State Director.

[FR Doc. 80-9222 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-84-M

Montana Wilderness Inventory Proposed Decision, Lewistown and Miles City BLM Districts

March 19, 1980.

This notice announces the proposed intensive inventory decision for all Bureau of Land Management administered lands remaining in the wilderness inventory in the Lewistown and Miles City BLM Districts. This decision is issued under the authority of Section 603 of the Federal Land Policy and Management Act and in accordance with the guidelines in the September 27, 1978, BLM *Wilderness Inventory Handbook* and Organic Act Directive No. 78–61, Change 3.

The BLM wilderness inventory is divided into two major parts: initial and intensive inventories. The final decision on initial inventory and the announcement of the beginning of the intensive inventory were published in the August 16, 1979, **Federal Register**, pages 47990, 47991, 47992 and 47993.

Publication of this notice in the **Federal Register** initiates a 90-day public review and comment period beginning March 30, 1980, and ending June 30, 1980.

The public is invited to comment on the wilderness intensive inventory narratives and maps upon request from: Bureau of Land Management, Office of Public Affairs, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107. Public comment forms will be included with the packet of narratives and maps. This information is provided free of charge.

During the formal public comment period, the following open houses are scheduled:

Lewistown District

Wednesday, April 23, 1980, 3 p.m.-8 p.m.; Billings Resource Area Office, 810 East Main, Billings, MT.

Thursday, April 24, 1980, 3 p.m.-8 p.m.; National Guard Armory, Lovell, WY.

Monday, April 28, 1980, 3 p.m.-8 p.m.; Havre Resource Area Office, Old Highway 2 South of fairgrounds, Havre, MT.

Tuesday April 29, 1980, 3 p.m.-8 p.m.; Phillips Resource Area Office, 501 S. Second East, Malta, MT.

Wednesday, April 30, 1980, 3 p.m.-8 p.m.; Valley Resource Area Office, Highway 2, Glasgow, MT.

Thursday, May 1, 1980, 3 p.m.-8 p.m.; Lewistown District Office, Airport Road, Lewistown, MT.

Miles City District

All meetings start at 7 p.m.

May 5–Court Room–Powder River County Courthouse—Broadus.

May 6–VFW Hall–Jordan.

May 7–Ashland Public School–Ashland.

May 8–Miles Community College, Room 106–Miles City.

All public comments received during the 90-day comment period will be recorded, analyzed, evaluated and filed for future reference. All comments will be treated equally whether they are mailed in or presented verbally at public meetings. Comments recevied after the 90-day comment period may be considered as long as they can be reviewed along with all other public comments without delaying the final decision.

The following is the proposed wilderness intensive inventory decision:

Lewistown District Office

Unit name and number	Recommended for WSA	Not recommended for WSA
Billings Resource Area		
Dry Creek 200		5,860
Deery Mountain 201		[1]6,970
Bear Creek 204, Montana		[1]9,500
Wyoming contiguous acreage		640
Burnt Timber Canyon 205:		
Montana	9,358	
		[1]1,200
Wyoming	120	
		1,500
Pryor Mountain 206:		
Montana	16,947	
		1,120
Wyoming	3,500	
Big Horn Tack On 207:		
Montana	5,500	
Wyoming	80	
Yellowstone Island 210		[1]302
Twin Coulee 212	6,870	
Sub total:		
Montana	(4) 38,725	(4) 24,952
Wyoming	3,700	2,140
Judith Resource Area		
Big Snowy Tack Ons 211/217		[1]1,725
Middle Fork Judith Tac On 216		145
Cottonwood/W. Cottonwood 211/222		[2]12,650
Blood Creek 223		[1]20,100
Dovetail Creek 224		24,380
Arrow Creek		[2]9,100
Armell's Creek 225	11,490	[2]7,260
Fargo Coulee 228		5,000
Carter Coulee 229		5,760
Two Calf Creek 231	14,280	[1]720
Reed Coulee 232	8,700	[2]1,730
Drag Creek 223		[1]16,500
W. Crooked Creek 236		[1]10,700
Horse Camp Trail 237		[1]11,200
Chain Buttes 238		[1]7,200
Ft. Musselshell Tack On "A" 240		1,200
Missouri River Island 243		[1]917
Dog Creek South 244	7,150	[1]4,600
Chimney Bend 245	16,060	[2]640
Woodhawk 246	16,300	700
Woodhawk Creek 247		[1]5,820
Subtotal	(6) 73,980	(17) 148,047
Havre Resource Area		
The Wall 249	12,200	
Stafford 250	7,177	
Cummings Bench 251		6,280
Black Elk Coulee 252		[2]9,700
Ervin Ridge 253	22,480	47
Sand Creek 254		[2]12,087
Bullwacker 255		40,851
Cow Creek 256	50,000	21,113

Lewistown District Office—Continued

Unit name and number	Recommended for WSA	Not recommended for WSA
Timber Ridge 258		8,000
Wild Horse Lake 261		11,453
Woody Island Coulee 264		23,035
Subtotal	(4) 91,857	(7) 132,566
Phillips Resource Area		
Antelope Creek 266	20,600	900
Cyprian Creek 268		6,900
Beauchamp Creek 274		30,400
Indian Lake 275		20,600
Box Elder Creek 277	4,080	11,420
Burnt Lodge/Sage Creek 278	48,400	16,460
Dry Fork Creek 280		[1]16,000
Third Creek 282		31,860
Little Rockies 286	6,900	[2]
Flat Creek 290		29,760
Beaver Creek 297		19,700
Black Coulee 303		8,360
Lamere Coulee 304		37,100
Frenchman Creek W. 320		[2]13,700
E. Beauchamp Tack On 365		960
Beauchamp Tack On 366		2,680
Subtotal	(4) 79,980	(12) 246,800
Valley Resource Area		
Square Creek 323	10,800	
Wagon Coulee Tack On 325		[1]560
Carpenter Creek 326		10,000
Duck Creek 328		6,400
Gumbo Plateau 329		[1]18,200
Caravan 330	5,580	
South Fork Willow Creek 331		[1]10,840
Marsh Hawk Hills 336	71,940	6,400
Grant Coulee 337		[1]66,980
Pearson Coulee 338		23,840
Hurricane 340		[1]6,680
Coyote Creek 342		22,430
Moss Coulee 343		20,160
Sage Hen 346		7,540
Seventh Parallel 347		6,660
North Fork Brazil Creek 348		7,960
S. Fork Antelope Creek 350		6,160
Antelope Creek 352		15,840
Willow Creek 357		39,040
Crow Creek 358		7,054
Frenchman Creek East 359	19,444	[1]29,650
E. Fork Crow Creek 360		24,940
Little Flat 361		13,940
Subtotal	(4) 107,764	351,274
Grand total	(22) 392,306	903,639
Miles City District		
Yellowstone Island 610		5
Yellowstone Island 611		4
Yellowstone Island 612		2
Yellowstone Island—		
Cheyenne Islands 613	132	
Yellowstone Island 614	312	
Yellowstone Island 615	147	
Yellowstone Island—		
Seven Sisters 616	83	
Missouri River Island 617		617
East Bridge Coulee 632		7,300
Billy Creek 633	3,480	
Cabin South 634		7,030
Timber Creek 635		6,500
Lone Tree-Ash 642		19,040

Miles City District—Continued

Sand Arroyo 643		6,990
Jack Creek 645		9,720
McGuire Creek 646		13,440
Germaine Coulee 648		5,065
S. Fork, Little Squaw Creek 649		16,400
Jack Lane Coulee 650		8,540
Lodgepole Creek 652		7,580
North Squaw Creek 653		6,840
Squaw Creek 654		7,070
Seven Blackfoot 657	19,800	
Maloney Hill 661		17,120
Crooked Creek 662		6,530
Woody Flat 665		9,800
Cairn Butte 671		5,270
Bridge Coulee 675	5,650	
Newhouse Coulee 676		9,000
Musselshell Breaks 677	8,050	
Lisk-Cherry 679		6,150
Brakett Creek 685		7,130
Stellar Creek 691		5,100
E. Hell Creek-Crooked Creek 699		160
Zook Creek 701	9,720	
Buffalo Creek 702	7,940	
Buck Creek 703		7,280
Rough Creek 704		[2]5,280
Dry Creek 709		[1]9,200
Spring Creek 710		9,960
Lone Tree 711		[1]43,870
Corral Creek 712		37,480
Muskrat 714		7,480
Deadhorse Badlands 715 (previously Cottonwood)	25,890	250
Prairie Dog 716		[1]40,025
Beaver Dam 717:		
Montana		10,040
South Dakota		4,000
Indian Creek 718:		
Montana		16,540
South Dakota		600
Owl Creek 719:		
Montana		12,667
Wyoming		2,000
Fence Creek 721:		
Montana		4,220
Wyoming		1,900
Cottonwood 723		[1]6,520
Dixon-Deep 728		5,760
Willow Creek 729		[1]9,100
Whitetail 730		5,120
Crow 732		20,860
Deadman Creek 733:		
Montana		6,476
Wyoming		3,064
Whitetail Creek 734		6,250
Tongue R. Breaks Contiguity 736	1,765	239
Totals	82,688	
Montana Acreage		453,030
Wyoming Contiguous Acreage		6,964
South Dakota Contiguous Acreage		4,600

( ) = Units;
[1] Acreage increased from situation evaluation;
[2] Acreage decreased from situation evaluation.

Following the public comment period, the inventory recommendations will be carefully considered in view of the public comments received. The final decision identifying wilderness study areas as well as areas dropped from further wilderness consideration will be announced on or about September 1, 1980.

Michael J. Penfold,

State Director.

[FR Doc. 80-9221 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-84-M

New Mexico Wilderness Inventory

March 31, 1980.

AGENCY: Bureau of Land Management.

ACTION: Notice of Proposed Intensive Wilderness Inventory Decisions.

SUMMARY: The New Mexico State Director of the Bureau of Land Management announces his proposed intensive wilderness inventory decision under the authority of Section 603 of the Federal Land Policy and Management Act and in accordance with the guidelines in the September 27, 1978 BLM *Wilderness Inventory Handbook and Organic Act Directive No. 78–61, Change 3.*

The BLM inventory process is divided into two major parts: initial and intensive inventories. The final decisions on the initial inventory and the announcement of the beginning of the intensive inventory were published in the July 6, 1979, **Federal Register** Notice, pages 39622–39623.

Publication of this current notice in the **Federal Register** begins a 92-day public review and comment period on the 100 intensive wilderness inventory units encompassing approximately 2,213,339 acres administered by the BLM in New Mexico. The public comment period will end on June 30, 1980.

The public is invited to comment on the wilderness intensive inventory proposals and to submit additional information in order to assist the BLM in the assessment of wilderness characteristics on these public lands.

Comments should address the presence or lack of wilderness characteristics within specific areas. Public comment forms will be included within the book of narratives and maps which is available upon request from: WILDERNESS, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

During the formal comment period, the following open houses and public meetings are scheduled:

Roswell District

Open house—April 1, Public Library, 301 N. Penn, Roswell, New Mexico, 5:00 p.m. to 8:30 p.m.; April 2, Public Library, Halaqueno Park, Carlsbad, New Mexico, 4:00 p.m. to 7:30 p.m.

Public meeting—May 6, Public Library, 301 N. Penn, Roswell, New Mexico, 7:00 p.m. to 9:00 p.m.; May 8, Public Library, Halaqueno Park, Carlsbad, New Mexico, 6:00 p.m. to 8:00 p.m.

To facilitate public review of the Wilderness Study Area Recommendations, interested citizens are invited to study the Roswell District Intensive Inventory reports in the following libraries:

Carlsbad Public Library, 101 Halaqueno Park, Carlsbad, NM

Roswell Public Library, 301 N. Penn, Roswell, NM

Las Cruces District

Public Meeting, June 2, City Hall Conference Room, 511 10th Street, Alamogordo, New Mexico, 7:00 p.m. to 10:00 p.m.; June 4, Lordsburg Civic Center, 313 East 4th Street, Lordsburg, New Mexico, 7:00 p.m. to 10:00 p.m.; June 5, Morgan Hall, 109 E. Pine, Deming, New Mexico, 7:00 p.m. to 10:00 p.m.

To facilitate public review of the Wilderness Study Area Recommendations, interested citizens are invited to study the Las Cruces District Intensive Inventory reports in the following libraries:

Branigan Memorial Library, 200 E. Picacho, Las Cruces, NM

New Mexico State University Library, Frenger Street, Las Cruces, NM

Alamogordo Public Library, 920 Oregon Ave., Alamogordo, NM

NMSU, Alamogordo Branch Library, N. Scenic Drive, Alamogordo, NM

Deming Public Library, 301 South Tin Ave., Deming, NM

Lordsburg-Hidalgo Public Library, 208 E. Third Street, Lordsburg, NM

Silver City Public Library, 515 West College Ave., Silver City, NM

Miller Library, Western New Mexico University, Silver City, NM

Truth or Consequences Public Library, 501 McAdoo, Truth or Consequences, NM

El Paso Public Library, 501 N. Oregon, El Paso, TX

Albuquerque District

Open house—April 4, Albuquerque Convention Center, Acoma Room, Albuquerque, New Mexico, 11:00 a.m. to 8:00 p.m.

Public meeting—May 27, Albuquerque Convention Center, Acoma Room, Albuquerque, New Mexico, 11:00 a.m. to 2:00 p.m., 6:00 p.m. to 9:00 p.m.

To facilitate public review of the Wilderness Study Area Recommendations, Intensive Inventory reports have been placed in the following libraries:

University of New Mexico, General Library, Albuquerque, NM Albuquerque City Library, 501 Copper Ave., NW, Albuquerque, NM Santa Fe Public Library, 121 Washington Ave., Santa Fe, NM Farmington Public Library, 302 N. Orchard Ave., Farmington, NM Gallup Public Library, 115 West Hill Ave., Gallup, NM

Grants Public Library, 525 West High, Grants, NM

Socorro District

Open house—April 4, Alburquerque Convention Center, Zuni-Tesuque Room, Albuquerque, New Mexico, 11:00 a.m. to 8:00 p.m.; April 9, Masonic Lodge, 912 Leroy Place, NW, Socorro, New Mexico, 6:00 p.m. to 9:00 p.m.; April 10, Community Room, Grants State Bank, 824 W. Santa Fe Avenue, Grants, New Mexico, 6:00 p.m. to 9:00 p.m.

Public meeting—May 27, Albuquerque Convention Center, Isleta Room, Albuquerque, New Mexico, 11:00 a.m. to 2:00 p.m., 6:00 p.m. to 9:00 p.m.; May 29, Masonic Lodge, 912 Leroy Place, NW, Socorro, New Mexico, 6:00 p.m. to 9:00 p.m.

To facilitate public review of the Wilderness Study Area Recommendations, interested citizens are invited to study the Socorro District Intensive Inventory reports at:

New Mexico Tech Library, Campus Station, Socorro, NM

All public comments received during the 92-day comment period will be recorded, analyzed, evaluated and filed for future reference. All comments will be treated equally, whether they are mailed in or presented verbally or in writing at a public meeting. Comments received after the June 30 deadline may be considered as long at they can be reviewd along with all other public comments without delaying the final decision.

FOR FURTHER INFORMATION CONTACT:

Dan Wood at the above Santa Fe, New Mexico address or call 505–988–6227.

Arthur W. Zimmerman,

State Director.

Proposed Intensive Wilderness Inventory Decision

[Inventory units proposed as wilderness study areas]

BLM district	Name	Number	Acreage
Albuquerque	Ignacio Chavez	NM-010-020	32,248
Albuquerque	Chamisa	NM-010-021	11,091
Albuquerque	Cabezon	NM-010-022	8,048
Albuquerque	San Antonio-West	NM-010-035	[1]7,050
Albuquerque	Sabinosa	NM-010-055	15,760
Albuquerque	Navajo Peak	NM-010-059	7,750
Albuquerque	Empedrado	NM-010-063	8,419
Albuquerque	La Lena	NM-010-063A	9,359
Albuquerque	Manzano	NM-010-092	845
Total			100,570
Roswell	Mescalero Sands	NM-060-501	10,575
Roswell	Texas Hill-West	NM-060-810A	7,340
Roswell	Texas Hill-West	NM-060-810B	5,310
Roswell	Mudgetts	NM-060-819	[1]2,728
Roswell	Mudgetts	NM-060-819A	213
Total			[1]126,166

Proposed Intensive Wilderness Inventory Decision—Continued

[Inventory units proposed as wilderness study areas]

BLM district	Name	Number	Acreage
Las Cruces	Black Mountain	NM-030-003	5,800
Las Cruces	Cowboy Spring	NM-030-007	6,920
Las Cruces	Gila Box	NM-030-023	[1]9,030
Las Cruces	Blue Creek	NM-030-026	13,584
Las Cruces	Grapevine Spring	NM-030-028	5,200
Las Cruces	Cooke Range	NM-030-031	[1]19,870
Las Cruces	Florida Mountains	NM-030-034A	[1]18,904
Las Cruces	Big Hachet Mountains	NM-030-035	[1]65,950
Las Cruces	Alamo Hueco Mountains	NM-030-038	20,840
Las Cruces	West Potrillo Mountains	NM-030-052A	[1]131,745
Las Cruces	Aden Lava Flow	NM-030-053	24,790
Las Cruces	Mine House Spring	NM-030-074	7,200
Las Cruces	Jornada Lava Flow	NM-030-081	[1]3,659
Las Cruces	Sacramento Escarpment	NM-030-104B	[1]2,500
Las Cruces	Little Black Peak	NM-030-109	15,570
Las Cruces	Carrizozo Lava Flow-NE	NM-030-110A	[1]11,000
Las Cruces	Brokeoff Mountains-N	NM-030-112A	[1]13,780
Las Cruces	Brokeoff Mountains-S	NM-030-112B	[1]9,720
Las Cruces	Little Dog Canyon	NM-030-114	[1]4,787
Las Cruces	Pup Canyon	NM-030-015	[1]1,920
Las Cruces	Rim	NM-030-124	3,853
Las Cruces	Culp Canyon	NM-030-152	10,937
Las Cruces	Bug Scuffle Canyon	NM-030-165	[1]1,830
Total			409,389
Socorro	Rimrock (Cebolla Canyon)	NM-020-007	29,430
Socorro	Sand Canyon	NM-020-008	8,320
Socorro	Little Rimrock	NM-020-009	9,540
Socorro	Pinon	NM-020-010	13,160
Socorro	Petaca Pinta	NM-020-014	[1]12,440
Socorro	Sierra Ladrones	NM-020-016	38,922
Socorro	Mesita Blanca	NM-020-018	[1]20,760
Socorro	Eagle Peak	NM-020-019	[1]42,500
Socorro	Verantio	NM-020-035	7,480
Socorro	Las Canas	NM-020-038	16,750
Socorro	Horse Mountain	NM-020-043	5,140
Socorro	Continental Divide; Pelona Divide	NM-020-044/45	72,200
Socorro	Devil's Backbone	NM-020-047A	8,860
Socorro	Devil's Reach	NM-020-047B	840
Socorro	Magdalena A	NM-020-048A	[1]3,640
Socorro	Magdalena B	NM-020-048B	320
Socorro	Magdalena C	NM-020-048C	400
Socorro	Antelope (Little Yucca)	NM-020-053	20,710
Socorro	Jornada del Muerto	NM-020-055	25,260
Total			336,672

[1] These units have undergone significant boundary adjustments due to a lack of wilderness characteristics.

Proposed Intensive Wilderness Inventory Decision

[Inventory units proposed for deletion from further consideration as wilderness]

BLM district	Name	Number	Acreage
Albuquerque	Penististuja	NM-020-012	7,680
Albuquerque	San Ysidro	NM-020-013	7,680
Albuquerque	Chijuilla	NM-020-015	11,500
Albuquerque	Ojito	NM-020-024	7,680
Albuquerque	Windmill	NM-020-033	9,600
Albuquerque	La Olla	NM-020-036	12,160
Albuquerque	Seco	NM-020-056	8,960
Albuquerque	Rattlesnake	NM-020-090	4,500
Albuquerque	Simon	NM-020-091	3,500
Total			[1]81,617
Roswell	Jurnigan (West)	NM-060-802	4,800
Roswell	Texas Hill-West	NM-060-810E	5,740
Total			[1]13,690
Las Cruces	Rodeo	NM-030-001	5,600
Las Cruces	Granite Gap (South)	NM-030-006	25,860
Las Cruces	Millsite Creek	NM-030-008	9,720
Las Cruces	Beacon Hill	NM-030-009	37,660
Las Cruces	Pyramids	NM-030-011	52,860
Las Cruces	UHL Draw	NM-030-012	30,660
Las Cruces	Red Rock	NM-030-025	14,460
Las Cruces	Mud Springs Peak	NM-030-027	12,900
Las Cruces	High Lonesome	NM-030-029	12,640
Las Cruces	Florida Mountains	NM-030-034B	45,526
Las Cruces	Sierra Rica Mountains	NM-030-036	28,760
Las Cruces	Cedar Mountains	NM-030-042	213,656
Las Cruces	East Potrillo Mountains	NM-030-051	26,300

Proposed Intensive Wilderness Inventory Decision—Continued

[Inventory units proposed as wilderness study areas]

BLM district	Name	Number	Acreage
Las Cruces	West Potrillo Mountains	NM-030-052B	143,455
Las Cruces	Mount Riley	NM-030-052C	7,400
Las Cruces	Robledo Mountains	NM-030-063	38,670
Las Cruces	Las Uvas Mountains	NM-030-065	37,760
Las Cruces	Magdalena Peak	NM-030-066	82,247
Las Cruces	Potter	NM-030-086	8,535
Las Cruces	Carrizozo Lava Flow	NM-030-110A(2)	6,190
Las Cruces	Carrizozo Lava Flow	NM-030-110A(3)	10,440
Las Cruces	Brokeoff Mountains (E)	NM-030-112C	5,840
Las Cruces	Wind Mountain	NM-030-135	7,720
Las Cruces	Flat Top Mountain	NM-030-136	5,340
Las Cruces	Alamo Mountain	NM-030-137	5,090
Las Cruces	Cress Garden	NM-030-155	11,760
Total			[1]1,087,784
Socorro	Shoemaker	NM-020-027B	7,760
Socorro	Stallion	NM-020-040	42,700
Socorro	Padilla	NM-020-051	24,800
Socorro	Lumbre	NM-020-056A	10,700
Socorro	Crawford Hollow	NM-020-056B	12,240
Socorro	Canyon	NM-020-061	8,300
Socorro	Big Yucca	NM-020-064	5,900
Socorro	Offspring	NM-020-065	3,600
Total			[1]143,601

[1] District totals include portions of recommended WSA's which are proposed for deletion due to a lack of wilderness characteristics.

Proposed Intensive Wilderness Inventory Decisions

[Inventory units in which a wilderness study recommendation is being deferred]

BLM district	Name	Number	Acreage
Roswell	Lechugvilla Canyon	NM-060-803	1,167
Roswell	Lonesome Ridge Calamity Cove	NM-060-801/814	2,443
Roswell	Fawn Valley	NM-060-820	700
Total			4,310
Las Cruces	Devil's Den Canyon	NM-030-145	320
Las Cruces	McKittrick Canyon	NM-030-146	120
Total			440
Socorro	Presilla	NM-020-037	9,000

Summary of Wilderness Inventory in New Mexico

Total BLM Acreage Subject to Wilderness Review	12,846,966
Total BLM Acreage Under Intensive Inventory:	
Proposed acreage with wilderness characteristics	872,797
Proposed acreage lacking wilderness characteristics	326,692
Recommendation being deferred	13,750
Total	2,213,239
Areas already Identified as Wilderness Study Areas:	
Denazin	19,000
Bisti	3,520
Ah-she-sle-pah	6,000
El Malpais Instant Study Area	115,000
Mathers Instant Study Area	360
Guadalupe	4,146
Total	148,026

Following the public comment period, the State Director will consider the inventory recommendations and the comments received. The final decision identifying Wilderness Study Areas, as well as areas dropped from further consideration as wilderness, will be announced on or about September 30.

[FR Doc. 80-9240 Filed 3-27-80; 8:45 am]

Outer Continental Shelf Advisory Board; North Atlantic Technical Working Group Committee; Change in Meeting Time; Conditional Change in Meeting Date and Place

The meeting times for the North Atlantic Technical Working Group Committee on April 1 and 2, 1980, in the Oval Room, One World Trade Center (44th Floor), New York, New York, have been changed to the following:

April 1: 1 p.m. to 6 p.m.
April 2: 8:30 a.m. to 5 p.m.

In the event of a New York City transit strike at midnight March 31, the meeting will be rescheduled as follows:

Dates: April 16–17, 1980.
Place: World Trade Institute (Conference Rooms 3–4), One World Trade Center (55th Floor), New York, New York.
Time: 16th: 9 a.m. to 5 p.m., 17th: 9 a.m. to 3 p.m.

Judith B. Gresham,
Acting Manager, New York OCS Office.
March 24, 1980.
[FR Doc. 80-9388 Filed 3-27-80; 8:45 am]
BILLING CODE 4310-84-M

Bannock-Oneida Grazing Environmental Impact Statement (Draft); Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction to Notice of Public Hearings and DEIS Availability.

SUMMARY: Information published in 45 FR 17644 (Wednesday, March 19, 1980) was in error on two counts:

1. The deadline for receiving written testimony on the Bannock-Oneida Grazing EIS Draft is hereby amended to read "May 5, 1980";

2. Reference to a public hearing in Malad is corrected to say "Malad City," and the site of the hearing is corrected to say "Oneida County Courthouse."

V. Leroy, Chausse,
Acting Burley District Manager.
[FR Doc. 80-9349 Filed 3-27-80; 8:45 am]
BILLING CODE 4310-84-M

[N-28999]

Nevada; Application

March 21, 1980.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Southwest Gas Corporation filed an application for a right-of-way to construct 26.67 miles of 16 inch O.D. pipeline for the purpose of transporting natural gas across the following public lands:

Mount Diablo Meridian, Nevada

T. 21 N., R. 23 E.,
  Sec. 36, In S½SE¼.
T. 22 N., R. 24 E.,
  Sec. 12, In W½W½;
  Sec. 14, In E½E½;
  Sec. 26, In NW¼;
  Sec. 27, In E½E½;
  Sec. 34, In NE¼, NE¼SW¼.
T. 23 N., R. 24 E.,
  Sec. 36 In SE¼.
T. 23 N., R. 25 E.,
  Sec. 12, In W½NW¼, NE¼NW¼;
  Sec. 14, In NW¼NW¼;
  Sec. 20, In SE¼SE¼;
  Sec. 22, In NW¼NW¼;
  Sec. 30, In SE¼.
T. 23 N., R. 26 E.,
  Sec. 6, In NW¼SW¼, S½NW¼, NE¼NW¼, NW¼NE¼.
T. 24 N., R. 26 E.,
  Sec. 22, In S½SE¼, NE¼SE¼;
  Sec. 24, In NW¼NW¼;
  Sec. 28, In S½SW¼, W½SE¼, NE¼SE¼, SE¼NE¼;
  Sec. 32, In N½SW¼, SE¼NW¼; S½NE¼; NE¼NE¼, SW¼SW¼.
T. 24 N., R. 27 E.,
  Sec. 4, In S½SW¼, NE¼SW¼, NW¼SE¼, S½NE¼;
  Sec. 8, In S½NW¼, N½SW¼, W½NE¼, NE¼NE¼;
  Sec. 18, In W½NW¼, NE¼NW¼, NW¼NE¼.
T. 25 N., R. 27 E.,
  Sec. 26, In SE¼SE¼;
  Sec. 34, In SE¼SW¼, SE¼.
T. 25 N., R. 28 E.,
  Sec. 1, In SW¼SW¼;
  Sec. 2, In SE¼SE¼;
  Sec. 10, In SE¼SW¼, SE¼;
  Sec. 11, In NE¼NE¼;
  Sec. 16, In S½SW¼, NE¼SW¼, NW½SE¼, S½NE¼;
  Sec. 20, In NW¼SW¼, S½NW¼, W½NE¼, NE¼NE¼;
  Sec. 30, In W½NW¼, NE¼NW¼.
T. 25 N., R. 29 E.,
  Sec. 6, In N½S½, SE¼NE¼.
T. 26 N., R. 29 E.,
  Sec. 24, In E½SE¼;
  Sec. 26, In SE¼SE¼;
  Sec. 34, In SW¼, SE¼NE¼.
T. 26 N., R. 30 E.,
  Sec. 4, In N½SW¼, E½NW¼, NW¼NE¼;
  Sec. 8 In W½SW¼, NE¼SW¼, SE¼NW¼, W½NE¼;
  Sec. 18, In SE¼SW¼, W½SE¼, NE¼SE¼, E½NE¼.
T. 27 N., R. 30 E.,
  Sec. 23, In SE¼SW¼;
  Sec. 24, In W½NW¼, NE¼NW¼;
  Sec. 26, In NW½SW¼, W½NW¼, NE¼NW¼;
  Sec. 34, In NW¼SW¼, SW¼NW¼, E½NW¼, NW¼NE¼;
  Sec. 27, In SE¼NE¼.
T. 27 N., R. 31 E.,
  Sec. 18, In W½NW¼.

The proposed pipeline will reinforce and supplement natural gas service for southern Nevada.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the Chief, Division of Technical Services, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Room 3008, Federal Building, Reno, NV 89520.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 80-9400 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-84-M

Utah; Dirty Devil Wilderness Inventory Decision Protested

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the final wilderness inventory decision on the Dirty Devil inventory unit (UT-050-236) as published in the February 15, 1980 **Federal Register** has been formally protested. The prior decision on this unit will not become effective until the Utah State Director issues a decision on the protests received. Until a decision is rendered by the State Director, the unit will remain under management restrictions imposed by Section 603 of Pub. L. 94-579.

The final decision published February 15, 1980, which was to become effective 30 days following that publication, was that two areas totaling approximately 86,000 acres were to become Wilderness Study Areas (WSA's) and the remaining 270,000 acres were to be dropped from further wilderness consideration and management restrictions imposed by Section 603 of Pub. L. 94-579.

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Wilderness Coordinator, Bureau of Land Management, Utah State Office (810) 524-5326.

Dated: March 21, 1980.

William G. Leavell,

Associate State Director.

[FR Doc. 80-9460 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-84-M

Utah; Proposed Decisions on Intensive Wilderness Inventory and Public Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the BLM Utah State Director's proposed decisions on the Intensive Wilderness Inventory will become available to the public on April 2, 1980. A 90-day public comment period concerning these proposed decisions will continue through June 30, 1980.

The proposed decisions will be announced under authority of Section 603 of the Federal Land Policy and Management Act and in accordance with guidelines in the September 27, 1978, BLM Wilderness Inventory Handbook and Organic Act Directive No. 78-61, change 3.

The BLM inventory process is divided into two major parts: initial and intensive inventories. Final decisions on the initial inventory and announcement of the beginning of the intensive inventory were published in the August 8, 1979 **Federal Register**, page 46541.

April 2 begins a 90-day public review and comment period on 176 intensive inventory units encompassing approximately 5,228,800 acres (this includes six Instant Study Areas) administered by the BLM in Utah.

On or about April 2, a summary booklet explaining the State Director's proposals, how the public may participate, and containing narratives and maps on each unit in the intensive inventory will be mailed to everyone on Utah's wilderness mailing list. The booklets will be available for public review at all BLM offices in Utah. The public is encouraged to comment on the proposals and to submit additional information which will assist BLM in the assessment of wilderness characteristics on these public lands.

All comments should be sent to: Wilderness, Utah BLM State office, 136 East South Temple, Salt Lake City, Utah 84111.

Open houses will be held throughout the State to provide information to the public about the proposals and discuss the BLM Wilderness Review.

The schedule for these open houses is as follows:

April 23—Salt Lake City, Salt Palace, Rooms 111, 112, 112A and 113, 12 noon to 9 p.m.
April 28 thru May 2—Price, BLM area office, 900 North 7th East, 1-8 p.m. each day.
April 28 thru May 2—Moab, BLM area office, Sand Flats Road, 1-8 p.m. each day.
April 28 thru May 2—Monticello, BLM area office, 284 South 1st West, 1-8 p.m. each day.
April 30—Castle Dale, Emery County Courthouse, 7-9 p.m.
May 1—Green River, Western Regency Motel conference room, 7-9 p.m.
May 12—St. George, BLM area office, Dixie office building, 1-7 p.m.
May 13—Escalante, BLM area office, 1-7 p.m.
May 14—Kanab, BLM area office, 320 North First East, 1-7 p.m.
May 15—Richfield, BLM district office, 150 East 900 North, 8 a.m. to 5 p.m.

Additional public sessions may be scheduled by the BLM district offices. These sessions would be announced by the respective districts through local newspapers.

Public comments received by the BLM during the 90-day public comment period will be forwarded to the appropriate district office where they will be read, analyzed, and when necessary, field checked for validity. The district managers or district office wilderness staffs will evaluate each comment relative to their respective inventory units, and will analyze comments for content. All information will be on file and will not be returned. The inventory unit files may be reviewed by the public upon request. After the conclusion of the public comment period, an overall Statewide analysis will be compiled. This will provide an overview of the kind of comments received, who wrote in, and what inventory units were of predominate concern to the public. By September, the analysis can be examined in the district offices or the State Office in Salt Lake City, Utah.

Information provided by the public will be considered when the comments reveal the presence or absence of wilderness characteristics that the BLM has not identified. Comments which address items other than the wilderness characteristics, such as mineral and other multiple-use values or preferences for or against wilderness will not be utilized in this phase of the wilderness review. These values will be considered during the next phase (study) of the review.

All comments will be treated equally, whether they are mailed in or presented in writing at a public session. All commentors are encouraged to use the public comments sheets, which were designed to help the public provide usable comments to BLM during this phase of the wilderness review process.

Following the public comment period, the Utah BLM State director will consider the inventory recommendations and public comments received. His final decisions identifying wilderness study areas as well as areas dropped from further consideration as wilderness will be announced in September.

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Utah BLM Wilderness Coordinator, 801-521-5326.

Dated: March 21, 1980.

William G. Leavell,

Associate State Director.

[FR Doc. 80-9463 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in

the National Register were received by the Heritage Conservation and Recreation Service before March 24, 1980. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage, Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 14, 1980.

Sarah G. Oldham,

Acting Chief, Registration Branch.

ALABAMA

Russell County

Pittsview vicinity, *Glenn-Thompson Plantation*, 3 mi. S of Pittsview on U.S. 431.

MAINE

Oxford County

Waterford, *Waterford Historic District*, ME 35 and ME 37.

[FR Doc. 80-9432 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-03-M

National Park Service

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Santa Monica Mountains National Recreation Area Advisory Commission will be held at the Westwood United Methodist Church, 10497 Wilshire Boulevard, Westwood, CA, on Monday, April 14, at 1 p.m. The oath of office will be administered by the Director of the National Park Service to the Commissioners at the University of California, Los Angeles, Faculty Center, Westwood, CA at 9:30 a.m., on Monday, April 14.

The Advisory Commission was established by Public Law 95-625 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows:

Dr. Norman P. Miller, Chairperson
Honorable Marvin Braude
Dr. Henry David Gray
Ms. Mary C. Hernandez
Mr. Michael Levett
Ms. Susan Barr Nelson
Mr. Carey Peck
Ms. Sara Dixon
Ms. Marilyn Whaley Winters.

The major agenda items will be the swearing in ceremony and an overall briefing by the National Park Service on planning, land acquisition, and visitor services within the Santa Monica Mountains National Recreation Area.

This meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 23018 Ventura Boulevard, Woodland Hills, CA 91364.

Minutes of the meeting will be available for public inspection by May 14, 1980 at the above address.

Dated: March 21, 1980.

Robert S. Chandler,

Superintendent, Santa Monica Mountains National Recreation Area.

[FR Doc. 80-9515 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

[Federal Lease No. M-34980]

Availability for Public Review of a Major Modification to a Mining and Reclamation Plan for a Surface Coal Mine Proposed by North American Coal Co. for the Indian Head Mine, Mercer County, N. Dak.

AGENCY: Office of Surface Mining, Reclamation and Enforcement, Department of the Interior.

ACTION: Availability for Public Review of Proposed Major Modification to a Coal Mining and Reclamation Plan.

SUMMARY: Pursuant to § 211.5 of Title 30 and § 1500.2 of Title 40, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining (OSM) has received an application from North American Coal Company to mine Federal coal at the Indian Head Mine. A brief descripltion of the location follows:

Location of Lands To Be Affected

Applicant: North American Coal Company.
Mine Name: Indian Head.
State: North Dakota.
County: Mercer.
Section, Township, Range: Lots 1, 2, S1/2 N1/2, SW1/4 and NW1/4 of Section 2, T.143N., R. 89 W.
Office of Surface Mining Reference No. ND 0013.

The mine is operating on non-Federal lands under a State permit and is located 8 miles southwest of Beulah, North Dakota. State-owned coal has been mined in the past and private coal is presently mined at the rate of about 975,000 tons/year from a mine plan area of approximately 1,500 acres. Existing facilities at the mine include a rail spur, load-out facilities, haul roads, and coal crusher.

The proposed modification of the plan into the Federal coal lease area involves surface mining of Federal coal overlain by privately-owned surface for 2 years at a production rate of approximately 900,000 tons/year. Coal would continue to be shipped via unit train to a local power generation plant. The Federal coal lease area is 441.12 acres.

The mining and reclamation plan has been determined to be sufficiently complete and this notice is issued to inform the public of the availability of the plan for review. The Office of Surface Mining will prepare a technical analysis (TA) to determine whether the proposed plan meets the requirements of SMCRA and an environmental assessment (EA) which will evaluate the impacts of actions the Department of the Interior may take on the plan. During the analytical review, it is possible that OSM will request additional information from the company. Any further information obtained would also be available for public review.

No action on the modified plan will be taken by the Regional Director for a period of 30 days after publication of this Notice of Availability in the **Federal Register.** Prior to making a final decision on this proposed modification, the Office of Surface Mining will issue a Notice of Pending Decision pursuant to § 211.5(c)(2) of Title 30, Code of Federal Regulations.

This plan is available for public review at the Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202, and at the North Dakota Public Service Commission, State Capitol Building, Bismarck, North Dakota. Comments on the proposed mine plan application may be addressed to the Regional Director, Office of Surface Mining, at the above Denver address.

FOR FURTHER INFORMATION CONTACT: Steve Manger or John Hardaway, Office of Surface Mining, Brooks Tower, 1020 15th Street, Denver, Colorado 80202.

Donald A. Crane,

Regional Director.

[FR Doc. 80-9461 Filed 3-27-80; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80–753 appearing on page 2142 in the issue of Thursday, January 10, 1980 make the following correction.

On page 2144, MC–136640 (Sub-15F), third column, last paragraph, thirtheenth line, insert "NY" between "NJ" and OH".

BILLING CODE 1505–01–M

Permanent Authority Decisions; Decision–Notice

Correction

In FR Doc. 80–5820 appearing on page 12507 in the issue of Tuesday, February 26, 1980 make the following correction.

On page 12516, MC 138687 (Sub 3F), second column, second paragraph, eighth line, destination point "CA" should have read "GA".

BILLING CODE 1505–01–M

DEPARTMENT OF JUSTICE

National Institute of Justice

Notice of Solicitation

The National Institute of Justice announces a competitive research solicitation that will develop national standards for the medicolegal investigation of death.

The solicitation ask for proposals to be submitted for peer review in accordance with the criteria set forth in the solicitation. In order to be considered, all proposals must be postmarked no later than May 16, 1980. A grant or cooperative agreement for an 18 month research project is planned, with funding support not to exceed $100,000. To maximize competition for this award, both profit-making and non-profit organizations are eligible to apply.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, National Standards for the Medicolegal Investigation of Death, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

For questions pertaining to this request for proposals, contact: John O. Sullivan, Police Division, Office of Research Programs, NIJ 633 Indiana Avenue, N.W., Washington, D.C. 20531, 301/492–9110.

Dated: March 20, 1980.

Harry Bratt,

Primary and Principal Assistant to the Acting Director, NIJ.

[FR Doc. 80–9462 Filed 3–27–80; 8:45 am]

BILLING CODE 4410–18–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 areas (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 on or before April 11, 1980. 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 20th day of March 1980.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week Ending March 22, 1980

Name of applicant and location of enterprise	Principal product or activity
Ducane Heating Company Blackville, South Carolina.	Manufacture of warm air furnaces and gas grills.
Delta Catfish Processors, Inc. Indianola, Mississippi.	Processor of iced packed fish and frozen fish.

[FR Doc. 80–9362 Filed 3–27–80; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

[Docket No. M–79–36–M]

Asarco, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Asarco, Inc., P.O. Box 440, Wallace, Idaho 83873, has filed a petition to modify the application of 30 CFR 57.19–71 (hoisting procedures) to its Galena Mine located in Shoshone County, Idaho. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Petition concerns hoisting procedures as they relate to shaft sinking operations and shaft repair work.

2. Petitioner states that application of the standard will result in a diminution of safety to the miners affected, because at the time supplies and equipment are sent up from the shaft bottom, proper alignment of the bucket shoes and the shaft guides must exist for the shoes to mate with the guides. If this does not occur, the danger exists of spilling materials and supplies onto the men below as well as damaging the conveyance that provides the normal means of transportation out of the shaft.

3. For this reason, petitioner requests a modification of the standard to allow men to ride in the sinking bucket and therefore prevent any damage to the bucket or injury to the miners below.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 19, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9482 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-51-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1105 (ventilation of electrical installations) to its Osage No. 3 Mine located in Monongalia County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. This petition concerns the Arkwright Pump Station which is located on the older haulage near the pit mouth, which was mined fifty years ago.

2. The haulage is ventilated with intake air and there are no return airways in the immediate vicinity. The nearest return to the Arkwright Pump Station is more than two miles.

3. Intake air that passes this pump station is not used to ventilate an active working section.

4. The Sewickley seam eighty feet above this pump has been mined eliminating the practicability of drilling additional holes and venting to the surface.

5. This pump station is located in a natural swag and continuous operation is necessary to prevent flooding of the haulage.

6. As an alternative method which will at all times guarantee the same measure of protection to the miners affected as that afforded by the standard, petitioner proposes to:

a. House the pump in a fireproof building,

b. Install an automatic fire suppression device in this pump station that will be activated by heat sensors over the pump,

c. Install an automatic closing steel door that will be activated by a heat sensory device,

d. Not store any oil or combustible material in the pump station,

e. Insure that electrical circuits comply with appropriate requirements,

f. Inspect this pump station in compliance with applicable requirements on a regular basis.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 21, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9483 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-288-C]

Milton Mining Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Milton Mining Company, Inc., Box 548, Jackson, Ohio 45640 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Greasy No. 1 Mine located in Jackson County, Ohio. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. Petitioner states that he is mining a coalseam which has an average working height of 48".

2. Petitioner further states that installation of cabs or canopies to its electric face equipment would result in a diminution of safety for the miners for the following reasons:

a. With canopies set on the equipment at the minimum operating height, severe problems have occurred, such as the canopies interfering with check and line curtains and cables being hung on the roof and crossbars.

b. Operators of the equipment experience great discomfort when operating equipment with a canopy. Operators must frequently lean out of equipment for visibility purposes to avoid trailing cables, prevent hitting the ribs at intersections, and to see other miners on the section.

3. For these reasons, petitioner requests a modification of the standard for its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 21, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9484 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-9-C]

Ranger Fuel Corp.; Petition for Modification of Application of Mandatory Safety Standard

Ranger Fuel Corporation, Lebanon, Virginia 24266, has filed a petition to modify the application of 30 CFR 75.1100(2)(b) (Quantity and location of fire fighting equipment) to its Beckley No. 2 Mine located in Raleigh County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Petitioner maintains that compliance with the standard insofar as it permits installation of water lines in entries adjacent to conveyor entry belts (provided that they project into the left conveyor entry) is hazardous and unsafe, because smoke and heat from fires may prevent use of the outlets.

2. Petitioner's water supply line is installed on the supply track beside a steel partition, with fire hose valves and outlets at each man door. Doors are located approximatley 200 feet apart.

3. Petitioner has fire suppression devices along the belt entry as follows:

a. Audible and visible warning devices;

b. Fire resistance belt; and

c. Unspecified fire suppression devices located at the tail piece.

4. Petitioner's entry is a non-combustible area.

5. Petitioner therefore requests modification of application of the standard for its No. 2 Mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 21, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9485 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-10-C]

Republic Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

Republic Steel Corporation, Coal Mining Division, 455 Race Track Road, P.O. Box 500, Meadow Lands, Pennsylvania 15437 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Banning No. 4 Mine located in Westmoreland County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The return aircourses from Banning's 24 Butt Mains along 2 Flat contain bad roof conditions, pools of standing water and rooffalls which make passage through and/or access to these returns impassable or extremely hazardous to the miners affected.

2. Rehabilitation of the return aircourses would expose an even greater number of miners to these hazards.

3. No electrical equipment or power lines which could be sources of ignition are present in the areas of the returns to which this petition applies.

4. No significant amounts of methane have been detected in such returns or in the sections served by them.

5. As an alternative method which will afford the same measure of protection for the miners as will application of the standard, petitioner proposes:

a. To allow the weekly examination of these returns to consist of establishing several ventilation monitoring stations where access can be obtained through the adjacent intake aircourses; and

b. To monitor such stations weekly for methane content and perceptible movement of air in the proper direction.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 21, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9486 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-26-C]

United States Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

United States Steel Corporation, 600 Grant Street, Room 6044, Pittsburgh, Pennsylvania 15230 has filed a petition to modify the application of 30 CFR 75.1105 (ventilation of electrical installations) to its Oak Grove Mine located in Jefferson County, Alabama. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The Oak Grove Mine is operating in the Blue Creek seam, which varies in thickness from 50 to 70 inches, with seven producing sections.

2. The mined coal is transported to the surface by belt conveyors.

3. All track haulage equipment is battery powered, eliminating the requirement for electrical trolly wire and its associated safety hazards.

4. As an alternative method which will at all times provide the same measure of protection as that provided by the standard, petitioner proposes to charge on-board storage batteries on trackmounted equipment under the following circumstances:

a. While the equipment is in motion when the unit is combination battery/trolley wire powered;

b. While the equipment is parked on an active working section (normally not more than one breakthrough out by the section loading point),

c. When the equipment is parked at locations other than on an active working section if:

(1) the equipment is in an attended area;

(2) the charging location is equipped with an automatic fire sensor and warning device system which shall provide, upon activation, an effective warning signal at a manned location where personnel have an assigned post of duty and telephone or equivalent communication with all persons who may be endangered.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 21, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances

[FR Doc. 80-9487 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-41-C]

Wyomac Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Wyomac Coal Company, Inc., P.O. Drawer G, Welch, West Virginia 24801 has filed a petition in behalf of the Rose Branch Development Company to modify the application of 30 CFR 75.1710 (cabs or canopies) to the Rose Branch Development Company's #1 Mine, located in Wyoming County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petition concerns the use of cabs or canopies on the mine's electrical face equipment.

2. The petitioner states that the installation of cabs or canopies on the mine's electrical face equipment will result in a diminution of safety to the miners affected for the following reasons:

a. The cabs or canopies hamper the equipment operator's visibility for safe operation;

b. The cabs or canopies will not clear the top in some areas of the mine due to uneven top and bottom conditions; and

c. The cabs or canopies limit the equipment operator's rapid escape from the confines of the cabs or canopies in the event of an emergency.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 21, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9488 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of negative determinations regarding eligibility to apply for worker adjustment assistance issued during the period March 17–21, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number of proportion of workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely,

(3) 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.

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–6789; A–T–O Inc., Geo. J. Meyer Manufacturing Division, Cudahy, Wis.

The investigation was initiated on January 16, 1980 in response to a petition which was filed on behalf of workers at the Geo. J. Meyer Manufacturing Division of A–T–O Incorporated, Cudahy, Wisconsin. The workers produce fillers and bottle cleaners.

The investigation revealed that criterion (3) has not been met.

The Cudahy plant of the Geo. J. Meyer Manufacturing Division of A–T–O produces primarily for the export market. In the domestic market, out of the total number of filler and bottle cleaner contracts awarded for which Meyer submitted quotations after mid-1978, most filler and all bottle cleaner contracts were awarded either to Meyer or to other domestic manufacturers during the period under investigation. The filler contracts awarded to foreign manufacturers in 1979 represented a small percentage of the total sales decline at the Cudahy plant during that period.

In this case, therefore, the certifying officer has determined that all workers of A–T–O Incorporated, Geo. J. Meyer Manufacturing Division, Cudahy, Wisconsin are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6841; Boardwalk, Inc., D.B.A. Park Place Sportswear; Pawtucket, R.I.

The investigation was initiated on January 24, 1980 in response to a petition which was filed on behalf of workers at Boardwalk, Incorporated, D.B.A. Park Place Sportswear, Pawtucket, Rhode Island. The workers produce ladies', suits and dresses.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's, misses' and children's suits and dresses decreased absolutely in the January–September 1979 period compared to the same period of the previous year.

A Departmental survey of manufacturers for whom Boardwalk, Incorporated, D.B.A. Park Place Sportswear, performed contract work revealed that these manufacturers did not inport women's or misses' suits or dresses in 1978 or 1979. A survey was conducted of these manufacturers' major retail customers. Results from this survey revealed that the majority of customers either did not import or decreased their purchases of imported women's and misses' suits and dresses in 1979 compared to 1978, and that the remaining customers who increased purchases of imported women's and misses' dresses and suits constituted an insignificant proportion of the manufacturers' sales.

In this case, therefore, the certifying officer has determined that all workers of Boardwalk, Incorporated, D.B.A. Park Place Sportswear, Pawtucket, Rhode Island are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6309; Brown Shoe Co., McKenzie, Tenn.

The investigation was initiated on October 31, 1979 in response to a petition which was filed by the Footwear Division of the United Food and Commercial Workers International Union on behalf of workers at the McKenzie, Tennessee plant of Brown Shoe Company. The workers produce women's shoes.

The investigation revealed that criterion (3) has not been met.

The McKenzie, Tennessee plant produced women's shoes for several shoe divisions of Brown Shoe Company in the 1977–1979 period. Only one of these shoe divisions purchased imported women's shoes during this period. The McKenzie plant significantly increased its production for this division in 1979 from 1978.

A survey conducted by the Department revealed that major surveyed customers of Brown Shoe Company did not increase their reliance on imported women's shoes with respect to women's shoe purchases in 1979.

In this case, therefore, the certifying officer has determined that all workers of the McKenzie, Tennessee plant of Brown Shoe Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6395; Brown Shoe Co., Savannah, Tenn.

The investigation was initiated on November 19, 1979 in response to a petition which was filed on behalf of workers at the Savannah, Tennessee plant of Brown Shoe Company. The workers produce women's shoes.

The investigation revealed that criterion (3) has not been met.

The Savannah, Tennessee plant produced women's shoes for several shoe divisions of Brown Shoe Company in the 1977–1979 period. Only one of these divisions purchased imported women's shoes during this period. The Savannah plant significantly increased its production for this division in 1979 from 1978.

A survey conducted by the Department revealed that major surveyed customers of Brown Shoe Company did not increase their reliance on imported women's shoes with respect to women's shoe purchases in 1979.

In this case, therefore, the certifying officer has determined that all workers of the Savannah, Tennessee plant of Brown Shoe Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6833; Crouse-Hinds Arrow Hart, Inc., Arrow Hart Division, Lewiston, Maine

The investigation was initiated on January 22, 1980 in response to a petition which was filed by the International Brotherhood of Electrical Workers on behalf of workers at the Lewiston, Maine plant of Arrow Hart Division Crouse-Hinds Arrow Hart, Incorporated. The workers produce specialty switches.

The investigation revealed that criterion (3) has not been met.

Crouse-Hinds, Arrow Hart is transferring the switch assembly operation currently performed at the Lewiston, Maine facility to Juarez, Mexico. The transfer to Mexico will begin in May or June, 1980. Layoffs anticipated with the transfer of the Lewiston, Maine facility have not yet occurred. These layoffs are scheduled to begin in May or June 1980.

In this case, therefore, the certifying officer has determined that all workers of the Lewiston, Maine plant of Arrow Hart Division of Crouse-Hinds Arrow-Hart, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

This imminent transfer may pose a direct threat to the employment of workers engaged in the assembly of specialty switches, creating a situation in the future that may warrant coverage under the provisions of the Trade Act of 1974 if the transfer results in increased imports into the U.S. To facilitate the monitoring of this situation, the petitioners are urged to file a request to reopen this investigation when in their view a decline in employment related to the transfer has occurred and imports from the Mexican operation have begun.

TA–W–6858 and 7229; Dick Green Chrysler-Plymouth, Inc., Detroit and Farmington, Mich.

The investigations were initiated on January 28, 1980 and February 25, 1980 in response to petitions which were filed on behalf of workers at Dick Green Chrysler-Plymouth, Incorporated—East, Detroit, Michigan (TA–W–6858) and Dick Green Chrysler-Plymouth, Incorporated—West, Farmington, Michigan (TA–W–7229). The workers at the Detroit and Farmington, Michigan dealerships of Dick Green Chrysler-Plymouth, Incorporated are engaged in selling new and used cars, along with repair services.

The investigation revealed that workers of Dick Green Chrysler-Plymouth, 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 Dick Green Chrysler-Plymouth, 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.

Neither the Detroit and Michigan dealerships of Dick Green Chrysler-Plymouth, Incorporated and its customers nor Dick Green Chrysler-Plymouth and Chrysler Corporation have controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in selling new and used cars, along with repair services at the Detroit and Farmington, Michigan dealerships of Dick Green Chrysler-Plymouth, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by the Detroit and Farmington dealerships of Dick Green Chrysler-Plymouth, Incorporated. All employee benefits are provided and maintained by the Detroit and Farmington, Michigan dealerships of Dick Green Chrysler-Plymouth, Incorporated. Workers are not, at any time, under employment or supervision by customers of the Detroit and Farmington, Michigan dealerships of Dick Green Chrysler-Plymouth, Incorporated or Chrysler Corporation. Thus, the Detroit and Farmington dealerships of Dick Green Chrysler-Plymouth, Incorporated, and not any of its customers or the Chrysler Corporation, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of the Detroit and Farmington, Michigan dealerships of Dick Green Chrysler-Plymouth, Incorporated are denied eligibility to apply for adjustment assistant under Section 223 of the Trade Act of 1974.

TA–W–6861; Firestone Tire and Rubber Co., Memphis, Tenn.

The investigation was initiated on January 28, 1980 in response to a petition which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers at the Memphis, Tennessee plant of the Firestone Tire and Rubber Company. Workers at the Memphis, Tennessee plant produce passenger car tires and truck tires.

The investigation revealed that criterion (3) has not been met.

Passenger car tires from the Memphis plant are sold primarily to the replacement market. Production declines at the plant are largely attributable to reduced purchases by replacement market customers. The Department surveyed major customers and a random sample of smaller customers of Firestone in the replacement market. The survey revealed that most customers of Firestone in the replacement market either did not import or decreased purchases of imported passenger car tires in 1979 compared with 1978.

The Department surveyed major customers and a random sample of the smaller customers of Firestone who buy truck tires. Most customers of both groups indicated that they either did not import or decreased their imports of truck tires in 1979 compared with 1978. Customers who increased imports or increased their reliance on imports of truck tires while decreasing purchases from Firestone were not significant in relation to Firestone's total sales of truck tires.

In this case, therefore, the certifying officer has determined that all workers at the Memphis, Tennessee plant of Firestone Tire and Rubber Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6806; Hull Dye and Print Works, Inc., Derby, Conn.

The investigation was initiated on January 18, 1980 in response to a petition which was filed on behalf of workers at Hull Dye and Print Works, Incorporated, Derby, Connecticut. The workers produce printed and dyed textiles.

The investigation revealed that criterion (3) has not been met.

U.S. imports of finished fabric decreased in the first nine months of 1979 when compared with the same period in 1978. The ratio of U.S. imports to domestic production did not exceed 2.1 percent from 1974 to 1978.

The Department conducted a survey of Hull Dye and Print Works, Incorporated's customers. None of the survey respondents decreased their contracts with Hull while increasing imports of fabric.

In this case, therefore, the certifying officer has determined that all workers of Hull Dye and Print Works, Incorporated, Derby, Connecticut are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6823; Livonia Magnetics Co., Inc., Farmington, Mich.

The investigation was initiated on January 21, 1980 in response to a petition which was filed on behalf of workers at Livonia Magnetics Company, Incorporated, Farmington, Michigan. The workers produce magnetic conveyors and hardware.

The investigation revealed that criterion (3) has not been met.

Company sales increased in 1978 compared to 1977, in 1979 compared to 1978 and in the first two months of 1980 compared to the first two months of 1979. With the exception of the second quarter of 1979, company sales increased in each quarter of 1979 compared to the same quarter of 1978. Although the overall sales trend has been consistently increasing, monthly and quarterly fluctuations appear in Livonia's sales figures because of varying time lags between initial orders and final shipments and due to changes in production schedules and product mixes.

Average employment at Livonia increased in 1979 compared to 1978. Layoffs occurring during the week of Christmas 1979 were temporary and all workers were recalled to work the following week. Average employment increased in the first two months of 1980 compared to the first two months of 1979.

In this case, therefore, the certifying officer has determined that all workers of Livonia Magnetics Company, Incorporated, Farmington, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6895; Manhattan Fashions, Inc., Union City, N.J.

The investigation was initiated on January 30, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Manhattan Fashions, Incorporated, Union City, New Jersey. The workers produce ladies' coats.

Investigation revealed that criterion (3) has not been met.

U.S. imports of ladies coats decreased absolutely in 1979 compared to 1978.

A Department survey revealed that the manufacturer which provides contract work to Manhattan Fashions Incorporated was decreasing purchases from Manhattan Fashions and increasing purchases of ladies' coats from other domestic sources in 1979 compared with 1978. The manufacturer imports a small quantity of ladies coats. These imports declined as a percentage of the manufacturer's total sales from 1978 to 1979.

In this case, therefore, the certifying officer has determined that all workers of Manhattan Fashions, Incorporated, Union City, New Jersey are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6837; National Standard Co., Worcester Wire Division, Worcester, Mass.

The investigation was initiated on January 22, 1980 in response to a petition which was filed on behalf of workers at the Worcester Wire Division of National Standard Company, Worcester, Massachusetts. Workers at the Worcester Wire Division produce a variety of specialty wire products.

The investigation revealed that criterion (3) has not been met.

U.S. imports of carbon steel wire and stainless steel wire declined in quantity absolutely and relative to domestic production in January–September 1979 compared to January–September 1978.

The Worcester Wire Division of National Standard Company produces a variety of specialty wire products. The eight major wire products manufactured by the Division in fiscal 1978 (ending September 30, 1978) and fiscal 1979 were: 1. mandrel (connector) wire, 2. tempered brush wire, 3. music spring wire, 4. low carbon wire, 5. high carbon wire, 6. textile needle wire, 7. mandolin wire, and 8. stainless steel brush wire.

Sales of low carbon wire and mandolin wire increased in quantity in fiscal 1979 from fiscal 1978 and in the first three months of fiscal 1980 compared to the same period of fiscal 1979.

The Department conducted a survey of major customers which purchased specialty wire products from the Worcester Wire Division in the 1977–1979 period. Most major customers surveyed which purchased mandrel wire, tempered brush wire, textile needle wire, and stainless steel brush wire from the Worcester Wire Division did not purchase imported wire products in 1978 and 1979. Customers which reduced purchases from the Worcester Wire Division and increased import purchases in 1979 represented an insignificant proportion of 1979 sales of stainless steel brush wire by the Worcester Wire Division. Import purchases by these surveyed customers amounted to less than one percent of total customer purchases in 1978 and 1979.

Most major customers surveyed which decreased purchases of music spring wire from the Worcester Wire Division in 1979 from 1978 also decreased purchases from other domestic and foreign sources during the same period.

Workers at the Worcester Wire Division are not separately identifiable by product line. Sales of high carbon wire account for a relatively small percentage of total division sales of wire products. Any import influence in this product line could not have contributed importantly to overall employment declines at the Worcester Wire Division.

In this case, therefore, the certifying officer has determined that all workers of the Worcester Wire Division of National Standard Company, Worcester, Massachusetts are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6729; Novelle Fashions, Inc., Hoboken, N.J.

The investigation was initiated on January 8, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Novelle Fashions, Incorporated, Hoboken, New Jersey. The workers produce ladies' coats.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's, misses' and children's coats and jackets decreased in 1979 compared to 1978.

Surveyed manufacturers of Novelle Fashions, Incorporated indicated that they had decreased their purchases of imported ladies' coats either absolutely or relative to their domestic orders in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that all workers of Novelle Fashions, Incorporated, Hoboken, New Jersey are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6784; Phillips Stamping Co., Bellaire, Ohio

The investigation was initiated on January 15, 1980 in response to a worker petition which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers at Phillips Stamping Company, Bellaire, Ohio. The workers produce primarily stampings of motor and transmission mounts, mine roof plates, suspension plates, and railroad brake shoes. With respect to the production of stampings of motor mounts transmission mounts and suspension plates, the investigation revealed that criterion (3) has not been met.

A survey conducted by the Department revealed that customers which purchased stampings of motor mounts, transmission mounts and

suspension plates from Phillips Stamping Company in 1978 and 1979 did not purchase imported stampings of these products during the same period.

Automobiles cannot be considered to be like or directly competitive with automotive stampings. Imports of automotive stampings must be considered in determining import injury to workers producing automotive stampings at Phillips Stamping Company.

With respect to the production of stampings of mine roof plates and railroad brake shoes, the investigation revealed that criterion (2) has not been met.

Adjusted sales of mine roof plate stampings in 1978 exceeded sales of the same stampings in 1977. Adjusted sales in 1979 exceeded sales in 1978. Sales and production are equal.

Adjusted sales of railroad brake shoe stampings increased in 1979 from 1978.

In this case, therefore, the certifying officer has determined that all workers of Phillips Stamping Company, Bellaire, Ohio are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6896; Rico Fashions, Inc., Jersey City, N.J.

The investigation was initiated on January 30, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Rico Fashions, Incorporated, Jersey City, New Jersey. The workers produce ladies' coats, raincoats and blazers.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's, misses' and children's coats and jackets and women's, girls' and infants' raincoats decreased absolutely in the January–September period of 1979 compared to the same period of 1978.

Total sales and average employment at Rico Fashions increased in 1979 compared to 1978. Sales increased and employment was constant in January 1980 compared to January 1979.

Production at Rico Fashions is seasonal, with a slow period usually occurring during the spring. However, in 1979 production at Rico during the spring was substantially higher that production in the same period of 1978. The declines experienced by Rico Fashions in the third and fourth quarters of 1979 were of a temporary nature and were followed by a period of increased production during January and February of 1980 compared to the like period in 1979. Employment, likewise, which declined in the fourth quarter of 1979 returned to previous levels by January 1980.

In this case, therefore, the certifying officer has determined that all workers of Rico Fashions, Incorporated, Jersey City, New Jersey are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6834; The Lamson and Sessions Co., Kent Division, Kent, Ohio

The investigation was initiated on January 22, 1980 in response to a petition which was filed by the Allied Industrial Workers of America on behalf of workers at The Lamson and Sessions Company, Kent Division, Kent, Ohio. Workers at the Kent Division produce specialty nuts.

The investigation revealed that criterion (3) has not been met.

U.S. imports of specialty fasteners, including nuts, were negligible during 1978 and 1979. Total U.S. imports of nuts decreased both absolutely and relative to domestic production during 1979 compared to 1978.

A survey of major customers of the Kent Division was conducted by the Department. Survey results revealed that none of the surveyed customers reported increasing purchases of imported specialty fasteners while decreasing purchases from the Kent Division in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that all workers of The Lamson and Sessions Company, Kent Division, Kent, Ohio are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6886; United Pants Co., Inc., Plymouth, Pa.

The investigation was initiated on January 30, 1980 in response to a petition which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at United Pants Company, Incorporated, Plymouth, Pennsylvania. The workers at the Plymouth plant produce men's suitcoats and sportcoats.

The investigation revealed that criterion (3) has not been met.

U.S. imports of men's and boys' tailored dress coats and sportcoats declined absolutely in 1979 from 1978.

The Plymouth plant produces suitcoats and sportcoats for a manufacturer. This manufacturer does not import these products and has no foreign contracts. Major customers of the manufacturer either purchased no imported suits and sportcoats, or reduced their purchases of such imports in 1979 compared with 1978.

In this case, therefore, the certifying officer has determined that all workers of the Plymouth, Pennsylvania plant of United Pants Company, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6741; U.S. Steel Corp.; South Works, Chicago, Ill.

The investigation was initiated on January 9, 1980 in response to a petition which was filed on behalf of workers at the South Works of the U.S. Steel Corporation in Chicago, Illinois. Workers at the South Works produce carbon steel rod, alloy and carbon steel plate, alloy and carbon steel structural shapes and alloy and carbon steel piling.

The investigation revealed that criterion (3) has not been met.

Imports of carbon steel rod declined both absolutely and relative to domestic shipments in 1978 compared to 1977, and in 1979 compared to 1978.

Imports of carbon steel plate and alloy and carbon steel piling declined both absolutely and relative to domestic shipments in 1979 compared to 1978.

A Department of Labor survey revealed that customers which decreased purchases of carbon and alloy steel structurals, plate and pilings from the South Works and increased purchases of imported steel also increased their purchases from domestic sources.

In this case, therefore, the certifying officer has determined that all workers of the South Works of the U.S. Steel Corporation in Chicago, Illinois are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6815, 7104, 7105; Wagner Electric Corp., Plymouth Avenue Plant, Berkeley Plant, Lackland Road Plant, St. Louis, Mo.

The investigations were initiated on January 18 and February 12, 1980 in response to petitions which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers at the Plymouth Avenue plant, and the Lackland Road and Berkeley plants, respectively, St. Louis, Missouri of the Wagner Electric Corporation. Workers at the St. Louis, Missouri plants of the Wagner Electric Corporation produce brakes and brake components.

The investigation revealed that criterion (3) has not been met.

Imported automobiles cannot be considered to be like or directly competitive with domestically produced brakes and brake components. Imports

of brakes and brake components must be considered in determining import injury to workers producing brakes and brake components at the St. Louis, Missouri plants of the Wagner Electric Corporation

The Department of Labor conducted a survey of major brake and brake component customers of the Wagner Electric Corporation. None of the customers surveyed purchased imported brakes during 1978 or 1979. Customers purchasing brake components from foreign sources during 1978 or 1979 constitute an insignificant proportion of Wagner's total sales. Each of these customers imports an insignificant number of brake components as a percentage of its own sales.

In this case, therefore, the certifying officer has determined that all workers of the Plymouth Ave., Berkeley, and Lackland Road, St. Louis, Missouri plants of the Wagner Electric Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6799; Walworth Co., Greensburg, Penn.

The investigation was initiated on January 16, 1980 in response to a worker petition which was filed by the United Steelworkers of America on behalf of workers at the Greensburg, Pennsylvania plant of Walworth Company. The workers produce standard and special valves.

The investigation revealed that criterion (3) has not been met.

Evidence developed during the course of the investigation revealed that the Walworth Company has not yet increased imports of valves as a result of its transfer of part of the Greensburg, Pennsylvania plant's standard valve production to a Mexican facility.

The petitioners allege that the portion of the Greensburg standard valve production that is being transferred to the Mexico facility is causing layoffs in the Union's local office and to workers in the plant.

Company imports of valves decreased in 1979 compared to 1978 while both total company sales and sales from the Greensburg plant production increased in 1979 compared to 1978. Currently, there is no evidence that company imports of standard valves have increased as a result of the transfer of production to Mexico. However, this transfer may create a situation in the future that may warrant coverage under the provisions of the Trade Act of 1974 if the transfer results in increased imports into the U.S. The petitioners are encouraged to file a request to reopen the investigation when imports from the Mexican operation have begun.

In this case, therefore, the certifying officer has determined that all workers of the Greensburg, Pennsylvania plant of the Walworth Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I hereby certify that determinations were issued with respect to all of the aforementioned cases during the week of March 17–21, 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80–9325 Filed 3–27–80; 8:45 am]

BILLING CODE 4510–28–M

Mine Safety and Health Administration

[Docket No. M–80–23–C]

Canon Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Cannon Coal Company, Box 184–A, Clarksville, PA 15322 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Pitt Gas Mine located in Greene County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Specified entries of the petitioner's mine have deteriorated due to age, adverse conditions and roof falls. These roof falls have produced many large and dangerous pieces suspended in a precarious manner throughout the area involved. In addition, water 3 to 5 feet deep exists in various parts of the area.

2. These entries are not designated as escapeways.

3. In the area involved, only one main fan location exists, with the direction of air flow constant.

4. Rehabilitation of the entries is neither practical nor feasible and would expose miners to extremely hazardous conditions, thus resulting in a diminution of safety.

5. As an alternative to weekly inspections of these entries, petitioner proposes:

a. To establish two underground and one surface air checking stations;

b. To make daily checks prior to and during mine operation for methane and daily checks to ensure that the air is traveling in its proper course and at normal volume. Results will be recorded in logs at both the underground and surface stations;

c. To conduct an immediate investigation of an increase of 0.5% methane volume or a reduction of 10% in air quantity;

d. To instruct persons assigned to work in the area regarding emergency evacuation routes; and

e. To maintain access to and from each air checking station in a safe, travelable condition.

6. The petitioner states that this alternative method will achieve no less protection for its miners than that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 19, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80–9326 Filed 3–27–80; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–80–12–C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, PA 15241 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Rowland No. 11 Mine located in Raleigh County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the addition of cabs and canopies to electrical face equipment.

2. Petitioner is currently in the initial development stage of the mine and has driven only about 800 feet underground.

3. Borehole data indicate that the coal seam in the mine will average 38 to 50 inches.

4. Petitioner will not be taking the bottom rock because cutting of rock generates a respirable dust problem; therefore, the distance from floor to finished roof will be the height of the coal seam.

5. Installation of scabs or canopies to petitioner's electric face equipment will

result in a diminution of safety for the following reasons:

a. Due to design characteristics of the equipment, visibility of the operator will not allow safe operation of the equipment when cabs or canopies have been installed;

b. The equipment will not clear the top in areas where the equipment must operate, if cabs or canopies are installed; and

c. Installation will hinder the operators' rapid escape from the confines of cabs or canopies in the event of an emergency.

6. For these reasons, petitioner requests a modification of application of the standard to its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 12, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9327 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-14-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, PA 15241, has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Rowland No. 3 Mine located in Raleigh County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Petitioner's mine is currently maintaining a distance from the floor to the finished roof of 60 inches, which includes 6 to 12 inches of top rock that has to be taken to allow clearance for canopies.

2. Borehole data indicate that the coal seam will vary from 3.8 feet to a maximum of 4.4 feet for the entire foreseeable future of the mine.

3. The canopies have already been lowered to a point that has caused a great reduction in the operator's visibility.

4. The cutting of top rock to allow more working space creates a respirable dust problem and poor working conditions.

5. Installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety to the miners for the following reasons:

a. The operator's visibility would be hampered by the installation of cabs or canopies.

b. If cabs or canopies are installed, the equipment will not clear the top in certain areas of the mine.

c. Rapid escape from the equipment in the event of an emergency would be hampered by the cabs or canopies.

6. For these reasons, petitioner requests a modification of the standard for its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 12, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9328 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-223-C]

Phyllis Coal Co.; Petition for Mofification of Application of Mandatory Safety Standard

Phyllis Coal Company, Box 87, Harold, Kentucky 41635, has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its #10 mine located in Floyd County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. This petition concerns the installation of lighting on the petitioner's mining machines.

2. The petitioner states that due to the thinness of the seams there is not sufficient clearance between the top of the equipment and the mine roof to allow for installation of lighting.

3. The miners crawl on their hands and knees and always have their heads close to the roof. If the lighting were installed, it would have a blinding effect, thus resulting in a diminution of safety to those involved.

4. For these reasons, the petitioner requests a modification of the application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 12, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9329 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-145-C]

Roger Brown Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Roger Brown Coal Company, Route 1, Box 310, Swords Creek, Virginia 24649 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Miller Creek mine located in Russell County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. Petitioner is mining coal ranging from 26 to 38 inches in height.

2. Petitioner states that installation of lighting equipment to its scoop and repair bolt machine would result in a diminution of safety to the miners affected. As the miners move about the mine, their eyes must adjust to the abrupt changes in lighting. Until their eyes have adjusted, they may endanger themselves or others.

3. Petitioner states that when the coal seam being mined falls to a level of 24 to 26 inches in height, maintenance of the installed lighting is impossible because of the design of the equipment.

4. For these reasons, petitioner requests a modification of the standard for his mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 12, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9330 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-44-C]

Westmoreland Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Westmoreland Coal Company, Stonega Division, Big Stone Gap, Virginia 24219 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Prescott No. 2 Mine located in Wise County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petition concerns the return airway off Main South 14 Left section.

2. In this airway, roof conditions have deteriorated to a degree that it is no longer safe to travel in its entirety.

3. The return air is coursed directly to the surface and is not used to ventilate any other areas.

4. As an alternative method in lieu of traveling the airways for examinations, petitioner proposes to establish specified alternate checkpoints to monitor the quantity and quality of air returning off this section.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the office of Standards, Regulations and Variances, Mine Safety and Health Admninistration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 19, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9331 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-42-C]

Wyomac Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Wyomac Coal Company, Inc., P.O. Drawer G, Welch, West Virginia 24801 has filed a petition in behalf of the Trace Fork Coal Company to modify the application of 30 CFR 75.1710 (cabs or canopies) to the Trace Fork Coal Company's Jamie Mine, located in McDowell County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petition concerns the use of cabs or canopies on the mine's electrical face equipment.

2. The petitioner states that the installation of cabs or canopies on the mine's electrical face equipment will result in a diminution of safety to the miners affected for the following reasons:

a. The cabs or canopies hamper the equipment operator's visibility for safe operation;

b. The cabs or canopies will not clear the top in some areas of the mine due to uneven top and bottom conditions; and

c. The cabs or canopies limit the equipment operator's rapid escape from the confines of the cabs or canopies in the event of an emergency.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before April 28, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 19, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9332 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-43

[Docket No. M-79-292-C et al.]

MSW Coal Co. et al.; Petitions for Modification of Application of Mandatory Safety Standard

The following companies have filed Petitions for Modification of 30 CFR 75.1400 (hoisting equipment, general). All petitions are filed under section 101(c) of the Federal Mine Safety and Health Act of 1977. The petitions have been filed to modify the application of that standard for all the mines listed below.

MSW Coal Company, Box 1593, RD 1, Pottsville, Pennsyvlania 17901. The No. 2 Slope mine is located in Schuylkill County, Pennsylvania, Docket No. M-79-292-C

Star Coal Company, P.O. Box 7, Tremont, Pennsylvania 17981. The No. 1 Slope mine is located in Schuylkill County, Pennsylvania, Docket No. M-80-8-C.

Mountain Top Coal Company, 415 St. Francis Street, Minersville, Pennsylvania 17954. The Orchard Slope mine is located in Schuylkill County, Pennsylvania, Docket No. M-80-5-C.

The substance of the petitions follows:

1. The petitions concern the requirement for the use of safety catches on gunboats used to transport persons in shafts and slopes. The safety catches must act quickly and effectively in an emergency.

2. Petitioners state that all of the affected mines are Anthracite mines which have steeply pitching and undulating slopes with numerous curves and knuckles in the main haulage slopes.

3. Petitioners have requested permission to operate the gunboats without safety catches because, they state, no such safety catch or device is available which functions in these type slopes.

4. The petitioners believe that makeshift safety catches or devices, if installed, would be activiated on knuckles and curves when no emergency existed, causing a tumbling effect on the conveyance.

5. In view of this, the petitioners propose to:

(a) Operate their man cage or steel gunboat with secondary safety conncections securely fastened around the gunboat and to the hoisting rope above the main connecting device; and

(b) Use hoisting ropes which have a factor of safety in excess of the 4 to 8 to 1 as suggested in the American Standards Specification—Use of Wire Ropes for Mines.

6. Petitioners aver that the modification, if granted, would provide no less than the same measure of protection afforded miners under the existing standard.

Request for Comments

Persons interested in any of these petitions may furnish written comments on or before April 28, 1980. Comments relating to only one petition may be made separately; however, the applicable docket number must be clearly stated. If comments apply to more than one of the listed petitions, each comment must mention individually the docket number, or numbers, to which the comment applies. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Copies of the petitions are available to inspection at that address.

Dated: March 19, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-9333 filed 3-27-80; 8:45 am]

BILLING CODE 4510-43-M

DEPARTMENT OF LABOR

Office of the Secretary

Advisory Committees; Annual Comprehensive Review

We are currently in the process of conducting the Department's annual comprehensive review of Federal Advisory Committees. I invite you to submit whatever remarks are germane to answering the following questions about each of our advisory committees: (1) Does the Department have a compelling need for it; (2) Is the committee's membership truly balanced; and (3) Has the committee conducted its business as openly as possible, consistent with the law and its mandate? The DOL advisory committees are listed below:

Advisory Committee on Construction Safety and Health
Advisory Council on Employee Welfare and Pension Benefit Plans
Airline Deregulation Labor/Management Advisory Committee
Business Research Advisory Council
Federal Advisory Council on Occupational Safety and Health
Federal Advisory Council on Unemployment Insurance
Federal Committee on Apprenticeship
Labor Policy Advisory Committee for Multilateral Trade Negotiations
Labor Research Advisory Council
Labor Sector Advisory Committee on Electrical and Electronic Equipment and Supplies and Nonelectrical Machinery
Labor Sector Advisory Committee on Food and Agricultural Products and Chemical, Plastic and Rubber Products
Labor Sector Advisory Committee on Lumber, Wood and Paper Products and Stone, Clay and Glass Products
Labor Sector Advisory Committee on Services
Labor Sector Advisory Committee on Textile, Apparel and Leather Products and Miscellaneous Manufacturing Industries
Labor Sector Advisory Committee on Transportation Equipment and Primary and Fabricated Metal Products
Minimum Wage Study Commission
National Commission for Employment Policy
National Advisory Committee on Occupational Safety and Health
National Commission on Employment and Unemployment Statistics
National Commission on Unemployment Compensation
President's Advisory Committee for Women
Steel Tripartite Advisory Committee.

If you wish to comment, please submit your responses within 10 days from the date of this publication to: Mrs. Ruth E. Morgenstern, Departmental Committee Management Officer, Department of Labor, Room S-2517, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed this 21st day of March 1980.

Ray Marshall,

Secretary of Labor.

[FR Doc. 80-9336 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-23-M

Affirmative 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 summaries of certifications of eligibility to apply for worker adjustment assistance issued during the period March 17–21, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

In the following cases it has been concluded that all of the criteria have been met.

TA–W–6816; A. C. Lawrence Leather Co., South Paris, Maine

The investigation was initiated on January 21, 1980 in response to a petition which was filed on behalf of workers at A. C. Lawrence Leather Company, Inc., South Paris, Maine. The workers produce tanned and finished sides of leather.

U.S. imports of tanned and finished cattlehides increased absolutely and relative to domestic production in 1978 compared to 1977 and increased relative to domestic production in 1979 compared to 1978.

A Department survey revealed that several customers of A. C. Leather Company decreased purchases from A. C. Leather Company and increased purchases of imported tanned and finished leather in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that:

All workers of A. C. Lawrence Leather Company, Inc., South Paris, Maine who became totally or partially separated from employment on or after March 24, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6814; Footwear Division, Uniroyal, Inc., Thomson, Ga.

The investigation was initiated on January 18, 1980 in response to a petition which was filed on behalf of workers at the Thomson, Georgia plant of Uniroyal, Incorporated, Footwear Division. The workers produce rubber/fabric footwear.

U.S. imports of rubber/fabric footwear increased absolutely in 1978 compared to 1977. The ratio of imports to domestic production increased in each year from 1975 through 1978 compared to the preceding year. U.S. imports increased absolutely in 1979 compared to the average level of imports for the 1974–1978 period.

In September 1979, Uniroyal, Incorporated sold the marketing wing of its Footwear Division to an independent U.S. firm which, since September, has purchased all of the rubber/fabric footwear produced by Uniroyal's Footwear Division. Uniroyal, itself, had purchased increasing quantities of imported rubber/fabric footwear prior to this sale. Consistent with Uniroyal's reliance on foreign sources, the firm which now purchases Uniroyal's Thomson plant production also began, in September 1979, to import rubber/fabric footwear. These imports are identical in style and label to that produced at the Thomson plant. Based on orders placed with foreign producers, there will be an increased reliance on such imports in 1980. The firm will rely on imported rubber/fabric footwear for the major portion of its sales in 1980.

In this case, therefore, the certifying officer has determined that:

All workers of the Thomson, Georgia plant of Uniroyal, Incorporated, Footwear Division, who became totally or partially separated from employment on or after February 28, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7092; Fore River Railroad Corp.; Quincy, Mass.

The investigation was initiated on February 12, 1980 in response to a petition which was filed on behalf of workers at the Fore River Railroad Corporation, Quincy, Massachusetts. The workers provide rail services.

The Fore River Railroad Corporation is wholly owned by the General Dynamics Corporation and derives a large proportion of its revenues from rail transportation services provided for the General Dynamics Corporation, Quincy Shipbuilding Division.

The investigation revealed that Fore River Railroad Corporation workers do not produce an article within the meaning of Section 222(3) of the Trade

Act. Therefore, they may be certified only if their separation was importantly caused by a reduced demand for their services from either the parent firm of from a firm corporately related 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 affected by imports.

The reduced demand for rail transportation services provided by the Fore River Railroad Corporation in 1979 compared to 1978 can be primarily attributed to declines in shipbuilding activity at the Quincy Shipbuilding Division of General Dynamics. Workers of the aforementioned division of General Dynamics were certified eligible to apply for Trade Adjustment Assistance on December 10, 1979, (TA–W–5904).

Employment at the Fore River Railroad Corporation declined in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that:

All workers of the Fore River Railroad Corporation, Quincy, Massachusetts who became totally or partially separated from employment on or after January 14, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6783; General Motors Corporation, General Motors Assembly Division, Baltimore, Maryland

The investigation was initiated on January 15, 1980 in response to a petition which was filed by the United Auto Workers on behalf of workers at the Baltimore, Maryland General Motors Assembly Division of General Motors Corporation. The workers produce Malibu, Monte Carlo and LeMans automobiles and Chevrolet and GMC light trucks.

The GM Malibu, Monte Carlo and LeMans were classified as compact automobiles in model year (MY) 1978. For MY 1979 and MY 1980 the Malibu, Monte Carol and LeMans were classified as intermediate automobiles. Because traditional distinctions between compact and intermediate automobiles were blurred by changes in the design of both classes in MY 1978 and MY 1979, imports of both compact and intermediate cars can be considered competitive with the Malibu, Monte Carlo and LeMans.

U.S. imports of compact automobiles increased relative to domestic production in MY 1979 compared to MY 1978. U.S. imports of intermediate automobiles increased absolutely in MY 1979 compared to MY 1978 and increased absolutely and relative to domestic production during the October–November period of MY 1980 compared to the same period in MY 1979.

U.S. imports of pickup trucks, which are the variety of trucks predominantly produced at the Baltimore plant, increased absolutely and relative to domestic production in 1978 compared to 1977, and in the first three quarters of 1979 compared to the same period in 1978.

GM imports of cars like or directly competitive with those produced at the Baltimore plant increased absolutely and relative to domestic production in MY 1979 compared to MY 1978 and relatively in the first four months of MY 1980 compared to the same period in MY 1979. GM imports of light trucks like or directly competitive with those produced at the Baltimore plant increased absolutely and relative to domestic production in MY 1979 compared to MY 1978 and increased absolutely and relatively in the first months of MY 1980 compared to the same period in MY 1979.

In this case, therefore, the certifying officer has determined that:

All workers of Baltimore, Maryland plant of the General Motors Assembly Division of General Motors Corporation who became totally or partially separated from employment on or after January 7, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6863; K&R Handbag, Inc.; Poughkeepsie, N.Y.

The investigation was initiated on January 28, 1980 in response to a petition which was filed by the International Leather Goods Union on behalf of workers at K&R Handbag, Incorporated, Poughkeepsie, New York. the workers produce ladies' handbags.

U.S. imports of handbags increased absolutely and relative to domestic production from 1977 to 1978. The ratio of imports to domestic production was over 100 percent during 1976, 1977 and 1978.

A survey was conducted by the Department of Commerce of the sole manufacturer of K&R Handbag, Incorporated. The survey indicated that customers of the manufacturer decreased their purchases from domestic sourses and increased their reliance on imported women's handbags. On October 26, 1979, the Department of Commerce certified K&R Handbag, Incorporated as eligible to apply for firm adjustment assistance.

In this case, therefore, the certifying officer has determined that:

All workers of K&R Handbag, Incorporated, Poughkeepsie, New York who became totally or partially separated from employment on or after August 3, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6821; Keystone Metal Moulding Co., Clanton, Ala.

The investigation was initiated on January 21, 1980 in response to a petition which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers at the Clanton, Alabama plant of Keystone Metal Moulding Company. The workers produce metal mouldings for automobiles.

U.S. imports of metal auto moulding increased absolutely and relative to domestic production in 1978 compared to 1977 and in 1979 compared to 1978.

A Department survey revealed that customers decreased purchases from the Clanton plant of Keystone and increased purchases of imported metal auto mouldings in model year 1979 compared to model year 1978.

In this case, therefore, the certifying officer has determined that:

All workers at Clanton, Alabama plant of Keystone Metal Moulding Company who became totally or partially separated from employment on or after August 26, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6825 and TA–W–7333; Ranco, Inc.; Worthington-Galena Plant, Columbus, Ohio

The investigations were initiated on January 21, and March 10, 1980 in response to petitions which were filed by the International Association of Machinists and Aerospace Workers Local 55 and 1651 on behalf of workers at the Worthington-Galena Plant of Ranco, Incorporated. The workers produce temperature controls.

U.S imports of temperature regulating controls increased both absolutely and relative to domestic shipments in 1978 compared to 1977, and increased absolutely in 1979 compared to 1978.

Ranco increased imports of temperature controls from a foreign subsidiary plant in fiscal 1979 compared to fiscal 1978. The controls imported from this foreign plant are like and directly competitive with the refrigeration controls that comprise the majority of the Columbus plant's output.

Ranco, Inc. has announced that all production of refrigeration controls presently taking place at the Columbus (Worthington-Galena) plant will be transferred to the foreign plant in Mid-1980, and that the Columbus plant will be closed.

In this case, therefore, the certifying officer has determined that:

All workers of the Worthington-Galena plant of Ranco, Incorporated, Columbus, Ohio who became totally or partially separated from employment on or after January 11, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6898; Salvanna Garment Co.; Jersey City, N.J.

The investigation was initiated on January 30, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Salvanna Garment Company, Jersey City, New Jersey. The workers produce ladies' coats.

U.S. imports of women's, missess' and children's coats and jackets increassed absolutely and relative to domestic production in each year from 1975 through 1978 compared to the preceding year.

The Department of Labor conducted a survey of the manufacturers who send contract work to Salvanna Garment Company. The survey revealed that the manufacturers decreased their contract work with Salvanna in 1979 compared to 1978 and increased their contract work with foreign contractors during the same time period.

In this case, therefore, the certifying officer has determined that:

All workers of Salvanna Garment Company, Jersey City, New Jersey who became totally or partially separated from employment on or after January 14, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6811; Stephanie Coat, Inc., Hoboken, N.J.

The investigation was initiated on January 18, 1980 in response to a petition which was filed on behalf of workers at Stephanie Coat, Incorporated, Hoboken, New Jersey. The workers produce ladies' coats.

Imports of women's, misses' and children's coats and jackets increased both absolutely and relative to domestic production each year as compared to the previous year during the period 1974 through 1978. The ratio of imports to domestic production in 1978 was 69.3 percent.

Results of a Department of Labor survey indicated that the subject firm's customer, a women's coat manufacturer, increased its purchases of coats from foreign sources while decreasing its contracts for production from the subject firm during the period surveyed.

In this case, therefore, the certifying officer has determined that:

All workers of Stephanie Coats, Incorporated, Hoboken, New Jersey who became totally or partially separated from employment on or after March 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6798; Vargish Knitwear Co., Carlstadt, N.J.

The investigation was initiated on January 16, 1980 in response to a petition which was filed on behalf of workers at Vargish Knitwear Company, Carlstadt, New Jersey. The workers produce primarily women's sweaters.

U.S. imports of women's, misses' and children's sweaters increased relative to domestic production in 1978 compared to 1977. The ratio of imports to domestic production has been 115 percent or above in every year from 1974 through 1978.

The Department conducted a survey of Vargish Knitwear Company's customers. Some survey respondents reported they had increased purchases of imported women's sweaters and decreased purchases from Vargish Knitwear in 1979 compared with 1978.

In this case, therefore, the certifying officer has determined that:

All workers of Vargish Knitwear Company, Carlstadt, New Jersey who became totally or partially separated from employment on or after January 3, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6945, 6945A, 6945B; Young Reflections, Inc., Michael Fredericks, Inc., Petite Images, Inc., N.Y., New York

The investigation was initiated on February 5, 1980 in response to a petition which was filed on behalf of workers at Young Reflections, Incorporated, New York, New York. The investigation was expanded to include Michael Fredericks, Incorporated and Petite Images, Incorporated. The workers produced women's dresses (including gowns) and pant suits.

U.S. imports of women's, misses' and children's suits and dresses (including gowns) increased in 1978 compared to 1977.

In a survey conducted by the Department of Commerce, customers accounting for a significant proportion of Young Reflections, Incorporated and its subsidiaries' sales declines indicated that they had decreased purchases from Young Reflections and subsidiaries and had increased purchases of imported women's dresses and pant suits. The Department of Commerce on October 5, 1979 certified Young Reflections, Incorporated eligible to apply for firm adjustment assistance.

In this case, therefore, the certifying officer has determined that:

All workers of Young Reflections, Incorporated, Michael Fredericks, Incorporated and Petite Images, Incorporated, New York, New York who became totally or partially separated from employment on or after March 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I hereby certify that determintions were issued with respect to all of the aforementioned cases during the week of March 17–21, 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80–9324 Filed 3–27–80; 8:45 am]

BILLING CODE 4510–28–M

Office of Pension and Welfare Benefit Programs

[Application No. D–1483]

Proposed Exemption for Certain Transactions Involving Pacific Standard Life Co. Employees' Stock Ownership Trust Located in Sacramento, Calif.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of a participatory interest in a block of mortgages by Pacific Standard Life Company Employees' Stock Ownership Trust (the Plan) to Pacific Standard Life Insurance Company, (the Employer), a party in interest. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, the Employer and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before May 9, 1980.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective September 30, 1975.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–1483. The application for exemption and the comments received will be

available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas, of the Department of Labor, telephone (202) 523–8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. On July 16, 1973, the Plan purchased a participatory interest in a block of mortgages on Hawaiian real estate from Real Estate Finance Corporation, for $110,000. No premium was paid by the Plan and no discount was taken. The mortgages produced an average annual interest earnings rate of 8.54%.

2. A decision was subsequently made by the Employer to convert the Plan from a profit sharing plan to an employees' stock ownership plan. In anticipation of this change, the administrative committee of the Plan directed the trustees to sell the participatory interest in the block of mortgages.

3. The block of mortgages was sold by the Plan to the Employer on September 30, 1975 for a cash payment of $91,976.85. The Employer paid face value for the block of mortgages and did not receive any discount.

4. A major bank has represented that loan rates for single family residences on September 15, 1975 was 9½%. If the Plan had not sold the block of mortgages to the Employer, it would necessarily have sold them at a discount because of the higher interest rates then prevailing. Also, the Plan did not incur any commissions or other expenses in the sale.

5. In summary, the applicant represents that the sale of the participatory interest in the mortgages meets the statutory criteria for an exemption under section 408 (a) of the Act because (1) it was a one time transaction for cash; (2) it allowed the Plan to sell the interest in the mortgages without payment of commissions or other related expenses; (3) the Plan was able to sell the mortgages at face value rather than at a discount; and (4) the trustees determined that the transaction was appropriate for the Plan and was in the best interests of the Plan's participants and beneficiaries.

Notice to Interested Persons

Notice of the proposed exemption will be given to all Plan participants by posting the notice of pendency on the bulletin board upon which employee notices are customarily posted. The notice will include a copy of the notice of pendency along with a statement advising interested persons of their right to comment and request a hearing within the time period set forth in the notice of pendency. Terminated participants and beneficiaries who have the right to receive benefits from the Plan will be notified by mail. Notice of the proposed exemption will be posted and mailed within 10 days of its publication in the **Federal Register.**

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reason for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reasons of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale for cash by the Plan of a participatory interest in a block of mortgages on Hawaiian real estate to the Employer on September 30, 1975, for $91,976.85: *Provided,* That the sales price was not less than the fair market value of the mortgages at the time of consummation of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of the proposed exemption.

Signed at Washington, D.C., this 24th day of March, 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-9431 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1405]

Proposed Exemption for Certain Transactions Involving Precision Wood Products, Inc., Profit Sharing Plan and Trust Located in Vancouver, Wash. and Honolulu, Hawaii

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the assignment of a ground lease and the sale of the building located on the said leasehold by the Precision Wood Products, Inc. Profit Sharing Plan and Trust (the Plan) to Precision Wood of Hawaii, Inc. in order for the Plan to disengage from a prohibited transaction in a manner which is in the best interest and protective of the Plan and its participants and beneficiaries. The proposed exemption, if granted, would affect the Plan, its fiduciaries, its participants and beneficiaries, and other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before May 5, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-1405. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: C. E. Beaver, of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by Precision Wood of Hawaii, Inc., pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Precision Wood Products, Inc. (the Parent) is a manufacturer of wood products, principally pallets, with its principal office and plant located in Vancouver, Washington. The Parent has two wholly owned subsidiary corporations. One of these subsidiaries is Precision Wood of Hawaii, Inc. (the Subsidiary). The Subsidiary is in the same business as the Parent (collectively the Employer). The office and plant location for the Subsidiary is 91-466 Komohana Street, Ewa Beach, Hawaii, which is approximately 30 miles from Honolulu.

2. The Plan was established in 1966 for the benefit of the employees of the Parent and its subsidiary companies. At the end of the last plan year, March 31, 1979, there were 65 participants in the Plan and total assets of $285,217.95. A ground lease with the Campbell Industrial Park in Ewa Beach, Hawaii (the Industrial Park) represented $139,872.51, or 49.04 percent of the total assets of the Plan.

3. The fiduciaries for the Plan consist of Marley B. Petersen, who is the majority shareholder, director, and president of the Parent and sole trustee for the Plan as well as a member of the Administrative Committee of the Plan; Carol Hendricksen, who is the Controller and Office Manager of the Parent and a member of the Administrative Committee for the Plan; and Edward Timmons, who is Sales Manager of the Parent and a member of the Administrative Committee for the Plan. Each of these individuals serves the Subsidiary in the same capacity as he or she does the Parent. The Administrative Committee has the ultimate responsibility and authority for the implementation, operation, and administration of the Plan and its trust. It determines the funding policy of the Plan, maintains individual accounts, and determines the form and timing of benefits. The Plan trustee has the more limited functions of holding and investing funds contributed to the Plan.

4. As a result of misunderstanding the Act, on March 20, 1975, a long-term ground lease for the 91-466 Komohana Street property in the Industrial Park was made by the Plan for the purpose of leasing the same to the Subsidiary. The Plan paid to the Industrial Park the standard charge of $15,000 for the ground lease plus $849.73 for closing costs. The ground lease was made for a 37-year term commencing January 1, 1975, with no renewal rights. For the first two years the rent was established at $2,258.30 per annum. Thereafter, for three terms of ten years each and one final five-year term, the rent would be determined by agreement of the parties. For the first ten-year term commencing January 1, 1977, the parties agreed to an annual rent of $11,226. The Plan would pay for all improvements, utilities, services, and real property taxes and assessments. Assignment of leasehold interest would only be made with written consent of the lessor, which cannot be unreasonably withheld.

5. On October 23, 1975, the Plan signed a construction contract with Avanti Constructors, Inc., Ewa Beach, Hawaii, and work on a new building commenced shortly thereafter. The final cost for construction of the building on the above leasehold, including architectural and serveying services, was $124,022.78. It was contemplated that the building's useful life would end within 37 years and would have no significant value due to physical deterioration and obsolescence. The

Subsidiary-Employer took occupancy of the new building on April 1, 1976, and a lease was made by the Employer with the Plan effective the same date. The initial building-lease was for the term of 10 years with the Employer tenant having the option to extend it for another 10 years and with a monthly rental equal to one percent of the total cost incurred by the Plan for the ground lease and for all improvements thereto. This rental may be adjusted quarterly to pass along any additional costs for leasehold imporvements incurred by the Plan. All costs of maintenance, utilities, services, insurance, and real property taxes and assessments would be paid by the Employer. A portion of the rental for the ground lease with the Industrial Park which was not passed on to the Employer is an amount equal to the rental in effect for the first two years of the ground lease. These terms were represented to be as favorable to the Plan as to assure adequate consideration and to avoid any claim for overreaching.

6. An independent appraisal by the General Appraisal Company of Honolulu, Hawaii, dated November 1, 1979, valued the ground lease at $20,000 and the building thereon at $147,000 for a total fair market value of $167,000. In order to comply with the Act, the Plan desires to (1) assign its leasehold interest in the ground lease and (2) sell the new building located thereon to the Employer for cash in the greater amount of either $167,000, which is the value of the leasehold and its improvements as detemined by the independent appraisal, or for the current fair market value of the leasehold and its improvements. All of the expenses for the transfer and conveyance will be paid by the Employer. This is to be a one-time transaction. Upon the granting of an exemption from the prohibited transaction provisions of the Act, permitting the assignment of the ground lease and the sale of the building thereon, the Employer will file the required forms with the Internal Revenue Service and will pay the excise taxes due and owing.

7. The applicant believes that the assignment of the leasehold interest and the sale of its improvements by the Plan to the Employer would be beneficial to the Plan and its participants and beneficiaries because if sold to an outside party there would be costs incurred by the Plan, including real estate broker's commissions and closing charges. In addition the ground lease with the Industrial Park requires the reimbursement to Industrial Park of reasonable attorney's fees in any assignment of the ground lease. Further, the current economic climate with the tight money situation has slowed the sales of real property in the area where the Subsidiary-Employer is located.

8. In summary, the applicant represents that the proposed assignment of the leasehold and the sale of its improvements to the Employer meet the statutory criteria for an exemption under section 408(a) of the Act because (1) it is a one-time transaction for cash, (2) the price for the assignment and sale was determined by an independent appraiser, (3) the exemption of the transaction would allow the selection of another investment at the highest available return while avoiding certain brokerage and attorney fees, and (4) the finding of another purchaser unrelated to the Plan for the same consideration, for this location, would be difficult or impossible under the present economic conditions.

Notice to Interested Persons

Within ten (10) days after the publication in the **Federal Register** of the proposed exemption from the prohibited transaction provisions of the Act, a copy of the proposed exemption will be posted in each plant of the Employer at a place where employee notices are usually found.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under sections 406(b)(3) and 407(a) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to sumbit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to (1) the assignment of the ground lease for cash, by the Plan to the Employer, covering Lot 2459, 91–466 Komohana Street, located in Industrial Park, Ewa Beach, Hawaii, and (2) the cash sale of the building located thereon, by the Plan to the Employer, for the higher amount of either the current fair market value or the sum of $167,000, within ninety (90) days of the granting of this proposed exemption and provided all expenses pertaining to the transaction are paid by the Employer.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes

all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 24th day of March 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-9430 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-29-M

[Application Number: D-1552]

Proposed Exemption for Certain Transactions Involving the Laborers Pension Trust Fund for Northern California, San Francisco, Calif.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt an option agreement to purchase and the subsequent cash sale of certain real property in Alameda County, California by the Laborers Pension Trust Fund for Northern California (the Trust Fund) to Estate Homes of Northern California, Inc., (Estate Homes), a contributing employer with respect to the Trust Fund. The proposed exemption, if granted, would affect participants and beneficiaries of the Trust Fund and Estate Homes.

DATES: Written comments must be received by the Department of Labor on or before May 5, 1980.

ADDRESSES: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20016, Attention: Application No. D-1552. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ivan Strasfeld, of the Department of Labor, telephone (202) 523-8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code. The proposed exemption was requested in an application filed on behalf of the Trust Fund, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Trust Fund is a multiemployer pension plan with 19,500 participants. McMorgan and Company, a California corporation (the Investment Manager), is the independent investment manager of the Trust Fund appointed under section 402(c)(3) of the Act.

2. In 1970, the Trust Fund purchased approximately 520 acres of substantially undeveloped real property to be used as a training center site for $1,500,000. Approximately 100 acres of the tract (the Property) are located in Alameda County, California, with the remainder located in Contra Costa County, California. After approximately 100 acres in Contra Costa were withdrawn for development of the training center, the undeveloped portions consisted of the Property in Alameda County and the remaining 320 acres in Contra Costa County.

3. In 1976, the Board of Trustees determined that the Property would not be needed for the training facility. Accordingly, a decision was made by the Board to sell the Property. Thereafter, the Investment Manager was delegated the responsibility for the marketing of the Property.

4. The Property is currently zoned for agricultural purposes. However, Southern Alameda County has been experiencing a tremendous growth in single family residential housing. An independent appraisal dated July 10, 1979, supports this proposition by concluding that the highest and best use of the Property would be for residential development.

5. Accompanying the substantial population growth in California has been an increasing emphasis by communities on environmental controls and adequate utilities to accommodate single family development. The Trust Fund, in order to realize the maximum potential for the Property, would have to obtain zoning, environmental and other regulatory approvals. The applicants state that it is very common for a builder or developer to spend two to three years in the approval process before a building permit is obtained.

6. Following the Board of Trustees' decision to sell the Property, the Property was offered for sale through the real estate brokerage firm of Geldermann, Inc. By letter dated July 15, 1977, Mr. Harlan Geldermann indicated that he could arrange a transaction whereby a builder or developer would undertake to obtain the zoning and other regulatory approvals in return for an option to purchase the Property for cash. He further indicated that it was doubtful that a buyer would be willing to purchase the Property outright without first obtaining such approvals.

7. There have been a number of offers for the Property from developers but all such offers have been subject to financing of all or part of the purchase price. In addition, few of the offerors were willing to commit down payment deposits prior to obtaining the necessary zoning, etc., approvals. The Board of Trustees was interested only in a sale for cash.

8. The Trust Fund has executed an option agreement with Estate Homes for the purchase of the Property subject to obtaining an administrative exemption from the Department. Although Estate Homes is a contributing employer to the Trust Fund, the Investment Manager selected the developer at arm's-length without any device or introduction by the trustees, union or any other contributing employer. Estate Homes was brought to the attention of the Investment Manager through a real estate broker. In addition, Estate Homes is not and was not a trustee at the time the decision to sell the Property was made and in no way participated in any decision regarding sale of the Property.

9. The option provides for a cash price of $2,500,000 with an escalation clause of 10 percent per annum commencing February 6, 1980. The base price under the option is $473,000 higher than the appraisal prepared by the Clevenger Realty Appraisal Corporation of $2,027,000 on July 10, 1979. The option to purchase expires on May 7, 1981.

10. The applicants represent that the value of the Property sold "as is" with an agricultural classification is only a fraction of its appraised value for residential development. The option agreement permits the Trust Fund to realize the higher value without expending Fund assets to obtain zoning, environmental and other regulatory approvals.

11. In summary, the applicants represents that the option to purchase and proposed sale of the property will satisfy section 408(a) of the Act as follows: (1) The decision to sell and the marketing of the Property are being accomplished by fiduciaries who have no interest in the transaction which may affect the exercise of their best judgment as fiduciaries; (2) it will allow the Trust Fund to dispose of an asset producing little if any revenue; and (3) it will allow the Trust Fund to sell the Property at a profit at a price in excess of the value determined by an independent appraisal.

Notice to Interested Persons

A copy of this notice of pendency of the proposed exemption will be delivered by the Board of Trustees to the hiring hall of each local union affiliated with the Northern California District Council of Laborers, which will be requested to post such copy for a period of not less than 30 days on its bulletin board. Copies of this notice of pendency shall be posted no later than 10 days after its publication in the **Federal Register.**

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4075(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the option to purchase given and the subsequent cash sale of the Property by the Trust Fund to Estate Homes for the price agreed upon under the option agreement provided that this amount is not less than the fair market value of the Property.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 24th day of March 1979

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-9429 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-29-M

LEGAL SERVICES CORPORATION

Grants and Contracts

March 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. 2996–2996l, 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 Services of Upper East Tennessee in Johnson City, Tennessee, to serve Cocke, Grainger, Hamblen, and Jefferson 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: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, N.E., 9th Floor, Atlanta, Ga. 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-9442 Filed 3-27-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

March 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. 2996–2996l, 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:

East Arkansas Legal Services in West Memphis, Arkansas, to serve Mississippi and Monroe 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: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, NE., 9th Floor, Atlanta, Ga. 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-9443 Filed 3-27-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

March 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/, 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 Aid Society of Louisville in Louisville, Kentucky, to serve Marion, Meade, Oldham, Trimble and Washington 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: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, N.E., 9th Floor, Atlanta, Ga. 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-9444 Filed 3-27-80; 8:45 am]

BILLING CODE 6820-35-M

METRIC BOARD

Public Forum

Notice is hereby given that the United States Metric Board will hold a Public Forum on Thursday, April 17, 1980, from 9 a.m. to 12:30 p.m. The Forum will be held in conjunction with the Metric Board's regular April meeting. Notice of the regular meeting appears in the Sunshine Meeting section of this issue. The Forum will be held at the Cervantes Convention & Exhibition Center, 801 Convention Plaza, Room 267, St. Louis, Missouri 63101.

The purpose of the Forum will be to allow Board Members to receive comments about increased metric usage and voluntary metric conversion from individuals and from representatives or groups or organizations. The public is invited and encouraged to provide oral or written comments and ask questions of the Board from 11:00 a.m. to 12:30 p.m. Those who wish to participate may also submit comments or questions in advance to Mr. Douglas B. Bernon, Office of Public Awareness and Education, United States Metric Board, The Magazine Building, 1815 North Lynn Street, Suite 600, Arlington, Virginia 22209.

The U.S. Metric Board will sponsor a Consumer Forum on Wednesday, April 16, 1980 from 7 to 9 p.m., at the Berea Presbyterian Church, 3010 Olive, in St. Louis. Interested consumers are invited to attend, to offer comment on increasing voluntary metric usage. For further information, contact Ms. Susan Nolan, Office of Public Awareness and Education, 1815 North Lynn Street, Suite 600, Arlington, Virginia 22209.

Louis F. Polk,

Chairman, United States Metric Board.

[FR Doc. 80-9516 Filed 3-27-80; 8:45 am]

BILLING CODE 6820-94-M

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

Meeting

The Twenty-Fourth meeting of the National Commission on Unemployment Compensation is scheduled to be held in the Texas Employment Commission office building at 15th and Congress Avenue, Austin, Texas. The meeting will begin at 9:00 A.M., on Thursday, April 17, and conclude at 12 Noon, on Saturday, April 19. (A detailed agenda will be published in the **Federal Register** prior to that meeting.)

Since the Commission has concluded its hearings, no testimony will be received at this meeting. However, written statements will continue to be accepted, and will be distributed promptly, upon receipt, to all members. Twenty copies of any statement should be directed to the executive director of the Commission at the address indicated below.

Telephone inquiries and communications concerning this meeting should be directed to: James M. Rosbrow, Executive Director, National Commission on Unemployment Compensation, 1815 N. Lynn Street, Room 440, Rosslyn, Virginia 22209, (703) 235-2782.

Signed at Washington, D.C., this 24th day of March 1980.

James M. Rosbrow,

Executive Director, National Commission on Unemployment Compensation.

[FR Doc. 80-9489 Filed 3-27-80; 8:45 am]

BILLING CODE 4510-30-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-443A and 50-444A]

Public Service Co. of New Hampshire, et al.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated March 17, 1980, with respect to the construction permit application for Seabrook Nuclear Power Station, Units No. 1 and No. 2:

You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act of 1954, as amended, in regard to changes in the ownership interests in the above referenced units that will result in Bangor Hydro Electric Company (Bangor) owning a fifty megawatt share of the units. Although Bangor is already a participant in the Seabrook Units, no previous antitrust advice had been sought due to the *de minimis* nature of its participation. The ownership share of fifty megawatts, however, does require the Department to determine whether Bangor's participation would create or maintain a situation inconsistent with the antitrust laws. In the event that the Department concluded that Bangor's participation would create or maintain a situation inconsistent with the antitrust laws, the Department would advise the Nuclear Regulatory Commission to conduct an antitrust hearing on this matter. Our review of the information submitted, as well as other relevant information available to us, has disclosed no bases upon which to conclude that an antitrust hearing is necessary regarding Bangor's ownership of a fifty megawatt share in the Seabrook Units.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by April 28, 1980, either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street NW., Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory

Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

For the Nuclear Regulatory Commission

Jerome Saltzman,

Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

[FR Doc. 80-9445 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272 (Proposed Issuance of Amendment to Facility Operating License No. DPR-70)]

Public Service Electric & Gas Co.; Salem Nuclear Generating Station, Unit No. 1

March 21, 1980.

By a Notice of Evidentiary Hearing dated February 22, 1980 this Atomic Safety and Licensing Board announced that an evidentiary hearing in the above-captioned proceeding would be held on April 22, 1980 for the purpose or receiving evidence on the following question:

In the event of a gross loss of water from the storage pool, what would be the difference in consequences between those occasioned by the pool with expanded storage and those occasioned by the present pool?

Alfred C. and Eleanor G. Coleman, Jr., intervenors herein, have requested an extension of time to file testimony on this question, and have also requested a postponement of the date for the evidentiary hearing.

For good cause shown, the Colemans' motion is granted to the following extent: The evidentiary hearing is to begin at 9:30 a.m. on April 28, 1980 in the Freeholders Meeting Room, Salem County Courthouse, 92 Market Street, Salem, New Jersey; testimony in response to the above question shall be filed on or before April 10, 1980 and objections to such testimony shall be filed on or before April 21, 1980. Testimony and objections shall be filed on those dates by express mail.

So ordered.

Dated at Bethesda, Md., this 21st day of March 1980.

For the Atomic Safety and Licensing Board.

Gary L. Milhollin,

Chairman.

[FR Doc. 80-9453 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Facility Operating License No. DPR-39, and Amendment No. 49 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments permit modifications of the spent fuel storage pool which will increase the storage capacity from 868 fuel assemblies to a capacity of 2112 fuel assemblies.

The application for the amendments 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 amendments.

The Commission has prepared an Environmental Impact Appraisal dated March 29, 1979, and has concluded that an environmental impact statement for this particular action is not warranted because the actions authorized by this license amendment will not significantly affect the quality of the human environment.

Notice of Proposed Issuance of the Amendments 52 and 49 was published in the **Federal Register** on July 18, 1978, (43 FR 30938). A hearing was requested by the State of Illinois. The hearing was held June 11-15, 1979 and June 20-22, 1979, and subsequently the above-referenced Initial Decision was issued on February 14, 1980.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

For further details with respect to this action, see (1) the application for amendments dated April 13, 1978, as supplemented October 24, November 8 and 29, 1978, January 24 and 26, February 23, March 7, and March 19, 1979, (2) Amendment Nos. 52 and 49 to License Nos. DPR-39 and DPR-48, and (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal, both dated March 29, 1979. 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 Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy 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, Md., this 28th day of February 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9446 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR-39, and Amendment No. 50 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments modify the Technical Specifications, Appendix A to the licenses, to increase the allowable LOCA peaking factor from 1.86 to 1.93 based on an ECCS reanalysis.

The application for the amendments 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 amendments. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the **Federal Register** on May 7, 1979 (44 FR 26816). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental

impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 22, 1979, as supplemented on May 3, 1979 and January 25, 1980, (2) Amendment Nos. 53 and 50 to License Nos. DPR–38 and DPR–49, 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 Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. 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 13th day of March 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9447 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Facility Operating License No. DPR–31, and Amendment No. 46 to Facility Operating License No. DPR–41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Nuclear Generating, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments incorporate the results of a revised ECCS analysis for steam generator tube plugging level of 22%.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environment impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 13, 1980 as supplemented March 5, 1980, (2) Amendment Nos. 54 and 46 to License Nos. DPR –31 and DPR–41, 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 Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. 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 13th day of March 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9449 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR–31, and Amendment No. 45 to Facility Operating License No. DPR–41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Nuclear Generating, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

These admendments increase the minimum low-low generator water level reactor trip point from 5% to 15% of the narrow range instrument scale.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated August 9, 1979, (2) Amendment Nos. 53 and 45 to License Nos. DPR–31 and DPR–41, 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 Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. 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 12th day of March 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9450 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR–58, and Amendment No. 18 to Facility Operating License No. DPR–74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments (1) add a license condition to each license on implementation of a secondary water chemistry monitoring program, (2) delete Technical Specifications in each license on secondary water chemistry now

covered by license conditions, and (3) delete the condition from the Unit 2 license on residual heat removal system low flow alarm.

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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated October 25, 1979 and November 30, 1979. (2) Amendment Nos. 36 and 18 to License Nos. DPR–58 and DPR–74, 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 Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. 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 29th day of February 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9451 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 41 and 35 to Facility Operating License Nos. DPR–42 and DPR–60, issued to Northern States Power Company (the licensee), for operation of Units Nos. 1 and 2 of the Prairie Island Nuclear Generating Plant (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of their date of issuance.

These amendments incorporate changes to the Common Environmental Technical Specifications appended to each license. The reporting requirement regarding blowdown flow over 150 cfs is changed from an event basis to an annual basis and the fish impingement sampling frequency is changed from weekly to biweekly.

The applications for amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d) (4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated June 25, 1976 and February 20, 1978, and (2) Amendments Nos. 41 and 35 to License Nos. DPR–42 and DPR–60, respectively.

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 Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. 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 29th day of February 1980.

For the Nuclear Regulatory Commission.

A. Schwsencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9452 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Comission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR–66 issued to Duquesne Light Company, Ohio Edison Company and Pennsylvania Power Company (the licensees), which revised Appendix B 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 eliminates requirements in the Technical Specifications, Appendix B, for all aquatic monitoring programs with the exception of fish impingement.

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 prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated July 1973.

For further details with respect to this action, see (1) the application for amendment dated June 30, 1977 as supplemented May 15, 1979, (2) Amendment No. 25 to License No. DPR–66 and (3) the Commission's related Environmental Impact Appraisal. 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 26th day of February 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9448 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 56 and 55 to Facility Operating License Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company, which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2 (the facilities) located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments consist of additions to the Technical Specifications which incorporate limiting conditions for operation and surveillance requirements for the low temperature overpressure protection system.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since they do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated October 14, 1977 as supplemented (2) Amendment Nos. 56 and 55 to License Nos. DPR-32 and DPR-37, 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 Swem Library, College of William and Mary, Williamsburg, Virginia. 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 4th day of March 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9454 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 57 and 56 to Facility Operating License Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company, which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2 (the facility) located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to specify new pressure-temperature limits for heatup and cooldown operations.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since they do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated December 15, 1978; (2) Amendment Nos. 57 and 56 to License Nos. DPR-32 and DPR-37, 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 the Swem Library, College of William and Mary, Williamsburg, Virginia. 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 4th day of March 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief Operating Reactors Branch No. 1 Division of Operating Reactors.

[FR Doc. 80-9455 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. STN 50-483A and STN 50-486A]

Union Electric Co. Receipt of Information for Antitrust Review of Operating License Application

The Union Electric Company filed Information for Antitrust Review of Operating License Application on January 21, 1980. This information was filed pursuant to § 2.101 of the Commission's Rules and Regulations and is in connection with Union Electric Company's plans to operate two pressurized water reactors on a site located in Callaway County, Missouri. The two reactors have been designated as Callaway Plant, Units 1 and 2.

The portion of the application filed contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 to determine whether there have been and significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted on or before May 27, 1980. The results of any reevaluations that are requested will also be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the Information for Antitrust Review of Operating License Application is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC and at the local public document rooms in the Fulton City Library, 709 Market

Street, Fulton, Missouri 65251 and in the Olin Library of Washington University, Skinker and Lindell Boulevard, St. Louis, Missouri 63130.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensee's activities since the construction permit antitrust reviews for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before May 6, 1980.

Dated at Bethesda, Maryland, this 26th day of February 1980.

For the Nuclear Regulatory Commission.

Olan D. Parr,

Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 80-9953 Filed 3-27-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act: Proposed New System of Records and Announcement of Proposed Survey

AGENCY: Office of Personnel Management.

ACTION: Notice; Proposed new system of records and announcement of proposed survey.

SUMMARY: The purpose of this document is to announce that the Office of Personnel Management intends to establish a new system of records, and to identify a proposed survey to be conducted utilizing records covered by the system. This system is necessary so that the Office can conduct personnel management research studies where it is necessary to identify respondents and maintain records about them along with their responses in a system of records. These records will be maintained only by the Office (or persons under contract to the Office) and, therefore, this action has no direct impact on agencies.

COMMENT DATE: Any interested party may submit written comments regarding the proposal. To be considered, comments on the proposed system must be received on or before May 27, 1980, while comments on the proposed study must be received on or before April 27, 1980.

ADDRESS: Address comments to: Deputy Assistant Director for Work Force Information (ACE), Office of Personnel Management (Room 6410D), 1900 E Street, NW., Washington, D.C. 20415. Comments received will be available for public inspection at the above address between the hours of 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William H. Lynch, Records Management Branch, Work Force Information Division, (202) 254-9778.

SUPPLEMENTARY INFORMATION: An important responsibility of the Office is to examine agency compliance with the regulations it issues and to otherwise review agency personnel management policies and practices. This function is generally performed by on-site evaluations of an agency's personnel management operations. These evaluations are necessary so that the Office may properly and effectively exercise its oversight role. This Office has often supplemented such evaluations by use of surveys. These surveys use questionnaires that solicit opinions or factual responses from individuals and have routinely been conducted without retaining responses linked to the personal identities of respondents.

In assessing the impact of such programs as will be implemented under the Civil Service Reform Act and the effect of the Alternate Work Schedules Program, the Office recognizes that a need exists to identify respondents and retain their responses along with demographic data about them. Only in this manner can the Office conduct the necessary longitudinal follow-up surveys that will provide accurate, timely, and effective data for assessment and decision making.

Wherever a link between response and respondent is to be maintained, the release of individually identifiable data, beyond releases to those having a bona fide need for such data or to the data subject, shall be prohibited unless legally required. This policy is emphasized by providing only one routine use for this system, i.e., to provide for the possibility of a disclosure, by inference, when aggregate reports based on the data are released. Data will be protected by the provisions of the Privacy Act for systems of records and also by the responsible OPM office which must prepare a written description of the manner in which the data collected is to be protected. This description will be internally reviewed for compliance with the Privacy Act and the Office's policy on disclosures of the data and will also be published in the **Federal Register** prior to beginning the survey. This **Federal Register** notice will also: (1) Cite the specific statute, executive order, or other authority under which the survey is being conducted; (2) identify the class(es) of individuals requested to participate and how they were selected; (3) state whether participation is voluntary or not and, if not, the reasons therefor; (4) list the specific purpose(s) for the survey; (5) describe any significant new data to be collected in addition to that listed in the categories of records section of the notice and any disclosures of the records beyond the routine use listed for the system (Privacy Act procedures for establishing a new routine use will be followed in the latter case); (6) provide the expected time frame for the survey; and (7) describe the method and approximate date of the destruction of the records and furnish an address where interested parties may obtain copies of the reports issued as a result of the survey. The notice shall also provide for a 30-day public comment period prior to the initiation of the survey.

This system of records is identified as an OPM/CENTRAL system because, while the records are maintained only the Office, they pertain to employees of many agencies. Further, since some surveys may require input from the segment of the population serviced by, or receiving products from, Federal agencies participating in the survey, the records may also pertain to individuals who are not Federal employees. Such input from the private sector may constitute a "public report" within the meaning of the Federal Reports Act of 1942 (44 U.S.C. 3501-3512), and the clearance required in OMB Circular A-40 will be obtained as appropriate. Records in this system are different from those in the OPM/GOVT-6, Personnel Research and Test Validation Records system. The latter records are maintained by both OPM and agencies specifically and only to assess the effectiveness of tests and examinations administered by agencies under delegated authority from the Office and to determine any adverse impact resulting from an agency's selection procedures as required by the Uniform Guidelines on Employee Selection Procedures (1978) 43 FR 3829 et seq. (August 25, 1978).

The Notice for this system of records identifies only one system manager, even though the intent is that the system will cover all records maintained or sponsored by any OPM office conducting a survey. The single system manager is responsible for ensuring that each survey maintained as a system of records conforms to the Office's Federal Register publication requirements

outlined here and is designed to facilitate the processing of inquiries, Privacy/Freedom of Information Act requests for access, amendment requests, and any appeal of a denial of an access or amendment request.

The system notice indicates that records may be located in OPM offices and with private sector contractors. Under certain situations, e.g. to obtain a totally independent and objective assessment of the impact of the Civil Service Reform Act, the Office may deem it appropriate to contract with the private sector for the conduct of such surveys.

Such a contract, where a system of records is to be maintained, will be negotiated under the provisions of subsection (m) of the Privacy Act and will be described in the Federal Register notice of the proposed survey. Where the office enters into a contract for the conduct of the survey, it is OPM's policy that data used by the contractor as the basis for reports issued, remains under the control and dominion of the contractor and such data are not considered the property of the Office.

Concurrent with this notice the office has filed a Report on new Systems with Congress and OMB. No waiver of the 60-day advance notice period has been requested; thus, the public is being afforded the full 60-day public comment period.

In some instances individually identifiable records will be retained for a relatively short period of time, e.g., until compilation of aggregate data or until a second follow-up request for response is completed. In those situations the Federal Register notice will so state and provide an approximate time after which records will no longer be retrievable by individual name or identifier. The total number of surveys under this system of records is such that the total number of respondents in the system at any time will remain fairly constant as surveys are added and completed. The configuration of the system is not expected to change when a new survey is initiated or when a survey is completed, nor is it anticipated that there will be any substantive changes to the categories of records in the system, the manner in which records are indexed or retrieved, or the purposes for which the information is to be used. For these reasons, a Report on New Systems will not be required each time the Office announces a new survey or when a survey is completed and individually identifiable records are destroyed.

The Office intends to conduct a survey to measure the effect of the Civil Service Reform Act on the Federal civil service as soon as this system becomes effective. This survey will be conducted under contracts negotiated between the Office and the University of California at Irvine, the University of Michigan, and Case Western Reserve University. Information about participants and their voluntary responses to interviews and questionnaires will be maintanied by the contractors. No disclosure of the data, beyond disclosure to contractor personnel having need for the data and to the data subject, shall be made. When not in use by authorized contractor personnel, the records shall be retained in locked cabinets or secured rooms. Access to automated records will also be limited only to contractor personnel directly involved in the project.

The authority for the conduct of this survey is contained in title 5, U.S. Code, sections 1104, 3136, 4305, 5385, 5404, 7105, 7118, 7132, 7504, and 7514. Participants will be a random selection of Federal employees at several, yet to be determined, agency locations, as well as from other employees at those sites who, because of type of appointment (SES) or position held (supervisor, manager) must be included. Additionally, where appropriate, non-Federal users of Federal agencies' services or products will be selected at random and asked to participate. Participation in the survey is on a voluntary basis. As stated above, the purpose of the survey is to assess changes in the Federal civil service brought about by the Civil Service Reform Act relating to the Senior Executive Service, performance appraisal, merit pay, labor management relations, employee discipline, and delegation of authorities.

The survey will not collect any individual data beyond those shown in the categories of records section of the system notice nor will there be any uses of the individually identifiable data other than by contractor personnel. The survey will begin shortly after the effective date of this system of records and continue for four and one-half years. In some cases, the contractors will retain individually identifiable data for only a portion of the survey period (one or two years). At the point where further retention of the data linked to an individual is no longer necessary, the link to the individual will be destroyed and, although the responses may continue to be retained as part of the survey, since there is no longer any way to retrieve any individual responses, those records will no longer be considered a part of this system of records. Where individually identifiable records are retained for the length of the survey, they will either be destroyed or have any links to individual responses destroyed (manual records are to be burned and automated disks or tapes erased) within one year of the completion date of the survey.

Reports with aggregated data compiled in connection with this survey will be made available to the public. For information concerning where and when requests for these reports are to be submitted, contact the system manager as shown in the system notice below. Interested parties may submit written comments concerning this proposed survey to the address shown above. To be considered, comments must be received by April 28, 1980.

This system of records shall become effective, and the survey begun, on May 27, 1980, without further notice, unless comments received necessitate otherwise. The complete text of the system notice appears below.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

OPM/CENTRAL-12

SYSTEM NAME:

Survey Information Records.

SYSTEM LOCATION:

Records in this system may be located at any of the Office of Personnel Management's central or regional offices or with private sector contractors participating in the conduct of the survey.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Federal employees and members of the public who are recipients of Federal services or products.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system, both manual and automated, includes:

a. Demographic data, e.g. including but not limited to name, home, or business address, age, sex, employment and educational history data, description of present assignment and duties (current Federal employees), and a description of the nature of association with a Federal agency (non-Federal recipients of Federal services or products).

b. Responses to questionnaires that call for specific details regarding the implementation of agency programs and their impact on the respondents' duties, work environment, performance, or other work related issues (current Federal employees) or on the actual manner and method by which services/

products are provided as well as any improvement or deterioration in these areas (recipient of services/products).

c. Responses that call for opinions or judgments on the part of respondents concerning their perception on how new procedures have affected agency performance, employee morale, mission accomplishment, and service to the public.

d. Self-identification as to race, sex, ethnicity, or handicap where appropriate.

Although it is not possible to forsee all information to be collected, these data elements would constitute what is sought for the majority of surveys conducted. Where the survey seeks significant additional data, the Federal Register notice for the survey will so identify the specific information to be maintained beyond that identified here.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Office of Personnel Management is authorized to regulate (and thus to survey the impact of those regulations) various aspects of the personnel management practices and policies of Federal agencies under various sections of title 5 of the U.S. Code, including sections 1104, 1302, 3136, 3397, 3502, 3595, 4118, 4305, 4315, 4706, 5115, 5338, 5385, 5405, 6311, 7504, 7514, 8347, 8716, and 8913. Additionally sections, 7105, 7118, and 7132 provide for an Office role in the functions described therein.

PURPOSE:

Information in this system will be used to develop statistical reports on agency personnel management practices and policies. Information will also be used to determine the impact of Office regulations in those areas, as well as the impact of changes in the Federal civil service mandated by statute or executive order. Maintenance of a system of records as defined by the Privacy Act is necessary so that longitudinal surveys of Federal employees and non-Federal recipients of Federal services/products can be made.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Office of Personnel Management or the contractor in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

POLICIES AND PRACTICES OF STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, on questionnaires, lists, and forms and in computer processible storage media.

SAFEGUARDS:

These records are stored in locked file cabinets or secured rooms. Access to automated records is limited to specially designated OPM or contractor personnel.

RETENTION AND DISPOSAL:

Individually identifiable information may be destroyed in a relatively short period of time, e.g., as soon as practicable after aggregate statistics are compiled or after any follow-up request for an individual's voluntary participation in the survey.

Other records are retained up to one year after the completion of the survey. Statistical reports based on the data collected or individual forms or questionnaries with all identifiers removed may be retained indefinitely.

Manual records are burned or shredded while automated records are erased.

Note

Contracts with non-Federal parties shall stipulate agreement to the above procedures on the part of the contractor.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, CSRA Evaluation Management Division, Office of Planning and Evaluation, Office of Personnel Management (Room 3305), 1900 E Street, N.W., Washington, D.C. 20415.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact:

a. The OPM Office conducting the survey, if known, or the system manager; or

b. When the survey is being conducted by a non-Federal contractor, the specific contractor involved.

Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Nature of participation (Federal employee or non-Federal employee).

c. Agency where employed (if appropriate) when the survey was conducted.

d. Approximate date and nature of the survey.

RECORD ACCESS PROCEDURES

Individuals wishing to request access to their records should contact the OPM sponsoring office, the system manager, or the contractor as appropriate. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Nature of participation (Federal employee or non-Federal employee).

c. Agency where employed (if appropriate) when the survey was conducted.

d. Approximate date and nature of the survey.

Individuals requesting access must also comply with the Office's Privacy Act regulations regarding verification of identity and access to records (5 CFR 297.201 and 297.203).

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment to their records should contact the OPM sponsoring office conducting the survey, the system manager, or the contractor as appropriate. Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Nature of participation (Federal employee or non-Federal employee).

c. Agency where employed (if appropriate) when the survey was conducted.

d. Approximate date and nature of the survey.

Individuals requesting amendment must also comply with the Office's Privacy Act regulations regarding verification of identity and amendment of records (5 CFR 297.201 and 297.208).

RECORD SOURCE CATEGORIES:

Information in this system is obtained from individual participants of the survey, from Office or agency personnel records, and from labor organizations.

[FR Doc. 80-9441 Filed 3-27-80; 8:45 am]
BILLING CODE 6325-01-M

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Implementation of Duty Concession on Live Cattle Imports

Notification has been received from the Canadian Government regarding implementation by Canada of the concession rate of 1 cent per pound on Canadian tariff item 501-1 (live cattle, n.o.p.). The implementation of this concession was effective on January 1, 1980. Therefore, pursuant to Section G of Annex III to Proclamation 4707 (FR Vol. 44, No. 241, Page 72530) the United

States is obligated to implement the staging of concessions on live cattle imports in tariff Nos. 100.40, 100.43, 100.53, and 100.55. Such implementation is required to be effective commencing January 1, 1980, in accordance with the terms of the international agreement entered into between Canada and the United States on September 17 and 21, 1979.

Robert D. Hormats,

Deputy U.S. Trade Representative.

[FR Doc. 80-9456 Filed 3-27-80; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-16686; File No. SR-NASD-80-3]

National Association of Securities Dealers, 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, 16 (June 4, 1975), notice is hereby given that on March 17, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The NASD's Statement of the Terms of Substance of the Proposed Rule Change

Text of Proposed Rule Change

The following is the full text of the proposed amendments to Section 1(a)(2) and Section 1(b)(2) of Schedule G under Article XVIII of the Association's By-Laws. (New language is indicated by italics, deleted language by brackets.)

Section 1(a)(2) Designated Reporting Members shall transmit last sale reports for eligible securities for all purchases and sales in such securities except transactions for less than a round-lot at the *execution* price [recorded on the trade ticket exclusive of] *after excluding any* commission[s], *mark-up, mark-down* or other charge[s]. *For principal transactions which are executed at a price which includes a mark-up, mark-down or service change, the price reported shall exclude the mark-up, mark-down or service charge. Such reported price shall be reasonably related to the prevailing market, taking into consideration all relevant circumstances including, but not limited to, market conditions with respect to the security, the number of shares involved in the transaction, the published bids and offers with size at the time of the execution (including the reporting firm's own quotation), accessibility to market centers publishing bids and offers with size, the cost of execution and the expenses involved in clearing the transaction.*

Section 1(b)(2) Non-Designated Reporting Members shall transmit last sale reports for eligible securities for all purchases and sales in such securities except transactions for less than a round-lot at the *execution* price [recorded on the trade ticket exclusive of] *after excluding any* commission[s], *mark-up, mark-down* or other charge[s]. *For principal transactions which are executed at a price which includes a mark-up, mark-down or service charge, the price reported shall exclude the mark-up, mark-down or service charge. Such reported price shall be reasonably related to the prevailing market, taking into consideration all relevant circumstances including, but not limited to, market conditions with respect to the security, the number of shares involved in the transaction, the published bids and offers with size at the time of the execution (including the reporting firm's own quotation), accessibility to market centers publishing bids and offers with size, the cost of execution and the expenses involved in clearing the transaction.*

The NASD's Statement of Purpose of Proposed Rule Change

The purpose of the proposed rule change is to attempt to achieve comparability for transactions in listed securities reported on the Consolidated Tape. Presently all transactions reported on the Consolidated Tape from stock exchanges do not include the commission charged the customer for the transaction. The transaction report, therefore, constitutes the wholesale price for the transaction. Over-the-counter transactions in these same securities are currently reported in two different ways. If the transaction is an agency transaction where the commission is separately broken out, the transaction is reported on the Tape without the commission similar to reports from exchanges. If the transaction is done as principal with a commission separately broken out, the transaction is also reported on the Tape without the commission. However, most principal transactions executed in the over-the-counter market are executed at one price which includes a mark-up or mark-down. This constitutes the actual price paid or received by the customer, i.e., the retail price, and currently that price is reported to the Tape. These reporting procedures result in a mix of wholesale and retail prices being reported on the Tape at the same time and the Association is concerned with the appearance of these prices on the Tape. Obviously if some transaction reports indicate wholesale prices and some indicate retail prices, transactions which actually are very similar or even the same in price would appear on the Tape as being different.

The Association has therefore proposed this rule change requiring that in all principal trades which are executed at a price which includes a mark-up or mark-down, the price reported to the Consolidated Tape should exclude such mark-up or mark-down. The Association believes the adoption of the proposed rule change will constitute substantial progress in achieving comparability of transaction prices reported to the Consolidated Tape.

In addition to improving the manner in which transaction prices are disclosed to public investors, the proposed rule change will alleviate certain problems relating to various regulations and other practices which are based on prices reported on the Consolidated Tape. For example, SEC Rule 10a-1, dealing with short sale regulation utilizes the last sale reported on the Consolidated Tape for determining permissible short sales. The exclusion of mark-ups and mark-downs in the reported price will result in less variations in the stream of reported prices than has occurred in the past. These variations which have impacted the ability of firms to execute short sales are caused by the inclusion of mark-ups and mark-downs in the reported prices. In addition, certain rules and practices relating to the execution of limit orders and any new limit order procedures established in a national market system will be substantially improved by the elimination of price variances due to the inclusion of mark-ups and mark-downs in reported prices. The proposal will also decrease the potential for the closing transaction of the day to be away from the actual wholesale market if the transaction happens to be a retail transaction including a mark-up or mark-down. This closing transaction is used by many persons and corporations for a variety of important inventory and portfolio valuations.

The Association believes that the proposed rule change will substantially improve the disclosure mechanism for transactions in listed securities. The Association recognizes that the rule change is an attempt to deal with a very complicated problem. The proposal will be studied very closely by the Association for a specific experimental period to monitor its impact and determine whether any modifications to the reporting procedures are necessary.

The NASD's Statement of Basis Under the Act for Proposed Rule Change

Section 11A(a)(1) of the Act provides:

The Congress finds that * * * [i]t is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure * * * the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities.

Section 15A(b)(6) of the Act, which applies to registered securities associations, requires that "[t]he rules of the association [be] designed * * * to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest * * * " Rule 17a–15 under the Act requires the Association to establish procedures for the reporting of transactions in listed securities. These provisions give the Association authority to require that all members report their transactions in eligible securities in order to provide more complete information to the investing public. Accordingly, the propsed amendments are consistent with the requirements of the Act.

Comments Received From Members, Participants or Others on Proposed Rule Change

No comments were received with respect to the proposed rule change although the proposal was adopted in response to problems previously noted by members and others. Subsequent to this filing a notice will be published by the Association requesting the views of members and other interested persons.

The NASD's Statement on Burden on Competition

The Association believes the proposed rule change improves the manner in which transactions in listed securities are reported to the Consolidated Tape and does not impose a burden on competition.

On or before April 29, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change,

or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, 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 April 28, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 21, 1980.

[FR Doc. 80-9356 Filed 3-27-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11097; 812-4627]

Jet Capital Corp.; Filing of Application

March 21, 1980.

Notice Is Hereby Given that Jet Capital Corporation ("Applicant"), One Allen Center, Houston, Texas 77002, a Delaware corporation, has filed an application on March 17, 1980, pursuant to Sections 6(c) and 6(e) of the Investment Company Act of 1940 ("Act") for an order of temporary exemption declaring Applicant exempt from Sections 7 and 8 of the Act until one year from the date of the application. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant states that it was incorporated in 1969 and that it began a jet aircraft leasing business following a public offering of its common stock and warrants to purchase common stock. According to the application, the aircraft leasing business later became unattractive and Applicant obtained shareholder approval to explore other business opportunities in the airline field. Applicant represents that it acquired control of Texas International Airlines, Inc. ("TXIA"), in 1972 as part of a comprehensive refinancing of TXIA designed by Applicant. Applicant states that it had the right to cast more than 50 percent of the votes at any meeting of TXIA stockholders from 1972 until TXIA issued additional shares of common stock on April 19, 1978, after which Applicant's voting percentage declined to approximately 43.9%, and Applicant's investment securities, as defined in Section 3(a) of the Act, exceeded 40% of the value of its total assets. Based on TXIA's capitalization at December 31, 1979, Jet Capital is entitled to cast approximately 30% of the votes for directors at meetings of TXIA stockholders.

On April 19, 1978, Applicant filed an application for an order pursuant to Section 3(b)(2) of the Act declaring that Applicant was primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities. Applicant amended its Section 3(b)(2) application on July 7, 1978, and a notice of the Section 3(b)(2) application was issued on July 13, 1978 (Investment Company Act Release No. 10322).

Applicant filed additional amendments to its Section 3(b)(2) application on August 30 and October 30, 1978, setting forth, among other things, information concerning purchases of the stock of National by TXIA, and the means by which TXIA financed these purchases. TXIA owned approximately 23% of the outstanding stock of National as of the close of business on October 30, 1978, and Applicant stated that TXIA intended to purchase up to 25% of the National common stock. In its Section 3(b)(2) application, Applicant submitted that it was entitled to an order of exemption under Section 3(b)(2) of the Act because it was primarily engaged and had been primarily engaged since 1972 in the air transportation business through a controlled subsidiary, TXIA. On November 17, 1978, a second notice of the application pursuant to Section 3(b)(2) of the Act was issued (Investment Company Act Release No. 10484).

Subsequently, on March 17, 1980, Applicant filed another amendment to its 3(b)(2) application. According to the amendment, TXIA entered into a stock purchase agreement with Pan American World Airways, Inc. ("Pan Am"), on July 28, 1979. Applicant represents that, pursuant to that agreement, TXIA sold Pan Am 790,700 shares of National common stock on July 30, 1979, and 1,309,300 shares of National common stock on December 31, 1979, which constituted all the shares of National common stock beneficially owned by TXIA on that date. In the event Applicant obtains an order of exemption pursuant to its Section 3(b)(2) application, the instant application will

become unnecessary, and any order issued hereon will be terminated.

Applicant states that the proceeds from TXIA's sale of National stock may be temporarily held in cash, cash equivalents or money market instruments for an indefinite period of time, but will not be held permanently in that manner. The amended application states that the proceeds from the sale of National stock also may be used for operating or capital purposes of TXIA or of a corporation which may be formed to hold all of TXIA's voting stock, and that the proceeds may also be used to purchase stock or other securities of operating companies, except that TXIA does not intend to employ more than 20% of its assets in making such investments which are not made with a view to obtaining operating control.

In requesting an order of temporary exemption from Sections 7 and 8 of the Act, Applicant has agreed to have its order conditioned upon compliance with Sections 9, 17(a), 17(d), 17(e), 36 and 37 of the Act, and, to the extent that their terms may apply to Applicant's agreement to comply with certain sections of the Act, Sections 38 through 52 of the Act; except insofar as Section 17 might prohibit:

(i) Employee benefit plans or other employee benefits of TXIA (which, for purposes of the application are defined to include any corporation which may be formed to own all of TXIA's voting stock) extended to affiliated persons of Applicant, provided, however, that during the pendency of such exemption TXIA will not grant to affiliates of Applicant, in the aggregate, options to purchase in excess of 140,000 shares (constituting less than 2% of the outstanding common stock on a fully diluted basis) of TXIA, and that all options so granted to affiliates of Applicant will not be exercisable for at least one year from the date of grant and will have an exercise price of at least 100% of the market price of TXIA common stock on the date of grant;

(ii) Transactions between TXIA and any other affiliated company of Applicant or TXIA (or an affiliate of such affiliated company except for an officer, director, 5% shareholder or controlling person of Applicant) on the ground that an affiliated person of Applicant might be deemed to have an interest in the transaction or in a party to the transaction by reason of being a stockholder or director of TXIA;

(iii) Transactions which (a) are approved by a majority of the votes of stockholders of TXIA cast at a meeting of stockholders of TXIA, and (b) are approved by a majority of the shares of TXIA common stock voted with respect to the transactions which are held by persons other than Applicant or any affiliated person of Applicant;

(iv) Transactions in which the sole economic interests of Applicant and persons affiliated with Applicant are the same as the interests of other holders of TXIA securities of the same class or classes and Applicant and its affiliates participate only as holders of TXIA securities in the same way as all other holders of the same class or classes of TXIA securities;

(v) The sale, under a registration statement filed by TXIA at its expense, of TXIA securities by Applicant or an affiliated person of Applicant to a person or persons who are not affiliated persons of Applicant or TXIA or affiliated persons of any affiliated person of either of them, including such a transaction where Applicant and affiliated persons of Applicant may be deemed to be joint sellers, provided that (a) any joint sales by Applicant and its affiliates be effected either at the same price or on a national securities exchange, (b) no sales be effected by an affiliate of Applicant in a manner which would disadvantage Applicant, and (c) the only TXIA securities which would be sold by Applicant in such transaction be warrants to purchase common stock of TXIA or common stock obtained upon the exercise of such warrants, and (d) any such sales by Applicant be made for the purpose of obtaining funds in order to exercise other TXIA warrants or purchase TXIA common stock or to cover current operating expenses;

(vi) Any transaction by reason of an affiliated person of Applicant or TXIA owning an interest of less than 1% of the outstanding securities of any class of another party to the transaction, which interest was purchased prior to January 1, 1978, provided that the market value of such person's holdings of securities of Applicant and TXIA is at least equal to twice the market value of such person's holding of securities of such other party at the time of the transaction; and

(vii) Any transaction between or among TXIA (holding company or subsidiary) and a corporation or corporations of which either owns all of the voting stock.

Applicant submits that the foregoing exceptions to its undertaking to comply with Section 17 are appropriate because they permit the ordinary operations of TXIA and possible future corporate transactions and asserts that they are appropriate for the protection of investors.

Applicant asserts that it would be unduly burdensome to comply with sections 10, 12, 13, 15, 16, 17(f), 17(g), 17(h), 18, 19, 20, 21, 23, 25, 30, 31, and 32 because Applicant is seeking a temporary exemption. Applicant also submits that at the expiration of the temporary exemption, the Commission will have sufficient opportunity to require Applicant to furnish information pursuant to Sections 20(a), 30 and 33. Lastly, Applicant states that the proposed Rule 3a–1 under the Act (Investment Company Act Release No. 10937, November 13, 1979) would exempt Applicant from the Act and obviate the necessity for the application if promulgated in final form as proposed. In that event, or if another rule of similar import is adopted by the Commission, any temporary exemption and the agreements of Applicant made therein will terminate and the Section 3(b)(2) amended application, described above, will be deemed moot, provided counsel for Applicant renders a written opinion to the effect that, based upon such rule, such counsel is of the opinion that Applicant is not an investment company.

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act, if and to the extent 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.

Section 6(e) of the Act provides that, if, in connection with any order under Section 6 exempting any investment company from Section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

Notice is further given that any interested person may, not later than April 16, 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, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9357 Filed 3-27-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11098; 812-4293]

Jet Capital Corp.; Re Notice of Application for an Order Declaring That Applicant Is Not an Investment Company

March 21, 1980.

Notice is hereby given that Jet Capital Corporation ("Applicant"), One Allen Center, Houston, Texas 77002, a Delaware corporation, filed an application on April 19, 1978, and an amendment thereto on July 7, 1978, pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act"), declaring that the Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities. On July 13, 1978, a notice of the application was issued (Investment Company Act Release No. 10322). Subsequently, on August 30 and October 30, 1978, the Applicant filed additional amendments to its application setting forth, among other things, information concerning purchases of the stock of National Airlines, Inc. ("National"), by Texas International Airlines, Inc. ("TXIA", the securities of which are Applicant's principal assets), and the means by which TXIA financed these purchases. On November 17, 1978, a second notice of the application pursuant to Section 3(b)(2) of the Act was issued (Investment Company Act Release No. 10484). On March 17, 1980, Applicant filed an additional amendment to its application, stating, among other things, that TXIA had sold to Pan American World Airways, Inc. ("Pan Am"), all the shares of National common stock that it beneficially owned as of December 31, 1979, and providing updated financial information of the Applicant. All interested persons are referred to the application and amendments thereto on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Applicant states that it was incorporated in 1969 and that it began a jet aircraft leasing business following a public offering of its common stock and warrants to purchase common stock. According to the application, the aircraft leasing business later became unattractive and Applicant obtained shareholder approval to explore other business opportunities in the airline field. Applicant represents that it acquired control of TXIA in 1972 as part of a comprehensive refinancing of TXIA designed by Applicant. According to the application, TXIA is a scheduled airline which operates primarily in the Southwest as well as in the Republic of Mexico. Applicant states that it had the right to cast more than 50 percent of the votes at any meeting of TXIA shareholders from 1972 until TXIA issued additional shares of common stock on April 19, 1978. After that date, Applicant's voting percentage declined to approximately 43.9 percent, and Applicant's investment securities, as defined in Section 3(a)(3) of the act, exceeded 40 percent of the value of its total assets. Applicant further states that it is entitled to cast approximately 30 percent of the votes for directors at meetings of TXIA shareholders, based on TXIA's capitalization at December 31, 1979, and that Applicant does not believe that there has been any significant change in its voting percentage since that date.

According to the application, TXIA's business had included the purchases of the stock of National, and that as of August 21, 1978, TXIA held an aggregate of 790,700 shares of National common stock or approximately 9.2% of the outstanding shares. From August 22 to October 30, 1978, TXIA purchased an additional 1,178,300 shares of National common stock, and as of the close of business on October 30, 1978, TXIA held 23% of the National's outstanding common stock and intended to purchase up to 25% of the National's common stock. According to the application, TXIA subsequently entered into a stock purchase agreement with Pan Am on July 28, 1979. Applicant represents that pursuant to that agreement, TXIA sold Pan Am 790,700 shares of National common stock on July 30, 1979, and 1,309,300 shares of National common stock on December 31, 1979, which constituted all the shares of National common stock beneficially owned by TXIA on that date. Applicant states that the proceeds from TXIA's sale of National stock may be temporarily held in cash, cash equivalents or money market instruments for an indefinite period of time, but will not be held permanently in that manner. The amended application states that the proceeds from the sale of National stock may be used for operating or capital purposes of TXIA or of a corporation which may be formed to hold all of TXIA's voting stock, and that the proceeds may also be used to purchase stock or securities of operating companies, except that TXIA does not intend to employ more than 20% of its assets in making such investments which are not made with a view to obtaining operating control.

Section 3(b)(2) of the Act exempts from the definition of an investment company in Section 3(a)(3) of the Act any issuer which the Commission finds and by order declares to be priminarily engaged in a business or businesses other than that or investing, reinvesting, owning, holding, or trading in securities, eigher directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of businesses. Section 2(a)(9) of the Act defines control as the power to exercise a controlling interest over the management or policies of a company, unless such power is solely the result of an official position with such company. In addition, Section 2(a)(9) of the Act state that any person who owns beneficially, either directly or through one or more controlled companies, more than 25 per centum of the voting securities shall be presumed to control such company. Any person who does not so own more than 25 per centum of the voting securities of any company shall be presumed not to control such company, but any such presumption may be rebutted by evidence.

Applicant submits that it is entitled to an order of exemption pursuant to Section 3(b)(2) of the Act air because it

is primarily engaged and has been primarily engaged since 1972 in the transportation business through its controlled subsidiary, TXIA. Applicant represents that there has been no material change in the nature of its business since April 18, 1978. Applicant states that, since the date of the last amendment to the application, TXIA has filed a registration statement on Form S–16 which became effective November 30, 1979 (No. 2–65776), under which persons, including certain affiliates of Applicant or TXIA, may sell common stock of TXIA. Applicant represents that based on its unaudited 1979 year-end financial statements, securities of TXIA comprised 79.5% of Applicant's assets on a book value basis and contributed 83.2% of Applicant's income. Applicant states that if its TXIA securities were valued at market value (based on an average market price of $9 per share of TXIA common stock), such securities would comprise approximately 97.5% of Applicant's assets. Furthermore, Applicant contends that the proposed Rule 3a–1 under the Act [Investment Company Act Release No. 10937, November 13, 1979) would exempt Applicant from the Act and obviate the necessity for the applicant if promulgated in final form as proposed.

Applicant states that as a condition to an order pursuant to Section 3(b)(2) of the Act, the exemptive order will terminate 30 days after it is determined that at the end of any calendar quarter more than 40% of TXIA's total assets consist of investment securities as defined by Section 3(a)(3) of the Act, unless:

(1) Applicant has received an opinion of counsel to the effect that TXIA is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities within the meaning of Section 3(b)(1) of the Act, or

(2) Applicant or TXIA has filed a request for a no-action letter pursuant to Section 3(b)(1) of the Act and, alternatively, an order pursuant to Section 3(b)(2) of the Act, or

(3) Applicant or TXIA has filed a request for an order pursuant to Section 3(b)(2) of the Act.

Applicant states that in the event that Applicant or TXIA shall proceed under either item (2) or item (3) above, Applicant's exemption shall cease, and it shall register in the event that the Commission shall have finally denied the request for exemption and the time to appeal thereform shall have run.

Section 3(b)(2) provides, in part, that whenever the Commission finds, upon its own motion, that the circumstances which gave rise to the issuance of an order granting an application thereunder no longer exist, the Commission shall by order revoke such order.

Notice is further given that any interested person may, not later than April 16, 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, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9358 Filed 3-27-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Advisory Committee on Small and Minority Business Ownership; Public Meeting

The Advisory Committee on Small and Minority Business Ownership, located in Washington, D.C., will hold a public meeting at 1:00 p.m., Friday, April 18, 1980, at the U.S. Small Business Administration, 2nd Floor Conference Room, 1441 L Street, N.W., Washington, D.C., to discuss such business as may be presented by members, the staff of the U.S Small Business Administration, and others attending.

For further information, write or call Milton Wilson, Jr., Director, Office of Capital Ownership Development, U.S. Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, (202) 653–6526.

Dated: March 21, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-9468 Filed 3-27-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1811]

Connecticut; Declaration of Disaster Loan Area

The area of Railroad Avenue and Route 14 in the Town of Sterling, Windham County, Connecticut constitutes a disaster area because of damage resulting from a fire which occurred on March 1, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 23, 1980 and for economic injury until the close of business on December 22, 1980 at:

Small Business Administration, District Office, One Financial Plaza, Hartford, Connecticut 06103.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 21, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-9466 Filed 3-27-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1810]

North Carolina; Declaration of Disaster Loan Area

Beaufort, Dare, Duplin, Lenoir, Onslow, and Sampson Counties and adjacent counties within the State of North Carolina constitute a disaster area as a result of damage caused by heavy snow, sleet and wind which occurred on March 1–3, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 23, 1980, and for economic injury until close of business on December 22, 1980, at:

Small Business Administratrion, District Office, 230 Tryon Street, Suite 700, Charlotte, North Carolina 28202.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 21, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-9465 Filed 3-27-80; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council Meeting; Public Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Minneapolis, Minnesota, will hold a public meeting from 10:00 a.m. to 2:00 p.m., Wednesday, April 9, 1980, at the Metropolitan Economic Development Association, 2021 East Hennepin Avenue, Minneapolis, Minnesota, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Paul W. Jansen, District Director, U.S. Small Business Administration, Plymouth Building, Room 530, 12 South Sixth Street, Minneapolis, Minnesota 55402, (612) 725-2928.

Dated: March 21, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-9469 Filed 3-27-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1744, Amdt. No. 3]

Texas; Declaration of Disaster Loan Area

The above numbered Declaration (See 45 FR 1465), Amendment No. 1 (See 45 FR 7666) and Amendment No. 2 (See 45 FR 17102) are amended by adding the following county and adjacent counties within the State of Texas as a result of natural disaster as indicated:

County, Natural Disaster, and Dates

Clay, Drought, 8/1/79-2/20/80.

All other information remains the same, i.e., the termination dates for filing applications for physical damage is close of business on June 26, 1980, and for economic injury until the close of business on September 26, 1980.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 21, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-9467 Filed 3-27-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 708]

Fishery Conservation and Management Act of 1976; Applications for Permits To Fish Within the U.S. Fishery Conservation Zone

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) as amended (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the Federal Register.

Applications have been received from Taiwan and the Governments of Japan, The Polish Peoples Republic, The Netherlands, and Denmark (for the Faroe Islands) for fishing during 1980, and are reproduced herewith.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202) 634-7432).

Dated: March 20, 1980.

James A. Storer,

Director, Office of Fisheries Affairs.

Fishery codes and designation of regional councils which review applications for individual fisheries are as follows:

Code, Fishery, and Regional Council

ABS—Atlantic Billfishes and Sharks—New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA—Bering Sea and Aleutian Islands; Trawl, Longline and Herring Gillnet—North Pacific.
CRB—Crab (Bering Sea)—North Pacific.
GOA—Gulf of Alaska—North Pacific.
NWA—Northwest Atlantic—New England, Mid-Atlantic.
SMT—Seamount Groundfish (Pacific Ocean)—Western Pacific.
SNA—Snails (Bering Sea)—North Pacific.
WOC—Washington, Oregon, California Trawl—Pacific.
PBS—Pacific Billfishes and Sharks—Western Pacific.

Activity codes specify categories of fishing operations applied for as follows:

Activity Code and Fishing Operations

1—Catching, processing, and other support.
2—Processing and other support only.
3—Other support only.

Nation Vessel name vessel type	Application NO.	Fishery	Activity
Taiwan:			
Sam Fuh, longline fishing vessel	TW-80-0060	PBS	1
Poland:			
Delfin, large stern trawler	PL-80-0065	WOC, GOA, BSA	1
Denmark (Faroe Islands):			
Bakur, longline fishing vessel	DA-80-1005	ABS	1
Vadasteinur, longline fishing vessel	DA-80-1006	ABS	1
The Netherlands:			
Baltic, refrigerated cargo transport	NL-80-0001	BSA	3
Japan:			
Katsuyama Maru, pair trawler	JA-80-0833	BSA	1
Matsuyama Maru, pair trawler	JA-80-0833	BSA	1
Zuiyo Maru, pair trawler	JA-80-0335	BSA, GOA	1
Abugawa Maru, cargo/transport vessel	JA-80-1032	BSA, CRB, GOA, NWA, SMT, SNA.	3
Kizan Maru, cargo/transport vessel	JA-80-1088	NWA, CRB, GOA, BSA, SNA	3
Kizan, cargo/transport vessel	JA-80-1155	BSA, CRB, GOA	3
Akashia Maru, cargo/transport vessel	JA-80-1156	CRB, GOA, BSA, SNA, NWA	3
Akebono Maru, No. 2, medium stern trawler	JA-80-1154	BSA, GOA	1
Kyokushin Maru, 1cargo/transport vessel	JA-80-1161	BSA, CRB, GOA, NWA, SMT, SNA.	3
Kosho Maru, cargo/transport vessel	JA-80-1162	BSA, CRB, GOA	3
Toho Maru, cargo/transport vessel	JA-80-1163	BSA, CRB, GOA	3
Koshin Maru No. 58, longline fishing vessel	JA-80-3001	PBS	1
Koshin Maru No. 68, longline fishing vessel	JA-80-3002	PBS	1
Koryo Maru No. 128, longline fishing vessel	JA-80-3003	PBS	1
Nitto Maru No. 8, longline fishing vessel	JA-80-3004	PBS	1
Kofuku Maru No. 80, longline fishing vessel	JA-80-3005	PBS	1
Kofuku Maru No. 1, longline fishing vessel	JA-80-3006	PBS	1
Noboribetsu Maru No. 2, longline fishing vessel	JA-80-3007	PBS	1
Kinpo Maru No. 58, longline fishing vessel	JA-80-3008	PBS	1
Ryoyu Maru No. 8, longline fishing vessel	JA-80-3009	PBS	1

Nation Vessel name vessel type	Application NO.	Fishery	Activity
Hokuryo Maru No. 8, longline fishing vessel	JA-80-3010	PBS	1
Shotoku Maru No. 5, longline fishing vessel	JA-80-3011	PBS	1
Choyo Maru No. 75, longline fishing vessel	JA-80-3013	PBS	1
Tomi Maru No. 18, longline fishing vessel	JA-80-3014	PBS	1
Syunyo Maru No. 52, longline fishing vessel	JA-80-3015	PBS	1
Nitto Maru No. 25, longline fishing vessel	JA-80-3016	PBS	1
Yamasan Maru No. 88, longline fishing vessel	JA-80-3017	PBS	1
Yamasan Maru No. 7, longline fishing vessel	JA-80-3018	PBS	1
Fukujin Maru No. 18, longline fishing vessel	JA-80-3019	PBS	1
Fukujin Maru No. 7, longline fishing vessel	JA-80-3020	PBS	1
Kinsei Maru No. 63, longline fishing vessel	JA-80-3021	PBS	1
Tora Maru No. 28, longline fishing vessel	JA-80-3022	PBS	1
Tora Maru No. 22, longline fishing vessel	JA-80-3023	PBS	1
Tomi Maru No. 23, longline fishing vessel	JA-80-3024	PBS	1
Tomi Maru No. 31, longline fishing vessel	JA-80-3025	PBS	1
Keiyo Maru No. 8, longline fishing vessel	JA-80-3026	PBS	1
Hanasaki Maru No. 52, longline fishing vessel	JA-80-3027	PBS	1
Mutu Maru No. 62, longline fishing vessel	JA-80-3028	PBS	1
Seitoku Maru No. 52, longline fishing vessel	JA-80-3029	PBS	1
Mito Maru No. 22, longline fishing vessel	JA-80-3030	PBS	1
Daito Maru No. 28, longline fishing vessel	JA-80-3031	PBS	1
Kinsei Maru No. 83, longline fishing vessel	JA-80-3032	PBS	1
Zuiho Maru No. 15, longline fishing vessel	JA-80-3033	PBS	1
Kasuga Maru No. 77, longline fishing vessel	JA-80-3034	PBS	1
Shoshin Maru No. 20, longline fishing vessel	JA-80-3035	PBS	1
Shoshin Maru No. 1, longline fishing vessel	JA-80-3036	PBS	1
Kiku Maru No. 8, longline fishing vessel	JA-80-3037	PBS	1
Kiku Maru No. 38, longline fishing vessel	JA-80-3038	PBS	1
Elfuku Maru No. 8, longline fishing vessel	JA-80-3039	PBS	1
Ryokai Maru No. 25, longline fishing vessel	JA-80-3040	PBS	1
Ryokai Maru No. 35, longline fishing vessel	JA-80-3041	PBS	1
Seiun Maru No. 28, longline fishing vessel	JA-80-3042	PBS	1
Sakae Maru No. 33, longline fishing vessel	JA-80-3043	PBS	1
Kaiko Maru No. 18, longline fishing vessel	JA-80-3044	PBS	1
Kaiyo Maru No. 30, passenger ship (crew transfer)	JA-80-3045	PBS	1
Minato Maru No. 80, longline fishing vessel	JA-80-3046	PBS	1
Minato Maru No. 102, longline fishing vessel	JA-80-3047	PBS	1
Minato Maru No. 103, longline fishing vessel	JA-80-3048	PBS	1
Choryu Maru No. 21, longline fishing vessel	JA-80-3049	PBS	1
Zuio Maru No. 18, longline fishing vessel	JA-80-3050	PBS	1
Kinsho Maru No. 21, longline fishing vessel	JA-80-3051	PBS	1
Minato Maru No. 25, longline fishing vessel	JA-80-3052	PBS	1
Kaiyo Maru No. 1, longline fishing vessel	JA-80-3053	PBS	1
Chiyo Maru No. 51, longline fishing vessel	JA-80-3054	PBS	1
Houtoku Maru No. 35, longline fishing vessel	JA-80-3055	PBS	1
Konpira Maru No. 1, longline fishing vessel	JA-80-3056	PBS	1
Konpira Maru No. 37, longline fishing vessel	JA-80-3057	PBS	1
Konpira Maru No. 35, longline fishing vessel	JA-80-3058	PBS	1
Tenyuu Maru No. 35, longline fishing vessel	JA-80-3059	PBS	1
Kotobuki Maru No. 28, longline fishing vessel	JA-80-3060	PBS	1
Kotobuki Maru No. 32, longline fishing vessel	JA-80-3061	PBS	1
Tokachi Maru No. 22, longline fishing vessel	JA-80-3062	PBS	1
Tokachi Maru No. 20, longline fishing vessel	JA-80-3063	PBS	1
Tokachi Maru No. 18, longline fishing vessel	JA-80-3064	PBS	1
Tatu Maru No. 31, longline fishing vessel	JA-80-3065	PBS	1
Seifuku Maru No. 35, longline fishing vessel	JA-80-3066	PBS	1
Seifuku Maru No. 25, longline fishing vessel	JA-80-3067	PBS	1
Ebisu Maru No. 25, longline fishing vessel	JA-80-3068	PBS	1
Kuryu Maru No. 18, longline fishing vessel	JA-80-3069	PBS	1
Kinsei Maru No. 32, longline fishing vessel	JA-80-3070	PBS	1
Kinsei Maru No. 63, longline fishing vessel	JA-80-3071	PBS	1
Kinsei Maru No. 53, longline fishing vessel	JA-80-3072	PBS	1
Kuromori Maru No. 25, longline fishing vessel	JA-80-3073	PBS	1
Kuromori Maru No. 31, longline fishing vessel	JA-80-3074	PBS	1
Kuromori Maru No. 32, longline fishing vessel	JA-80-3075	PBS	1
Matu Maru No. 35, longline fishing vessel	JA-80-3076	PBS	1
Kineimaru No. 118, longline fishing vessel	JA-80-3077	PBS	1
Kinei Maru No. 88, longline fishing vessel	JA-80-3078	PBS	1
Kinei Maru No. 3, longline fishing vessel	JA-80-3079	PBS	1
Kinei Maru No. 32, longline fishing vessel	JA-80-3080	PBS	1
Kinei Maru No. 18, longline fishing vessel	JA-80-3081	PBS	1
Kinei Maru No. 85, longline fishing vessel	JA-80-3082	PBS	1
Kenei Maru No. 128, longline fishing vessel	JA-80-3083	PBS	1
Kinei Maru No. 38, longline fishing vessel	JA-80-3084	PBS	1
Yahata Maru No. 28, longline fishing vessel	JA-80-3085	PBS	1
Yahata Maru No. 16, longline fishing vessel	JA-80-3086	PBS	1
Yamato Maru No. 58, longline fishing vessel	JA-80-3087	PBS	1
Yamato Maru No. 68, longline fishing vessel	JA-80-3088	PBS	1
Giho Maru No. 31, longline fishing vessel	JA-80-3089	PBS	1
Shofuku Maru No. 88, longline fishing vessel	JA-80-3090	PBS	1
Shofuku Maru No. 38, longline fishing vessel	JA-80-3091	PBS	1
Shofuku Maru No. 68, longline fishing vessel	JA-80-3092	PBS	1
Choko Maru No. 61, longline fishing vessel	JA-80-3093	PBS	1
Shoei Maru No. 8, longline fishing vessel	JA-80-3094	PBS	1
Shoei Maru No. 16, longline fishing vessel	JA-80-3095	PBS	1
Ryoyoshi Maru No. 6, longline fishing vessel	JA-80-3096	PBS	1
Ryoyoshi Maru No. 7, longline fishing vessel	JA-80-3097	PBS	1
Ryoyoshi Maru No. 8, longline fishing vessel	JA-80-3098	PBS	1
Kiyo Maru No. 28, longline fishing vessel	JA-80-3099	PBS	1
Kiyo Maru No. 38, longline fishing vessel	JA-80-3100	PBS	1
Chidori Maru No. 81, longline fishing vessel	JA-80-3101	PBS	1
Chidori Maru No. 82, longline fishing vessel	JA-80-3102	PBS	1
Chidori Maru No. 7, longline fishing vessel	JA-80-3103	PBS	1
Chidori Maru No. 86, longline fishing vessel	JA-80-3104	PBS	1

Nation Vessel name vessel type	Application NO.	Fishery	Activity
Chidori Maru No. 88, longline fishing vessel	JA-80-3105	PBS	1
Koei Maru No. 51, longline fishing vessel	JA-80-3106	PBS	1
Koei Maru No. 66, longline fishing vessel	JA-80-3107	PBS	1
Koei Maru No. 78, longline fishing vessel	JA-80-3108	PBS	1
Ebisu Maru No. 78, longline fishing vessel	JA-80-3109	PBS	1
Myojin Maru No. 10, longline fishing vessel	JA-80-3110	PBS	1
Ume Maru No. 25, longline fishing vessel	JA-80-3111	PBS	1
Hakko Maru No. 28, longline fishing vessel	JA-80-3112	PBS	1
Tenyu Maru No. 81, longline fishing vessel	JA-80-3112	PBS	1
Choyo Maru No. 85, longline fishing vessel	JA-80-3113	PBS	1
Myojin Maru No. 26, longline fishing vessel	JA-80-3114	PBS	1
Myojin Maru No. 18, longline fishing vessel	JA-80-3115	PBS	1
Eifuku Maru No. 21, longline fishing vessel	JA-80-3116	PBS	1
Myojin Maru No. 3, longline fishing vessel	JA-80-3117	PBS	1
Myojin Maru No. 38, longline fishing vessel	JA-80-3118	PBS	1
Isuzu Maru No. 21, longline fishing vessel	JA-80-3119	PBS	1
Daikichi Maru No. 26, longline fishing vessel	JA-80-3120	PBS	1
Daikichi Maru No. 27, longline fishing vessel	JA-80-3121	PBS	1
Daikichi Maru No. 78, longline fishing vessel	JA-80-3122	PBS	1
Eikyu Maru No. 36, longline fishing vessel	JA-80-3123	PBS	1
Taihei Maru No. 38, longline fishing vessel	JA-80-3124	PBS	1
Tatsu Maru No. 8, longline fishing vessel	JA-80-3125	PBS	1
Dailoku Maru No. 51, longline fishing vessel	JA-80-3126	PBS	1
Shinei Maru No. 85, longline fishing vessel	JA-80-3127	PBS	1
Kyowa Maru No. 11, longline fishing vessel	JA-80-3128	PBS	1
Ryoei Maru No. 18, longline fishing vessel	JA-80-3129	PBS	1
Meisho Maru No. 38, longline fishing vessel	JA-80-3130	PBS	1
Toka Maru No. 2, longline fishing vessel	JA-80-3131	PBS	1
Kashima Maru No. 28, longline fishing vessel	JA-80-3132	PBS	1
Sachi Maru No. 81, longline fishing vessel	JA-80-3133	PBS	1
Meisho Maru No. 38, longline fishing vessel	JA-80-3134	PBS	1
Fukuyoshi Maru No. 53, longline fishing vessel	JA-80-3135	PBS	1
Fukuyoshi Maru No. 35, longline fishing vessel	JA-80-3136	PBS	1
Tairyu Maru No. 2, longline fishing vessel	JA-80-3137	PBS	1
Kashima Maru No. 25, longline fishing vessel	JA-80-3138	PBS	1
Koshin Maru No. 27, longline fishing vessel	JA-80-3139	PBS	1
Koshin Maru No. 28, longline fishing vessel	JA-80-3140	PBS	1
Ryuho Maru No. 11, longline fishing vessel	JA-80-3141	PBS	1
Ryuho Maru No. 18, longline fishing vessel	JA-80-3142	PBS	1
Ryuho Maru No. 15, longline fishing vessel	JA-80-3143	PBS	1
Ryuho Maru No. 81, longline fishing vessel	JA-80-3144	PBS	1
Hachiryu Maru No. 55, longline fishing vessel	JA-80-3145	PBS	1
Choju Maru No. 20, longline fishing vessel	JA-80-3146	PBS	1
Yuryo Maru No. 50, longline fishing vessel	JA-80-3147	PBS	1
Narita Maru No. 38, longline fishing vessel	JA-80-3148	PBS	1
Tenyo Maru No. 21, longline fishing vessel	JA-80-3149	PBS	1
Meisho Maru, longline fishing vessel	JA-80-3150	PBS	1
Koyo Maru No. 83, longline fishing vessel	JA-80-3151	PBS	1
Koyo Maru No. 85, longline fishing vessel	JA-80-3152	PBS	1
Tatumi Maru No. 50, longline fishing vessel	JA-80-3153	PBS	1
Tatumi Maru No. 51, longline fishing vessel	JA-80-3154	PBS	1
Koyo Maru No. 62, longline fishing vessel	JA-80-3155	PBS	1
Koun Maru No. 32, longline fishing vessel	JA-80-3156	PBS	1
Kaiyo Maru No. 8, longline fishing vessel	JA-80-3157	PBS	1
Chokyu Maru No. 25, longline fishing vessel	JA-80-3158	PBS	1
Fukuyo Maru No. 38, longline fishing vessel	JA-80-3159	PBS	1
Tatsumi Maru No. 2, longline fishing vessel	JA-80-3160	PBS	1
Yuei Maru No. 32, longline fishing vessel	JA-80-3161	PBS	1
Choei Maru, longline fishing vessel	JA-80-3162	PBS	1
Kinei Maru No. 28, longline fishing vessel	JA-80-3163	PBS	1
Kinei Maru No. 35, longline fishing vessel	JA-80-3164	PBS	1
Kinei Maru No. 3, longline fishing vessel	JA-80-3165	PBS	1
Sano Maru No. 28, longline fishing vessel	JA-80-3166	PBS	1
Kyotoku Maru No. 68, longline fishing vessel	JA-80-3167	PBS	1
Chitose Maru No. 58, longline fishing vessel	JA-80-3168	PBS	1
Sasano Maru No. 25, longline fishing vessel	JA-80-3169	PBS	1
Taisen Maru No. 8, longline fishing vessel	JA-80-3170	PBS	1
Taisen Maru No. 18, longline fishing vessel	JA-80-3171	PBS	1
Iijima Maru No. 8, longline fishing vessel	JA-80-3172	PBS	1
Daie Maru No. 32, longline fishing vessel	JA-80-3173	PBS	1
Kochi Maru No. 56, longline fishing vessel	JA-80-3174	PBS	1
Goyo Maru, longline fishing vessel	JA-80-3175	PBS	1
Kiku Maru No. 6, longline fishing vessel	JA-80-3176	PBS	1
Kiku Maru No. 12, longline fishing vessel	JA-80-3177	PBS	1
Iwachi Maru No. 8, longline fishing vessel	JA-80-3178	PBS	1
Kaikata Maru No. 68, longline fishing vessel	JA-80-3179	PBS	1
Kaikata Maru No. 38, longline fishing vessel	JA-80-3180	PBS	1
Kaiho Maru No. 31, longline fishing vessel	JA-80-3181	PBS	1
Fukumaru No. 5, longline fishing vessel	JA-80-3182	PBS	1
Sanko Maru No. 8, longline fishing vessel	JA-80-3183	PBS	1
Ryosei Maru No. 8, longline fishing vessel	JA-80-3184	PBS	1
Eiryo Maru No. 8, longline fishing vessel	JA-80-3185	PBS	1
Kaei Maru No. 1, longline fishing vessel	JA-80-3186	PBS	1
Shinpo Maru No. 11, longline fishing vessel	JA-80-3187	PBS	1
Juki Maru No. 8, longline fishing vessel	JA-80-3188	PBS	1
Daifuku Maru No. 8, longline fishing vessel	JA-80-3189	PBS	1
Hoei Maru No. 8, longline fishing vessel	JA-80-3190	PBS	1
Seifuku Maru No. 8, longline fishing vessel	JA-80-3191	PBS	1
Sansho Maru No. 11, longline fishing vessel	JA-80-3192	PBS	1
Sensho Maru No. 1, longline fishing vessel	JA-80-3193	PBS	1
Koei Maru, longline fishing vessel	JA-80-3194	PBS	1

Nation Vessel name vessel type	Application NO.	Fishery	Activity
Kokyu Maru No. 8, longline fishing vessel	JA-80-3195	PBS	1
Yusho Maru No. 3, longline fishing vessel	JA-80-3196	PBS	1
Seisho Maru No. 5, longline fishing vessel	JA-80-3197	PBS	1
Jinyu Maru No. 5, longline fishing vessel	JA-80-3198	PBS	1
Kiyo Maru No. 5, longline fishing vessel	JA-80-3199	PBS	1
Shuwa Maru No. 8, longline fishing vessel	JA-80-3200	PBS	1
Shinpo Maru No. 18, longline fishing vessel	JA-80-3201	PBS	1
Kinsei Maru No. 8,, longline fishing vessel	JA-80-3202	PBS	1
Kotoku Maru No. 18, longline fishing vessel	JA-80-3203	PBS	1
Keijin Maru No. 8, longline fishing vessel	JA-80-3204	PBS	1
Kinsho Maru No. 17, longline fishing vessel	JA-80-3205	PBS	1
Kensho Maru No. 8, longline fishing vessel	JA-80-3206	PBS	1
Haru Maru No. 11, longline fishing vessel	JA-80-3207	PBS	1
Haru Maru No. 18, longline fishing vessel	JA-80-3208	PBS	1
Kiei Maru No. 11, longline fishing vessel	JA-80-3209	PBS	1
Hoei Maru No. 21, longline fishing vessel	JA-80-3210	PBS	1
Hachio Maru No. 8, longline fishing vessel	JA-80-3211	PBS	1
Takao Maru No. 18, longline fishing vessel	JA-80-3212	PBS	1
Takao Maru No. 23, longline fishing vessel	JA-80-3213	PBS	1
Koshin Maru No. 5, longline fishing vessel	JA-80-3214	PBS	1
Taki Maru No. 15, longline fishing vessel	JA-80-3215	PBS	1
Masuei Maru No. 8, longline fishing vessel	JA-80-3216	PBS	1
Keiho Maru No. 5, longline fishing vessel	JA-80-3217	PBS	1
Kanki Maru No. 8, longline fishing vessel	JA-80-3218	PBS	1
Kibun Maru No. 8, longline fishing vessel	JA-80-3219	PBS	1
Shuyu Maru No. 5, longline fishing vessel	JA-80-3220	PBS	1
Ryoshu Maru, longline fishing vessel	JA-80-3221	PBS	1
Yachiyo Maru No. 1, longline fishing vessel	JA-80-3222	PBS	1
Yachiyo Maru No. 2, longline fishing vessel	JA-80-3223	PBS	1
Satsuki Maru No. 1, longline fishing vessel	JA-80-3224	PBS	1
Miyaura Maru No. 5, longline fishing vessel	JA-80-3225	PBS	1
Daiyu Maru No. 28, longline fishing vessel	JA-80-3226	PBS	1
Katsuura Maru No. 15, longline fishing vessel	JA-80-3227	PBS	1
Katsuura Maru No. 8, longline fishing vessel	JA-80-3228	PBS	1
Miyaura Maru No. 8, longline fishing vessel	JA-80-3229	PBS	1
Akitsu Maru No. 15, longline fishing vessel	JA-80-3230	PBS	1
Ryoei Maru No. 8, longline fishing vessel	JA-80-3231	PBS	1
Taiho Maru No. 5, longline fishing vessel	JA-80-3232	PBS	1
Miyaura Maru No. 25, longline fishing vessel	JA-80-3233	PBS	1
Hosei Maru No. 1, longline fishing vessel	JA-80-3234	PBS	1
Sensyu Maru No. 1, longline fishing vessel	JA-80-3235	PBS	1
Shinmei Maru No. 18, longline fishing vessel	JA-80-3236	PBS	1
Katsuura-Maru No. 28, longline fishing vessel	JA-80-3237	PBS	1
Katsuura Maru No. 38, longline fishing vessel	JA-80-3238	PBS	1
Katsuura Maru No. 25, longline fishing vessel	JA-80-3239	PBS	1
Myosei Maru, longline fishing vessel	JA-80-3240	PBS	1
Choko Maru No. 5, longline fishing vessel	JA-80-3241	PBS	1
Daisho Maru No. 8, longline fishing vessel	JA-80-3242	PBS	1
Kiyo Maru No. 5, longline fishing vessel	JA-80-3243	PBS	1
Satsuki Maru No. 15, longline fishing vessel	JA-80-3244	PBS	1
Shohei Maru No. 8, longline fishing vessel	JA-80-3245	PBS	1
Kaiho Maru No. 5, longline fishing vessel	JA-80-3246	PBS	1
Taishin Maru No. 5, longline fishing vessel	JA-80-3247	PBS	1
Shinmei Maru No. 8, longline fishing vessel	JA-80-3248	PBS	1
Tatsusho Maru No. 25, longline fishing vessel	JA-80-3249	PBS	1
Seicho Maru No. 18, longline fishing vessel	JA-80-3250	PBS	1
Sensyu Maru No. 15, longline fishing vessel	JA-80-3251	PBS	1
Daiyu Maru No. 25, longline fishing vessel	JA-80-3252	PBS	1
Ryuko Maru No. 1, longline fishing vessel	JA-80-3253	PBS	1
Manso Maru No. 23, longline fishing vessel	JA-80-3254	PBS	1
Katsuura-Maru, No. 18 longline fishing vessel	JA-80-3255	PBS	1
Seifuku Maru No. 1, longline fishing vessel	JA-80-3256	PBS	1
Wako Maru No. 8, longline fishing vessel	JA-80-3257	PBS	1
Keisho Maru No. 8, longline fishing vessel	JA-80-3258	PBS	1
Koin Maru No. 28, longline fishing vessel	JA-80-3259	PBS	1
Keisho Maru No. 5, longline fishing vessel	JA-80-3260	PBS	1
Hinode Maru No. 8, longline fishing vessel	JA-80-3261	PBS	1
Hoshin Maru No. 5, longline fishing vessel	JA-80-3262	PBS	1
Seiryo Maru No. 3, longline fishing vessel	JA-80-3263	PBS	1
Daikoku Maru No. 18, longline fishing vessel	JA-80-3264	PBS	1
Koryo Maru No. 35, longline fishing vessel	JA-80-3265	PBS	1
Chokyu Maru No. 28, longline fishing vessel	JA-80-3266	PBS	1
Take Maru No. 26, longline fishing vessel	JA-80-3267	PBS	1
Genryo Maru No. 38, longline fishing vessel	JA-80-3268	PBS	1
Haruroku Maru No. 25, longline fishing vessel	JA-80-3269	PBS	1
Ryusei Maru No. 11, longline fishing vessel	JA-80-3270	PBS	1
Katsuei Maru No. 38, longline fishing vessel	JA-80-3271	PBS	1
Katsuei Maru No. 8, longline fishing vessel	JA-80-3272	PBS	1
Jutoku Maru No. 25, longline fishing vessel	JA-80-3273	PBS	1
Jutoku Maru No. 31, longline fishing vessel	JA-80-3274	PBS	1
Matsuei Maru No. 11, longline fishing vessel	JA-80-3275	PBS	1
Asashio Maru No. 8, longline fishing vessel	JA-80-3276	PBS	1
Asashio Maru No. 11, longline fishing vessel	JA-80-3277	PBS	1
Asashio Maru No. 22, longline fishing vessel	JA-80-3278	PBS	1
Setsuei Maru No. 8, longline fishing vessel	JA-80-3279	PBS	1
Tenryu Maru No. 6, longline fishing vessel	JA-80-3280	PBS	1
Tenryu Maru No. 25, longline fishing vessel	JA-80-3281	PBS	1
Tenryu Maru No. 26, longline fishing vessel	JA-80-3282	PBS	1
Kyoshin Maru No. 51, longline fishing vessel	JA-80-3283	PBS	1
Kyoshin Maru No. 52, longline fishing vessel	JA-80-3284	PBS	1

Nation Vessel name vessel type	Application NO.	Fishery	Activity
Kyoshin Maru No. 53, longline fishing vessel	JA-80-3285	PBS	1
Kyoshin Maru No. 58, longline fishing vessel	JA-80-3286	PBS	1
Kyoshin Maru No. 61, longline fishing vessel	JA-80-3287	PBS	1
Koei Maru No. 26, longline fishing vessel	JA-80-3288	PBS	1
Fukuryo Maru No. 18, longline fishing vessel	JA-80-3289	PBS	1
Fukuryo Maru No. 21, longline fishing vessel	JA-80-3290	PBS	1
Seizan Maru No. 2, longline fishing vessel	JA-80-3291	PBS	1
Gyokuryu Maru No. 2, longline fishing vessel	JA-80-3292	PBS	1
Matsufuku Maru No. 18, longline fishing vessel	JA-80-3293	PBS	1
Matsufuku Maru No. 21, longline fishing vessel	JA-80-3294	PBS	1
Kinsai Maru No. 8, longline fishing vessel	JA-80-3295	PBS	1
Kinsai Maru No. 15, longline fishing vessel	JA-80-3296	PBS	1
Azuma Maru No. 36, longline fishing vessel	JA-80-3297	PBS	1
Azuma Maru No. 38, longline fishing vessel	JA-80-3298	PBS	1
Koyo Maru No. 6, longline fishing vessel	JA-80-3299	PBS	1
Koyo Maru No. 7, longline fishing vessel	JA-80-3300	PBS	1
Koyo Maru No. 8, longline fishing vessel	JA-80-3301	PBS	1
Koyo Maru No. 10, longline fishing vessel	JA-80-3302	PBS	1
Koyo Maru No. 11, longline fishing vessel	JA-80-3303	PBS	1
Taiyo Maru No. 5, longline fishing vessel	JA-80-3304	PBS	1
Taiyo Maru No. 32, longline fishing vessel	JA-80-3305	PBS	1
Gonei Maru No. 53, longline fishing vessel	JA-80-3306	PBS	1
Gonei Maru No. 58, longline fishing vessel	JA-80-3307	PBS	1
Kyoshin Maru No. 18, longline fishing vessel	JA-80-3308	PBS	1
Hokusen Maru No. 3, longline fishing vessel	JA-80-3309	PBS	1
Sumi Maru No. 25, longline fishing vessel	JA-80-3310	PBS	1
Sumi Maru No. 35, longline fishing vessel	JA-80-3311	PBS	1
Toei-Maru No. 6, longline fishing vessel	JA-80-3312	PBS	1
Toei-Maru No. 8, longline fishing vessel	JA-80-3313	PBS	1
Sumiyoshi Maru No. 58, longline fishing vessel	JA-80-3314	PBS	1
Koyo Maru No. 31, longline fishing vessel	JA-80-3315	PBS	1
Koyo Maru No. 65, longline fishing vessel	JA-80-3316	PBS	1
Sumiyoshi Maru No. 18, longline fishing vessel	JA-80-3317	PBS	1
Koryo Maru No. 8, longline fishing vessel	JA-80-3318	PBS	1
Eikyu Maru No. 21, longline fishing vessel	JA-80-3319	PBS	1
Eikyu Maru No. 22, longline fishing vessel	JA-80-3320	PBS	1
Eikyu Maru No. 23, longline fishing vessel	JA-80-3321	PBS	1
Sumiyoshi Maru No. 52, longline fishing vessel	JA-80-3322	PBS	1
Unclear? longline fishing vessel	JA-80-3323	PBS	1
Seiko Maru No. 68, longline fishing vessel	JA-80-3324	PBS	1
Seiko Maru No. 52, longline fishing vessel	JA-80-3325	PBS	1
Nadayoshi Maru No. 5, longline fishing vessel	JA-80-3326	PBS	1
Nadayoshi Maru No. 20, longline fishing vessel	JA-80-3327	PBS	1
Akita Maru No. 51, longline fishing vessel	JA-80-3328	PBS	1
Kamo Maru No. 78, longline fishing vessel	JA-80-3329	PBS	1
Kamo Maru No. 28, longline fishing vessel	JA-80-3330	PBS	1
Kairyou Maru, longline fishing vessel	JA-80-3331	PBS	1
Shoun Maru No. 21, longline fishing vessel	JA-80-3332	PBS	1
Tokachi Maru No. 18, longline fishing vessel	JA-80-3333	PBS	1
Tokachi Maru No. 20, longline fishing vessel	JA-80-3334	PBS	1
Takasi Maru No. 12, longline fishing vessel	JA-80-3335	PBS	1
Nisho Maru No. 5, longline fishing vessel	JA-80-3336	PBS	1
Kaijin Maru No. 11, longline fishing vessel	JA-80-3337	PBS	1
Toakachi Maru No. 3, longline fishing vessel	JA-80-3338	PBS	1
Daian Maru No. 68, longline fishing vessel	JA-80-3339	PBS	1
Kaiou Maru No. 25, longline fishing vessel	JA-80-3340	PBS	1
Kaiou Maru No. 21, longline fishing vessel	JA-80-3341	PBS	1
Hoei Maru No. 5, longline fishing vessel	JA-80-3342	PBS, PBS	1
Kaiko Maru No. 2, longline fishing vessel	JA-80-3343	PBS	1
Meiji Maru No. 3, longline fishing vessel	JA-80-3344	PBS	1
Ebisu Maru No. 22, longline fishing vessel	JA-80-33	PBS	1
Chokyu Maru No. 8, longline fishing vessel	JA-80-3346	PBS	1
Koryo Maru No. 28, longline fishing vessel	JA-80-3347	PBS	1
Koryo Maru No. 2, longline fishing vessel	JA-80-3348	PBS	1
Daian Maru No. 65, longline fishing vessel	JA-80-3349	PBS	1
Kaiko Maru No. 28, longline fishing vessel	JA-80-3350	PBS	1
Kakura Maru No. 35, longline fishing vessel	JA-80-3351	PBS	1
Goushi Maru No. 38, longline fishing vessel	JA-80-3352	PBS	1
Nissho Maru No. 12, longline fishing vessel	JA-80-3353	PBS	1
Myosei Maru No. 21, longline fishing vessel	JA-80-3354	PBS	1
Inari Maru No. 2, longline fishing vessel	JA-80-3355	PBS	1
Chiyo Maru No. 3, longline fishing vessel	JA-80-3356	PBS	1
Chiyo Maru No. 28, longline fishing vessel	JA-80-3357	PBS	1
Hotoku Maru No. 38, longline fishing vessel	JA-80-3358	PBS	1
Myofuku Maru No. 15, longline fishing vessel	JA-80-3359	PBS	1
Kuromori Maru No. 28, longline fishing vessel	JA-80-3360	PBS	1
Shuzan Maru No. 18, longline fishing vessel	JA-80-3361	PBS	1
Kaho Maru No. 12, longline fishing vessel	JA-80-3362	PBS	1
Myojin Maru No. 11, longline fishing vessel	JA-80-3363	PBS	1
Yusho Maru No. 18, longline fishing vessel	JA-80-3364	PBS	1
Kinei Maru No. 28, longline fishing vessel	JA-80-3365	PBS	1
Kinei Maru No. 32, longline fishing vessel	JA-80-3366	PBS	1
Toyotomi Maru No. 3, longline fishing vessel	JA-80-3367	PBS	1
Mitsuya Maru No. 8, longline fishing vessel	JA-80-3368	PBS	1
Ebisu Maru No. 38, longline fishing vessel	JA-80-3369	PBS	1
Chitose Maru No. 18, longline fishing vessel	JA-80-3370	PBS	1
Toyotomi Maru No. 56, longline fishing vessel	JA-80-3371	PBS	1
Toyotomi Maru No. 36, longline fishing vessel	JA-80-3372	PBS	1
Choei Maru No. 81, longline fishing vessel	JA-80-3373	PBS	1
Choei Maru No. 83, longline fishing vessel	JA-80-3374	PBS	1

Nation Vessel name vessel type	Application NO.	Fishery	Activity
Kaneryo Maru No. 28, longline fishing vessel	JA-80-3375	PBS	1
Kaneryo Maru No. 26, longline fishing vessel	JA-80-3376	PBS	1
Kinei Maru No. 108, longline fishing vessel	JA-80-3377	PBS	1
Matsu Maru No. 38, longline fishing vessel	JA-80-3378	PBS	1
Yahata Maru No. 28, longline fishing vessel	JA-80-3379	PBS	1
Toyoake Maru No. 2, longline fishing vessel	JA-80-3380	PBS	1
Jinmei Maru No. 26, longline fishing vessel	JA-80-3381	PBS	1
Eiyo Maru No. 3, longline fishing vessel	JA-80-3382	PBS	1
Ebisu Maru No. 26, longline fishing vessel	JA-80-3383	PBS	1
Goishi Maru No. 31, longline fishing vessel	JA-80-3384	PBS	1
Seisho Maru No. 18, longline fishing vessel	JA-80-3385	PBS	1
Yushou Maru No. 25, longline fishing vessel	JA-80-3386	PBS	1
Koushou Maru No. 18, longline fishing vessel	JA-80-3387	PBS	1
Koushinmaru No. 18, longline fishing vessel	JA-80-3388	PBS	1
Shuei Maru No. 18, longline fishing vessel	JA-80-3389	PBS	1
Chidori Maru No. 63, longline fishing vessel	JA-80-3390	PBS	1
Chidori Maru No. 68, longline fishing vessel	JA-80-3391	PBS	1
Chidori Maru No. 75, longline fishing vessel	JA-80-3392	PBS	1
Komine Maru No. 11, longline fishing vessel	JA-80-3393	PBS	1
Komine Maru No. 31, longline fishing vessel	JA-80-3394	PBS	1
Hakuyou Maru No. 28, longline fishing vessel	JA-80-3395	PBS	1
Seifuku Maru No. 21, longline fishing vessel	JA-80-3396	PBS	1
Shoushin Maru No. 23, longline fishing vessel	JA-80-3397	PBS	1
Daikoku Maru No. 38, longline fishing vessel	JA-80-3398	PBS	1
Keifuku Maru No. 28, longline fishing vessel	JA-80-3399	PBS	1
Seisho Maru No. 28, longline fishing vessel	JA-80-3400	PBS	1
Meishou Maru No. 8, longline fishing vessel	JA-80-3401	PBS	1
Shunyo Maru No. 18, longline fishing vessel	JA-80-3402	PBS	1
Taiyo Maru No. 18, longline fishing vessel	JA-80-3403	PBS	1
Yamato Maru No. 28, longline fishing vessel	JA-80-3404	PBS	1
Tachibana Maru No. 6, longline fishing vessel	JA-80-3405	PBS	1
Keishou Maru No. 20, longline fishing vessel	JA-80-3406	PBS	1
Houryu Maru No. 26, longline fishing vessel	JA-80-3407	PBS	1
Tachimi Maru No. 18, longline fishing vessel	JA-80-3408	PBS	1
Shoushin Maru No. 31, longline fishing vessel	JA-80-3409	PBS	1
Hakutaka Maru No. 26, longline fishing vessel	JA-80-3410	PBS	1
Itou Maru No. 28, longline fishing vessel	JA-80-3411	PBS	1
Itou Maru No. 38, longline fishing vessel	JA-80-3412	PBS	1
Taiki Maru No. 51, longline fishing vessel	JA-80-3413	PBS	1
Tenyuu Maru No. 31, longline fishing vessel	JA-80-3414	PBS	1
Yamato Maru No. 31, longline fishing vessel	JA-80-3415	PBS	1
Yamato Maru No. 38, longline fishing vessel	JA-80-3416	PBS	1
Houyou Maru No. 60, longline fishing vessel	JA-80-3417	PBS	1
Houyou Maru No. 62, longline fishing vessel	JA-80-3418	PBS	1
Seifuku Maru No. 18, longline fishing vessel	JA-80-3419	PBS	1
Yahata Maru No. 21, longline fishing vessel	JA-80-3420	PBS	1
Kaihou Maru No. 23, longline fishing vessel	JA-80-3421	PBS	1
Kaiho Maru No. 31, longline fishing vessel	JA-80-3422	PBS	1
Koushin Maru No. 27, longline fishing vessel	JA-80-3423	PBS	1
Kinei Maru No. 18, longline fishing vessel	JA-80-3424	PBS	1
Shuuei Maru No. 28, longline fishing vessel	JA-80-3425	PBS	1
Shuuei Maru No. 31, longline fishing vessel	JA-80-3426	PBS	1
Chiyo Maru No. 17, longline fishing vessel	JA-80-3427	PBS	1
Yamato Maru No. 78, longline fishing vessel	JA-80-3428	PBS	1
Shuei Maru No. 58, longline fishing vessel	JA-80-3429	PBS	1
Yamato Maru No. 38, longline fishing vessel	JA-80-3430	PBS	1
Shouyou Maru No. 33, longline fishing vessel	JA-80-3431	PBS	1
Shoushin Maru No. 23, longline fishing vessel	JA-80-3432	PBS	1
Kousho Maru No. 38, longline fishing vessel	JA-80-3433	PBS	1
Chousei Maru No. 21, longline fishing vessel	JA-80-3434	PBS	1
Soukei Maru No. 5, longline fishing vessel	JA-80-3435	PBS	1
Houyou Maru No. 56, longline fishing vessel	JA-80-3437	PBS	1
Houyou Maru No. 61, longline fishing vessel	JA-80-3438	PBS	1
Shinsei Maru No. 58, longline fishing vessel	JA-80-3439	PBS	1
Tokujyu Maru No. 38, longline fishing vessel	JA-80-3440	PBS	1
Tenyu Maru No. 8, longline fishing vessel	JA-80-3441	PBS	1
Aisei Maru No. 18, longline fishing vessel	JA-80-3442	PBS	1
Eikyu Maru No. 51, longline fishing vessel	JA-80-3443	PBS	1
Ryujin Maru No. 18, longline fishing vessel	JA-80-3444	PBS	1
Shinsei Maru No. 3, longline fishing vessel	JA-80-3445	PBS	1
Kyosho Maru No. 31, longline fishing vessel	JA-80-3446	PBS	1
Myojin Maru No. 23, longline fishing vessel	JA-80-3447	PBS	1
Myojin Maru No. 31, longline fishing vessel	JA-80-3448	PBS	1
Myojin Maru No. 51, longline fishing vessel	JA-80-3449	PBS	1
Moyojin Maru No. 1, longline fishing vessel	JA-80-3450	PBS	1
Fukusei Maru No. 18, longline fishing vessel	JA-80-3451	PBS	1
Taiki Maru No. 38, longline fishing vessel	JA-80-3452	PBS	1
Nikko Maru No. 18, longline fishing vessel	JA-80-3453	PBS	1
Nikko Maru No. 28, longline fishing vessel	JA-80-3454	PBS	1
Kamishiro Maru No. 36, longline fishing vessel	JA-80-3455	PBS	1
Chiyo Maru No. 27, longline fishing vessel	JA-80-3456	PBS	1
Chiyo Maru No. 37, longline fishing vessel	JA-80-3457	PBS	1
Kyoei Maru No. 38, longline fishing vessel	JA-80-3458	PBS	1
Meisho Maru No. 3, longline fishing vessel	JA-80-3459	PBS	1
Fukuyo Maru No. 38, longline fishing vessel	JA-80-3460	PBS	1
Keifuku Maru No. 37, longline fishing vessel	JA-80-3461	PBS	1
Fukusei Maru No. 28, longline fishing vessel	JA-80-3462	PBS	1
Taiki Maru No. 58, longline fishing vessel	JA-80-3463	PBS	1
Yusho Maru No. 1, longline fishing vessel	JA-80-3464	PBS	1
Kukuyo Maru No. 58, longline fishing vessel	JA-80-3465	PBS	1
Seisho Maru No. 11, longline fishing vessel	JA-80-3466	PBS	1

Nation Vessel name vessel type	Application NO.	Fishery	Activity
Chiyo Maru No. 57, longline fishing vessel	JA-80-3467	PBS	1
Taiki Maru No. 31, longline fishing vessel	JA-80-3468	PBS	1
Hakkai Maru No. 11, longline fishing vessel	JA-80-3469	PBS	1
Toyama Maru No. 38, longline fishing vessel	JA-80-3470	PBS	1
Keiyou Maru No. 8, longline fishing vessel	JA-80-3471	PBS	1
Hoshin Maru No. 28, longline fishing vessel	JA-80-3472	PBS	1
Hoshin Maru No. 22, longline fishing vessel	JA-80-3473	PBS	1
Mito Maru No. 35, longline fishing vessel	JA-80-3474	PBS	1
Yuki Maru No. 1, longline fishing vessel	JA-80-3475	PBS	1
Asahi Maru No. 21, longline fishing vessel	JA-80-3476	PBS	1
Heishichi Maru No. 25, longline fishing vessel	JA-80-3477	PBS	1
Kaikata Maru No. 78, longline fishing vessel	JA-80-3478	PBS	1
Fuji Maru No. 16, longline fishing vessel	JA-80-3479	PBS	1
Katsu Maru No. 18, longline fishing vessel	JA-80-3480	PBS	1
Katsu Maru No. 8, longline fishing vessel	JA-80-3481	PBS	1
Shinsei Maru No. 11, longline fishing vessel	JA-80-3482	PBS	1
Kaisei Maru No. 1, longline fishing vessel	JA-80-3483	PBS	1
Junyo Maru No. 8, longline fishing vessel	JA-80-3484	PBS	1
Junyou Maru No. 1, longline fishing vessel	JA-80-3485	PBS	1
Tokuei Maru No. 11, longline fishing vessel	JA-80-3486	PBS	1
Yajima Maru No. 11, longline fishing vessel	JA-80-3487	PBS	1
Yuko Maru No. 18, longline fishing vessel	JA-80-3488	PBS	1
Tokuei Maru No. 18, longline fishing vessel	JA-80-3489	PBS	1
Joei Maru No. 18, longline fishing vessel	JA-80-3490	PBS	1
Joei Maru No. 23, longline fishing vessel	JA-80-3491	PBS	1
Daiei Maru No. 12, longline fishing vessel	JA-80-3492	PBS	1
Matsu Maru No. 55, longline fishing vessel	JA-80-3493	PBS	1
Shoun Maru No. 20, longline fishing vessel	JA-80-3494	PBS	1
Shoun Maru No. 21, longline fishing vessel	JA-80-3495	PBS	1
Tatsu Maru No. 28, longline fishing vessel	JA-80-3496	PBS	1
Kifuku Maru No. 35, longline fishing vessel	JA-80-3497	PBS	1
Yahata Maru No. 3, longline fishing vessel	JA-80-3498	PBS	1
Kintoku Maru No. 7, longline fishing vessel	JA-80-3499	PBS	1
Kintoku Maru No. 12, longline fishing vessel	JA-80-3500	PBS	1
Minato Maru No. 11, longline fishing vessel	JA-80-3501	PBS	1
Minato Maru No. 18, longline fishing vessel	JA-80-3502	PBS	1
Kinsei Maru No. 58, longline fishing vessel	JA-80-3503	PBS	1
Kiku Maru No. 8, longline fishing vessel	JA-80-3504	PBS	1
Kofuku Maru No. 58, longline fishing vessel	JA-80-3505	PBS	1
Kofuku Maru No. 38, longline fishing vessel	JA-80-3506	PBS	1
Hokushu Maru No. 35, longline fishing vessel	JA-80-3507	PBS	1
Taiyo Maru No. 16, longline fishing vessel	JA-80-3508	PBS	1
Taiyo Maru No. 21, longline fishing vessel	JA-80-3509	PBS	1
Gonei Maru No. 55, longline fishing vessel	JA-80-3510	PBS	1
Kofuku Maru No. 68, longline fishing vessel	JA-80-3511	PBS	1
Matsu Maru No. 55, longline fishing vessel	JA-80-3512	PBS	1
Kazu Maru No. 36, longline fishing vessel	JA-80-3513	PBS	1
Wako Maru, longline fishing vessel	JA-80-3514	PBS	1
Daitei Maru No. 23, longline fishing vessel	JA-80-3515	PBS	1
Sekae Maru No. 31, longline fishing vessel	JA-80-3516	PBS	1
Fukuei Maru No. 26, longline fishing vessel	JA-80-3517	PBS	1
Kinei Maru No. 38, longline fishing vessel	JA-80-3518	PBS	1
Sanyuu Maru No. 18, longline fishing vessel	JA-80-3519	PBS	1
Houei Maru No. 18, longline fishing vessel	JA-80-3520	PBS	1
Hakuyou Maru No. 8, longline fishing vessel	JA-80-3521	PBS	1
Housin Maru No. 35, longline fishing vessel	JA-80-3522	PBS	1
Yoshitaka Maru No. 11, longline fishing vessel	JA-80-3523	PBS	1
Housei Maru No. 23, longline fishing vessel	JA-80-3524	PBS	1
Ohama Maru No. 3, longline fishing vessel	JA-80-3525	PBS	1
Kinei Maru No. 32, longline fishing vessel	JA-80-3526	PBS	1
Ehwa Maru No. 8, longline fishing vessel	JA-80-3527	PBS	1
Kinei Maru No. 26, longline fishing vessel	JA-80-3528	PBS	1
Takoshima Maru No. 78, longline fishing vessel	JA-80-3529	PBS	1
Takojima Maru No. 83, longline fishing vessel	JA-80-3530	PBS	1
Yuukou Maru No. 15, longline fishing vessel	JA-80-3532	PBS	1
Kasuga Maru No. 8, longline fishing vessel	JA-80-3534	PBS	1
Asahi Maru No. 8, longline fishing vessel	JA-80-3536	PBS	1
Nishou Maru No. 18, longline fishing vessel	JA-80-3538	PBS	1
Asahi Maru No. 5, longline fishing vessel	JA-80-3540	PBS	1
Tokuei Maru No. 5, longline fishing vessel	JA-80-3542	PBS	1
Houei Maru No. 18, longline fishing vessel	JA-80-3544	PBS	1
Tokuhou Maru No. 18, longline fishing vessel	JA-80-3546	PBS	1
Kasuga Maru No. 3, longline fishing vessel	JA-80-3548	PBS	1
Shunpou Maru No. 5, longline fishing vessel	JA-80-3550	PBS	1
Shunpou Maru No. 8, longline fishing vessel	JA-80-3551	PBS	1
Shunpou Maru No. 18, longline fishing vessel	JA-80-3552	PBS	1
Houyou Maru No. 5, longline fishing vessel	JA-80-3553	PBS	1
Daiyuu Maru No. 8, longline fishing vessel	JA-80-3554	PBS	1
Daiyuu Maru No. 3, longline fishing vessel	JA-80-3555	PBS	1
Toku Maru No. 8, longline fishing vessel	JA-80-3556	PBS	1
Kazu Maru, longline fishing vessel	JA-80-3557	PBS	1
Kazu Maru No. 8, longline fishing vessel	JA-80-3558	PBS	1
Eisei Maru No. 5, longline fishing vessel	JA-80-3559	PBS	1
Fuji Maru No. 8, longline fishing vessel	JA-80-3560	PBS	1
Taishin Maru No. 8, longline fishing vessel	JA-80-3561	PBS	1

Nation Vessel name vessel type	Application NO.	Fishery	Activity
Daiju Maru No. 8, longline fishing vessel	JA-80-3562	PBS	1
Daiju Maru No. 1, longline fishing vessel	JA-80-3563	PBS	1
Chiei Maru No. 18, longline fishing vessel	JA-80-3564	PBS	1
Taka Maru No. 5, longline fishing vessel	JA-80-3565	PBS	1
Taka Maru No. 18, longline fishing vessel	JA-80-3566	PBS	1
Mitsu Maru No. 8, longline fishing vessel	JA-80-3567	PBS	1
Mitsu Maru No. 5, longline fishing vessel	JA-80-3568	PBS	1
Seishin Maru No. 1, longline fishing vessel	JA-80-3569	PBS	1
Kyouei Maru No. 8, longline fishing vessel	JA-80-3570	PBS	1
Kyoushin Maru No. 8, longline fishing vessel	JA-80-3571	PBS	1
Housei Maru, longline fishing vessel	JA-80-3572	PBS	1
Taishou Maru No. 5, longline fishing vessel	JA-80-3573	PBS	1
Shofuku Maru, longline fishing vessel	JA-80-3574	PBS	1
Ootsuru Maru, longline fishing vessel	JA-80-3575	PBS	1
Masa Maru No. 8, longline fishing vessel	JA-80-3576	PBS	1
Masa Maru No. 18, longline fishing vessel	JA-80-3577	PBS	1
Houshin Maru No. 1, longline fishing vessel	JA-80-3578	PBS	1
Dai Maru No. 18, longline fishing vessel	JA-80-3579	PBS	1
Shinsei Maru No. 8, longline fishing vessel	JA-80-3580	PBS	1
Tsuru Maru No. 8, longline fishing vessel	JA-80-3581	PBS	1
Taikou Maru No. 8, longline fishing vessel	JA-80-3582	PBS	1
Seihou Maru No. 18, longline fishing vessel	JA-80-3583	PBS	1
Yuki Maru, longline fishing vessel	JA-80-3584	PBS	1
Ryusei Maru No. 5, longline fishing vessel	JA-80-3585	PBS	1
Shuuki Maru No. 8, longline fishing vessel	JA-80-3586	PBS	1
Tokuei Maru No. 8, longline fishing vessel	JA-80-3587	PBS	1
Tetu Maru No. 3, longline fishing vessel	JA-80-3588	PBS	1
Tenyu Maru No. 26, longline fishing vessel	JA-80-3589	PBS	1
Houyou Maru No. 8, longline fishing vessel	JA-80-3590	PBS	1
Kyouei Maru No. 28, longline fishing vessel	JA-80-3591	PBS	1
Housei Maru No. 8, longline fishing vessel	JA-80-3592	PBS	1
Nikkou Maru No. 15, longline fishing vessel	JA-80-3593	PBS	1
Toyo Maru, longline fishing vessel	JA-80-3594	PBS	1
Koushin Maru No. 3, longline fishing vessel	JA-80-3595	PBS	1
Hide Maru No. 11, longline fishing vessel	JA-80-3596	PBS	1
Hide Maru No. 31, longline fishing vessel	JA-80-3597	PBS	1
Chidori Maru No. 3, longline fishing vessel	JA-80-3598	PBS	1
Kihou Maru No. 5, longline fishing vessel	JA-80-3599	PBS	1
Tatsu Maru No. 21, longline fishing vessel	JA-80-3600	PBS	1
Tatsu Maru No. 28, longline fishing vessel	JA-80-3601	PBS	1
Eiryou Maru No. 8, longline fishing vessel	JA-80-3602	PBS	1
Miyoshi Maru No. 8, longline fishing vessel	JA-80-3603	PBS	1
Heian Maru No. 18, longline fishing vessel	JA-80-3604	PBS	1
Shima Maru No. 8, longline fishing vessel	JA-80-3605	PBS	1
Katsuei Maru, longline fishing vessel	JA-80-3606	PBS	1
Yae Maru, longline fishing vessel	JA-80-3607	PBS	1
Toshi Maru No. 8, longline fishing vessel	JA-80-3608	PBS	1
Koukai Maru No. 8, longline fishing vessel	JA-80-3609	PBS	1
Masaei Maru No. 1, longline fishing vessel	JA-80-3610	PBS	1
Kouei Maru No. 18, longline fishing vessel	JA-80-3611	PBS	1
Kiku Maru No. 8, longline fishing vessel	JA-80-3612	PBS	1
Yasu Maru No. 18, longline fishing vessel	JA-80-3613	PBS	1
Daiyuu Maru No. 18, longline fishing vessel	JA-80-3614	PBS	1
Yasuei Maru No. 1, longline fishing vessel	JA-80-3615	PBS	1
Kazusin Maru No. 8, longline fishing vessel	JA-80-3616	PBS	1
Yasima Maru No. 3, longline fishing vessel	JA-80-3617	PBS	1
Hisa Maru No. 3, longline fishing vessel	JA-80-3618	PBS	1
Kinryu Maru No. 3, longline fishing vessel	JA-80-3619	PBS	1
Kenryo Maru, No. 1, longline fishing vessel	JA-80-3620	PBS	1
Taksei Maru, longline fishing vessel	JA-80-3621	PBS	1
Tensiyo Maru No. 18, longline fishing vessel	JA-80-3622	PBS	1
Shuuei Maru No. 8, longline fishing vessel	JA-80-3623	PBS	1
Daiju Maru No. 28, longline fishing vessel	JA-80-3624	PBS	1
Kazuei Maru No. 7, longline fishing vessel	JA-80-3625	PBS	1
Ken Maru No. 18, longline fishing vessel	JA-80-3626	PBS	1
Konsei Maru No. 1, longline fishing vessel	JA-80-3627	PBS	1
Asahi Maru No. 21, longline fishing vessel	JA-80-3628	PBS	1
Nishou Maru No. 8, longline fishing vessel	JA-80-3629	PBS	1
Toku Maru No. 18, longline fishing vessel	JA-80-3630	PBS	1
Kuni Maru No. 3, longline fishing vessel	JA-80-3631	PBS	1
Fuji Maru No. 38, longline fishing vessel	JA-80-3632	PBS	1
Shouhuku Maru No. 8, longline fishing vessel	JA-80-3633	PBS	1
Kensin Maru No. 1, longline fishing vessel	JA-80-3634	PBS	1
Tokuho Maru No. 21, longline fishing vessel	JA-80-3635	PBS	1
Kousin Maru No. 5, longline fishing vessel	JA-80-3636	PBS	1
Taisin Maru No. 15, longline fishing vessel	JA-80-3637	PBS	1
Fumi Maru No. 8, longline fishing vessel	JA-80-3638	PBS	1
Eisei Maru No. 8, longline fishing vessel	JA-80-3639	PBS	1
Yasu Maru No. 28, longline fishing vessel	JA-80-3640	PBS	1
Miyo Maru No. 11, longline fishing vessel	JA-80-3641	PBS	1
Heian Maru No. 28, longline fishing vessel	JA-80-3642	PBS	1
Houshin Maru No. 8, longline fishing vessel	JA-80-3643	PBS	1
Meitoku Maru No. 8, longline fishing vessel	JA-80-3644	PBS	1
Taisei Maru No. 5, longline fishing vessel	JA-80-3645	PBS	1
Geizan Maru No. 58, longline fishing vessel	JA-80-3646	PBS	1
Ryoun Maru No. 6, longline fishing vessel	JA-80-3647	PBS	1

[Public Notice CM-8/281]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The working group on the carriage of dangerous goods of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 9:30 a.m. on April 8, 1980 in Room 3201 of the Transpoint Building, 2100 2nd Street, S.W., Washington, D.C. 20593.

The purpose of the meeting will be to discuss the following topics:

Discuss the Report of the XXX Session of the IMCO Subcommittee on the Carriage of Dangerous Goods;

Discuss U.S. positions on matters to be considered at the XXXI Session of the Subcommittee on the Carriage of Dangerous Goods;

Discuss the progress of IMCO activities of a continuing nature such as implementation of the IMDG Code.

Requests for further information should be directed to Captain William N. Spence, U.S. Coast Guard (G-MHM/TP14), Washington, D.C. 20593, telephone (202) 426-2296.

James A. Treichel,

Acting Chairman, Shipping Coordinating Committee.

March 25, 1980.

[FR Doc. 80-9614 Filed 3-27-80; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/282]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The working group on the subdivision, stability and load lines of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 10:00 a.m. on April 9, 1980 in Room 8332 of the Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590.

The purpose of the meeting will be to review the agenda items and delegation papers received in preparation for the 25th Session of the Subcommittee. It will also discuss the following topics:

Report of 24th session;
Task scheduling for 25th session

Requests for further information should be directed to Mr. William A. Cleary, Jr., US Coast Guard (G-MMT-5/12), 2100 2nd Street, S.W., Washington, D.C. 20590. Telephone (202) 426-2188.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

March 25, 1980.

[FR Doc. 80-9615 Filed 3-27-80; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/283]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The working group on radiocommunications of the Subcommittee on Safety of Life at Sea, will conduct an open meeting at 1:30 p.m. on April 17, 1980 in Room 8440 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

The purpose of the meeting is to prepare position documents for the Twenty-Second Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London on September 29, 1980. In particular, the working group will discuss the following topics:

Survival craft radio equipment;
Operational requirements for future EPIRBs;
Operational standards for shipboard radio equipment;
Maritime distress system

For further information contact LT R.F. Carlson, U.S. Coast Guard (G-OTM/TP32), Washington, D.C. 20593, telephone (202) 426-1345.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

March 18, 1980.

[FR Doc. 80-9616 Filed 3-27-80; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Customs Service

Performance Review Boards; Appointment of Members

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General Notice.

SUMMARY: This notice announces the appointment of the members of the U.S. Customs Service Performance Review Boards (PRB's) in accordance with 5 U.S.C. 4313(c)(4). The purpose of the PRB's is to review senior executive employees' performance and make recommendations regarding performance and performance awards.

DATE: The Performance Review Boards become effective on March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Alexander Faison, Director, Office of Human Resources, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 3417, Washington, D.C., (202) 566-5563.

SUPPLEMENTARY INFORMATION: There are two Performance Review Boards in the U.S. Customs Service as follows:

1. The Performance Review Board to review Senior Executives rated by the Commissioner and Deputy Commissioner (i.e., the Assistant to the Commissioner, the Special Assistants to the Commissioner, the Assistant Commissioners, and Regional Commissioners) is composed of the following members:

George C. Corcoran, Jr., Assistant Commissioner, Office of Management Integrity, U.S. Customs Service
Arthur D. Kallen, Director, Office of Budget and Program Analysis, Department of the Treasury
John Mangels, Director, Office of Operations, Department of the Treasury
William Rhodes, Director, Office of Management and Organization, Department of the Treasury
Myron Weinstein, Deputy Director, U.S. Secret Service

2. The Performance Review Board to review all other Senior Executives is composed of the following members:

Charles C. Hackett, Assistant Commissioner (Border Operations) U.S. Customs Service
Alfred R. De Angelus, Assistant Commissioner (Commercial Operations), U.S. Customs Service
Jack T. Lacy, Comptroller, U.S. Customs Service
William J. Griffin, Regional Commissioner, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110
Dennis T. Snyder, Regional Commissioner, U.S. Customs Service, 6 World Trade Center, New York, New York 10048
John A. Hurley, Regional Commissioner, U.S. Customs Service, 40 S. Gay Street, Baltimore, Maryland 21202
Robert N. Battard, Regional Commissioner, U.S. Customs Service, 99 S.E. 5th Street, Miami, Florida 33131
Peter J. Dispenzirie, Acting Regional Commissioner, U.S. Customs Service, 1440 Canal Street, New Orleans, Louisana 70112
Donald Kelly, Acting Regional Commissioner, U.S. Customs Service, 500 Dallas Street, Houston, Texas 77002
Albert G. Bergesen, Regional Commissioner, U.S. Customs Service, 300 N. Los Angeles Street, Los Angeles, California 90053
Edward M. Ellis, Acting Regional Commissioner, U.S. Customs Service, 211 Main Street, San Francisco, California 94105
Eugene H. Mach, Acting Regional Commissioner, U.S. Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603

Dated: March 24, 1980.

Robert E. Chasen,

Commissioner of Customs.

[FR Doc. 80-9481 Filed 3-27-80; 8:45 am]

BILLING CODE 4810-22-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 62
Friday, March 28, 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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[M-275 Amdt. 5; March 25, 1980]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the March 25, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., March 25, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 5. Docket 37228, Alitalia's petition for reconsideration of order 79-12-208, December 18, 1979, suspending its Boston-Milan normal economy fare increases. (Memo No. 9360-B, BIA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 5 is being deleted due to the staff needs additional time for coordination. Accordingly, the following Members have voted that Item 5 be deleted from the March 25, 1980 agenda and that no earlier announcement of this deletion was possible:

Chairman Marvin S. Cohen;
Member Elizabeth E. Bailey;
Member Gloria Schaffer; and
Member George A. Dalley.

[S-639-80 Filed 3-26-80; 3:45 pm]

BILLING CODE 6320-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, April 1, 1980.

PLACE: Commission conference room, No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. An agreement to include Puerto Rico in the National Civilian Data used for Federal Equal Opportunity Recruitment Program (FEORP) and Section 717.
2. Title VII and Collective Bargaining.
3. Uniform Guidelines on Employee Section Procedures: Questions and Answers.
4. Maximum Hiring and Mandatory Retirement Ages for Police Officers and Firefighters.
5. Delegation of authority for Investigation of Equal Pay Act Complaints in the Federal Government.
6. Proposed Instruction for EEOC implementation of the Federal Employees Part-Time Career Employment Act of 1978.
7. Proposed contract for professional services.
8. Interim Regulations on Attorney Fees in the Federal Sector.
9. Freedom of Information Act Appeal No. 80-1-FOIA-6, concerning a request for a charge file.
10. Freedom of Information Act Appeal No. 80-1-FOIA-15, concerning a request for a charge file.
11. Freedom of Information Act Appeal No. 80-1-FOIA-25, concerning a charging party seeking information supplied by the respondent.
12. 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 Secretariat, (202) 634-6748.

This Notice Issued March 25, 1980.

[S-636-80 Filed 3-26-80; 3:24 pm]

BILLING CODE 6570-06-M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 44, FR p. 18553, March 21, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., March 26, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The following item has been added to the agenda for the open meeting: Regulation on Reduction of Liquidity Requirement.

Announcement is being made at the earliest practicable time.

No. 328, March 25, 1980.

[S-635-80 Filed 3-26-80; 12:51 pm]

BILLING CODE 6720-01-M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., April 2, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

MATTERS TO BE CONSIDERED:

Application for Branch Office—Rossville Federal Savings and Loan Association, Rossville, Georgia.
Application for Branch Office—AmeriFirst Federal Savings and Loan Association, Miami, Florida.
Limited Facility Branch Office Application—United Federal Savings and Loan Association, San Francisco, California.
Branch Office Applications to be Considered Concurrently—State Federal Savings and Loan Association, Beatrice, Nebraska AND Commercial Federal Savings and Loan Association, Omaha, Nebraska.
Concurrent Consideration of Limited Facility Applications—Falls City Federal Savings and Loan Association, Falls City, Nebraska AND Midwest Federal Savings and Loan Association, Nebraska City, Nebraska.
Extension of Time Application—West Coast Federal Savings and Loan Association, San Mateo, California.
Extension of Time—Glendale Federal Savings and Loan Association, Glendale, California.
Request for Commitment to Insure Accounts—Lakewood Savings and Loan Association, Boyne City, Michigan.
Management Interlocks—San Jacinto Savings Association, Houston, Texas, Universal Savings and Loan Association of San Jacinto City, Houston, Texas.
Holding Company Acquisition and Merger—PennCorp Financial Inc., Santa Monica, California AND Houston First Financial Group, Houston, Texas TO ACQUIRE Capitol City Savings Association, Austin, Texas AND TO MERGE SAID ASSOCIATION INTO Houston First American Savings Association, Houston, Texas.

Roosevelt Federal's Consideration of Opinion Relating to Trademark.

No. 329, March 26, 1980.

[S-637-80 Filed 3-26-80; 3:24 pm]

BILLING CODE 6720-01-M

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., April 3, 1980.

PLACE: Hearing room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Fact Finding Investigation No. 10: Possible Unlawful Action of Carriers and Conferences of Carriers in the Treatment of Overland/Overland Common Point Cargo—Report of Investigative Officer.
2. Petition for Elimination of Regulation of Free Time and Demurrage Charges on Export Cargo or Promulgation of Uniform Regulation for All Atlantic and Gulf Ports—Reconsideration of action taken at meeting of March 20, 1980.
3. Docket No. 79-95: Cancellation of Tariffs for Failure to Comply with 46 CFR 536 (G.O. 13)—Consideration of the record.
4. Special Docket No. 683: Application of Flomerca Line for the Benefit of U.S. Department of Agriculture, A.S.C.S. Commodity Officer—Review of Settlement Officer's decision.
5. Docket No. 80-1: Sunmark, Inc. v. Combi Lines, Petition for Declaratory Order—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-631-80 Filed 3-26-80; 9:05 am]

BILLING CODE 6730-01-M

6

FEDERAL RESERVE SYSTEM: (Board of Governors).

TIME AND DATE: 10 a.m., Wednesday, April 2, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed amendments to the Board's Credit Restraint regulations concerning changes in the terms of open-end consumer credit plans.
2. Proposed amendments to the Board's Credit Restraint regulations to provide for the seasonal nature of certain kinds of credit.
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 R. Coyne, Assistant to the Board (202) 452-3204.

Dated: March 26, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-6210-01 Filed 3-26-80; 12:13 pm]

BILLING CODE 6210-01-M

7

METRIC BOARD.

TIME AND DATE: 2 p.m., April 17, 1980; 8:30 a.m., April 18, 1980.

PLACE: Cervantes Convention and Exhibition Center, 801 Convention Plaza, room 267, St. Louis, Missouri 63101.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

April 17

Approval of Agenda.

Review/Approval of Minutes—February, 1980 Board Meeting.

Amendment to USMB Rules of Order. Proposes to amend Rules 36 & 44 regarding matters of policy by substituting "two-thirds vote of membership" vice current "twelve affirmative vote."

Uniform Metric System Procedures Act (UMSPA). Model State Law developed by National Conference of Commissioners on Uniform State Laws and approved by American Bar Association. Designed to serve as "structural mechanism" (process) to convert customary units to "metric units" in laws and regulations.

Staff Report and any Recommendations for Action on USMB Relationship to Federal Agencies. Staff report on the development of a plan and recommendations for achieving a well defined and responsive Federal coordinating program.

Board Meeting Sites. PAE Committee will present to Board a recommended list of 12 meeting sites.

April 18

Metric Status Report. Research contractors survey of a sample of the top 1,000 Fortune companies to attempt to assess the status of metrication for this group of manufacturers.

DoC Conversion Data Study. A report to the Board on the completed phase of the metric-related economic data collection and organization for selected industries.

Administrative Regulations. These regulations describe the organization (Board, committees, staff) established by the USMB to discharge its duties and responsibilities under the Metric Conversion Act of 1975.

Consumer Regulations. Staff proposal implementing consumer program for USMB as required by Executive Order 12160.

Antitrust Booklet. Report to the Board via staff and Private Sector Committee on status of USMB handbook to assist metrication planners in the area of antitrust laws.

Reports. Each committee chairperson and senior staff will give a status report of activities within their jurisdiction.

Agenda items for future Board meetings.

SUPPLEMENTARY INFORMATION: Notice of Public Forums to be held by the U.S. Metric Board on April 16 and April 17, 1980 which will provide individuals and groups the opportunity to comment on metric conversion appears elsewhere on this issue.

CONTACT PERSON FOR MORE INFORMATION: LuVerne V. Hall, 703/235-1933.

Louis F. Polk,

Chairman, United States Metric Board.

[S-630-80 Filed 3-25-80; 3:48 pm]

BILLING CODE 6820-94-M

8

NUCLEAR REGULATORY COMMISSION.

DATE: Tuesday, April 1, 1980.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: 2:30 p.m.—Briefing on Low Power License for North Anna (approximately 1½ hours, public meeting) (rescheduled from March 26).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634-1498.

Roger M. Tweed,

Office of the Secretary.

[S-632-80 Filed 3-26-80; 9:49 am]

BILLING CODE 7590-01-M

9

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: To be published.

STATUS: Open meeting; Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED: Monday, March 19, 1980.

CHANGES IN THE MEETING: Additional items.

The following additional item will be considered at an open meeting scheduled for Wednesday, March 26, 1980, at 10 a.m.:

Consideration of a request by Mr. Donald Ritz that the Commission review the Division of Corporation Finance's determination concerning a shareholder proposal submitted to International Telephone and Telegraph Corporation. For further information, please contact William E. Morley at (202) 272-2573.

The following additional items will be considered at a closed meeting scheduled for Wednesday, March 26, 1980, immediately following the open meeting:

Litigation matters.
Institution of administrative proceeding of an enforcement nature.
Settlement of injunctive action.

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: George Yearsich at (202) 272–2573.

March 24, 1980.

[S–633–80 Filed 3–26–80; 10:58 am]

BILLING CODE 8010–01–M

10

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of March 31, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Wednesday, April 2, 1980, at 9:30 a.m., and immediately following the 10 a.m. open meeting, and on Thursday, April 3, 1980, at 10 a.m. An open meeting will be held on Wednesday, April 2, 1980, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Wednesday, April 2, 1980, at 9:30 a.m., will be:

Regulatory matter bearing enforcement implications.
The subject matter of the closed meeting scheduled for Wednesday, April 2, 1980, immediately following the 10 a.m. open meeting, will be:
Institution of administrative proceeding of an enforcement nature.
Institution of injunctive actions.
Regulatory matter bearing enforcement implications.
Litigation matter.
Opinion.

The subject matter of the closed meeting scheduled for Thursday, April 3, 1980, at 10 a.m., will be:

Formal orders of investigation.
Settlement of administrative proceeding of an enforcement nature.
Freedom of Information Act appeals.

The subject matter of the open meeting scheduled for Wednesday, April 2, 1980, at 10 a.m., will be:

1. Consideration of whether to publish for comment a proposed rule under the Securities Act of 1933 and related form amendments which would permit most post-effective amendments filed by open-end management investment companies and unit investment trusts, other than insurance company separate accounts, to become effective automatically without affirmative action on the part of the Commission or its staff. For further information, please contact Dianne E. O'Donnell at (202) 272–2115 or Kathleen A. Jackson at (202) 272–2118.

2. Consideration of whether to issue a release requesting public comments relating to the nature and scope of issues to be considered by the Division of Investment Management in the course of its study of the Investment Advisers Act of 1940. For further information, please contact Michael J. Eizelman at (202) 272–2079.

3. Consideration of whether to publish a release that would announce the adoption of amendments to Rule 12b–25 to eliminate the present extension application procedure and, in lieu thereof, substitute a system requiring mandatory notification concerning the late filing of annual reports and quarterly reports or any portion thereof, as well as incorporate a procedure whereby a late report would be deemed timely filed if certain conditions were met. For further information, please contact Bruce Mendelsohn at (202) 272–2589.

4. Consideration of a request by Westburne International Industries, Ltd. that the Commission review the denial by the Division of Corporation Finance of Westburne's application for an extension of time within which to file its quarterly report on Form 10–Q for the period ended December 31, 1979. For further information, please contact Gerald MacFarlane at (202) 272–3285.

5. Consideration of whether to adopt amendments to Securities Act of 1933 registration statement Form S–8 and to Securities Exchange Act of 1934 annual report Form 11–K to provide a means whereby many filings on Form S–8 may be up-dated by utilizing filings made under the Securities Exchange Act of 1934. For further information, please contact William H. Carter at (202) 272–2604.

6. Consideration of whether to approve a proposed rule change SR–NYSE–80–2 by the New York Stock Exchange, Inc. ("NYSE") to amend Article IX, Section 1(b) of the NYSE constitution to limit the number of physical access annual members to two. For further information, please contact Judith W. Axe at (202) 272–2405.

7. Consideration of whether to approve a proposed rule change of the American Stock Exchange, Inc. (Sr–Amex–80–2) to recommend, but not require, that listed companies have at least two independent directors and establish and maintain audit committees composed solely of independent directors. For further information, please contact Judith W. Axe at (202) 272–2405.

8. Consideration of whether to publish a release proposing amendments to Securities Exchange Act Rules 12f–1 and 12f–3 [17 CFR 240.12f–1 and 12f–3] to require that applicants for the extension, suspension, or termination of unlisted trading privileges provide copies of their applications to those persons specified in Section 12(f)(5) of the Securities Exchange Act as entitled to appropriate notice thereof. For further information, please contact William S. Muller at (202) 272–2415.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092.

March 25, 1980.

[S–638–80 Filed 3–26–80; 3:45 pm]

BILLING CODE 8010–01–M

federal register

Friday
March 28, 1980

Part II

Interagency Regulatory Liaison Group

Implementation of Referral Inspection Program

INTERAGENCY REGULATORY LIAISON GROUP

Compliance and Enforcement Work Group; Referral Inspection Program

AGENCY: Interagency Regulatory Liaison Group (IRLG), representing the Consumer Product Safety Commission (CPSC); the Environmental Protection Agency (EPA); the Food and Drug Administration, Department of Health, Education and Welfare (FDA); and the Food Safety and Quality Service, Department of Agriculture (FSQS).

ACTION: Implementation of Inspection Referral Program.

SUMMARY: This notice publishes the procedures for initiating referral inspections. The Administrative Procedure Act (5 U.S.C. § 553(b)) provides that the solicitation of comments is not required of Federal agencies for "interpretative rules, general statements of policy, rules of agency organization, procedures, or practice". The IRLG agencies have determined that this Referral Inspection Program guidance material falls within this exemption from the requirement to solicit public comment. However, in the interest of open administration of their regulatory authorities, the IRLG agencies will allow interested persons to submit written comments regarding the referral inspection program set forth in this notice.

DATE: Written comments are requested to be submitted by June 11, 1980. Five copies of these comments should be submitted to facilitate the work of the agencies and of others interested in inspecting such documents.

ADDRESS: Written comments should be addressed to Ms. Susan Guenette, Executive Assistant, Interagency Regulatory Liaison Group, 1111 18th Street, NW., Room 303, Washington, D.C. 20207. Comments may be examined in the IRLG Office located at the above address from 9:00 a.m. to 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION OR QUESTIONS CONTACT: Ms. Susan Guenette, 202–634–4350.

FOR COPIES OF THIS NOTICE CONTACT: Industry Assistance Office, (TS–799), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; or telephone toll-free 800–424–9065 or in Washington, 554–1404.

SUPPLEMENTARY INFORMATION:

I. General Background

The Interagency Regulatory Liaison Group (IRLG) is made up of four Federal regulatory agencies which have responsibility for enforcing laws to protect health and safety in the home, the workplace, and the environment. These agencies—Consumer Product Safety Commission (CPSC), U.S. Environmental Protection Agency (EPA), Food and Drug Administration (FDA), and the Food Safety and Quality Service (FSQS), have joined together to develop cooperative programs that will provide maximum public protection while using resources in the most cost-effective manner.

The Compliance and Enforcement Work Group has initiated a number of projects designed to improve the ability of the IRLG agencies to discover, analyze, and correct potentially hazardous situations. A major effort of the group has been the development of a program to coordinate the inspection resources of the five IRLG agencies.

These agencies have cooperated informally for many years, especially in the area of compliance inspections. An inspector from one agency might have observed a situation in the course of a routine which appeared to violate another agency's requirements. Such observations would be noted and passed along to the appropriate agency for follow-up. In recent years, the agency regional offices have independently developed certain mechanisms, such as checklists, forms, and procedural guidelines, to facilitiate this kind of reporting. The IRLG Referral Inspection Program constitutes a formal, standardized procedure for reporting observations of suspected violations to the agency which is responsible for enforcing the standard. To assure its full implementation, the IRLG agencies have developed training programs, handbooks, and other materials to assist in sensitizing inspectors to the requirements of the other agencies.

Program Goals

The overall goal of the Referral Inspection Program is to achieve early identification and correction of serious problems. Better sharing of compliance information at the field level will also make more effective use of limited resources in monitoring compliance by the regulated industries.

Definition and Scope

Referral inspections are defined as inspections by one agency which may result in referrals of possible violations by one agency to another for follow-up investigation. Inspectors from each IRLG agency will be trained to recognize situations which indicate possible violations of other agencies' laws and regulations and to refer such observations to the appropriate agency. The determination that actual violations exist will be made only by the agency having legal jurisdiction over the suspected violation, and then only on the basis of its own follow-up investigation.

No inspector is permitted to enter any areas of a facility or to perform any activities he would not ordinarily do during the course of an inspection authorized by the statute he is empowered to enforce. However, if during his regular inspection he does observe, in plain view, a possible infraction of another agency's law or regulations, he may note such an observation and refer it to the appropriate agency.

Facility Notification

The inspector will make a referral only if, during the course of an authorized routine inspection, a potential problem is observed which comes under another agency's jurisdiction. Since referrals made under this program require no additional statutory authority, no particular announcement will be made to the facility at the start of the inspection about the possibility of a referral.

The determination that a violation does or does not exist can only be made by the agency having enforcement jurisdiction. Consequently, the inspector will not inform the facility of an observation that will be referred to another agency. A notification of the facility by the inspector could imply that the observed situation actually constitutes a violation, the firm might institute remedial action that is either unnecessary or incorrect as a result.

Referral and Follow-up

If the inspector makes a reportable observation, a referral memorandum will be prepared which describes the observation, its location, the name of the product (if any) involved, and the names of the responsible company official. The memorandum will be forwarded to the IRLG contact in the appropriate agency for follow-up action.

The agency receiving the referral memorandum will assess it in conjunction with its own priorities and initiate follow-up inspections accordingly. Since the inspector training will be directed toward the more serious problems which the IRLG agencies encounter, most referrals are likely to warrent a timely follow-up inspection by the receiving agency. If the receiving agency is already aware of the problem and is aware that appropriate corrective action is already underway, no further follow-up would be required.

Inspector Training

An inspector training program has been developed which exphasizes identification of product and site defects which generally indicates a violation or other serious hazard.

Some examples of the kinds of visual signs inspectors will be trained to look for will help illustrate what is covered. If an inspector observed animal activity, filthy processing equipment, or pesticide misuse that might cause contamination of food, drugs, or cosmetics, it would be called to the attention of FDA. Inspectors will become familiar with certain packaging requirements for household products—such as child resistant packaging on drugs and warning labels on hazardous substances—and refer any observed infractions to the Consumer Product Safety Commission. Likewise observations of foam, scum, or dead aquatic life in the vicinity of waste discharge; open burning of trash piles; or evidence of oil or chemical spills or leaks would be reported to EPA for follow-up investigation.

In conjunction with training seminars being conducted cooperatively at the Regional level, inspectors will receive a manual containing detailed information on the legislative authority and regulatory requirements enforced by each of the agencies. Since this will be an ongoing program, training course content and materials will be updated periodically to reflect changes and additions to regulatory requirements.

Program Evaluation

Data regarding the numbers, kinds, and usefulness of referrals resulting from the program will be collected from the Regions for use in program evaluation. After six months, the program guidance documents and training materials will be assessed and revisions made based on Regional experience. Public comments on the program will also be considered at that time. Later revisions in the program will be made as needed.

Guidelines for Referral Inspections

Background

The Interagency Regulatory Liaison Group (IRLG) was formed to more closely coordinate activities between the U.S. Environmental Protection Agency (EPA), Food and Drug Administration (FDA), Consumer Product Safety Commission (CPSC), and Food Safety and Quality Service (FSQS). As part of this coordinated effort, the agencies agreed to coordinate their compliance and enforcement programs and identified two types of cooperative inspections for implementation: Referral and joint. This document outlines the procedures for initiating referral inspections; documents related to joint inspection will be issued at a later date.

Definition and Authority

The IRLG has defined referral inspections as:

> * * * inspections conducted by one agency which result in the referral of a (suspected) violation to another agency for follow-up inspection by the other agency.

A referral inspection is not reviewed as a means of having an agency perform routine inspectional work for another agency, but rather its purpose is to ensure that obvious suspected violations of other laws are not overlooked. Although termed a referral inspection, such an inspection is simply a customary agency investigation which may include observation of interest to another agency.

The basis for referral inspections is the plain view doctrine which holds that during the course of his authorized activities, an inspector is not required to ignore irregularities which are within his view, even though these problems are not under the jurisdiction of the law(s) which he enforces. The plain view doctrine does not confer any other authority to the inspector and is not license for him to enter areas or to perform functions beyond those covered under his agency's present regulatory authority.

Purpose and Scope

Agencies have always notified other agencies of potential violations of other Agencies' laws. The purpose of the IRLG referral inspection program is to make the process more formal and to heighten the sensitivity of each agency's inspectors to situations which may be indicative of a serious hazard or illegal activity. The program is designed to integrate with the current operations of the IRLG agencies. The referral observations will be made primarily at those establishments which an inspector (investigator) visits in the normal course of his inspectional work. They could also be made while on official duty from areas in the public domain, which are not within the boundaries of a particular inspection site.

Entry and Inspection

Each agency will be responsible for implementing the referral program within its own inspectional guidelines and authority. However, the following procedures should be followed by all cooperating agencies:

1. At the time of entry, the inspector will make no announcement concerning the possibility of his making a referral observation. Such an announcement may imply that the inspector has been delegated authority beyond that contained in the law he is empowered to enforce.

2. The inspector will enter only those areas, take those samples (including photographs), or review those books and records for which he has credentials.

3. Should the inspector observe a problem or irregularity, he will note the observation but make no judgment concerning its legality.

4. In most cases, the inspector will *not* verbally notify the owner, operator, or agent-in-charge of the facility of any referral observations that have been made. Such notification may infer a violation of the law when, in fact, no violation may have occurred. However, if the inspector is certain that the situation he has observed poses so serious a hazard to health or the environment that immediate corrective action is necessary, the facility may be notified of the problem. (For example, swollen or blown canned foods would be considered a serious problem, while a missing EPA Establishment Number on a pesticide would not.)

Referral Guide

The effectiveness of the referral program will depend on the inspectors' ability to recognize situations which are symptoms of more serious problems. To that end, each agency has drawn up a list of visual signals which generally connote potential violations. The lists have been consolidated into the Referral Guide (Appendix I).

The Referral Guide is only a reference document. While the product or site related defects enumerated in the guide constitute the major focus of the referral program, the inspector should also refer any other observations which may be of interest to another agency. It is not anticipated that the inspector will consult the guide during each inspection, but the inspector should periodically review the listing to ensure his familiarity with its contents.

Referral Memorandum

The referral memorandum (Appendix II) is the mechanism through which information concerning pertinent observations will be transmitted from one agency to another. The memo is filled out *only* when a pertient observation has been made, *not* for every inspection.

The memo consists of two parts. The upper portion of the memo provides spaces for describing the observation, its location, the name of the product (if any) involved, and the name of the

responsible company official. Upon completing the upper portion of the memo by furnishing his name, telephone number, and agency, the inspector should send the top copy of the memo to the appropriate IRLG contact point. The second copy of the memo should be retained.

The bottom portion of the form is a tear-off notification slip. The slip will be completed by the agency receiving the referral and returned to the originating agency. The purpose of the notification slip is to inform the originating agency about any follow-up action. If the agency receiving the referral determines that the observation is not within its jurisdiction or that follow-up action is not required, the originating agency should also be informed of this fact via the notification slip.

Each regional IRLG work group will establish its own regional contract points and internal mechanism for the transfer of referral memos and notifications slips. Upon establishing these internal procedures, the regional work group will develop a concise outline of the procedures including the names, agency affiliations, and telephone numbers of the principal contact points as well as the person having lead responsibility for instituting the program. The outline will be incorporated into the region's referral training program and a copy will be forwarded to Gary Beard, IRLG Regional Coordinator, FDA, Room 15A16 (HFO–320), Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

It is expected that situations may arise where an observation within one region may fall within the jurisdiction of another region. In these situations, the referral memo will be forwarded through the usual internal mechanism to the agency having jurisdiction over the problem. The receiving agency will be responsible for sending the referral memo to the agency's appropriate regional office and for transferring the notification slip back to the originating agency.

Follow-up

The agency receiving the referral memo should assess the IRLG observation in conjunction with its own priorities and initiate the appropriate follow-up. Since the Referral Guide is directed toward the more serious problems which the IRLG agencies encounter, it is presumed that most referrals will be followed up in a timely manner. In some instances, the receiving agency may have already been aware of the problem and taken corrective action, so no follow-up would be required. Should the receiving agency have any questions about the referral memo, the originating inspector may be contacted by phone for clarification.

Emergencies

On a rare occasion, an inspector may detect a problem within the regulatory jurisdiction of another IRLG agency which in his judgment presents an imminent hazard. Because of the need for prompt action, the inspector should immediately contact his supervisor by telephone and report his findings. If the supervisor supports the inspector's assessment, the supervisor should contact the necessary personnel who will institute the notification of the appropriate agency emergency response team.

Training

Before the formal initiation of referral inspections, agency inspectors will be trained in the basic requirements imposed by the laws enforced by FDA, CPSC, EPA, and FSQS. Particular emphasis will be given to the identification of the product and site defects listed in the Referral Guide. In addition to problem recognition, inspectors will receive instruction on the administrative procedures developed to carry on the program.

Training course materials have been sent to each IRLG regional training group. To achieve better agency integration, each training class should be small in size and include inspectors from all agencies. The training course will be given by regional instructors.

The major portion of each agency's course instruction will be devoted to either audio-visual presentations relating to problem detection or the use of actual physical examples such as product packaging. A course manual, which gives further details about the laws each agency enforces, will be distributed to each inspector for use as a reference.

Reporting

Because the referral inspection program will be a continuing activity of the IRLG agencies, the program's effectiveness must be analyzed. Four types of information must be collected for program assessment purposes.

Number of Opportunities. The number of opportunities the IRLG agencies' regional personnel have had to look for the product or site defects listed in the Referral Guide will serve as the overall data base. In may instances this number will equal the number of routine inspections performed by each agency.

Number of Referral Memos. The number of referral memos generated by the regional offices and the types of problems referred will be used to gauge the applicability of the product or site defects listed in the Referral Guide. The types of problems referred should be identified by agency acronym and a number as listed in the Referral Guide.

Number of Follow-Up Inspections. The number of follow-up inspections conducted in response to interagency referrals will be used to evaluate the appropriateness of the Referral Guide in view of the receiving Agency's priorities.

Number and Types of Violations. The number and types of violations actually detected through the referral program will be used to measure the value of the training as well as to measure the success of the entire program. This information may be gathered from the agency feedback contained in the notification slip.

Upon transmittal of the program to the regions by the Principals, the person named by the regional work groups as having lead responsibility for instituting the referral program will also be responsible for generating the four types of data described above. The regional work groups will devise their own systems for generating the data. When data results from an interregional referral, the region where the observation occurred will submit the data concerning both the referral and follow-up.

Reports will be submitted on a quarterly basis for one year after initiation of the national program. The data will be reviewed by the national subgroup and used to modify the program and to report the program's progress to Gary Beard, IRLG Regional Coordinator, FDA, Room 15A16 (HFO–320), Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Updating

The referral program will be updated on a continuing basis. As laws and regulations are instituted or amended, their impact on the program will be assessed and the program will be revised as necessary. The Referral Guide will also be evaluated based on information in the quarterly data submissions. Product or site defects will be added or deleted from the Guide depending on their rate of use, or practicability and relation to the priorities of the IRLG agencies. The Compliance and Enforcement Counterpart Group will also encourage regions to submit suggestions for improvement of the referral program.

State Implementation

Several regional IRLG work groups have begun efforts to acquaint their states with the IRLG program. Such

efforts are encouraged because they further the goals of increasing the efficiency of compliance and enforcement activities. As soon as the referral program becomes operational on a national basis, consideration will be given to the implementation of referral inspections at the state government level.

Although the initial groundwork has been established, increasing the involvement of states will demand the resolution of additional procedural issues. Specifically, the introduction of state personnel into the system will require the designation of state lead agencies, creation of an IRLG regional/state communications network, determination of training needs, and re-evaluation of program emphasis. In preparation for such expansion, headquarters and regional IRLG work groups will need to form even closer working relationships with each other and with their state counterparts to ensure effective program management.

Appendix I—Referral Guide

Food and Drug Administration (FDA)

1. Actual or potential *Food, Drug,* or *Cosmetic* contamination from: animal activity, pesticide misuse, equipment breakdown/malfunction, filthy processing equipment, airborne dust, contaminated/rotten raw materials, natural disaster damage, accident damage.

2. Packaging: inadequate product labeling or label control, containers damaged/leaking.

Consumer Product Safety Commission (CPSC)

1. Lack of child resistant packaging on: aspirin, preparations with methyl salicylate, manufacturer's consumer size package Rx oral drugs, drugs/dietary supplements with iron, kindling/illuminating compounds with petroleum distillates, furniture polish with petroleum distillates, turpentine, sulfuric acid methanol, ethylene glycol, paint solvents, sodium/potassium hydroxide.

2. Hazardous household chemicals (toxic, corrosive, irritating, flammable, or pressure generating), which are not conspicuously labeled with: signal word: DANGER, WARNING, CAUTION, statement of principal hazard; Vapor Harmful, Harmful or Fatal if Swallowed, Flammable, etc., precautionary, warning/storage instructions, names of hazardous ingredients, first aid instructions, name/location of manufacturer, statement "Keep Out of Reach of Children".

3. Paint with more than 0.06% lead: for consumer use, furniture except metal, applied to toys/children's articles.

4. Consumer patching compounds containing asbestos.

Environmental Protection Agency (EPA)

Pesticides (EPA)

1. Labeling or packaging defects: EPA Reg. No., Co. name & address, front panel warning, EPA Est. No., brand name, safety claims, Nt. wt./content, ingredient statement, container leaks/damage.

2. Misuse: site, protective equipment.

Water (EPA)

1. Presence of the following in the vicinity of waste discharge: foam, scum, dead aquatic life, oil solids, algae.

2. Evidence of: oil/chemical spills/leaks, improperly maintained spill containment dikes, uncontrolled pipe discharge.

Air (EPA)

1. Stack emissions other than steam: white, black, other.

2. Fugitive emissions other than steam from: doors, windows, equipment.

3. Fugitive dust fall-out.

4. Open burning: trash piles, disposal area, other.

5. Service stations: introduction of leaded gas into a vehicle requiring unleaded gas, small nozzle on leaded pump instead of large nozzle, discarded catalytic converters.

Interagency Regulatory Liaison Group

Subject: IRLG Referral Observation

To: _____
Date: _____
From: _____
Agency: _____
Telephone: _____

On_____, I made the following observation:_____
_____
_____
_____

The name of the product involved is:_____.
Firm Name & Address: _____
_____
_____
_____

Responsible Official & Title:
_____
_____
_____

Response Notification

A follow-up (was) (was not) made on the above referral observation. It was determined that:
_____
_____

From: _____
Signature of Replier:
_____

Appendix II

Dated: March 20, 1980.

Thomas Grumbly,

Chairman, Interagency Regulatory Liaison Group.

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Friday
March 28, 1980

Part III

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 of 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 and 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

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Colorado:	
CO79–5117	June 15, 1979.
CO79–5118	June 15, 1979.
CO79–5119	June 15, 1979.
CO79–5120	June 15, 1979.
Delaware:	
DE78–3080	Nov. 3, 1978.
Florida:	
FL78–1071	Sept. 1, 1978.
Maryland:	
MD77–3119	Sept. 9, 1977.
MD77–3130	Sept. 23, 1977.
MD78–3000	Jan. 27, 1978.
MD77–3026	Aug. 31, 1979.
MD79–3031	Nov. 30, 1979.
New Jersey:	
NJ79–3029	Jan. 4, 1980.
North Carolina:	
NC80–1017	Jan. 4, 1980.

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. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
Arkansas:	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
Florida:	
AL76–5090 (AL80–1069)	Oct. 8, 1976.
Illinois:	
IL79–2061 (IL80–2018)	June 22, 1979.
Indiana:	
IL79–2061 (IL80–2018)	June 22, 1979.
Kentucky:	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
Kentucky:	
IL79–2061 (IL80–2018)	June 22, 1979.
Louisiana	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
Mississippi:	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
Missouri:	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
Missouri:	
IL79–2061 (IL80–2018)	June 22, 1979.
Montana:	
MT79–5133 (MT80–5111)	Aug. 31, 1979.
Ohio:	
OH76–2030 (OH80–2020)	Mar. 5, 1976.
Ohio:	
IL79–2061 (IL80–2018)	June 22, 1979.
Tennessee:	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
Texas:	
AL76–5090 (AL80–1060)	Oct. 8, 1976.
West Virginia:	
IL79–2061 (IL80–2018)	June 22, 1979.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 21st day of March 1980.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION #CO79-5117-Mod. #4 (44 FR 24719-June 15, 1979) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit, and Weld Counties, Colorado	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$12.87	$1.275	$1.00		.05
Lathers	12.49				.01
Plumbers; Steamfitters:					
Southern portions of Douglas, Elbert, and Park Counties	11.75	.85	1.15	1.60	.10
Boulder County	12.25	.85	1.15	.75	.15

DECISION #CO79-5118-Mod. #4 (44 FR 34724-June 15, 1979) El Paso County, Colorado	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	12.87	1.275	1.00		.05
Roofers	10.65	.59	.40		

DECISION #CO79-5119-Mod. #4 (44 FR 34728-June 15, 1979) Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	12.87	1.275	1.00		.05
Bricklayers; Stonemasons:					
Remaining Counties	11.25	.85	.95		.05

DECISION #CO79-5120-Mod. #3 (44 FR 34733-June 15, 1979) Las Animas, Otero and Pueblo Counties, Colorado	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$12.87	$1.275	$1.00		.05

MODIFICATION PAGE 3

DECISION #DE78-3080 - Mod. #8
(42 FR 51567 - November 3, 1978) State of Delaware

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Brick layers	10.90	.95	1.10		
Electricians	13.00	1.07	1.17		½%
Line Construction:					
Linemen and Cable Splicers	14.18	.45	3%		3/4%
Winch Truck Operators	9.93	.45	3%		3/4%
Truck Drivers	9.22	.45	3%		3/4%
Groundmen	8.51	.45	3%		3/4%
Marble Setters	10.63	.95	1.10		
Painters:					
Base Rate	10.12	1.00	.70		.01
Structural steel and suspended scaffolding (swing, chair and window belts)	10.34	1.00	.70		.01
Machine taping	10.62	1.00	.70		.01
Bridges (if surface to be painted is 50' or more above ground or water) and/or cabled scaffolding	12.60	1.00	.70		.01
Tank (if exposed to the weather and is used for storage or processing purposes with a capacity of 5,000 gallons or more using exterior dimensions and/or interior work on all tanks), sandblasting, and spray	10.67	1.00	70		.01
Height pay - Work 75' or more from surface an additional 55¢ shall be paid above the applicable rate					
Plumbers and Steamfitters:					
New Castle and Kent (north of the southern boundary of Dover City) Counties:					
Steamfitters	13.90	1.03	1.07	e	.05
Sprinkler Fitters	13.55	.75	1.05		.08
Stone Masons	10.90	.95	1.10		
Terrazzo Workers and Tile Setters	10.63	.95	1.10		

MODIFICATION PAGE 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #FL78-1071-Mod.# 2 (43FR-39249-September 1,1978 Citrus, Hernando, Hillsborough, Indian River, Manatee, Martin, Pasco, Pinellas, Sarasota, St. Lucie, and Sumter Counties, Florida					
Change:					
Laborers:					
Unskilled	3.10				

DECISION #MD77-3119-Mod.#2
(42 FR 45588 - September 9, 1977) Anne Arundel, Calvert, Carroll, Charles, Frederick, Howard, Montgomery, Prince George's St. Mary's and Washington Counties, Maryland.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

Change:
Description of Work:
Highway Construction Project (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

DECISION #MD77-3130 - Mod.#5
(42 FR 48661 - September 23, 1977) Baltimore County, Maryland

Change:
Description of Work:
Highway Construction Project (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

DECISION #MD78-3000-Mod. #3
(43 FR 3867 - January 27, 1978). Cecil, Caroline, Dorchester, Harford, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worchester Counties, Maryland.

Change:
Description of Work:
Highway Construction Project (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

Decision #MD79-3026 - Mod.#2
(44 FR 51479 - August 31, 1979)
Cecil County, Maryland

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers	11.38	.80	.50		.07
Ironworkers-Structural Ornamental and Reinforcing	12.55	1.24	1.36		.05
Power Equipment Operators					
Group 1	11.34	.95	1.00	i	.13
Group 2	10.87	.95	1.00	i	.13
Group 3	10.32	.95	1.00	i	.13
Group 4	9.78	.95	1.00	i	.13
Group 5	8.71	.95	1.00	i	.13
Group 6					
A	11.74	.95	1.00	i	.13
B	11.94	.95	1.00	i	.13
C	12.14	.95	1.00	i	.13
D	12.34	.95	1.00	i	.13
E	12.59	.95	1.00	i	.13
Steamfitters	12.29	.83	.92		.15
Stone Masons	11.38	.80	.50		.07
Truck Drivers (Excavation):					
Dump Trucks	8.64	1.05	.80	e+f	
Euclid wagon and dumpsters	8.95	1.05	.80	e+f	
Drop frame, goose necks, and trailer	8.84	1.05	.80	e+f	
Pickup	8.43	1.05	.80	e+f	

DECISION #MD79-3031-Mod.#2

(44 FR 69110 - November 30, 1979) Counties of Anne Arundel (excluding the D.C. Training School), Baltimore, Baltimore City, Maryland, and for Heavy Construction Projects in Harford and Howard Counties, Maryland.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters, Soft Floor Layers, Millwrights, & Piledrivers:					
Zone 2					
Carpenters, Soft Floor Layers, Piledrivers	11.70	.75	.69		.07
Millwrights	12.20	.75	.69		.07
LABORERS, BUILDING					
Common Laborers	8.45	.35	.60		.075
Burners (demolition)	8.95	.35	.60		.075
Hod Carriers, gunnite nozzle & gun operator	8.85	.35	.60		.075
Pipelayers (Concrete & Clay)	8.65	.35	.60		.075
Plasterers Laborers	8.60	.35	.60		.075
Power Tool Operators	8.55	.35	.60		.075
Wagon Drill Operator, Jackhammer Operator (80' or over), Barco Tampers	8.70	.35	.60		.075
Plumbers	12.12	.87	.99		.16
Steamfitter	13.12	.87	1.04		.16
Terrazzo Workers & Tile Setters	9.71	.70	.50		.04

DECISION # NJ79-3029 - Mod. #1

(44 FR 1350 - January 4, 1980) Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren, Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit:					
Classifications and Wage Rates for Line Construction on Railroad Work only					
Add:					
Line Construction (Railroad Work Only):					
All counties:					
Linemen	11.75	11%	8.7%		.2%
Line Equipment Operator	11.18	11%	8.7%		.2%
Groundman Winch and Truck Operators	8.82	11%	8.7%		.2%
Groundman	7.31	11%	8.7%		.2%
Dynamite Men	9.67	11%	8.7%		.2%
Transit Men	11.56	11%	8.7%		.2%
Change:					
Bricklayers, Cement Masons, Stone Masons, and Plasterers:					
ZONE 3	11.75	1.22	1.70		.03
Carpenters, Insulators, and Millwrights:					
ZONE 1	11.39	1.02	1.52		.05
ZONE 2	11.45	.95	1.55	.50	.02
Electricians and Cable Splicers:					
ZONE 3	13.85	7%	3%+1.40		.015
ZONE 5	13.69	11%	9%+.58		1.5%
ZONE 8	13.55	7%	3%+1.40		.015
ZONE 10	13.98	7%	3%+1.40		.015
Ironworkers - Structural, Reinforcing, and Ornamental:					
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, and Union Counties	12.55	1.05	2.85	1.15	.11

DECISION #NJ79-3029 Cont'd	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction (excluding Railroad Constuction):					
ZONE 3					
Linemen, Cable Splicers, Equipment Operators, and Groundmen	13.69	11%	9%+.58		3/4%
Roofers:					
ZONE 1:					
Composition	13.10	1.14	1.00		
Sheet Metal Workers:					
Morris, Somerset, Sussex, and Union Counties	11.85	1.10	1.80		.10

Decision #NC80-1017 Mod. # 1
(45 FR-1370 January 4, 1980)
Beaufort, Bertie, Chowan, Dare, Edgecombe, Franklin, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pitt, Tyrrell, Vance, Warren and Wilson Counties, North Carolina.

Add:
Martin County

SUPERSEDEAS DECISION

STATES: Alabama, Arkansas, Florida (west of the Aucilla River), Kentucky, Louisiana, Mississippi, Missouri, Tennessee and Texas

COUNTIES: Gulf of Mexico Area

DECISION NUMBER: AL80-1060

DATE: Date of Publication

Supersedes Decision AL76-5090 dated October 8, 1976 in 41 FR 44609

DESCRIPTION OF WORK: Dredging along the Gulf Coast area including the Mississippi River and tributaries to the Ohio River.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Derrick Operator	$5.38				
Dozer Operator	5.53				
Marsh Buggy Dragline Operator	6.70				
Marsh Buggy Dragline Oiler	6.33				
Hydraulic Dredging:					
First Cook	3.90				
Second Cook	3.65				
Cook Helper-Mess Boy	3.25				
Janitor-Cabin Boy	3.85				
Handyman	4.33				
Dredges Under 16":					
Leverman	4.25				
Dredge Tender Operator	3.60				
Deckhand	3.10				
Oiler	3.50				
Welder	3.80				
Dredges 16" and Over:					
Leverman	6.10				
Dredge Tender Over 250 h.p.	5.14				
Dredge Tender Under 250 h.p.	5.14				
1st Assistant Engineer	6.06				
2nd Assistant Engineer	5.50				
3rd Assistant Engineer	5.06				
Deckhand	3.88				
Shoreman	3.90				
Truck Driver	3.90				
Oiler	4.00				
Welder	5.47				
Firemen	4.40				

SUPERSEDEAS DECISION

STATES: Illinois, Indiana, Kentucky, Missouri, Ohio, & West Virginia
DECISION NUMBER: IL80-2018 DATE: Date of Publication
Supersedes Decision No. IL79-2061 dated June 22, 1979 in 44 FR 36672
DESCRIPTION OF WORK: Dredging of the Illinois River between Miles 0.0 and 80.0; the Ohio River between Miles 950.0 and 122.0; the Upper Mississippi River between Miles 0.0 and 195.0; and the Kaskaskia River from the mouth to Fayetteville, Illinois.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I					
Within the geographical jurisdiction of the St. Louis District, Corps of Engineers.					
Levermen, Egnineer, Mechanic and Boatman	$11.745	.96	1.51		
Oiler	9.77	.96	1.51		
AREA II					
Within the geographical jurisdiction of the Lousiville District, Corps of Engineers					
Levermen, Engineer, Mechanic, and Boatman	11.395	.96	1.51		
Oiler	8.635	.96	1.51		
AREA III					
Within the geographical jurisdiction of the Huntington District, Corps of Engineers					
Levermen, Engineer, Mechanic, and Boatman	11.395	.96	1.51		
Oiler	8.635	.96	1.51		
AREA IV					
Within the geographical jurisdiction of the St. Paul District Corps of Engineers					
Levermen, Engineer, Mechanic, and Boatman	11.07	1.10	1.10		
Oiler	9.95	1.10	1.10		
AREA V					
Within the geographical jurisdiction of the Rock Island District Corps of Engineers					
Levermen, Engineer, Mechanic, and Boatman	11.96	1.10	1.10		
Oiler	10.00	1.10	1.10		

DECISION NO. IL80-2018

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA VI					
Within the geographical jurisdiction of the Chicago District Corps of Engineers					
Levermen, Engineer, Mechanic, and Boatman	12.50	1.10	1.10		
Oiler	9.45	1.10	1.10		

STATE: Montana COUNTIES: Statewide
DECISION NUMBER: MT80-5111 DATE: Date of Publication
Supersedes Decision No. MT79-5133 dated August 31, 1979, in 44 FR 51491
DESCRIPTION OF WORK: Heavy and Highway Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Broadwater, Jefferson and Lewis and Clark Counties:					
Carpenters	$10.49	.80	.75		.02
Piledrivermen; Stationary Power Saw Operator and Sawfiler	10.69	.80	.75		.02
Millwrights	11.44	.80	.75		.02
Remainder of Counties:					
Carpenters	10.53	.80	.75		.02
Piledrivermen; Sawfilers; Carpenters on Charred and Creosote wood; Stationary Power Saw Operator	10.78	.80	.75		.02
Millwrights	11.53	.80	.75		.02
CEMENT MASONS:					
Cement Masons	10.13	.85	.40		
Grinder, Bush Hammer and Clipping Fan preparing finished surface; Epoxy	10.28	.85	.40		
ELECTRICIANS:					
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Powell Counties	12.75	.65	3%+.50		1/2%
Big Horn, Carbon, Carter, Dawson, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, Wibaux and Yellowstone Counties:					
Electricians	12.77	.50	3%+.75		1/2%
Blaine, Hill, Liberty and Phillips Counties					
Contracts over $150,000	12.90	.65	3%+.75		1/2%
Contracts under $150,000	12.10		3%+.75		1/2%
Broadwater, Lewis and Clark and Meagher Counties	13.25	.65	3%+.50		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	12.90	.65	3%+.75		1/2%
Cable Splicers	13.20	.65	3%+.75		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Custer and Garfield Counties	$ 9.40		3%		1/2%
Daniels, McCone, Richland, Roosevelt, Sheridan and Valley Counties:					
Electricians	11.60	.65	3%+.75		1/2%
Cable Splicers	11.85	.65	3%+.75		1/2%
Fergus, Petroleum and Wheatland Counties:					
Contracts over $30,000	10.85	.45	3%+.50		1/2%
Contracts under $30,000	9.25	.45	3%+.50		1/2%
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties:					
Electricians	12.20	.65	3%+.50		1/2%
Cable Splicers	12.85	.65	3%+.50		1/2%
Gallatin County	11.95	.50	3%+.25		1/2%
Park and Sweet Grass Cos.	11.30	.50	3%+.50		1/2%
IRONWORKERS:					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli and Silver Bow Counties	12.06	.75	1.35		.15
Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sanders Counties	13.66	.93	1.70		.10
Remaining Counties (including Northern half of Lewis and Clark County)	12.06	.75	1.35		.15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Silver Bow County, South part of Jefferson County, from a line running due west from the south limits of Tosten, south part of Broadwater County, from a line running east and west through the north limits of Tosten, the west part of Madison County, from a line running north and south through the west limits of Harrison;					
Beaverhead County	$10.69	.53	.35		.03
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wheatland (south of the City of Harlowtown), Wibaux and Yellowstone Counties:					
Brush, Roller	9.86	.56	.20		
Spray (not steel), Sandblaster	10.84	.56	.20		
Steel (brush or roller)	10.11	.56	.20		
Spray (structural steel and tanks), Sandblaster (structural steel and tanks)	11.09	.56	.20		
Deer Lodge County and the Southern part of Granite County from a line east-west through the southern limits of Phillipsburg:					
Painter	9.52				
Paint Mitts	10.02				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Water Sandblasting and steam cleaning; Stacks and steeples; Brushing of steel; Spraying and airless spraying; Work over 30 feet	$11.80				
Cascade, Chouteau (south of a line running east and west through the southern limits of Big Sandy), Daniels, Fergus, Glacier, (excluding Glacier National Park), Garfield, Judith-Basin, Lewis and Clark (northern portion from a line running east and west through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland (northern area from a line running east and west through the southern limits of Harlowtown) Counties:					
Painter, Brush, Preparatory work, Pot Tender, Roller up to 9 inches	10.62	.56	.40		1%
Paperhanger, Brush on Steel	11.12	.56	.40		1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Water and Sandblasting; Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Spraying and airless spray	$12.87	.56	.40		1%
Roller over 9" long	14.22	.56	.40		1%
Broadwater, Gallatin, Jefferson (northern area from a line running east and west 5 miles south of the southern City limits of Boulder), Lewis & Clark (southern portion from a line running east and west thru the southern limits of Craig), Madison (east of the west City limits of Harrison), Meagher, Park, Powell (northern area from a line running east and west through the southern City limits of Helmsville):					
Brush; Preparatory work; Pot Tender	10.69	.51	.35		.03
Spraying and Airless Spray	11.69	.56	.40		1%
Sandblasting; Waterblasting	12.69	.56	.40		1%
Structural Steel Brush	12.19	.56	.40		1%
Blaine, Hill, Liberty and Chouteau (north of the southern limits of the City of Big Sandy) Cos.	9.78				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Flathead, Granite (northern area north limits of Phillipsburg), Lake southern area including the City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli and Sanders Counties	$11.15	.49	.40		.04
Traffic Surface: Sandblaster; Stripper; Material Mixer, Applicator Operator	10.00	.56	.40		
PLUMBERS:					
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	14.28	.75	.70		.15
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole and Valley Counties	13.85	.75	1.10		.15
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis & Clark, Madison, Park, Powell, Silver Bow and Sweet Grass Counties	14.05	.70	.85		.10
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	14.20	1.00	.90		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Broadwater, Jefferson (including north half of the City of Boulder), Lewis and Clark and Meagher Counties	$13.35	.93	.25		.12
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	13.56	.69	.50		.12
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	13.00	.73	3%+.805		.24
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	12.88	.68	.75		.15
Beaverhead, Deer Lodge, Granite, Jefferson (southern half), Madison, Powell and Silver Bow Counties	13.19	.69	.48		.04

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Raker	$ 8.90	.62	.53		.05
Axeman	8.60	.62	.53		.05
Burning Bar	8.76	.62	.53		.05
Car and Truck Loaders, Scissorman	8.60	.62	.53		.05
Caisson Workers (free air)	8.76	.62	.53		.05
Carpenter Tender	8.60	.62	.53		.05
Cement Handlers	8.76	.62	.53		.05
Cement Mason Tender	8.76	.62	.53		.05
Choker Setter	8.76	.62	.53		.05
Chuck Tender and Nipper (above ground)	8.60	.62	.53		.05
Concrete Laborers (wet or dry); Bucketman and Signalman	8.76	.62	.53		.05
Concrete or Asphalt Saw	8.76	.62	.53		.05
Concrete Vibrator (5" and over)	8.90	.62	.53		.05
Cosmolene applying and removing	8.60	.62	.53		.05
Core Drill Operator	9.60	.62	.53		.05
Curb Machine	8.76	.62	.53		.05
Cutting Torch and Air Arc	9.60	.62	.53		.05
Drills, Air-tract, self-propelled, cat or truck mounted air operated	8.90	.62	.53		.05
Drills, Air-tract, with dual mast	8.90	.62	.53		.05
Drills, Air-tract, self-propelled, Mustang type or similar	8.90	.62	.53		.05
Dumpman (spotter)	8.60	.62	.53		.05
Dumpman (grademan)	8.76	.62	.53		.05
Equipment Handler	8.90	.62	.53		.05
Fence Erector and Installer (including installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers)	8.60	.62	.53		.05

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Form Setter	$ 8.76	.62	.53		.05
Form Stripper	8.60	.62	.53		.05
Grade Setter	9.60	.62	.53		.05
General Laborer	8.60	.62	.53		.05
Hand Faller	8.76	.62	.53		.05
High Scaler	8.90	.62	.53		.05
High Pressure Machine Nozzleman	8.90	.62	.53		.05
Heater Tender	8.60	.62	.53		.05
Jackhammer, Pavement Breaker, Wagon Drills, Concrete Vibrator, Mechanic Tamper, Vibrating Roller, hand steered and other power tools	8.76	.62	.53		.05
Landscape Laborers	8.60	.62	.53		.05
Nozzleman-air and water, gunite and Placo Machine	8.76	.62	.53		.05
Pipe Layer (all types)	8.76	.62	.53		.05
Pipe Wrapper	8.76	.62	.53		.05
Post Hole Digger (power auger)	8.76	.62	.53		.05
Power Saw, bucking	8.76	.62	.53		.05
Power Saw, falling	8.90	.62	.53		.05
Powderman Tender	8.76	.62	.53		.05
Powderman	9.60	.62	.53		.05
Power Driven Wheelbarrow	8.76	.62	.53		.05
Rigger	8.76	.62	.53		.05
Riprapper	8.76	.62	.53		.05
Riprap Tender	8.60	.62	.53		.05
Sandblaster	8.90	.62	.53		.05
Sandblaster Tail Hoseman, Pot Tender	8.60	.62	.53		.05
Sodcutter-hand operated	8.60	.62	.53		.05
Spike Driver, single, dual or hand	8.76	.62	.53		.05

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Stake Jumper for Equipment	$ 8.60	.62	.53		.05
Switchman	8.76	.62	.53		.05
Tar Pot Operator	8.76	.62	.53		.05
Tool Checker, Tool Houseman	8.60	.62	.53		.05
Welder	9.60	.62	.53		.05

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A-Frame Truck Crane, Winch Truck and similar	$11.30	.75	.65	.45	.07
Air Compressor, single	10.99	.75	.65	.45	.07
Air Compressor, two or more	11.16	.75	.65	.45	.07
Air Doctor	11.46	.75	.65	.45	.07
Asphalt Paving Machine	11.46	.75	.65	.45	.07
Asphalt Paving Machine Screed	11.46	.75	.65	.45	.07
Automatic Finegrader, Gurries and other similar types	11.59	.75	.65	.45	.07
Belt Finish Machine	11.16	.75	.65	.45	.07
Bit Grinder	11.46	.75	.65	.45	.07
Bituminous Mixer Paving, Travel Plant	11.46	.75	.65	.45	.07
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	11.05	.75	.65	.45	.07
Boring Machine (large)	11.46	.75	.65	.45	.07
Broom, self-propelled	11.13	.75	.65	.45	.07
Cableway Highline	11.97	.75	.65	.45	.07
Cement Silo	11.25	.75	.65	.45	.07
Central Mixing Plants, Concrete dam and stationary	11.71	.75	.65	.45	.07
Chain Bucket Loader	11.18	.75	.65	.45	.07
Chip or Gravel Spreader, self-propelled	11.18	.75	.65	.45	.07
Concrete Batch Plant, one and two Mixers	11.46	.75	.65	.45	.07
Concrete Batch Plant, three and four Mixers	11.66	.75	.65	.45	.07
Concrete Batch Plant, five Mixers and over	11.86	.75	.65	.45	.07
Concrete Batch Plant Oiler, up to and including two Mixers	10.98	.75	.65	.45	.07
Concrete Batch Plant Oiler, three Mixers and over	11.29	.75	.65	.45	.07
Concrete Bucket Dispatcher	11.46	.75	.65	.45	.07
Concrete Curing Machine	11.46	.75	.65	.45	.07
Concrete Finish Machine Paving	11.46	.75	.65	.45	.07

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete Float-Spreader	$11.46	.75	.65	.45	.07
Concrete Mixer, three bags and under	11.05	.75	.65	.45	.07
Concrete Mixer, four bags and over	11.22	.75	.65	.45	.07
Concrete Power Saw, self-propelled	11.46	.75	.65	.45	.07
Concrete Travel Batcher	11.46	.75	.65	.45	.07
Concrete Conveyor under 40 feet	11.04	.75	.65	.45	.07
Concrete Conveyor over 40 feet	11.79	.75	.65	.45	.07
Concrete Pump	11.79	.75	.65	.45	.07
Conveyor Loader Operator, up to and including 42' belt	11.04	.75	.65	.45	.07
Conveyor Loader Operator over 42" belt	11.16	.75	.65	.45	.07
Crane, to and including 80' boom	11.62	.75	.65	.45	.07
Crane, 81' to 130' boom	11.77	.75	.65	.45	.07
Crane, 131' to 150' boom	11.82	.75	.65	.45	.07
Crane, 151' boom and over	11.87	.75	.65	.45	.07
Crane Oiler	11.03	.75	.65	.45	.07
Crane with jibs an additional $.15 per hour					
Crusher	11.46	.75	.65	.45	.07
Crusher Oiler	10.95	.75	.65	.45	.07
Crusher Conveyor, when required	10.92	.75	.65	.45	.07
Distributor	11.46	.75	.65	.45	.07
DW 10, 15, or 20 tractor pulling Roller	11.18	.75	.65	.45	.07
Electric Overhead Cranes	11.64	.75	.65	.45	.07
Elevating Grader	11.46	.75	.65	.45	.07
Farm type tractor up to and including 50 HP engine	10.92	.75	.65	.45	.07
Farm type tractor, over 50					

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fireman	$11.05	.75	.65	.45	.07
Forklift, on construction job site	11.27	.75	.65	.45	.07
Form Grader	11.23	.75	.65	.45	.07
Gradall	11.46	.75	.65	.45	.07
Grade Setter	11.92	.75	.65	.45	.07
Heavy Duty Drill, all types	11.46	.75	.65	.45	.07
Heavy Duty Driller	11.05	.75	.65	.45	.07
Herman-Nelson Heaters and similar type	11.00	.75	.65	.45	.07
Hoist, two or more drums	11.46	.75	.65	.45	.07
Helicopter Hoist	11.96	.75	.65	.45	.07
Hot Plant	11.46	.75	.65	.45	.07
Hot Plant Fireman, when in operation	11.46	.75	.65	.45	.07
Hot Plant Oiler, 100 ton per hour or over	10.95	.75	.65	.45	.07
Hydra Lift and similar types	11.35	.75	.65	.45	.07
Industrial Locomotive all classes	11.46	.75	.65	.45	.07
Mechanic and/or Welder on job	11.56	.75	.65	.45	.07
Mixermobile	11.54	.75	.65	.45	.07
Motor Patrol	11.59	.75	.65	.45	.07
Mountain Logger or similar type	11.46	.75	.65	.45	.07
Mucking Machine	11.46	.75	.65	.45	.07
Oiler-Driver, Rubber tired Cranes	11.03	.75	.65	.45	.07
Oilers, other than Shovels and Cranes	10.95	.75	.65	.45	.07
Oiler, Hoist House, dams	11.36	.75	.65	.45	.07
Pavement Breakers, Emsco and similar	11.46	.75	.65	.45	.07
Paving and Mixing Machine	11.59	.75	.65	.45	.07
Power Auger, large truck or tractor mounted and Punch	11.46	.75	.65	.45	.07

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Mixer, single or double drum	$11.46	.75	.65	.45	.07
Power Saw, multiple cut, self-propelled	11.46	.75	.65	.45	.07
Pumpcrete or Grout Machine	11.46	.75	.65	.45	.07
Pumpman	10.99	.75	.65	.45	.07
Push Tractor	11.46	.75	.65	.45	.07
Quad Cat	11.76	.75	.65	.45	.07
Quad Loader and similar type	12.04	.75	.65	.45	.07
Radiator Repairman	11.27	.75	.65	.45	.07
Raygo Gaint	12.04	.75	.65	.45	.07
Refrigeration Plant	11.46	.75	.65	.45	.07
Retort	11.05	.75	.65	.45	.07
Roller, on blade or hot mix oil paving	11.46	.75	.65	.45	.07
Roller, on other blade or hot mix paving	11.16	.75	.65	.45	.07
Roller, 25 ton or over	11.46	.75	.65	.45	.07
Ross and similar type Carriers, on construction site	11.46	.75	.65	.45	.07
Rubber-tired Dozer	11.46	.75	.65	.45	.07
Rubber-tired Front End Loader, 1 yard and under	11.17	.75	.65	.45	.07
Rubber-tired Front End Loader, 1 yard to and including 3 yards	11.46	.75	.65	.45	.07
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	11.57	.75	.65	.45	.07
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	11.68	.75	.65	.45	.07
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	11.78	.75	.65	.45	.07
Rubber-tired Front End Loader, over 15 yards	11.88	.75	.65	.45	.07

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Scraper, DW 15, 20, 21 and similar type if power unit is not used	$11.46	.75	.65	.45	.07
Scraper, single or twin engine pulling Belly Dump Trailer	11.84	.75	.65	.45	.07
Scraper, single engine	11.59	.75	.65	.45	.07
Scraper, twin engine	11.69	.75	.65	.45	.07
Scraper, tandem engine or 3 engine	11.95	.75	.65	.45	.07
Self-propelled Sheepfoot and similar type	11.46	.75	.65	.45	.07
Shovels, including all attachments, under 1 cu.yd.	11.46	.75	.65	.45	.07
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	11.64	.75	.65	.45	.07
Shovels, including all attachments, over 3 cu.yds. to and including 5 cu. yds.	11.91	.75	.65	.45	.07
Shovels, including all attachments over 5 cu. yds.	12.04	.75	.65	.45	.07
Shovel Oiler, 3 yds. and under	10.95	.75	.65	.45	.07
Shovel Oiler, over 3 cu. yds.	11.36	.75	.65	.45	.07
Slip Form Paver	11.59	.75	.65	.45	.07
Stiff Leg Derrick and Guy Derrick	11.91	.75	.65	.45	.07
Track-type Front End Loaders, up to and including 5 cu. yds.	11.46	.75	.65	.45	.07
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	11.69	.75	.65	.45	.07
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	11.79	.75	.65	.45	.07

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Track-type Front End Loaders, over 15 cu. yds.	$11.89	.75	.65	.45	.07
Track-type Tractor w/wo attachments	11.46	.75	.65	.45	.07
Track-type Tractor, on Euclid Loader	11.64	.75	.65	.45	.07
Trenching Machine	11.46	.75	.65	.45	.07
Turnhead Conveyor, or Head Tower on Batch Plant	11.46	.75	.65	.45	.07
Wagner Roller and similar type	11.46	.75	.65	.45	.07
Whirley Crane	11.99	.75	.65	.45	.07
Whirley Crane Oiler	11.36	.75	.65	.45	.07
Water Pull when used for compaction	11.46	.75	.65	.45	.07
Washing and Screening Plant	11.46	.75	.65	.45	.07
Washing and Screening Plant Oiler	11.95	.75	.65	.45	.07
Yo-Yo Cat, both ends	11.66	.75	.65	.45	.07

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
To & including 4 cu. yds.	$10.34	.75	.77		
Over 4 cu. yds. to and including 6 cu. yds.	10.42	.75	.77		
Over 6 cu .yds. to and including 8 cu. yds.	10.47	.75	.77		
Over 8 cu. yds. to and including 10 cu. yds.	10.58	.75	.77		
Over 10 cu. yds.-additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER	10.32	.75	.77		
DRY BATCH TRUCKS:					
3 Batch or under	10.09	.75	.77		
Over 3 Batch to and including 5 Batch	10.22	.75	.77		
Over 5 Batch to and including 10 Batch	10.35	.75	.77		
Over 10 Batch to and including 15 Batch	10.54	.75	.77		
Over 15 Batch-additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	10.19	.75	.77		
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters	10.09	.75	.77		

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS And SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling P.R. 21 or similar Dump Wagons:					
Water Level Capacity, including Sideboards:					
7 cu. yds. or less	$10.09	.75	.77		
Over 7 cu. yds. to and including 10 cu. yds.	10.22	.75	.77		
Over 10 cu. yds. to and including 15 cu. yds.	10.40	.75	.77		
Over 15 cu. yds. to and including 20 cu. yds.	10.52	.75	.77		
Over 20 cu. yds. to and including 25 cu. yds.	10.58	.75	.77		
Over 25 cu. yds. to and including 30 cu. yds.	10.64	.75	.77		
Over 30 cu. yds. to and including 35 cu. yds.	10.70	.75	.77		
Over 35 cu. yds. to and including 40 cu. yds.	10.76	.75	.77		
Over 40 cu. yds. to and including 45 cu. yds.	10.82	.75	.77		
Over 45 cu. yds.-additional $.10 per hour each additional 5 cu. yds. increment					
DUMPSTERS	10.22	.75	.77		
POWER TRUCK DRIVER (bulk unloader type)	10.27	.75	.77		
FLAT TRUCKS:					
To and including 3 tons	10.24	.75	.77		
Over 3 tons factory rating	10.44	.75	.77		

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FUEL TRUCK DRIVERS; TIREMEN	$10.68	.75	.77		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	10.34	.75	.77		
LUMBER CARRIERS, LIFT TRUCKS and FORK LIFTS	10.34	.75	.77		
POWER BROOM	10.18	.75	.77		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	10.09	.75	.77		
Over 2,500 gallons to and including 4,500 gallons	10.38	.75	.77		
Over 4,500 gallons to and including 6,000 gallons	10.58	.75	.77		
Over 6,000 gallons to and including 8,000 gallons	10.64	.75	.77		
Over 8,000 gallons to and including 10,000 gallons	10.72	.75	.77		
Over 10,000 gallons - additional $.10 per hour each additional 2,000 gallons increment					
TRUCK MECHANIC	11.08	.75	.77		

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Flathead, Lake and Lincoln Counties					
All work for power utilities, all highway lighting, street lighting and motor traffic controlling.					
Lineman	$12.32	.45	3%+.50		1/2%
Cable Splicer	13.71	.45	3%+.50		1/2%
Pole Sprayer	10.95	.45	3%+.50		1/2%
Line Equipment Operators	10.50	.45	3%+.50		1/2%
Powderman, Jackhammer, Compressorman	9.11	.45	3%+.50		1/2%
Groundman	8.54	.45	3%+.50		1/2%
Tree Trimmer	11.35	.45	3%+.50		1/2%
Remaining Counties					
On jobs over 69 K.V. and all work on highway lighting and traffic control systems					
Lineman, Pole Sprayer	$11.20	.45	3%+.50		1/2%
Cable Splicer	11.90	.45	3%+.50		1/2%
Line Equipment Operators; Powderman	10.00	.45	3%+.50		1/2%
Groundman	8.10	.45	3%+.50		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd)					
DREDGING					
Assistant Mate (Deckhand)	$12.02	.85	$ 1.00		.11
Fireman	12.12	.85	1.00		.11
Oiler	12.12	.85	1.00		.11
Assistant Engineer (electric, Diesel, Steam or Booster Pump)	12.46	.85	1.00		.11
Mates and Boatman	12.46	.85	1.00		.11
Engineer Welder	12.51	.85	1.00		.11
Craneman	12.51	.85	1.00		.11
Assistant Engineer (Electric, Generator Operator for Primary Pump, Power Barge or Dredge)	12.56	.85	1.00		.11
Leverman, Dipper:					
(a) 5 yards and under	13.27	.85	1.00		.11
(b) over 5 yards	13.82	.85	1.00		.11
Leverman, Hydraulic	12.88	.85	1.00		.11

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)).

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BILLING CODE 4510-27-C

SUPERSEDEAS DECISION

STATE: Ohio COUNTIES: Butler & Warren
DECISION NUMBER: OH80-2020 DATE: Date of Publication
Supersedes Decision No.: OH76-2030 dated March 5, 1976 in 41 FR 9800
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.
Air Conditioning Mechanics	6.88				
Bricklayers	7.90				
Carpenters	6.07				
Cement Masons	6.54				
Drywall Finishers	7.00				
Drywall Hangers	6.50				
Electricians	6.86				
LABORERS:					
Common	4.00				
Mason Tenders	4.25				
Painters	5.21				
Plumbers	7.18				
Roofers	6.50				
Sheet Metal Workers	6.79				
Soft Floor Layers	6.00				
Tile Setters	6.00				
Truck Drivers	6.03				
Power Equipment Operators:					
Backhoes	7.37				
Bulldozers	8.00				
Front End Loaders	6.97				

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))

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

Correction

In FR Doc. 80–8344, appearing at page 18638 in the issue of Friday, March 21, 1980, the two tables on page 18639 were illegible in part and are therefore reprinted below:

BILLING CODE 1505-01-M

NEW DECISION

STATE: Maryland COUNTY: Cecil
DECISION NO.: MD80-3014 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction Projects (does not include 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	$10.63	.70	.50		.07
Carpenters	9.80	.75	.69		.07
Cement Masons	10.00	.60	.55		.04
Elevator Constructors	10.71	.745	.35	4%+a+b	.02
Electricians	10.99				
Ironworkers	11.95	.84	1.36		.05
Laborers:					
Common Laborers	7.05	.30	.50		.075
Mason Tenders	7.35	.30	.50		.075
Plasterers Tenders	7.20	.30	.50		.075
Painters	9.20	.85	.50		.06
Plasterers	9.95	.60	.40	c	
Plumbers	10.30	.79	.83		.16
Pipefitters	10.98	.77	.80		.14
Roofers:					
Roofers, damp, and waterproof workers	8.40	.35	.40		
Asphalt and asbestos shingles	8.60	.35	.40		
Sheet Metal Workers	10.12	.75	.70		.07
Tile Setters	8.31	.70	.50		.04
Tile Finishers	6.675	.40	.20		
Power Equipment Operators:					
Front End Loader	9.42	.95	1.00		.12

Footnotes:
a. Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as vacation pay credit
c. Employee working Christmas Eve shall work 4 hours and receive 8 hours of pay

BILLING CODE 1505-01-C

MODIFICATION PAGE 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AR79-4054-Mod. #3 44 FR 19104-March 30, 1979 Sebastian, Crawford and Washington Counties, Arkansas					
CHANGE:					
CEMENT MASONS	$ 9.99	.33			.03
DECISION #AR79-4055-Mod. #4 44 FR 19106-March 30, 1979 Jefferson County, Arkansas					
CHANGE:					
CEMENT MASONS	9.99	.33			.03
DECISION #AR79-4056-Mod. #4 44 FR 19108-March 30, 1979 Garland, Hot Springs and Clark Counties, Arkansas					
CHANGE:					
CEMENT MASONS	9.99	.33			.03
PAINTERS:					
Painters & rollers	7.50				
Paperhanging	8.00				
Sheet rock (tape and float only)	8.00				
Stage and steel	9.00				
Spray & Sandblasting	9.25				
Painters operating any kind of taping or floating machine	10.75				
DECISION #AR79-4057-Mod. #2 44 FR 45855-August 3, 1979 Union & Ouachita Counties, Arkansas					
CHANGE:					
CEMENT MASONS	9.99	.33			.03

federal register

Friday
March 28, 1980

Part IV

Department of Health, Education, and Welfare

Food and Drug Administration

Establishment of a Monograph on Anticaries Drug Products for Over-the-Counter Human Use; Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 355

[Docket No. 80N-0042]

Anticaries Drug Products for Over-the-Counter Human Use Establishment of a Monograph; Notice of Proposed Rulemaking

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish conditions under which over-the-counter (OTC) anticaries drug products (products which aid in the prevention of dental caries (decay or cavities)) are generally recognized as safe and effective and not misbranded. The proposed rule, based on the recommendations of the Advisory Review Panel on OTC Dentifrice and Dental Care Drug Products, is part of the ongoing review of OTC drug products conducted by the Food and Drug Administration (FDA).

DATES: Comments by June 26, 1980, and reply comments by July 28, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In accordance with Part 330 (21 CFR Part 330), FDA received on July 13, 1978, a report of the Advisory Review Panel on OTC Dentifrice and Dental Care Drug Products. Under § 330.10(a)(6) (21 CFR 330.10(a)(6)), the Commissioner of Food and Drugs is issuing: (1) a proposed regulation containing the monograph recommended by the Panel, which establishes conditions under which OTC anticaries drugs are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that they would result in the drugs not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that the available data are insufficient to classify these conditions under either (1) or (2) above; and (4) the conclusions and recommendations of the Panel.

The unaltered conclusions and recommendations of the Panel are issued to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The report has been prepared independently of FDA, and the agency has not yet fully reviewed the report. The Panel's findings appear in this document as a formal proposal to obtain public comment before the agency reaches any decision on the Panel's recommendations. This document represents the best scientific judgment of the Panel members but does not necessarily reflect the agency's position on any particular matter contained in it.

The Panel recommended that certain fluoride dental rinses and gels, which have previously been restricted to prescription use, be made available OTC provided that they contain no more than 120 mg total fluorine, and that they are packaged in containers with child-resistant closures. Without addressing the merits of this recommendation, the agency merely wishes to point out that no final decision will be made without careful and thorough evaluation of all comments submitted in response to the publication of this proposal. FDA is especially interested in receiving comments and data on the issue of whether these fluoride gels and rinses offer any added benefit to persons who also use a fluoride dentrifice daily, who live in areas where optimal fluoride levels are present in the water supply, and who may also be given professionally applied fluoride treatments periodically. Any person marketing one of these products OTC prior to publication in the **Federal Register** of a final monograph will do so at his or her own risk, as detailed in § 330.13 (21 CFR 330.13). While FDA does not have the authority to require child-resistant closures, manufacturers are urged to voluntarily comply with the Panel's recommendations. FDA will make the Consumer Product Safety Commission, the agency responsible for regulating child-resistant packaging, aware of the Panel's recommendations.

The agency is also aware of the Panel's recommendations in the Panel's report regarding final formulation testing, i.e., "Laboratory Testing Profiles," of Category I active ingredients formulated in a dentifrice (abrasive-containing) dosage form. The Panel's final formulation recommendations represent a new concept with many technical issues yet to be resolved; therefore, they have not been included as part of the proposed monograph, although the recommendations are in the Panel's report.

After FDA has carefully reviewed all comments submitted in response to this proposal, the Commissioner will issue a tentative final regulation in the **Federal Register** to establish a monograph for OTC anticaries drug products. The agency will determine at that time if the Panel recommendations on final formulation testing should be included in the monograph.

In accordance with § 330.10(a)(2) (21 CFR 330.10(a)(2)), the Panel and FDA have held as confidential all information concerning OTC anticaries drug products submitted for consideration by the Advisory Review Panel on OTC Dentifrice and Dental Care Drug Products. All this information will be put on public display at the office of the Hearing Clerk, Food and Drug Administration, after April 28, 1980, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality should be submitted to William E. Gilbertson, Bureau of Drugs (HFD-510) (address above).

Based upon the conclusions and recommendations of the Panel, the Commissioner proposes the following:

1. That the conditions included in the monograph, under which the drug products would be generally recognized as safe and effective and no misbranded (Category I), be effective 30 days after the date of publication of the final monograph in the **Federal Register.**

2. That the conditions excluded from the monograph because they would cause the drug to be not generally recognized as safe and effective or to be misbranded (Category II), be eliminated from OTC drug products effective 6 months after the date of publication of the final monograph in the **Federal Register,** regardless of whether further testing is undertaken to justify their future use.

In the **Federal Register** of January 5, 1972 (37 FR 85), the Commissioner announced a proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review panels. In the **Federal Register** of May 11, 1972 (37 FR 9464), the Commissioner published the final regulations providing for the OTC drug review under § 330.10 which were made effective immediately. Pursuant to these regulations, the Commissioner issued in the **Federal Register** of January 30, 1973 (38 FR 2781) a request for data and

information on all active ingredients utilized in dentifrice and dental care drug products except mouthwashes and oral antiseptics.

The Commissioner appointed the following Panel to review the data and information submitted and to prepare a report pursuant to § 330.10(a)(1) on the safety, effectiveness, and labeling of those products:

Louis P. Gangarosa, D.D.S., Ph.D., Chairman
Joseph J. Aleo, D.D.S., Ph.D. (appointed September 1, 1973)
Howard H. Chauncey, D.M.D., Ph.D. (resigned April 30, 1976)
Valerie Hurst, Ph.D.
Joy B. Pleinm, Ph.D.
Delos E. Raymond, D.D.S.
Roger H. Scholle, D.D.S., M.S.
Lawrence E. VanKirk, Jr., D.D.S., M.P.H. (appointed June 29, 1976)
Benjamin O. Watkins, D.D.S. (resigned August 1, 1973)

The Panel was first convened on April 24, 1973 in an organizational meeting. Working meetings were held on May 24 and 25, June 21 and 22, August 15 and 16, October 10 and 11, November 29 and 30, 1973; January 17 and 18, February 27 and 28, April 3 and 4, May 9 and 10, June 19 and 20, July 24 and 25, September 19 and 20, October 16 and 17, December 4 and 5, 1974; January 15 and 16, February 26 and 27, April 2 and 3, May 7 and 8, June 24 and 25, August 12, 13, and 14, October 9 and 10, December 3 and 4, 1975; January 23 and 24, February 24 and 25, March 31 and April 1, May 11 and 12, June 30 and July 1, July 28, and 29, August 25, and 26, October 5 and 6, December 1 and 2, 1976; January 12 and 13, March 9 and 10, April 20 and 21, June 1 and 2, July 13 and 14, August 24, and 25, October 19 and 20, November 30 and December 1, 1977; January 17 and 18, March 11 and 12, April 26, 27, and 28, May 30 and 31, and June 1, and July 11, 12, and 13, 1978.

The minutes of the Panel meeting are on public display in the office of the Hearing Clerk (HFA–305), Food and Drug Administration (address above).

Five nonvoting liaison members served on the Panel. Judy Jackson, Esq., nominated by the Consumer Federation of America, served as the consumer liaison until April 1974. Mary Plaska, nominated by the American Public Health Association, succeeded Ms. Jackson in May 1974 and served until May 1976. Sandra Zimmerman, nominated by the Consumer Federation of America, succeeded MS. Plaska in June 1976. Lester D. Apperson, Ph.D., nominated by the Cosmetic, Toiletry, and Fragrance Association, served as an industry liaison. Joseph L. Kanig, Ph.D., nominated by the Proprietary Association, also served as an industry liaison until January 1978.

The following employees of FDA served: Clarence C. Gilkes, D.D.S., served and Executive Secretary. Michael D. Kennedy served as Panel Administrator until January 1978 followed by Thomas D. DeCillis, R.Ph., Melvin Lessing, M.S., R.Ph., served as Drug Information Analyst until June 1977. George Kerner, M.S., served as Consumer Safety Officer. Cindy Barkdull served as special assistant from July 1977 to April 1978. Elmer M. Plein, Ph.D., and Gordon H. Schrotenboer, Ph.D., served as consultants to the Panel.

The following individuals were given an opportunity to appear before the Panel to express their views either at their own or at the Panel's request on all issues before the Panel:

John E. Alman, M.A.
Hazen J. Baron, D.D.S., Ph.D.
I. B. Bender, D.D.S.
Malcolm Boone, D.D.S.
R. K. Boutwell, Ph.D.
Herbert Brilliant, D.D.S.
Richard C. Brogle, Ph.D.
Finn Brudevold, D.D.S.
Lewis P. Cancro, Ph.D.
A. Chasens, D.D.S.
Neal W. Chilton, D.D.S.
Stephen A. Cooper, D.M.D., Ph.D.
D. Walter Cohen, D.D.S.
William E. Cooley, Ph.D.
Robert Ellison, D.D.S., M.S.
H. Fogels, D.D.S.
Sol Gershon, Ph.D.
William Gold, Ph.D.
Hans Graf, D.D.S.
F. Healey, Ph.D.
John Hefferren, Ph.D.
Stanley B. Heifetz, D.D.S., M.P.H.
L. Kenneth Hiller, Ph.D.
George F. Hoffnagle, Sc.D.
Herschel S. Horowitz, D.D.S., M.P.H.
Marvin Kamisky, Ph.D.
Krishan Kapur, D.M.D., M.Sc.
Kenneth Kasses, Ph.D.
Homer Jamison, D.D.S., Ph.D.
Phillip B. Lawson
Edgar Lazo-Wasem, Ph.D.
Donald A. M. MacKay, Ph.D.
John H. Manhold, D.M.D.
Craig R. Means, D.D.S., M.Sc.
Murray Rosenthal, M.S.
Albert L. Russell, D.D.S., M.Ph.
Thomas Schiff, D.D.S.,
Bernard Schneider, D.D.S.,
James H. Stanton
Willard J. Tarbet, D.D.S., Ph.D.
Pactrick Toto, D.D.S.
Aaron Trubman, D.D.S.
Paul Vinton,D.D.S.
A. R. Volpe,D.D.S.
Carrol S. Weil, M.A.
Elizabeth K. Weisburger, Ph.D.
S. C. Yankell, D.D.S.
K. Yeh, Ph.D.
A. Albert Yurkstas, D.M.D.

No person who so requested was denied an opportunity to appear before the Panel.

The Panel was charged to review submitted data and information for OTC dentifrice and dental care drug products. Because all such agents are not used for the same purpose, it was not possible for the Panel to establish a single standard of requirements for effectiveness of each product. Therefore, in an attempt to simplify categorization of ingredients and labeling claims, the Panel placed the dental care drug products into one of the following therapeutic classifications: (1) agents for oral mucosal injury, (2) agents for the relief of oral discomfort, (3) anticaries agents, (4) dental plaque disclosing agents, and (5) denture aids.

On May 28, 1976, the Medical Device Amendments of 1976 became law. This legislation amends the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and provides new authority to assure the safety and effectiveness of medical devices. Several products previously regulated as drugs that were under review by the Panel came within the definition of a medical device under these amendments. FDA reviewed the products previously regarded as drugs and concluded in the **Federal Register** of December 16, 1977 (42 FR 63472) that the following products fall within the definition of a medical device: denture cushions, dental adhesives, dental reliners and repair kits, denture cleansers, and plaque-disclosing kits. The Panel wishes to point out that during its deliberations "kits" were not specifically addressed and that the Panel's terminology for dental devices differs from that published in the **Federal Register.** The Panel used the following terminology in evaluating these products: denture adhesives, denture reliners, denture repair products, denture cleansers, and dental plaque-disclosing agents.

In a notice published in the **Federal Register** of May 2, 1978 (43 FR 18769), FDA announced that it had transferred

the responsibility for regulating OTC dental care devices from the agency's Bureau of Drugs to its Bureau of Medical Devices (BMD). In addition, the notice announced that the Advisory Review Panel on OTC Dentifrice and Dental Care Drug Products had summarized its findings and recommended that the Commissioner transfer that portion of its report concerning products now regulated as medical devices, together with the data and information submitted in response to the January 30, 1973 notice, to BMD. A summary of the Panel's conclusions concerning the safety, effectiveness, and labeling of those products is included in the Panel's minutes for the March 11 and 12, 1978 meeting.

The Panel presents its conclusions and recommendations for anticaries drug products in this document. The Panel's conclusions and recommendations for oral mucosal injury drug products were published in the **Federal Register** on November 2, 1979 (44 FR 63270) and for drug products for the relief of oral discomfort will be published in a later issue of the **Federal Register.**

In arriving at its conclusions and recommendations, the Panel thoroughly reviewed the literature and data submissions, listened to additional testimony from interested persons, and considered all pertinent data and information submitted through July 13, 1978.

In accordance with the OTC drug review regulations (21 CFR 330.10), the Panel considered OTC anticaries drug products with respect to the following three categories:

Category I. Conditions under which OTC anticaries drug products are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which OTC anticaries drug products are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

I. Submission of Data and Information

Pursuant to the notice published in the **Federal Register** of January 30, 1973 (38 FR 2781) requesting the submission of data and information on OTC drugs containing dentifrice and dental care agents, the following firms made submissions relating to the indicated products that, the Panel has further determined, contain active ingredients or labeling which may be appropriately classified as anticaries drug products.

A. Submissions by Firms—Continued

Firms	Marketed products
Barnangen A.B., Stockholm 12, Sweden.	Vademecum Sugarless Chewing Gum.
Beecham, Inc., Clifton, NJ 07012.	Macleans White Fluoride, Spearmint Flavor.
Carter Products Division, Carter-Wallace, Inc., Canbury, NJ 08512.	Pearl Drops Tooth Polish with Fluoride-Spearmint Flavor, Pearl Drops Tooth Polish with Fluoride-Regular Flavor.
Church and Dwight Co., Inc., Syracuse, NY 13201.	Arm and Hammer Baking Soda, Arm and Hammer Toothpaste.
Janar Co., Grand Rapids, MI 49501.	Janar Iradicav Stannous Fluoride Rinse, Iradicav Fluoride Gel.
Lorvic Corp., Saint Louis, MO 63134.	KARIDIUM Low pH Phosphate Fluoride Topical Gel, KARIDIUM APF (Acidulated Phosphate Fluoride) Topical Gel, KARIDIUM Phosphate-Fluoride Topical Gel, KARIDIUM APF (Acidulated Phosphate Fluoride) Topical Solution, Lorvic Coral II Phosphate-Fluoride Prophylaxis Paste, Lorvic Pink Coral Phosphate-Fluoride Prophylaxis Paste, Lorvic White Coral Phosphate-Fluoride Prophylaxis Paste.
Lever Brothers Co., Edgewater, NJ 07020.	AIM Toothpaaste with Stannous Fluoride Anti-Cavity Ingredient, Silica Dentrifrice with NaMFP.
NDK Co., New Iberia, LA 70560.	NDK Fluoride Dentifrice.
Perident Co., Inc., Oakland, CA 94609.	Perident Salt Toothpaste.
Procter & Gamble Co., Cincinnati, OH 45217.	Crest Toothpaste with Fluoristan Mint Flavor, Crest Toothpaste with Flouristan Regular Flavor, Gleem II Toothpaste.
Sterling Drug, Inc., New York, NY 10016.	Caroid Tooth Powder, Phillips' Tooth Paste.
Warner-Lambert Co., Morris Plains, NJ 07950.	Fluoride Mouthwash (Acidulated Fluoride Phosphate), Fluoride Mouthwash (Stannous Fluoride Effervescent), DiCal Chewing Gum.
Whitehall Laboratories, Inc., New York, NY 10017.	Super-White Kolynos Toothpaste.
In addition, the following firms made related submissions:	
American Pharmaceutical Association, Washington, DC 20037.	Fluoride Dentifrice.
Beecham Products, Inc., Clifton, NJ 07012.	Information on Macleans MFP Toothpaste, Sodium Monofluorophosphate/Calcium Carbonate Dentifrice, Information on Fluoride Dentifrice Expiration Dating, Common Flavor Components and Miscellaneous Formulating Agents, Profile for the In Vitro Efficacy Testing of Macleans MFP Toothpaste, Sodium Monofluorophosphate Safety and Efficacy Data, Information on Macleans Fluoride Toothpaste with 0.76 percent NaMFP in a Calcium Carbonate Base.
Carter Products, Cranbury, NJ 08512.	Dicalcium Phosphate Dihydrate, Sodium Fluoride, Definitions of and Formula Changes for Fluoride Dentifrices, Available Fluoride in Aged Polymethylmethacrylate-Base Dentifrice.
Church and Dwight Co., Inc., Piscataway, NJ 08854.	Comment on Panel Decision to Place Sodium Bicarbonate and All Other Antacids in Category II for Anticaries Activity.

A. Submissions by Firms—Continued

Firms	Marketed products
Colgate-Palmolive Co., Piscataway, NJ 08854.	Reprints of Published Caries Clinical Studies Evaluating Sodium Fluoride Mouthrinses Containing About 0.02 percent F, Literature Reports Concerning Efficacy of Sodium Monofluorophosphate Dentifrices, Summary Information on Sodium Monofluorophosphate Dentifrices, Request for Separate Simplified Guidelines for Sodium Monofluorophosphate Dentifrices, Presentation to the FDA OTC Panel on Dentifrices and Dental Care Agents, Suggested Guidelines for Fluoride Dentifrices, Summary Data Sheet on a Sodium Fluoride, Sodium Bicarbonate Dentifrice, Summary Information on Sodium Fluoride—Sodium Bicarbonate Dentifrices, Analytical Methods for Dentifrices Containing Sodium Monofluorophosphate, Summary of Laboratory Profile, Summary of Silica/MFP Dentifrices, Summary Data Sheet Abrasive/MFP Combinations, Definitions of Formulation Changes for Dental Creams Containing Sodium Monofluorophosphate.
Food and Drug Administration, Rockville, MD 20857.	National Academy of Sciences National Research Council, Drug Efficacy Studies.
Forsyth Dental Center, Boston, MA 02115.	Opinion About the Dentifrice Study Conducted at Tufts University Dental School Under the Supervision of Dr. Helmi Fogels.
Lever Brothers Co., Edgewater, NJ 07020.	Summary of the Laboratory Tests Proposed as Justification for Making Formulation Changes in a Dentifrice Containing 0.4 percent Stannous Fluoride and a Compatible Silica Abrasive, Information on Silica-Based Dentifrice Containing NaMFP, Addendum on Silica-Paste Dentifrices Containing Sodium MFP and Supplement to Lever Stannous Fluoride Submission, Recommendations for the Definitions of Changes in Formulations of Silica Gel Abrasive Dentifrices, Principles of Bioavailability Tests for Fluoride Dentifrices, Supplementary Submission in Support of the Efficacy and Safety of a Dentifrice Comprising 0.76 percent Sodium Monofluorophosphate and a Silica Gel as an Abrasive, Tests for Fluoride Dentifrices, Recommended Laboratory Profile Tests, Submission to OTC Panel on Dentifrice and Dental Care Agents, Clinical Data on a Stannous Fluoride, Silica Based Dentifrice, The Relative Caries Inhibiting Effect of a Stannous Fluoride, Silica Abrasive Dentifrice.
Lorvic Corp., Saint Louis, MO 63134.	Potential Errors in Analyzing Enamel for Fluoride Concentrations and Rates of Acid Dissolution Subsequent to Stannous Fluoride Treatment, Supplement to Submission.
Procter & Gamble Co., Cincinnati, OH 45217.	Establishing Efficacy of Anti-caries Agents and Dentifrices, Laboratory Testing Profile and Quality Assurance Profile for Stannous Fluoride-Calcium Pyrophosphate System (Crest Dentifrice), Laboratory Profiles and the Proposed Expiration Dating for Crest and Gleem II, Formulation Changes in Fluoride Dentifrices, Current Laboratory Profiles and References, Stability of Stannous Fluoride in Dentifrice Formulations and the Effect That Stability Has on Anticaries Efficacy.

A. Submissions by Firms—Continued

Firms	Marketed products
Herbert V. Shuster, Inc., Boston, MA 02122.	SnF_2 Insoluble Sodium Metaphosphate (Toothpaste Methods), Laboratory Profile.
Warner-Lambert Co., Morris Plains, NJ 07950.	Data on Acidulated Fluoride Phosphate Mouthwash (0.02 percent NaF) as a Cariostatic Agent, International Workshop on Fluorides and Dental Caries Reductions, Stannous Fluoride Mouthwash, Specifications and Analytical Data for DiCal Chewing Gum and Dibasic Calcium Phosphate Dihydrate, DiCal Chewing Gum, Supplemental Data Response to FDA Critique, Response to FDA Critique of DiCal Chewing Gum Clinical Studies, Acidulated Fluoride-Phosphate Mouthwash (Sodium Fluoride).
The Proprietary Association, CTFA-PA Dentifrice Task Force, Subgroup on Fluoride Dentifrices, Washington, DC 20006.	Summaries of Laboratory Profile, Standards for Fluoride Dentifrices, Fluoride Dentifrices Joint Submission Clinical and Laboratory Profile, Recommended Laboratory Profile for Fluoride Dentifrices and Presentation to the Panel, Reference Formulations for Performance Standards in the Required Biological Tests of the Fluoride Dentifrice Profiles.
Westwood Research Laboratory, Inc., Westwood, MA 02090.	Testing Procedures for Fluoride Dentifrices.

B. *Ingredients Reviewed by the Panel*

1. *Labeled ingredients contained in marketed products submitted to the Panel.*

Acidulated fluoride phosphate
Alcohol
Benzethonium chloride
Bicarbonate of soda
Calcium phosphate
Calcium pyrophosphate
Cellulose gum
Citric acid
Dicalcium phosphate
Dicalcium phosphate dihydrate
Flavor
Fluoride ion
Glycerin
Glycerol
Gum base (jalaco)
Hydrated silica PFG 32
Hydrogen fluoride
Methylparaben
Milk of magnesia
Mint flavor
Natural flavorings
Orthophosphoric acid
Papain
Phosphate ion
Poloxamer 238
Saccharin
S D Alcohol 38B
Sodium benzoate
Sodium bicarbonate
Sodium carbonate
Sodium citrate
Sodium fluoride
Sodium lauroyl sarcosinate
Sodium lauryl sulfate
Sodium metaphosphate
Sodium monofluorophosphate
Sodium phosphate
Sodium saccharin
Sorbitol
Spearmint flavor
Stannous fluoride
Titanium dioxide
Water

2. *Ingredients contained in marketed products submitted to the Panel but not listed in the labeling of the products.*

Alumina
Alumina (aluminum oxide trihydrate), hydrated
Aluminum hydroxide
Aminoacetic acid
Anethole
Blue color
Buffers
Calcium carbonate (chalk)
Calcium pyrophosphate, high-beta-pphase
Calcium silicate
Caroxymethylcellulose
Carrageenan (sodium and potassium carrageenans)
Carrageenan gum
Carvone
Chewing gum base
Coconut monoglyceride sulfonates
Corn syrup
Dentifrice soap
Dicalcium phosphate anhydrous
Dicalcium phosphate dihydrate
Dicalcium phosphate dihydrate—sugar mix (1:1)
Disodium hydrogen phospate
Flavoring agents
Flavorings, natural
Food, Drug, and Cosmetic coloring agents
Hydrochloric acid
Lathnol LAL
Light mineral oil (food grade)
Magnesium aluminum silicate
Magnesium carbonate
Magnesium hydroxide
Menthol
Oil of peppermint
Phosphoric acid
Pluronic F127
Polak flavor enhancer FOL 650122U
Polyethylene glycol
Polymethylmethacrylate (in the form of small spheres)
Polysorbate 80
Potassium hydroxide
Preciptitated calcium carbonate
Propylene glycol
Pumice
PVP (polyvinyl pyrrolidone)
Red color
Silica
Silica aerogel
Silica gel
Silica gel, dehydrated
Silica, hydrated precipitated
Silica PFG 32, hydrated
Silica xerogel
Silica xerogel, syloid 63
Silicon dioxide
Silicon dioxide (with low aluminum content)
Soap powder
Soduim alkyl sulfate
Sodium alkyl sulfoacetate
Sodium carboxymethylcellulose
Sodium carboxymethylcellulose gum
Sodium dihydrogen phosphate
Sodium dihydrogen phosphate monohydrate
Sodium hydroxide
Sodium metaphosphate, insoluable
Sodium monoglyceride sulfonate
Sodium *N*-lauroyl sarcosinate
Sodium phosphate, dibasic anhydrous reagent
Spice Stannous pyrophosphate
Sugar
Water, distilled
Wintergreen

3. *Other ingredient submitted to and reviewed by the Panel.*

Calcium sucrose phosphate

C. Classification of Ingredients

1. Active ingredients.

Calcium sucrose phosphate
Flouride preparations
Acidulated phosphate fluoride
Sodium flouride
Sodium monofluorophosphate
Stannous fluoride
Dicalcium phosphate dihydrate
Phosphate preparations (providing phosphate ion (PO_4——); not used as inactive ingredient)
Disodium hydrogen phosphate
Phosphoric acid (orthophosphoric acid)
Sodium dihydrogen phosphate
Sodium dihydrogen phosphate monohydrate
Sodium phosphate
Sodium phosphate, dibasic anhydrous reagent
Sodium bicarbonate

2. *Inactive ingredients.* The Panel does not consider this list all inclusive and takes no position as to the value of these ingredients in dental products. The Panel recognizes that the phosphate ingredients and the ingredient sodium bicarbonate are included on both the active and inactive ingredient lists. The Panel has concluded later in this document that the phosphates and sodium bicarbonate are Category II as active ingredients. (See part III paragraph B.2 below—Category II Active Ingredients). The Panel is not opposed to including these phosphate ingredients or sodium bicarbonate in anticaries products as inactive ingredients (buffers, abrasives, etc.) provided anticaries claims are not made for them.

Two of the phosphate ingredients, dicalcium phosphate dihydrate (DCPD) and calcium sucrose phosphate (CaSP), also were submitted to the Panel as additives to sucrose-containing foods. The submissions claimed that these ingredients decreased the cavity-promoting activity of sucrose. During the Panel deliberations the Bureau of Drugs decided that food-additives with noncariogenic claims ("does not promote tooth decay") should properly be reviewed by the Bureau of Foods rather than the Bureau of Drugs because noncariogenic claims are not considered drug claims. Therefore, the Panel has

not addressed noncariogenic claims for these ingredients in this document.

The following ingredients are considered inactive:

Alcohol
Alumina
Alumina (alumina oxide trihydrate), hydrated
Aluminum hydroxide
Aminoacetic acid
Anethole
Benzethonium chloride
Blue color
Buffers
Calcium carbonate (chalk)
Calcium phosphate
Calcium pyrophosphate (calcium pyrophosphate, high-beta-phase)
Calcium silicate
Calcium sucrose phosphate
Carboxymethylcellulose
Carrageenan (sodium and potassium carrageenans)
Carrageenan gum
Carvone
Cellulose gum
Chewing gum
Citric acid
Coconut monoglyceride sulfonates
Coloring agents
Corn syrup
Dentifrice soap
Dicalcium phosphate
Dicalcium phosphate anhydrous
Dicalcium phosphate dihydrate
Dicalcium phosphate dihydrate-sugar mix 1:1
Disodium hydrogen phosphate
Flavoring agents
Flavorings, natural
Glycerin (glycerol)
Gum base
Hydrated silica
Hydrochloric acid
Hydrogen fluoride
Light mineral oil (food grade)
Magnesium aluminum silicate
Magnesium carbonate
Magnesium hydroxide
Menthol
Methylparaben
Milk of magnesia
Mint flavor
Oil of peppermint
Papain
Phosphoric acid (orthophosphoric acid)
Polyethylene glycol
Polymethylmethacrylate (in the form of microspheres)
Polysorbate 80
Potassium hydroxide
Precipitated calcium carbonate
Propylene glycol
Pumice
Red color
Saccharin
S D Alcohol 38B
Silica
Silica gel
Silica gel, dehydrated
Silica, hydrated precipitated
Silicon dioxide
Silicon dioxide (with low aluminum content)
Soap powder
Sodium alkyl sulfate
Sodium alkyl sulfoacetate
Sodium benzoate
Sodium bicarbonate
Sodium carbonate
Sodium carboxymethylcellulose
Sodium carboxymethylcellulose gum
Sodium citrate
Sodium dihydrogen phosphate
Sodium dihydrogen phosphate monohydrate
Sodium hydroxide
Sodium lauryl sulfate
Sodium metaphosphate
Sodium metaphosphate, insoluble
Sodium monoglyceride sulfonate
Sodium *N*-lauroyl sarcosinate
Sodium phosphate, dibasic anhydrous reagent
Sodium saccharin
Sorbitol
Spearmint flavor
Spice
Stannous pyrophosphate
Sugar
Titanium dioxide
Water, distilled
Wintergreen

D. Referenced OTC Volumes

The "OTC Volumes" cited throughout this document include submissions made by interested persons pursuant to the call-for-data notice published in the **Federal Register** of January 30, 1973 (38 FR 2781). All of the submitted information included in these volumes, except for those deletions which are made in accordance with § 330.10(a)(2) (21 CFR 330.10(a)(2)), will be put on public display after April 28, 1980, in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, MD 20857.

II. General Statements and Recommendations

A. Definitions

The following definitions have been adopted by the Panel. These definitions reflect the Panel's intended meaning of terms as specifically used in this document in reference to anticaries drug products. Some of these definitions also apply to the other drug categories reviewed by the Panel. Some degree of variation with other definitions of the same terms may exist.

1. *Abrasion.* Abrasion is the wearing away of tooth substance through some mechanical process. Abrasion usually occurs on the exposed root surfaces of teeth, but under certain circumstances may be seen elsewhere, such as on incisal or proximal surfaces.

2. *Abrasive.* An abrasive is a solid material with the function of cleansing or polishing. Abrasives are important inactive ingredients in anticaries dentifrice formulations and typically comprise up to 50 percent of the total formulation. Abrasives are added to dentifrices to facilitate mechanical removal of dental plaque, debris, and stain from tooth surfaces.

3. *Anticaries agent.* An agent which aids in the prevention of dental caries (decay or cavities).

4. *Antimicrobial agent.* An agent which kills or inhibits the growth and reproduction of micro-organisms.

5. *Binding agent (binder).* As used in dentifrices, a binder is an agent used to prevent the separation of the liquid and solid phases. Binders absorb liquids forming a viscous phase, thus stabilizing the products against separation.

6. *Bioavailability.* The degree to which the drug is absorbed from a dosage form into the body or to its site of action.

7. *Buffering agent.* An agent or system which has the ability to resist a change in pH (hydrogen ion concentration), particularly in aqueous solution, upon the addition of an acid, alkali, or upon dilution with a solvent.

8. *Cementum.* The bone-like material covering the root of the tooth. Cementum contains about 45 to 50 percent organic and the balance, inorganic matter. It contains a great number of fibers which attach the tooth to the bone.

9. *Dental calculus.* Mineralized dental plaque accumulates on the tooth surface principally at the gingival margin. One of the major fates of plaque is mineralization. Plaque serves as a matrix for calculus formation. The surface of calculus is usually covered with a nonmineralized layer of plaque. The main irritating feature of calculus is its surface plaque rather than its calcified surface or interior.

10. *Dental care agent.* Any drug or dosage form used to treat or prevent disease of the teeth or soft tissue in the oral cavity.

11. *Dental caries.* A disease of calcified tissues of teeth characterized by demineralization of the inorganic portion and destruction of the organic matrix. Dental caries is thought to not occur without the presence of plaque; however, not all plaques produce caries. The cariogenic plaque, by concentrating acid-forming bacteria at a specific site on a tooth, is responsible for the demineralization of tooth structure; this initiates the first step in dental caries. The bacteria produce acid by anaerobic glycolysis of sugars, mostly sucrose. Plaques vary considerably in their ability to produce acid, depending upon the number and types of acidogenic bacteria present, the availability of sugar, and various other factors.

12. *Dental fluorosis.* Dental fluorosis is a mottling of tooth enamel resulting from imperfect mineralization associated with excessive ingestion of

fluoride during the formation of teeth. Fluorosis appears as discoloration which varies from white spots to brown or even black stains sometimes accompanied by a pitting of the surface. The brown or black stains develop because the poorly calcified surface absorbs colored materials. The frequency and extent of dental fluorosis is chiefly related to the fluoride content of drinking water. The optimum level of fluoride in drinking water for caries prevention is approximately 1 part per million (ppm). At 2 ppm, dental fluorosis is of limited severity and creates no cosmetic problem. Bone (or systemic) fluorosis does not seem to be a problem until levels of 20 to 80 ppm are reached.

13. *Dental gel.* A term used to distinguish a dosage form for delivering an anticaries agent to aid in the prevention of tooth decay. Dental gels are formulated in an anhydrous glycerine base with suitable thickening agents included to adjust viscosity. They do not contain abrasives.

14. *Dental plaque.* A gel-like mat firmly attached to the surface of a tooth or restoration but removable from exposed areas by thorough mechanical cleansing. Plaque formation is normally preceded by deposition of pellicle. (See part II. paragraph B. 29. below—Pellicle.) The gel-like mat is made up of the following:

a. *Microbial masses.* Micro-organisms are the dominant components of mature plaque. The microbial composition of plaque is complex, but, in general, an initial predominance of gram-positive organisms eventually shifts to gram-negative, along with a shift of aerobes to anaerobes.

b. *Intermicrobial matrix.* The matrix is a polysaccharide-protein complex derived from the bacteria, the saliva, and in areas adjacent to the gingival tissues, from gingival fluid. Of the polysaccharides, dextran and levan are the most significant; both are extracellular polysaccharides produced by bacteria. Dextran is the more significant because of its greater quantity and relative insolubility; levan is a much smaller component of the matrix and is used as a carbohydrate nutrient by plaque bacteria in the absence of exogenous sources.

c. *Nonbacterial cellular inclusions.* Both epithelial cells derived from the crevicular epithelium and leukocytes migrating across the crevicular epithelium contribute to plaque formation and structure.

15. *Dental rinse.* A term used to designate a liquid dosage form for rinsing between and around the teeth.

16. *Dentifrice.* In this document a dentifrice is a substance used with a toothbrush to clean the accessible surfaces of the teeth. Dentifrices are ordinarily composed of water, detergent, humectant, binder, flavoring agents, and a finely powdered abrasive as the principal ingredient. In this document a dentifrice is considered to be an abrasive-containing dosage form for delivering anticaries agents to the teeth.

17. *Detergents.* Surface-active ingredients which facilitate the removal of foreign matter from solid surfaces in a solvent (usually water) washing procedure.

18. *Dosage.* A schedule that includes the amount of drug that is ingested or applied at one time (the dose) and the time intervals at which the dose is given; the schedule may also include the duration of therapy.

19. *Dosage form.* The pharmaceutical preparation, e.g., solution, suspension, paste, tablet, ointment, in which the drug is administered.

20. *Dose.* The quantity of a drug that is ingested or applied at one time.

21. *Dose-response.* The relationship between the dose of a drug and the magnitude of the effect produced by that dose.

22. *Double-blind study.* A testing procedure in which neither the investigator nor the subject (patient) knows whether an experimental drug or its control has been given.

23. *Enamel.* The compact and hard substance that covers the crown of the tooth and provides protection for the dentin. The inorganic content of mature enamel amounts to 96–97 percent, by weight, the remainder consisting of organic matter and water.

24. *Erosion.* A loss of tooth substance by a chemical process that does not involve known bacterial action. The smooth lesions, which exhibit no chalkiness, occur most frequently on the labial and buccal surfaces of the teeth.

25. *Fluoride.* The term "fluoride" is used to denote the inorganic forms in which fluorine has combined with other elements. The term "fluoride ion" denotes the negatively charged atom of the chemical element fluorine. The deposition of fluoride in dental enamel has been shown to increase resistance to enamel solubility and therefore dental decay.

26. *Humectant.* A substance, generally a liquid such as glycerin, that is hygroscopic; its presence in a product acts to keep the product moist by attracting water vapor from the surrounding environment.

27. *In vitro.* Within an artificial environment, such as a test tube.

28. *In vivo.* Within the body (animal or human).

29. *Mouthwash (oral rinse).* A solution often containing breath-sweetening, astringent, demulcent, detergent, or germicidal agents which is used for freshening and cleansing the mouth or for gargling. In some instances, such a vehicle may be used to deliver an active drug to the oral mucosa or teeth. The Panel prefers the terms "oral rinse" and "dental rinse" according to their respective areas of use (for the oral mucosa or the teeth) rather than "mouthwash."

30. *Pellicle.* The acquired pellicle is a product of saliva. It is bacteria-free and contains glycoproteins, derivatives of glycoproteins, polypeptides, and lipids. A cleaned tooth surface will form a pellicle within minutes. The formation of this structure is believed to be the first step in plaque formation although not always a necessary prerequisite.

31. *Pharmaceutic aid (nontherapeutic ingredient).* Generally, a substance such as a preservative, antioxidant, solvent, or suspending agent, which in and of itself has little or no therapeutic value but which is useful in the manufacture of suitable dosage forms or which increases the effectiveness or safety of an active agent. Certain drugs with inherent pharmacologic activity of their own may be used to modify the stability, solubility, or toxicity of active agents with which they are formulated; when used in this way, the modifier agent is considered to be a pharmaceutic aid.

32. *Placebo.* An inactive substance or preparation used in controlled studies to determine the effectiveness of an agent presumed to be active. Generally, a placebo preparation will be identical to the test preparation except that the active or test agent will not be present.

33. *Professional labeling.* Drug directions for the use of a product intended for, and distributed only to, health care professionals.

34. *Prophylactic.* The term "prophylactic" indicates the prevention of disease. In this document, "prophylactic" is synonymous with "preventative."

35. *Prophylaxis.* Although "prophylaxis" generally denotes the prevention of disease, this term is also used in dentistry to indicate the removal of plaque and other accumulations on the surfaces of teeth by a dentist or dental hygienist.

36. *Suspending agents.* Those agents that assist in maintaining finely divided solids suspended in a liquid within which they are insoluble and preventing them from flocculating or caking.

37. *Systemic effect.* An effect related to the entire body as contrasted to a local effect which is an effect on one specific structure. In general, drugs

which are absorbed into the blood stream can be assumed to exert systemic effects, although the desired and the observable sites of action may be fairly specific structures or organs.

B. General Comments

Dental caries is one of the most common diseases of man. While the disease is regarded as multifactorial in nature, the precise etiology is still uncertain. There are, however, certain factors that will influence caries susceptibility both in the pre- and posteruptive periods of tooth development (Ref. 1).

Minerals and trace elements can modify caries susceptibility. The most notable factor is the anticaries effect of fluoride. When this element is ingested, it is incorporated into the hydroxyapatite crystal of developing teeth to form insoluble crystals of fluorapatite. Most of the incorporation is in the enamel surface and less in the deeper layers.

In the posteruptive state, saliva exerts a major influence in protecting teeth from dental caries by exchange of minerals that occur on the enamel surfaces (Ref. 2). Enamel ordinarily resists dissolution when it contains (1) large crystals of hydroxyapatite, (2) fluorapatite, or (3) ions such as tin or lead that can form insoluble compounds (Ref. 3). However, if dissolution occurs, saliva may contribute calcium and phosphate to the tooth surface if the ion concentrations and the pH of saliva are optimal. When fluoride is present in saliva or in plaque, the remineralization process is enhanced (Ref. 4). While fluoride decreases enamel solubility, this action alone does not explain its anticaries action since other ions may reduce enamel solubility but do not reduce dental caries. It is thought that the formation of more stable apatite crystals in the presence of fluoride along with its antienzymatic properties give fluoride its cariostatic effectiveness (Refs. 5 and 6).

Phosphates such as sodium trimetaphosphate and sodium dihydrogen phosphate have been studied for their anticaries activity. The results of these investigations have not been conclusive, and there is some controversy concerning whether their action is local or systemic. Other studies have suggested that there is some interaction between fluoride and phosphate on the enamel surface giving an added cariostatic effect (Ref. 7).

In order for dental caries to occur, three factors are considered necessry (Ref. 8): (1) the teeth must be susceptible to caries; (2) the acid-producing bacteria of the mouth must colonize on the teeth; and (3) a substrate is needed for the bacterial proliferation and production of acids. While the teeth can be made less susceptible to attack by fluorides (Ref. 8) and colonization can be prevented by eliminating dental plaque, the third factor, the necessary substrate, can be at least partially controlled by proper diet. Dental health care personnel have stressed for many years that susceptible individuals should eat a well-balanced diet, which is low in carbohydrates, for prevention of caries (Ref. 9).

Many investigators have implicated sucrose as the major dietary factor in the causation of dental caries, as reviewed by Newbrun (Ref. 10). This source of carbohydrate may be especially harmful to teeth because bacteria can readily use sucrose to produce plaque components (dextrans) and as a source of energy (Ref. 11). Although consideration of sucrose as the major dietary factor in caries production may be an over-simplification (Ref. 12), there is justification for the contention that control of dietary sucrose and other sugars will be helpful in preventing caries (Ref. 13). In spite of this knowledge, and the efforts of dentistry to educate the public, the consumption of sucrose continues to be high in countries with a high standard of living (Refs. 14 and 15).

The Panel is aware of several studies which show high caries incidence when children chew three to five sticks of a sucrose-containing gum each day (Refs. 16, 17, and 18). In some studies, the substitution of sucrose by nonmetabolizable carbohydrates resulted in a significantly lower caries-incidence (Refs. 18 and 19). Candy, cereals, desserts, soft drinks, and many other foods also carry a caries-related substrate source into the mouth; the frequency of eating and the stickiness of the foods are further complicating factors. The Panel therefore makes the following recommendations to the Commissioner:

(1) That all foods which are processed be labeled with their percentage of sucrose and total monosaccharide and disaccharide content. The majority of Panel felt that an FDA study group should determine the lower (safe) limits for these sugars below which the product would be exempt. (A minority of Panel members felt the lower safe limit should be 5 percent for sucrose and 10 percent for total monosacharides and disaccharides.)

(2) That the FDA encourag industry, institutions, organized dentistry, and other interested parties to perform further studies aimed at identifying cariogenic foods.

(3) That industry be encouraged to study food additives which might negate the cariogenic effect of sucrose.

(4) That chewing gums which are proven to have no greater caries-incidence liability than sugarless chewing gums be allowed to make the same "does not promote caries" claim as sugarless chewing gum.

Recommendation (1) should help organized dentistry in diet-control programs for dental-caries prevention. Recommendation (2) may eventually result in warnings placed on dietary constituents which are especially harmful. Recommendation (3) could result in useful anticaries food additives. With reference to recommendation (4), the Panel believes that the evidence at this time is insufficient to allow any gum (on the market or proposed) to make the claim, "does not promote tooth decay."

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C. Drug Misuse and Abuse

The potential for development of drug tolerance and addiction due to the use of dentifrices and dental care agents, even when the patient is on an unsupervised regimen, does not seem to exist. The Panel recognizes that the long history of use of Category I fluoride dentifrices and the Panel's recommended package size limitation for Category I fluoride rinses and gels precludes the need for label warnings on misuse or abuse of these products.

D. Pediatric Considerations

The acute and chronic toxic effects of excessive fluoride ingestion must be considered in determining if anticaries products can be safely used by children. Children are defined by the Panel as persons under 12 years of age. All of the agents reviewed by the Panel are to be applied topically in the oral cavity and are only inadvertently ingested. For anticaries drugs the concentration required for children is equal to that needed by adults.

Developing teeth of children under 6 years of age may show objectionable dental fluorosis from repeated ingestion of excessive amounts of fluoride. Epidemiological and clinical findings, however, indicate that the formative state of teeth of children 6 years of age and older (excepting third molars) are too advanced to be affected by excessive daily fluoride ingestion (Refs. 1, 2, and 3). It has also been shown that children 6 years of age have developed control of their swallowing reflex and are able to rinse for 1 minute and expectorate properly (Ref. 4).

A number of studies have been conducted, utilizing a variety of testing procedures, to determine the amount of fluoride ingested during toothbrushing with a fluoride-containing dentrifice (Refs. 5 through 10). These studies indicate that, even in children aged 3 to 6 years, the large majority of individuals swallow less than 0.5 g of toothpaste per brushing and the greatest amount swallowed is only slightly over 1 g. Based on these studies, the Panel concludes that the amount of fluoride swallowed per average brushing can be considered well below a toxic range. Although it is conceivable that a child who regularly swallows excessive amounts of fluoride-containing toothpaste and also consumes fluoridated water could have a total daily fluoride intake in the range that produces dental fluorosis, there is a lack of any documentation that dental fluorosis has increased significantly following extremely widespread use of fluoride-containing dentrifices for approximately 15 years.

In view of these considerations the Panel recommends that fluoride dental rinses and gels be labeled for use by adults and children 6 years of age and older. Also, the Panel recommends that fluoride dentifrices be labeled for use by adults and children 2 years of age and older. Fluoride dentifrices should also be labeled to indicate that children under 6 years of age should be supervised in the use of fluoride dentifrices.

The Panel is aware of the concerns of acute toxicity from excessive fluoride ingestion, e.g., if a child were to ingest the entire contents of a fluoride-containing product. In 1958, the Council on Dental Therapeutics of the American Dental Association (ADA) first recommended that no more than 120 mg of fluorine should be dispensed at any one time. Such an amount represents a reasonable safety factor to be applied to a dental rinse which is packaged in a single container (Ref. 11). Experience during the past 20 years has borne out the safety of the Council's precautionary limit of fluoride.

The Panel concurs with the ADA recommendations on package-size limitations with respect to dental rinses and recommends that the package size of dental gels also be limited to 120 mg fluorine. In addition, the Panel recommends that dentifrice (abrasive-containing) preparations should be limited to 260 mg fluorine. The Panel is aware that this is the largest amount that has been approved by the FDA for this type of product.

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E. Principles Applicable to Combination Policy

The Panel recognizes that there may be a reason for combining active ingredients in certain OTC drugs; however, such combinations must be based on a sound and logical scientific rationale. In the case of OTC anticaries drug products, the Panel does not believe that there are any combinations of active ingredients that are presently marketed that it wishes to recognize as rational and beneficial for OTC use.

The Panel is aware of some data which indicate that certain antimicrobial agents have been shown to reduce markedly bacterial

accumulations on the teeth, and, thus, it might be argued have some promise in reducing caries. At this time, however, the Panel feels that the data supporting an effect are preliminary and are an inadequate basis for forming any conclusions.

Accordingly, the Panel has concluded that any combination of an OTC anticaries drug product and an antimicrobial agent or an antiseptic agent be classified in Category II.

The effectiveness of combining two or more fluorides has not been tested. The Panel recognizes that sodium monofluorophosphate exists in water in dynamic equilibrium with sodium fluoride, and with the various ions produced by the hydrolysis of the compound. This reaction, however, should not be interpreted as producing a combination drug product. The Panel has elected to consider the sodium monofluorophosphate compound as a single active ingredient, even though it is aware that that compound always contains small amounts of sodium fluoride. The hydrolysis does not affect either the safety or the effectiveness of the formulation of sodium monofluorophosphate.

The Panel considers it appropriate to restrict OTC anticaries drug products to single active ingredients because only single active ingredient products have undergone substantial clinical and laboratory testing.

Any company wishing to market an OTC combination drug product for the prevention and reduction of dental caries will have to obtain an approved new drug application (NDA) prior to marketing.

F. Inactive Ingredients

The Panel is aware of the need for the inclusion of inactive ingredients in OTC anticaries drug products. Preferably, these should be limited to agents that are considered necessary such as abrasives, preservatives, aromatics, vehicles, colorants, sweeteners, anti-oxidants, buffers, and agents required for particular dosage forms.

The Panel did not undertake an extensive review of inactive ingredients, because it is the view of this Panel that the safety and the advisability of including specific inactive ingredients, in drug products should be reviewed by an appropriate Panel. Since many of these ingredients are used in the formulation of many drug products other than those reviewed by this Panel, it is not appropriate that they be dealt with specifically and solely in relation to dentifrices and dental care agents except for abrasives. The effects of abrasives in anticaries drug products are discussed elsewhere in this document. (See part III. paragraph A.2. below—Fluoride dentifrices.)

The Panel recommends that in view of the inactive ingredients, such as sodium lauryl sarcosinate, which have caused oral mucosal irritation, the final formulation of OTC anticaries drug products should be shown to be safe and nonirritating. Monitoring of consumer complaints should detect, at an early stage, irritation or allergic manifestations not detectable in animal studies.

G. Labeling for OTC Anticaries Drug Products

The Panel reviewed and concurs with the FDA's OTC drug labeling regulations (21 CFR 201.61(a), (b), and (c) and 21 CFR 330.10 (a)(4)(v)).

Having reviewed all of the labels of OTC anticaries drug products submitted, the Panel recommends that labeling include the following:

1. *Ingredients.* Dentifrice and dental care agents should contain only active ingredients plus such inactive ingredients as may be necessary for formulation. The label should state the name and quantity of each active ingredient in appropriate units to be specified later in each section of this document. The Panel encourages the use of metric units when possible.

The labeling must indicate the principal intended action of the active ingredient as well as the indication for use of the product. The Panel considers that the labeling for any product that contains an active ingredient for which no claim is made is misleading.

For various reasons, individuals may wish to avoid using certain inactive ingredients found in drug products. Such reasons include allergic reactions, previous idiosyncratic responses, safety concerns (whether valid or not), or personal preference. It is impossible to make a free choice in this regard unless all the components of drug products are listed on the labels. Therefore, this Panel strongly recommends that all inactive ingredients be listed on the label in descending order of quantity. However, the product should not imply or claim that its inactive ingredients have a therapeutic benefit.

The Panel recognizes that although full disclosure of flavoring and coloring ingredients is desirable, this may be impractical and confusing because of the large number of ingredients which may be involved. Thus, flavoring and coloring ingredients may be listed in accordance with present regulations for labeling such ingredients in cosmetic products (21 CFR 701.3).

2. *Indications.* The indications for use of a dentifrice, dental rinse, or dental gel should be simply and clearly stated and should provide the user with a reasonable expectation of results to be anticipated from use of the product.

Statements of indications for use should be specific and confined to the conditions for which the product is recommended. Thus, a prominent and conspicuous statement must be made of general pharmacotherapeutic action. For example, anticaries drug products should be labeled to indicate their usage, i.e., "Aids in the prevention of dental caries (decay or cavities)."

3. *Directions for use.* The directions for use should be clear, direct, and provide the user with sufficient information to permit safe and effective use of the product.

The label should include a clear statement of the usually effective minimum and, where applicable, maximum doses (or concentration if more appropriate) per time interval. If dosage varies with the consumer's age, the directions should be broken down by age groups. The Panel will recommend specific directions for use under each drug statement in later sections of this document.

4. *Warnings.* Labeling of dental care products should include warnings against unsafe use, side effects, and adverse reactions. The Panel recognizes that the long history of safe use of fluoride dentifrices precludes the need for any such warnings on the label.

However, the Panel considers the following warning necessary for the safe use of fluoride rinses and gels: "Do not swallow. Developing teeth of children under 6 years of age may become permanently discolored if excessive amounts of fluoride are repeatedly swallowed."

5. *Other statements on the label.* In addition to the warning statements above for dental rinses and gels, the following statements should appear on the label of fluoride dental rinses and gels:

a. *For all dental rinses and gels.* "This is not a dentifrice."

b. *For stannous fluoride dental rinses and gels.* "This product may produce surface staining of the teeth. Adequate tooth brushing may prevent these stains which are not harmful or permanent and may be removed by your dentist."

6. *Other allowable statements for dentifrices.* The labeling may also include, where the product has been approved by ADA, the statement: "(Product name) has been shown to be an effective decay-preventive dentifrice that can be of significant value when used in a conscientiously applied

program of oral hygiene and regular professional care."

7. *Packaging.* The Panel recommends that fluoride dental rinses and gels be packaged in containers with safety closures. The packaging of fluoride dental rinses should provide a means for measuring the dosage, or the product should be marketed in single dose containers. Limitation of package size is recommended for all anticaries products in view of safety considerations discussed previously in this document. (See part II. paragraph D. above—Pediatric Considerations.)

H. *General Statements on the Determination of Safety and Effectiveness for OTC Anticaries Drug Products*

The Panel evaluated the safety and effectiveness of OTC anticaries active ingredients, as well as proper dosage ranges for OTC drug use. In reviewing the scientific literature for these ingredients, the Panel evaluated the available data as to whether or not the ingredient was safe and effective. Among those agents determined to be safe and effective, the Panel did not attempt to determine the drugs of choice for any particular indication.

1. *Determination of safety.* In deciding on the safety of a drug or combination of drugs for the intended use, both animal and human studies were considered. The animal data usually related to levels of the drug that might cause death or cause other serious adverse effects on vital tissues, such as the bone marrow, liver, and kidneys. Also, the possibility that the drug might cause adverse effects on teeth or irritation of the oral mucosa was evaluated. Animal studies were helpful in establishing benefit-to-risk ratios for ingredients which are commonly used.

Major attention was paid to information related to adverse drug effects in humans, both adults and children. A knowledge of the toxicology of the drug or drugs under consideration both in animal studies and from human experience make it possible to look specifically for adverse effects in one or more organs or systems.

It was desirable that there be studies in which the drug was evaluated in its final composition and compared to its vehicle control. However, there were times when the Panel was called upon to make judgments without benefit of controlled pharmacological studies, since they were not available for many ingredients.

2. *Determination of effectiveness.* In determining effectiveness for the intended use, the Panel considered separately each pharmacotherapeutic group under review although certain general principles apply to all groups.

In terms of effectiveness, animal anticaries studies are helpful because certain animal models closely mimic the course of oral diseases and conditions in humans.

Major attention was paid to clinical studies, especially where the double-blind technique could be employed. The inclusion of a placebo as a comparison was considered desirable and comparison of the agent with a known standard was also considered useful.

Studies utilizing objective measurements, proper controls, and statistical analysis carried considerable weight in the Panel's decision to place an ingredient in Category I. Clinical experience of a general nature, if documented by qualified experts, added somewhat to the final decision.

The Panel recognizes the extensive marketing history of many dental preparations. Members of the drug industry presented data to the Panel summarizing their marketing history and consumer complaint information. The effectiveness of such products may never have been subjected to scientific investigation even though the products have been marketed for many years. Apparent consumer acceptance and testimonial data used by many manufacturers as the sole evidence of effectiveness and safety were not acceptable to the Panel. When claims of effectiveness were supported solely by outdated experimental methodology, this evidence for effectiveness was also considered unacceptable.

The Panel took into account the marketing experience of manufacturers as stated in their submissions. Although the Panel found these data helpful, marketing experience did not overrule nor substitute for the Panel's other sources of knowledge of safety, effectiveness, and rationale for such products.

III. Anticaries Agents for OTC Drug Use

A. General Discussion

1. *Fluorides.* Inorganic fluorides supply the teeth with fluoride ion, which has been shown to be effective in helping to prevent dental caries as reviewed by Horowitz (Ref. 1). Fluoride has been safely added to the drinking water as a public health measure, and other methods of fluoride administration are also beneficial in helping to prevent dental caries (Refs. 1 through 6). For example, dentists have used topical, in-office fluoride treatment to provide anticaries benefits (Ref. 6). However, not everyone in the United States consumes fluoridated water nor are they able to receive professional fluoride treatments. Even if the populace had either form of fluoride application, many studies have shown that further supplementation of fluoride by means of rinses, dentifrices, and other modes of application would offer additional protection (Refs. 2 through 6). When there is deficient systemic intake of fluorides and consumers are not receiving topical fluoride treatments in dental offices, the Panel recommends that fluoride rinses or fluoride dentifrices to be used to reduce caries.

One of the major advances in OTC dental drugs was the addition of fluorides to dentifrices. The first prophylactic dentifrice to gain acceptance by FDA and the ADA was a stannous fluoride dentifrice introduced in 1955. A major factor in the development of this dentifrice was the introduction of a new abrasive which minimized inactivation of the fluoride. The ADA Council on Dental Therapeutics classified this dentifrice Group B (provisional) in 1960 and Group A (accepted) in 1964, allowing the use of its Seal of Acceptance on the label. This action was a great stimulus to the development of other fluoride dentifrices with compatible abrasives. Three additional stannous fluoride dentifrices received Group B ratings from the ADA, but none of the latter three are presently on the market.

A dentifrice containing sodium monofluorophosphate (Na MFP) achieved Group A acceptance by the ADA in 1969 after having obtained an effective NDA from FDA in 1967.

Sodium fluoride was considered a potentially active ingredient for anticaries dentifrices because it was effective in topical fluoride treatments in dental offices. Results of early tests of sodium fluoride dentifrices were disappointing, however, because the availability of the active ingredient, fluoride, was decreased by interaction with the abrasives used. Following the development of a more compatible abrasive for use with stannous fluoride, a dentifrice formulation of sodium fluoride with a similar type of abrasive showed effectiveness in several clinical studies. The sodium fluoride dentifrice was submitted to FDA through NDA procedures and approved for marketing by the agency on October 29, 1973.

In Sweden, Torell and his colleagues in the early 1960's evaluated various dosage forms for application of fluoride to the teeth (Ref. 7). They found that of the regimens tested, effectiveness in descending order of effectiveness for caries reduction was provided by (1) sodium fluoride rinse once daily, (2) sodium fluoride rinse fortnightly, (3)

stannous fluoride dentifrice, (4) sodium fluoride topical treatment (professional application), (5) sodium fluoride bicarbonate dentifrice, and (6) stannous fluoride topical treatment (professional application). The daily sodium fluoride rinse showed greater effectiveness in controlling dental caries than any of the other regimens. Differences between the two fluoride dentifrices were not statistically significant. In a separate study, these authors reported effectiveness of a monofluorophosphate-calcium carbonate dentifrice system.

Further studies verifying the Swedish observations as well as additional investigations on other modes of fluoride delivery led the FDA Dental Drug Products Advisory Committee to recommend to the Commissioner approval of seven types of topical fluoride preparations as prescription drugs or for professional use. The Commissioner accepted the recommendation and these formulations were published in the Federal Register of May 14 (39 FR 17245), June 26 (39 FR 23081), and November 7, 1974 (39 FR 39488).

The Dental Drug Products Advisory Committee also recommended to the Advisory Review Panel on OTC Dentifrice and Dental Care Agent Drug Products that the neutral and acidulated sodium fluoride solutions intended for daily use would be good candidates for over-the-counter drug status (39 FR 17245). This opinion was taken under advisement by the Panel and was helpful in the deliberations on fluoride dental rinses.

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(4) Mergele, M. A., "Report II: An Unsupervised Brushing Study on Subjects Residing in a Community with Fluoride in the Water," *Academy of Medicine of New Jersey Bulletin*, 14:251–255, 1968.

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(6) Beiswanger, B. B., et al., "The Additive Anticariogenic Effect of an SnF_2–$Ca_2P_2O_7$ Dentifrice and an APF Topical Application," *Journal of Dental Research*, 56:B104, 1977.

(7) Torell, P., and Y. Ericsson, "Two-Year Clinical Tests With Different Methods of Local Caries-Preventive Fluorine Application in Swedish School Children," *Acta Odontologica Scandinavica*, 23:287–321, 1965.

2. *Abrasives.* Abrasives are important ingredients of dentifrice formuations and typically comprise up to 50 percent of the total formulation. Consideration of abraisives is essential because of the potential for active ingredient/abrasive incompatibility resulting in a decrease in the effectiveness of the active ingredient.

The cleansing function of a dentifrice is achieved by the mechanical removal of dental plaque, stain, and debris from tooth surfaces by the abrasive system. This function relies upon the difference in hardness between surface debris and the tooth. This hardness differential between debris and the enamel of the tooth crown is large; thus there is little concern about the use of abrasives that can safely achieve through cleansing of the enamel tooth crown. However, the root portion of the tooth is composed of a thin layer of cementum over dentin. Enamel is about 10 to 20 times as hard as this root portion. If the root portion of the tooth is exposed by gingival recession and is brushed with abrasives, potential exists for mechanical removal of tooth substance.

The exact contribution of dentifrice abrasives to mechanical removal of tooth substance from root surfaces and restorative materials of comparable hardness, such as the acrylics, is unknown. Theoretically at least, the abrasivity level of the dentifrice, the nature of the toothbrush, and the technique used in brushing the teeth could contribute to a clinical effect. Proper toothbrushing technique is believed to minimize the possibility for mechanical removal of tooth substance and restorative materials.

The common major abrasive systems used in dentifrices are alumina, dicalcium phosphate (dihydrate and anhydrous), chalk, insoluble sodium metaphosphate (IMP), calcium pyrophosphate, and silicas. Dicalcium phosphate dihydrate has a relatively low level of abrasivity whereas the anhydrous compound has a considerably higher level. Blends of the two compounds can be and are used to achieve abrasivity levels between the two single entities. Similarly, a number of silicas, differing in particle sized and hardness, are available. As with the dicalcium phosphates, silicas can be used singly or in mixtures to achieve a specific level of abrasivity. The same is true with chalks that are available from a number of sources and can differ substantially in abrasivity characteristics. Calcium pyrophosphate and insoluble sodium metaphosphate (IMP) each have a fairly narrow range of abrasivity; however, the manufacture and method of processing can alter somewhat the abrasivity level. The heat processing of dicalcium phosphate dihydrate converts the crystalline structure into calcium pyrophosphate, which may have one or more of three phases: the alpha phase is most abrasive, beta is intermediate, and the gamma phase is least abrasive. A mixture containing high-beta-phase, about 80 percent, and the rest gamma phase, has been shown to have useful properties for fluoride dentifrices. The beta phase of calcium pyrophsophate has a lower level of ionizable calcium. The lower level of ionaizable calcium results in more fluoride ion being available for effectiveness.

There are a number of other abrasives that could be used in dentifrices providing that studies establish safety at the concentrations used in dentifrices. Some of these are now used outside the United States and others are either minor constituents in present formulations or are still in the developmental stages. Examples of these are the acrylics, aluminum oxide, zirconium silicate, aluminum silicate, and other mineral clays.

In the evaluation of the abrasivity of a dentifrice, it is important to conduct tests on the complete formulation. The abrasivity level of the dentifrice is the result of the interaction between the various ingredients and is not merely reflective of the abrasive compound and its concentration in the formula.

The abrasivity of the dentifrice per se can be measured in the laboratory very precisely but the abrasivity achieved in actual use depends upon toothbrushing, as well as a number of factors mentioned earlier including method of toothbrushing, actual load placed on the brush, duration of brushing, and toothbrush characteristics (Ref. 1). In the opinion of the Panel, there is no indication for a dentifrice for daily use with an abrasivity level above 250 as measured by a method using dentin as a substrate (Ref. 1). A higher level of abrasivity would mean additional risk without a substantial increase in benefit.

The clinical cleansing capability of dentifrices has shown one positive linear correlation with laboratory abrasivity data using dentin as a substrate and laboratory dicalcium phosphate dentifrices formulated to represent the general abrasivity range

availabe for commercial dentifrices in the United States (Ref. 2). Somewhat comparable information has been obtained for chalk-based dentifrices (Ref. 3). It may not be possible to extrapolate from clinical and laboratory data on one abrasive system to all other systems, but in general the correlation seems reasonable. There may be examples where there is no correlation between laboratory abrasivity and either laboratory cleansing data or clinical cleansing results.

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(2) Fertig, J. W., et al., "Collaborative Study of Clinical Methodology: I. Methods to Assess Dentifrice Cleaning Function," Statistical Committee Report, ADA Dentifrice Function Program, American Dental Association, Chicago, 1977.

(3) Davis, W. B., P. M. Dean, and J. Winchester, "Cleaning Power and Dentine Abrasivity Relationship of Calcium Carbonate Toothpastes," *Journal of Dental Research*, 56:A67, 1977.

3. *Floride dentifrices.* The Panel is aware that consumers may be easily misled by the promise that a particular anticaries preparation will prevent or reduce dental caries, because the effectiveness of the anticaries product is not self-evident in the same sense, for example, as the easily recognizable effectiveness of aspirin in relieving pain. In the Panel's view, it is hardly possible for an individual consumer to determine the benefits of using a product containing an anticaries agent such as flouoride. This is of particular concern to the Panel because results of early clinical studies to demonstrate the effectiveness of flouride-containing dentifrices were generally less impressive than expected (Ref. 1). A number of reasons may be responsible for these results. The nature of the clinical caries trial is such that, unless conducted with a high level of expertise employing appropriate criteria, the results can be inconclusive. However, a major part of the problem was related to incompatibility of the fluoride ion with the abrasive used in the dentifrice. Studies were initiated to increase the compatibility between the fluoride and the abrasive system and to formulate products which would deliver or release the fluoride to the teeth.

Calcium pyrophosphate was developed as a dentifrice abrasive which could be combined with stannous fluoride (Ref. 2), and later high-beta-phase clacium pyrophosphate was used successfully with sodium fluoride (Ref. 3). Dental scientists then conducted many clinical studies (Ref. 4) with these fluoride-abrasive combination systems to show that they were effective in reducing human dental caries in a variety of circumstances. Because of the early failures of certain fluoride toothpaste formulations to reduce the incidence of caries, the dental profession was unwilling to accept formulation changes without clinical demonstration of effectiveness. As more and more fluoride dentifrices, including sodium monofluorophosphate dentifrices, showed effectiveness in clinical studies, it became apparent that the availability of the fluoride was one measure of an effective fluoride dentifrice formulation.

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(2) Muhler, J. C., A. W. Radike, W. H. Nebergall, and N. G. Day, "The Effect of a Stannous Fluoride-Containing Dentifrice on Caries Reduction in Children," *Journal of Dental Research*, 33:606–612, 1954.

(3) Reed, M. W., "Clinical Evaluation of Three Concentrations of Sodium Fluoride in Dentifrices," *Journal of the American Dental Association*, 87:1401–1403, 1973.

(4) Council on Dental Therapeutics, "Accepted Dental Therapeutics," 37th Ed., American Dental Association, Chicago, pp. 302–303, 1977.

4. *Laboratory testing profiles.* The Panel concludes that all of the fluoride compounds placed in Category I as active ingredients have been shown through numerous clinical trials to be safe and effective for OTC use. However, because the abrasive in dentifrice formulations may alter the availability of the fluoride to the teeth, the Panel concludes that certain stability and bioequivalency data on the final formulation are necessary before that formulation is marketed.

In the opinion of the Panel, the extensive amount of testing, which has included laboratory, animal, and clinical tests, allows prediction as to which dentifrice formulations will be effective. The Panel concludes that, if certain analytic and biologic tests are conducted and acceptable test values are achieved, clinical testing is not required. The acceptable test values are those obtained from dentifrice formulations that have already been proven to be effective through clinical testing. The acceptable values for each of the Category I active ingredients are summarized in the tables below. The methodology for conducting these tests is included in a submission to the Panel (Ref. 1). Manufacturers must keep on file a "Laboratory Testing Profile" (the values obtained from the analytic and biologic testing) for each dentifrice formulation and on any reformulated product with the same abrasive system.

If at any time a Category I dentifrice formulation does not meet the laboratory testing values equal to or greater than the highest fluoride values listed in the tables below, but it has been shown to be clinically effective, the manufacturer can petition FDA to amend the monograph to include that formulation.

If a manufacturer wishes to use an untested chemical compound as a fluoride source, he or she must file to obtain an approved NDA in accordance with FDA's new drug regulations.

If the manufacturer wishes to use a new abrasive with a Category I fluoride, the product will be in Category I provided that the new abrasive is safe and that the new formulation has laboratory testing values equal to or greater than the highest fluoride values listed in the tables below for that same fluoride compound. The Panel recommends that safety for any new abrasive should be established according to current regulations for inactive ingredients (21 CFR 210.3(d) and 330.1(e)) and to the Panel's specifications for abrasivity. (See part III. paragraph A.3. above—Fluoride dentifrices.)

The Panel recommends that expiration dates be included on the cartons of dentifrice products. The analytic and biologic test values for aged products should be used by the manufacturer to determine an expiration date for his product. Each manufacturer should have data on record which indicate that its product meets the aged minimal values for these tests at the time of expiration. Also, the expiration date should conform to good manufacturing practice to take into account other elements and properties of the formulation.

The following analytical test values apply to all Category I fluoride abrasive-containing dentifrices:

1. Theoretical total fluorine: 1,000 ppm (allowable range 900–1,100 ppm).

2. Specific gravity: 1.3 to 1.7.

All Category I fluoride dentifrices must meet the test requirements of any two of the following biological tests:

1. Enamel solubility reduction.

2. Fluoride uptake by enamel.

3. Animal caries reduction.

The performance standard which must be met for these biological tests for both fresh and aged minimal values obtained for the dentifrice formulations requires that the numerical score in the biological test shall be both (1) significantly different from the score for a placebo formulation, and (2) no lower

than the score for the reference formulation at the 90-percent confidence level. The reference formulations to be used in the above biological tests are described in a submission to the Panel (Ref. 2). Any clinically effective sodium monofluorophosphate/abrasive formulation can be used as the performance standard for any other sodium monofluorophosphate/abrasive formulation.

The analytical test values in the following tables apply to the indicated Category I fluoride dentifrices:

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TABLE 1--ACCEPTABLE TEST VALUES FOR SODIUM FLUORIDE DENTIFRICES

I. Soluble Fluoride Ion (F^-)

Abrasive	Fresh F^- value[1]	Aged minimal F^- Value[1]	Maximum test dilution (w/w)
High-beta-phase calcium pyrophosphate	648 ppm	403 ppm	1:10

II. Hydrogen Ion Concentration (pH)

Abrasive	Test value	Maximum test dilution (w/w)
High-beta-phase calcium pyrophosphate	6.5-8.0	1:10

[1]/Values listed are parts of the measured substance per million parts of the whole dentifrice.

TABLE 2--ACCEPTABLE TEST VALUES FOR SODIUM MONOFLUOROPHOSPHATE DENTIFRICES

I. Soluble Fluoride Ions ($PO_3F^=$ and F^-)[1/]

Abrasive	Ion	Fresh value[2/]	Aged minimal value[2/]	Maximum test dilution (w/w)
Applicable to all abrasives	$PO_3F^=$	650 ppm[3/]	Half total ($PO_3F^=$ and F^-) value	1:10
	F^-	10-150 ppm	10 ppm to $PO_3F^=$ value	1:10
	Total ($PO_3F^=$ and F^-)	800 ppm	600 ppm	1:10

II. Hydrogen Ion Concentration (pH)

Abrasive	Test value	Maximum test dilution (w/w)
Alumina	5.0-9.0	1:10
Calcium carbonate	7.0-10.0	1:10
Calcium pyrophosphate	5.0-5.4	1:10
Dicalcium phosphate	6.5-7.8	1:10
Insoluble sodium metaphosphate	5.6-6.9	1:10
Silica	5.5-7.4	1:10

1/For the compound sodium monofluorophosphate in a dentifrice formulation, fluoride ion exists as a combination of the ions $PO_3F^=$ and F^-. Values are given for each of these ions as well as the "Total": combination of $PO_3F^=$ plus F^-.

2/Values listed are parts of the measured substance per million parts of the whole dentifrice.

3/Soluble $PO_3F^=$ is derived either by direct analytic measurement, or by subtracting soluble fluoride ion (F^-) from total soluble available fluorine ($PO_3F^=$ plus F^-).

TABLE 3--ACCEPTABLE TEST VALUES FOR STANNOUS FLUORIDE DENTIFRICES

I. Soluble Fluoride Ion (F^-)

Abrasive	Fresh F^- value[1]	Aged minimal F^- value[1]	Maximum test dilution (w/w)
Insoluble sodium metaphosphate, silica, and others	600 ppm	500 ppm	1:10
Calcium pyrophosphate	288 ppm	108 ppm[2]	1:10

II. Soluble Stannous Ion (Sn^{++})

Abrasive	Fresh Sn^{++} value[1]	Aged minimal Sn^{++} value[1]	Maximum test dilution (w/w)
Insoluble sodium metaphosphate	2,000 ppm	Qualitatively detectable	1:10
Silica and others	Qualitatively detectable	Qualitatively detectable	1:10
Calcium pyrophosphate	900 ppm	Qualitatively detectable	1:10

III. Hydrogen Ion Concentration (pH)

Abrasive	Test value	Maximum test dilution (w/w)
Insoluble sodium metaphosphate	4.2-5.4	1:10
Silica	4.6-5.1	1:10
Calcium pyrophosphate	4.4-5.1	1:10

[1]/Values listed are parts of the measured substance per million parts of the whole dentifrice.

[2]/Value corresponds to that of aged product found clinically effective.

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References

(1) OTC Volume 080248.
(2) OTC Volume 080253.

5. *Fluoride rinses.* The caries-inhibiting effect of frequent mouth rinsing with dilute fluoride solutions has been evaluated in more than 20 large-scale clinical trials (Refs. 1 and 2). Discussions of these trials are included later in this document. Most of these studies were conducted in nonfluoridated communities and used sodium fluoride, either in neutral or acidulated phosphate form, as the active rinse ingredient. Essentially all the studies have reported inhibition of incremental dental caries, the benefits ranging from 20 to 50 percent.

The safety and effectiveness of frequent rinsing with dilute fluoride solutions in the control of dental caries is generally recognized (Refs. 1 and 3). In addition, the FDA Dental Drug Products Advisory Committee has recommended that consideration should be given to designating certain fluoride rinses as OTC dental drug products.

The laboratory testing of fresh and aged products must certify that the measured amount of fluoride ion represents the total theoretical amount of fluorine present as formulated in the product plus or minus 10 percent. The expiration date can be based on this certification and on good manufacturing practice regulations.

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6. *Fluoride gel.* Four studies on stannous fluoride dental gels containing 0.4 percent stannous fluoride in anhydrous glycerin have been published (Refs. 1 through 4). These studies provide reasonable documentation of effectiveness of the dental gel dosage form. The Panel, therefore, concludes that 0.4 percent stannous fluoride dental gel is effective as an anticaries agent.

The laboratory testing of fresh and aged products must certify that the measured amount of fluoride ion represents the total theoretical amount of fluorine present as formulated in the product plus or minus 10 percent. The expiration date can be based on this certification and good manufacturing practice regulations.

The Panel recommended that these products be used in addition to rather than as a substitute for a dentifrice.

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(1) Landry, D. F., and I. L. Shannon, "A Home-care Program of Chemical Preventive Dentistry for Orthodontic Patients," *American Journal of Orthodontics,* 63:12–17, 1973.

(2) Feller, R. P., "Reduction of Enamel Solubility by Daily Use of a 0.4% Stannous Fluoride Gel," *Journal of Dental Research,* 53:1280–1283, 1974.

(3) Miller, J. T., and I. L. Shannon, "A Clinical Report: Water-free Stannous-fluoride Gel and Post-irradiation Caries," *Journal of Public Health Dentistry,* 32:127, 1972.

(4) Stratemann, M. W., and I. L. Shannon, "Control of Decalcification in Orthodontic Patients by Daily Self-administered Application of a Water-free 0.4 per cent Stannous Fluoride Gel," *American Journal of Orthodontics,* 66:273–279, 1974.

B. Categorization of Data

1. *Category I conditions under which anticaries ingredients are generally recognized as safe and effective and are not misbranded.* The Panel recommends that the Category I conditions be effective 30 days after the date of publication of the final monograph in the **Federal Register.**

Category I Active Ingredients

Sodium fluoride (dentifrice)
Sodium monofluorophosphate (dentifrice)
Stannous fluoride (dentifrice)
Acidulated phosphate fluoride (rinse)
Sodium fluoride (rinse)
Stannous fluoride (rinse)
Stannous fluoride (gel)

a. *Sodium fluoride (dentifrice).* The Panel concludes that 0.22 percent sodium fluoride with a compatible abrasive in a dentifrice product is safe and effective for OTC use as an anticaries agent when marketed in packages containing not more than 260 mg of fluorine.

(1) *Safety.* The toxicity of fluoride compounds can be attributed to the fluoride ion, which is considered to be a protoplasmic poison. Study of the recorded cases of acute fluoride poisonings indicate that a dose range of 5 to 10 g of sodium fluoride can be considered a lethal dose for a 70 kg man (Ref. 1).

Much is known of the chronic effects of fluoride because of the widespread use of dietary fluoride in drinking water to provide protection against dental caries. Presently, more than 105 million people in the United States live in areas in which the water supplies contain 0.7 ppm or more fluoride ion, with 94 million of these people receiving water supplemented with additional fluoride to provide a trace level of approximately 1 ppm (Ref. 2). Drinking water having a level of approximately 1 ppm of fluoride will provide a substantial reduction of about 60 percent in the incidence of dental decay without any adverse effect. Dental fluorosis has been reported from daily intake of water with 2 to 10 ppm of fluoride and crippling skeletal fluorosis with levels of 20 to 80 ppm of fluoride in the drinking water (Ref. 3). It should be noted that dental fluorosis occurs only when excessive fluorides are ingested regularly during the period of tooth development.

A number of studies have been conducted, utilizing a variety of testing procedures, to determine the fluoride ingested during toothbrushing with a fluoride-containing dentifrice (Refs. 4 through 9). These studies indicate that, even in children aged 3 to 6 years, the large majority of individuals swallow less than 0.5 g of toothpaste per brushing. The greatest amount swallowed was reported by Hargreaves et al. (Ref. 8) as being only slightly over 1 g. If the above information is used when considering a toothpaste formulation containing 0.22 percent sodium fluoride, the amount of fluoride swallowed per average brushing would be 0.25 mg or less. Studies by Ericsson (Ref. 6), Duckworth and Joyston-Bechal (Ref. 10), Barnhart (Ref. 11), and Glass et al. (Ref. 9) all showed the amount swallowed was substantially less than that shown by Hargreaves et al. (Refs. 4 and 8). This amount can be considered well below a toxic range.

Although it is conceivable that a child who regularly swallows excessive amounts of fluoride-containing toothpaste and also consumes fluoridated water could have a total daily fluoride intake in the range that produces dental fluorosis, there is a lack of any documentation that dental fluorosis has increased significantly following extremely widespread use of fluoride-containing dentifrices for approximately 15 years.

(2) *Effectiveness.* The data from six clinical trials utilizing a dentifrice containing 0.22 percent sodium fluoride with a 40-percent high-beta-phase calcium pyrophosphate abrasive system indicate a statistically significant caries

reduction at a 95-percent confidence level (Refs. 12 through 16). These studies all employed a nonfluoride control and varied from 16 months to 36 months in duration. In only one of the studies one of the investigators did not find a reduction in caries that was statistically significant at the 95-percent confidence level. These clinical studies permit the Panel to conclude that sodium fluoride with this abrasive combination in a dentifrice is effective in the prevention of dental caries.

(3) *Dosage.* Adults and children 2 years of age and older, brush teeth thoroughly at least once daily with 0.22 percent sodium fluoride in a suitable dentifrice formulation.

(4) *Labeling.* The Panel recommends the Category I labeling. (See part III. paragraph B.1. below—Category I Labeling.)

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(b) *Sodium monofluorophosphate (dentifrice).* The Panel concludes that 0.76 percent sodium monofluorophosphate (NaMFP) with a compatible abrasive in a dentifrice product is safe and effective for OTC use as an anticaries agent when marketed in packages containing not more than 260 mg of fluorine.

(1) *Safety.* The toxicity of fluoride and the ingestion of fluoride during toothbrushing has been discussed previously. (See part III. paragraph B.1.a.(1) above—Safety.) Acute and subacute toxicity studies with sodium monofluorophosphate suggest that the compound on the basis of both milligrams of compound and milligrams of fluorine is less toxic than sodium fluoride (Refs. 1, 2, and 3). Although the accumulation of fluoride in bone and teeth appears to be similar for sodium monofluorophosphate and sodium fluoride when used at the same fluoride concentration (Ref. 4), studies with radioactive fluoride suggest that the lower toxicity may result from the gradual release of the fluoride ions from the monofluorophosphate (Ref. 5).

Animal feeding studies suggest that the chronic toxicity of sodium monofluorophosphate and sodium fluoride are of the same order and have similar characteristics with the kidney being the most susceptible to pathological change (Ref. 6). Further, the two compounds seem to produce the same degree of mottling in the incisors of albino rats (Ref. 7). When the same quantities of fluoride are given to rats in the form of sodium fluoride, sodium monofluorophosphate, stannous fluoride, and stannous chlorofluoride, similar amounts of fluorine are found in the skeleton (Ref. 8). The monofluorophosphate ion ($PO_3F^{=}$) also does not appear to pass the placenta to any greater extent than the fluoride ion (Ref. 9).

There is no available information on human toxicity with sodium monofluorophosphate as there is with sodium fluoride. Although acute toxicity of sodium monofluorophosphate in animals is less than that of sodium fluoride, the chronic toxicity is similar. It would, therefore, appear suitable to consider, for human use, that the two compounds have similar toxicity in terms of the fluorine present.

(2) *Effectiveness.* The effectiveness of a 0.76-percent sodium monofluorophosphate toothpaste in reducing the incidence of dental decay has been established by a number of clinical trials under varying test conditions and with different abrasive systems.

Fanning et al. (Ref. 10) conducted a double-blind unsupervised study with a 0.76-percent sodium monofluorophosphate toothpaste with a compatible base of insoluble sodium metaphosphate as the abrasive. When compared to the control, the use of the dentifrice resulted in approximately 21 percent fewer new decayed surfaces over the 2-year period ($P = 0.001$).

Mergele (Refs. 11 and 12) conducted two clinical trials with 0.76-percent sodium monofluorophosphate dentifrice formulations. In the one conducted among three groups of handicapped subjects residing in state institutions where the water did not contain any significant amounts of fluoride, the investigators found that after 22 months of supervised toothbrushing the test group experienced a lower incidence of new caries than the group using the control paste (Ref. 11). The difference compared with the control was significant in all indices of new caries measurement and amounted to a 21-percent reduction in the most commonly used index, the net new, decayed, missing, and filled surfaces (DMFS) index.

In the second trial conducted by Mergele (Ref. 12), using a similar 0.76-percent sodium monofluorophosphate dentifrice formulation, conducted where the local water supply contained about 1 ppm of fluoride, children in the fifth through eighth grades attending public schools were used as subjects. All the toothbrushing was performed in the homes of the subjects, unsupervised. The test subjects were found to have a lower DMFS index than the control paste in 3 years of unsupervised brushing. The difference compared with the control dentifrice was significant at the 95-percent level of confidence.

Thomas and Jamison (Ref. 13) ran a 2-year clinical study in six homes for children in an area in which the water did not contain an appreciable concentration of fluoride ions. Children from 8 to 16 years of age were assigned randomly to use a control dentifrice or one of two experimental dentifrices,

under supervision, at least twice daily. Both of the experimental dentifrices contained 0.76 percent sodium monofluorophosphate; one formulation had only 1 percent sodium *N*-lauroyl sarcosinate, whereas the other contained 2 percent of that compound. All three dentifrices contained insoluble sodium metaphosphate as the compatible abrasive. After 22.5 months the incidence of caries was statistically significantly lower in the children who used the experimental dentifrices than in the children who used the control toothpaste. The rates of incidence of dental caries were comparable for the children who used the two experimental dentifrices. The estimates of effectiveness of the monofluorophosphate dentifrices which contained 1 and 2 percent sodium *N*-lauroyl sarcosinate were 31 percent and 29 percent for decayed filled teeth (DFT) and decayed filled surfaces (DFS), respectively. Based on DFS data, both test groups had approximately 29 percent fewer lesions than the control group.

Abrasive systems other than insoluble sodium metaphosphate have been tested with sodium monofluorophosphate. Naylor and Emslie (Ref. 14) conducted a double-blind, controlled clinical trial of 3 years duration. Eleven- and 12-year-old British school children tested the effectiveness of a toothpaste containing 0.76 percent sodium monofluorophosphate with dicalcium phosphate dihydrate as the principal abrasive agent. The results showed that the experimental paste produced significant reductions in caries experience as compared with the control paste. The reductions were greatest in respect to new carious surfaces on teeth which erupted during the study.

Andlaw and Tucker (Ref. 15) tested a dentifrice containing 0.8 percent sodium monofluorophosphate and employing aluminum oxide trihydrate as the abrasive. This study utilized British school children 11 to 12 years of age who used the paste without supervision. The 740 subjects completed the 3-year experiment with an overall 19-percent reduction in the DMFS new caries index. This difference was statistically significant.

Torell and Ericsson (Ref. 16) studied the effect of a sodium monofluorophosphate dentifrice which employed calcium carbonate as the abrasive. The trial utilized 750 Swedish school children, in two groups, one composed of 10-year-old children and the other made up of 11-year-old children. This study, run over a 2-year period, showed that use of the fluoride toothpaste was followed by a reduction in caries which was statistically significant in the older group.

Thus, NaMFP has exhibited an ability to reduce significantly the incidence of new carious lesions with a variety of abrasives; insoluble sodium metaphosphate, dicalcium phosphate, alumina, calcium carbonate, silica, and calcium pyrophosphate. This also involved some variation in pH since this is largely determined by the abrasive system. Although pH may be a factor in the reaction between NaMFP and hydroxyapatite, these clinical trials do not suggest a significant difference in anticaries benefit (Ref. 17).

(3) *Dosage.* Adults and children 2 years of age and older, brush teeth thoroughly at least once daily with 0.76 percent sodium monofluorophosphate in a suitable dentifrice formulation.

(4) *Labeling.* The Panel recommends the Category I labeling. (See part III. paragraph B.1. below—Category I Labeling.)

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c. *Stannous fluoride (dentifrice).* The Panel concludes that 0.4 percent stannous fluoride with a compatible abrasive in a dentifrice product is safe and effective for OTC use as an anticaries agent when marketed in packages containing not more than 260 mg of fluorine.

(1) *Safety.* The toxicity of fluoride and the ingestion of fluoride during toothbrushing has been discussed previously. (See part III. paragraph B.1.a.(1) above—Safety.)

Because stannous fluoride may differ in toxicity from sodium fluoride and sodium monofluorophosphate because of the tin ion, some comments on the acute and chronic toxicity of stannous fluoride may be pertinent. The LD_{50} for mice ingesting stannous fluoride in aqueous solution was found to vary from 169 mg/kg (Ref. 1). to 246 mg/kg (Ref. 2). For rats the LD_{50} was 260 mg/kg (Ref. 1). Levels of stannous fluoride providing up to 18 ppm fluoride in the drinking water or 8 ppm fluoride in the diet for a 140-day period did not inhibit growth or incisor pigmentation in rats. Levels above 9 ppm fluoride in food adversely affected growth and incisor pigmentation and at levels of 150 ppm fluoride some animals died (Ref. 3). Tin from tin salts was reported to have a no-effect level in rats at 22–33 mg/kg and guinea pigs survived on a diet containing 777 ppm tin as tin salt (Ref. 3).

The presence of the stannous ion in stannous fluoride dentifrice formulations may cause some staining of plaque and debris accumulation on the teeth. This has been reported in a number of clinical studies in which an attempt was made to determine the level of staining (Refs. 4, 5, and 6). However, the frequency and intensity of staining with the level of tin present in these formulations does not appear to present any significant problem; therefore, no warning on staining is required for stannous fluoride dentrifice formulations (Ref. 7).

(2) *Effectiveness.* Stannous fluoride at a level of 0.4 percent has been incorporated into dentifrice formulations with a number of abrasive agents including calcium pyrophosphate, insoluble sodium metaphosphate, and silica. These formulations have been subjected to clinical testing and the data from these studies generally indicate that these products are effective in the prevention of dental decay.

The majority of the clinical tests have been conducted with the stannous fluoride dentifrice formulations containing a compatible calcium pyrophosphate abrasive. The studies are too numerous to describe individually or to cite completely. Horowitz and Heifetz (Ref. 8) in their review on dentifrices, listed 12 clinical studies with this abrasive system. This is not a complete listing of all of the studies published in the dental literature because several of the short-term (less than 2-year duration) studies are not included. Although the data from the large majority of the reported studies have demonstrated a statistically significant difference in caries reduction between the test and control groups, a few indicate no significant decrease in caries increments (Refs. 9 and 10).

Dentifrice formulations containing 0.4 percent stannous fluoride with insoluble sodium metaphosphate as the abrasive have also been rather extensively studied in clinical trials (Refs. 4 and 11 through 14). These studies generally indicate a statistically significant reduction in the incidence of dental decay.

The stannous fluoride (0.4 percent) formulations with the silica abrasive system have also been subjected to two human studies. These studies demonstrated the availability of fluoride ion in a fluoride dentifrice with a silica abrasive system (Ref. 15).

(3) *Dosage.* Adults and children 2 years of age and older, brush teeth thoroughly at least once daily with 0.4 percent stannous fluoride in a suitable dentifrice formulation.

(4) *Labeling.* The Panel recommends the Category I labeling. (See part III. paragraph B.1. below—Category I Labeling.)

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d. *Acidulated phosphate fluoride (rinse).* The Panel concludes that an aqueous solution of acidulated phosphate fluoride, derived from sodium fluoride acidulated with a mixture of sodium phosphate, monobasic (NaH_2PO_4) and phosphoric acid to a level of 0.1 molar phosphate ion and a pH of 3.0 to 4.5 which yields an effective fluoride ion concentration of 0.02 percent is a safe and effective dental rinse for OTC use as an anticaries agent when marketed in packages containing not more than 120 mg of fluorine.

(1) *Safety.* The toxicity of fluoride has been discussed previously. (See part III. paragraph B.1.a.(1) above—Safety.)

The total amount of fluorine in a marketed dental rinse can be restricted to a safe quantity for OTC use. In 1958, the Council on Dental Therapeutics of the American Dental Association first recommended that no more than 120 mg of fluorine should be dispensed at any one time (Ref. 1). Such an amount represents a reasonable safety factor to be applied to a dental rinse which is packaged in a single container (Ref. 1). Experience during the past 20 years has borne out the safety of the Council's precautionary limit of fluorine.

Developing teeth of children under 6 years of age may show objectionable dental fluorosis from repeated ingestion of excessive amounts of fluoride. Epidemiological and clinical findings, however, indicate that the formative state of teeth of children 6 years of age and older (excepting third molars) is too advanced to be affected by excessive daily fluoride ingestion (Refs. 2, 3, and 4). Thus, the daily use of a fluoride rinse by children age 6 and above poses little, if any, risk of producing dental fluorosis. Also, it has been shown that children 6 years of age have developed control of their swallowing reflex and are able to rinse for 1 minute and expectorate properly (Ref. 5). Therefore, these products are recommended for OTC use only by persons 6 years and older.

Considerations of the acute and chronic toxic effects of excessive ingestion of a 0.05-percent neutral sodium fluoride aqueous solution (0.023 percent fluoride ion) are applicable to an acidulated-phosphate sodium fluoride aqueous solution containing 0.02 percent fluoride ion. None of the investigators reporting on studies of acidulated phosphate fluoride rinses has attributed harmful local or systemic effects to the use of such rinses. The clinical studies, as listed in the effectiveness section below, have been conducted for periods up to 3 years and have involved daily use of rinses containing approximately 0.02 percent fluoride ion.

In a study in which an acidulated phosphate fluoride gel with a pH of 4.5 and containing 1.1 percent sodium fluoride was applied to 500 children's teeth in custom fitted applicators for 6 minutes each school day for 2 academic years, no harmful local or systemic effects could be attributed to the gel (Ref. 6). In this same study, collodion

replicas of incisor tooth surfaces were made at various periods during the study and no etching of tooth enamel could be detected. Also, tests did not show an increase in urinary fluoride excretion.

(2) *Effectiveness.* A number of clinical studies have demonstrated that repeated mouth rinsing with aqueous acidulated phosphate fluoride solutions can provide an anticariogenic effect in children (Refs. 7 through 13). The fluoride ion concentration of the rinses for daily use studied most frequently was 0.02 percent and for weekly use was 0.1 percent. One study was conducted in a fluoridated community (Ref. 13). The remainder were in nonfluoridated areas. Caries reduction benefit varied from 23 percent in a fluoridated community (Ref. 13) to 30 percent in a nonfluoridated area (Ref. 8).

The FDA Dental Drug Products Advisory Committee has also recognized aqueous solutions of acidulated phosphate fluoride with a pH of approximately 4, that yield a fluoride ion concentration of approximately 0.02 percent, as effective when applied once daily to the teeth as a rinse (39 FR 17245), as has the Council on Dental Therapeutics of the ADA (Ref. 14).

(3) *Dosage.* Adults and children 6 years of age and older, once a day rinse with 10 mL of a 0.02 percent fluoride ion solution between the teeth for 1 minute and then spit out.

(4) *Labeling.* The Panel recommends the Category I labeling. (See part III. paragraph B.1. below—Category I Labeling.)

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e. *Sodium fluoride (rinse).* The Panel concludes that an aqueous solution of 0.05 percent sodium fluoride, having a pH of approximately 7, is a safe and effective dental rinse for OTC use as an anticaries agent when marketed in packages containing a maximum of 120 mg of fluorine.

(1) *Safety.* The toxicity of fluoride and safety considerations of the rinse dosage form have been discussed previously. (See part III. paragraphs B.1.a. (1) and B.1.d. (1) above—Safety.)

A clinical study reported in 1967 indicated that children rinsing fortnightly with a 0.5-percent solution of sodium fluoride over a 3-year period had increased gingivitis levels (Ref. 1). Subsequent clinical studies, however, have not substantiated this finding (Refs. 2, 3, and 4). These studies, some of which were conducted for several years with sodium fluoride concentrations of up to 0. 5 percent, have not revealed adverse effects on gingival tissues or oral mucosa.

(2) *Effectiveness.* A number of clinical studies have demonstrated the anticaries effectiveness of daily rinsing with 0.05-percent sodium fluoride solutions (0.02 percent fluoride ion) for periods up to 3 years (Refs. 3, 5, and 6).

Caries reductions in these studies have ranged from 27 to 50 percent. Other studies utilizing sodium fluoride rinse solutions up to an approximate maximum of 0.3 percent fluoride ion on a weekly or fortnightly basis have also provided evidence of effective caries reduction (Refs. 7 through 13).

The FDA Dental Drug Products Advisory Committee has recognized aqueous solutions of 0.05 percent sodium fluoride with a pH of approximately 7 as safe and effective in reducing the incidence of dental caries when applied daily to the teeth as a rinse (39 FR 17245), as has the ADA's Council on Dental Therapeutics (Ref. 14).

(3) *Dosage.* Adults and children 6 years of age and older, once a day rinse 10 mL of a 0.05-percent sodium fluoride solution between the teeth for 1 minute and then spit out.

(4) *Labeling.* The Panel recommends the Category I labeling. (See part III. paragraph B.1. below—Category I Labeling.)

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(13) Forsman, B., "The Caries Preventing Effect of Mouthrinsing with 0.025% Sodium Fluoride Solution in Swedish Children," *Community Dentistry and Oral Epidemiology*, 2:58–65, 1974.

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f. *Stannous fluoride (rinse).* The Panel concludes that stannous fluoride in a 0.1-percent dental rinse is safe and effective for OTC use as an anticaries agent when marketed in packages containing not more than 120 mg of fluorine. The Panel recognizes that stannous fluoride is unstable as an aqueous solution and that stannous fluoride should therefore be provided in a stable form which when mixed with water as directed immediately before using, results in a 0.1-percent stannous fluoride solution

(1) *Safety.* Toxicity of fluoride and safety considerations of the rinse dosage form have been discussed previously. (See part III. paragraphs B.1.a.(1) and B.1.d.(1) Above—Safety.)

Safety related to the stannous ion was also discussed in sufficient depth under the discussion of stannous fluoride dentifrice. (See part III. paragraph B.1.c.(1) above—Safety).

(2) *Effectivess.* Findings of five clinical studies on daily rinsing with dilute stannous fluoride solution have been published.

The Gier and Jamison study (Ref. 1) was conducted in a fluoridated area and no significant caries reduction was shown by use of a stannous fluoride rinse. The Corcoran study (Ref. 2), conducted in an area where the water was nonfluoridated, showed significant benefit of the rinse. A study by Hall (Ref. 3) evaluated only the effect on plaque formation. Swerdloff and Shannon (Ref. 4) conducted a 5-month study which purported to measure incremental decay. Only one of the published reports to date can be used to strongly support the effectiveness of daily rinsing with a 0.1-percent stannous fluoride solution. In that study, Radike et al. (Ref. 5) found that the rinse reduced decay by aproximately 38 percent (average of two independent examiners) when used daily in school for 20 months by children in a fluoridated community. Aditionally, data from an unpublished 26-month study submitted to the Panel evaluated the cariostatic effectiveness from daily rinsing with 0.04 and 0.08 percent stannous fluoride in a nonfluoridated area. In this study, McCombie et al. (Ref. 6), showed significantly lower caries incidence (by all parameters tested) in children using a rinse with a concentration of 0.04 percent stannous fluoride but less consistent results occurred with the rinse containing 0.08 percent stannous fluoride.

Thus with the four studies conducted for an adequate time interval, two studies showed positive results, results of one study were generally but not consistently positive, and in another study the stannous fluoride rinses did not reduce caries incidence. The results of studies of effectiveness of dental rinses of stannous fluoride 0.04 to 0.1 percent have been inconsistent but tend to suggest efectiveness in preventing carious lesions, especially in children living in nonfluoridated areas. Only one large study of adequate duration has been published in other than abstract form.

Stannous fluoride (SnF_2) is freely soluble in water. Aqueous solutions of the drug are unstable (Refs. 7 and 8), forming a white precipitate within a few hours after preparation (Ref. 8). They should therefore be used promptly after they are prepared (Ref. 8). Older solutions of stannous fluoride have been reported to be as effective or more effective in reducing enamel solubility than fresh solutions, possibly because of increased acidity resulting from hydrolysis following oxidation (Refs. 9 and 10). However, relative decrease in enamel solubility may or may not affect clinical effectiveness, and until further data establish clinical effectiveness of aged aqueous solutions, aqueous stannous fluoride solutions should be freshly prepared. Solutions of stannous fluoride in anhydrous glycerin were stable over a 15-month test period, whereas aqueous solutions lost two-thirds to three-fourths of their stannous tin content during this same period (Ref. 10).

Unlike sodium fluoride or acidulated phosphate fluoride, stannous fluoride produces extrinsic staining of the teeth in some individuals. In the 2-year study of daily rinsing in a fluoridated community, staining was observed (Ref. 5). Yellow staining of teeth in mouths with poor oral hygiene occurred more noticeably in the test group than in the control group. Because of the risk of staining, stannous fluoride rinse is required to have a statement on the label regarding stain.

(3) *Dosage.* Adults and children 6 years of age and older, once a day rinse 10 mL of a freshly prepared aqueous solution of 0.1 percent stannous fluoride between the teeth for 1 minute and then spit out.

(4) *Labeling.* The Panel recommends Category I labeling. (See part III. paragraph B.1. below—Category I Labeling.) In addition, the Panel recomends the following statements for stannous fluoride mouth rinse products:

(i) "This product may produce surface staining of the teeth. Adequate toothbrushing may prevent these stains which are not harmful or permanent and may be removed by your dentist."

(ii) "Use immediately after preparing the rinse."

(iii) For powder or effervescent tablets: "Do not use as a rinse until all the material has dissolved."

The labeling must also include directions, for the preparation of these dental rinse solutions before use, which are clear, direct, and provide the consumer with sufficient information to permit the safe and effective use of the product.

References

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(2) Corcoran, J. W., "Comparison of Cariostatic Effectiveness of Two Concentrations of SnF_2 Mouthwash," *Journal of Dental Research*, 53:163, 1974.

(3) Hall, G. L., "Stannous Fluoride (0.1%) Mouthwash Study," USAF School of Aerospace Medicine, San Antonio, TX, 1968.

(4) Swerdloff, G., and I. L. Shannon, "Feasibility of the Use of Stannous Fluoride Mouthwash in a School System," *Journal of Dentistry for Children*, 36:363–368, 1969.

(5) Radike, A. W., et al., "Clinical Evaluation of Stannous Fluoride as an Anticaries Mouthrinse," *Journal of the American Dental Association*, 86:404–408, 1973.

(6) OTC Volume 060149.

(7) Council on Dental Therapeutics, "Accepted Dental Therapeutics", 37th Ed., American Dental Association, Chicago, pp. 300–301, 1975.

(8) Shannon, I. L., "Water-Free Solutions of Stannous Fluoride and their Incorporation into a Gel for Topical Application," *Caries Research*, 3:339–347, 1969.

(9) Shannon, I. L., "Effect of Storage on the Laboratory Performance of Aqueous Solutions of Stannous Fluoride," *Journal of Southern California State Dental Association*, 32:67–69, 1964.

(10) Horowitz, H. S., and S. B. Heifetz, "The Current Status of Topical Fluorides in Preventive Dentistry," *in* "Fluorides and Dental Caries," Edited by Newbrun, E., Charles C. Thomas, Springfield, IL, pp. 34–59, 1972.

g. *Stannous fluoride (gel).* The Panel concludes that stannous fluoride nondentrifrice dental gels containing 0.4 percent stannous fluoride in an anhydrous glycerin gel are safe and effective for OTC use as anticaries agents when marketed in packages containing not more than 120 mg of fluorine.

(1) *Safety.* Toxicity of fluoride has been discussed previously. (See part III. paragraph B.1.a. (1) above—Safety.) The safety of stannous fluoride has also been discussed previously. (See part III. paragraph B.1.c. above—Stannous fluoride (dentifrice).)

(2) *Effectiveness.* Four studies on stannous fluoride dental gels containing 0.4 percent stannous fluoride in anhydrous glycerin have been published (Refs. 1 through 4). Two of these studies (Refs. 1 and 2) measured reduction of enamel solubility of teeth treated for various periods prior to extraction. The Landry and Shannon study (Ref. 1) compared the enamel solubility of teeth of 28 children who brushed once daily for 1 to 7 weeks with stannous fluoride gel and the enamel solubility of control teeth extracted prior to the fluoride treatment. Statistically significant reduction in enamel solubility occurred with the "longer" treatment periods.

The Feller study (Ref. 2) compared enamel solubility of teeth of adults using stannous fluoride gels for 1 to 5 weeks with teeth extracted from the same adults prior to treatment with the gel. Application of the gel resulted in enamel solubility reduction.

In Miller and Shannon's study (Ref. 3) a small number of patients who had received irradiation for malignancies of the head and neck applied a 0.4-percent stannous fluoride gel to their teeth once daily with a plastic carrier or a toothbrush. The eight patients treated for 12 months developed no carious lesions whereas the two patients who refused treatment developed caries.

Stratemann and Shannon (Ref. 4) compared the incidence of decalcification in teeth of children treated with 0.4-percent stannous fluoride gel with untreated controls. The 99 treated children and the 110 control children all wore orthodontic bands. Results showed that incidence of decalcification was 58 percent in the control group and 2 percent in the 59 patients why used the gel daily as directed. Of the 19 children who used the gel only two or three times per week, 26 percent had decalcified areas.

Stannous fluoride is stable in anhydrous glycerin (Ref. 5). Gels may be formulated by the addition of a compatible thickening agent to the glycerin vehicle. Stannous fluoride gels must also conform to viscosity stability requirements according to good manufacturing practices.

The studies cited above provide reasonable documentation of effectiveness of the dental gel dosage form.

(3) *Dosage.* Adults and children 6 years of age and older, once a day apply 0.4 percent stannous fluoride in a nondentifrice anhydrous glycerin gel to your teeth.

(4) *Labeling.* The Panel recommends the Category I labeling. (See part III. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following statements for stannous fluoride dental gel products: (i) "This product is not a dentifrice."

(ii) "This product may produce surface staining of the teeth. Adequate toothbrushing may prevent these stains which are not permanent or harmful and may be removed by your dentist."

References

(1) Landry, D. F., and I. L. Shannon, "A Home-care Program of Chemical Preventive Dentistry for Orthodontic Patients," *American Journal of Orthodontics*, 63:12–17, 1973.

(2) Feller, R. P., "Reduction of Enamel Solubility by Daily Use of a 0.4% Stannous Fluoride Gel," *Journal of Dental Research*, 53:1280–1283, 1974.

(3) Miller, J. T., and I. L. Shannon, "A Clinical Report: Water-free Stannous-fluoride Gel and Post-irradiation Caries," *Public Health Dentistry*, 32:127, 1972.

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(5) Shanon, I. L., "Water-Free Solutions of Stannous Fluoride and their Incorporation into a Gel for Topical Application," *Caries Research*, 3:339–347, 1969.

Category I Labeling

The Panel recommends the following Category I labeling for anticaries active ingredients:

a. *Dentifrices.*

(1) *Indications.* "Aids in the prevention of dental caries (decay or cavities)."

(2) *Directions.* "Adults and children 2 years of age and older, brush teeth thoroughly at least once daily or as directed by a dentist or physician. Children under 6 years of age should be supervised in the use of this product."

(3) *Package limit.* Dentifrice packages should not contain more than 260 mg total fluorine.

(4) *Other allowable statements.* The labeling may also include, where the product has been approved by ADA, the statement: "(Product name) has been shown to be an effective decay-preventive dentifrice that can be of significant value when used in a conscientiously applied program of oral hygiene and regular professional care."

b. *Dental rinses.*

(1) *Indications.* "Aids in the prevention of dental caries (decay or cavities)."

(2) *Warning.* "Do not swallow. Developing teeth of children under 6 years of age may become permanently discolored if excessive amounts of fluoride are repeatedly swallowed."

(3) *Directions.* "Use as follows or as directed by a dentist or physician: Adults and children 6 years of age and older, once a day rinse 10 mL between the teeth for 1 minute and then spit out. Do not eat or drink for 30 minutes."

(4) *Additional labeling statements for dental rinses*—(i) *For all dental rinses.* "This product is not a dentifrice."

(ii) *For stannous fluoride products intended for use as a rinse—(a) For all stannous fluoride products intended for use as a rinse. (1)* "This product may produce surface staining of the teeth. Adequate toothbrushing may prevent these stains which are not harmful or permanent and may be removed by your dentist."

(2) "Use immediately after preparing the rinse."

(b) For powder or effervescent tablets used to prepare rinses. "Do not use as a rinse until all the material has dissolved."

(5) *Package limit.* Dental rinse packages should not contain more than 120 mg total fluorine.

c. *Dental gels.*

(1) *Indications.* "Aids in the prevention of dental caries (decay or cavities)."

(2) *Warning.* "Do not swallow. Developing teeth of children under 6 years of age may become permanently discolored if excessive amounts of fluoride are repeatedly swallowed."

(3) *Directions.* "Use as follows or as directed by a dentist or physician: Adults and children 6 years of age and older, once a day following cleansing of your teeth, apply the gel to your teeth. Brush thoroughly and allow gel to remain on the teeth for 1 minute and then spit out. Do not eat or drink for 30 minutes."

(4) *Additional labeling statements for dental gels*—(i) *For all dental gels.* "This product is not a dentifrice."

(ii) *For stannous fluoride gels.* "This product may produce surface staining of the teeth. Adequate toothbrushing may prevent these stains which are not harmful and may be removed by your dentist."

(5) *Package limit.* Dental gel packages should not contain more than 120 mg total fluorine.

2. *Category II conditions under which anticaries ingredients are not generally recognized as safe and effective or are misbranded.* The Panel recommends that the Category II conditions be eliminated from OTC anticaries drug products effective 6 months after the date of publication of the final monograph in the **Federal Register.**

Category II Active Ingredients

Phosphate preparations
Calcium sucrose phosphate (CaSP)
Dicalcium phosphate dihydrate (DCPD)
Disodium hydrogen phosphate
Phosphoric acid
Sodium dihydrogen phosphate
Sodium dihydrogen phosphate monohydrate
Sodium phosphate
Sodium phosphate, dibasic anhydrous reagent
Sodium bicarbonate
Sodium monofluorophosphate (6 percent liquid concentration)

a. *Phosphate preparations.* The Panel concludes that, although the phosphate preparations listed above are safe when used as buffers, fillers, and abrasives, they are not generally recognized as effective for OTC use as anticaries agents. The Panel recommends that phosphate preparations should not be labeled as anticaries agents.

(1) *Safety.* Studies in rats show that the linear condensed phosphates, sodium pyrophosphate, tetrapyrophosphate, and hexametaphosphate, are more toxic than orthophosphates. The toxicity of the linear condensed phosphates is related to hydrolysis and release of phosphoric acid with resultant metabolic acidosis. The cyclic phosphates are not readily hydrolyzed in body fluids and do not release sufficient phosphoric acid to produce metabolic acidosis. Among the organic phosphates, the cyclic phosphates rank with the orthophosphates as the least toxic; they are well tolerated in large doses (Ref. 1).

Studies of acute toxic effects of phosphates in other species are relatively sparse. A Franklin Institute report (Ref. 2) summarizes a study in dogs treated daily for 1-month periods with the sodium salts, of hexameta-, tripoly-, trimeta-, and tetrametaphosphate. At doses of only 4 mg/kg, a variety of toxic effects were seen including renal tubule injury.

A few reports are available regarding toxicity in humans. One report described a 6-week-old infant who became comatose after accidental ingestion of a proprietary laxative containing sodium phosphate/sodium biphosphate (Ref. 3). Another report involved an inorganic phosphate laxative poisoning resulting in tetany in a 3-month-old infant (Ref. 4). Cases of phosphate toxicity have also been reported to occur in adults (Refs. 5 through 8).

The average adult consumes in excess of 1.5 g phosphorus daily and 2 to 3 g daily might represent the usual intake. An extreme diet containing maximum quantities of additives and naturally occuring phosphorus could supply from 6 to 7 g daily. The saline cathartic effects of large doses of these materials tend to limit absorption and the potential for absorption of toxic levels.

In general, unless homeostatic mechanisms are overloaded, these materials are regarded as safe (Ref. 2).

(2) *Effectiveness.* The evidence is nearly unanimous that phosphates are effective anticaries agents in animals. Their cariostatic activity differs depending upon the types of anion (cyclic-, trimeta-, tripoly-, hexameta-, ortho-, and pyrophosphate), the activity decreasing approximately in the order given. Phosphates of the same series differ in cariostatic activity depending upon the type of cation (H, Na, K, Ca, Mg), the activity decreasing in the order given. Their cariostatic effect appears to be largely due to a local action on the tooth as the agents pass through the mouth, or a systemic-local action when they are returned to the mouth in the saliva. It is thought that the phosphates alter the structure of enamel, possibly by an initial demineralizing and subsequent remineralizing process producing changes in enamel morphology (Ref. 9).

The effect of phosphates on human teeth seems to be more complex and inconclusive than the effects in experimental animals. Whereas fluorides, for example, have been shown to persist for long periods of time following a single exposure, the phosphate data are not as clear-cut (Ref. 10). Larson et al. (Ref. 11) suggest that, among the phosphate anions, trimetaphosphate may achieve long retention and that continuous exposure may not be a requirement for cariostatic activity. Unlike the fluoride ion, phosphates have not been shown to enter into tooth structure and alter its physical characteristics. Frequent exposure may therefore be the key to anticaries activity of phosphate in humans.

(3) *Evaluation.* Because phosphates have never previously been marketed as anticaries dental products and because there is no evidence that phosphates are effective anticaries agents in humans, the Panel recommends placing phosphates in Category II.

References

(1) Gosselin, R. E., et al., "Metabolic Acidosis and Hypocalcemia as Toxic Manifestations of Polymeric Phosphates," *Journal of Pharmacology and Experimental Therapeutics*, 108:117–127, 1953.

(2) Walter, P. C., J. E. Villaume, and T. J. Taylor, "Phosphates: A Monograph," National Technical Information Service, Springfield, VA, PB–221, No. 224/9, p. 47, 1975.

(3) Smith, M. S., K. W. Feldman, and C. T. Furukawa, "Coma in an Infant due to Hypertonic Sodium Phosphate Medication," *The Journal of Pediatrics*, 82:481–482, 1973.

(4) Levitt, M., C. Gessert, and L. Finberg, "Inorganic Phosphate (Laxative) Poisoning Resulting in Tetany in an Infant," *The Journal of Pediatrics*, 82:479–481, 1973.

(5) Goldfinger, P., "Hypokalemia, Metabolic Acidosis, and Hypocalcemic Tetany in a Patient Taking Laxatives: A Case Report," *Journal of the Mount Sinai Hospital*, 36:113–116, 1969.

(6) McConnell, T. H., "Fatal Hypocalcemia from Phosphate Absorption from Laxative Preparation," *Journal of the American Medical Association*, 216:147–148, 1971.

(7) Breuer, R. I., and J. LeBauer, "Caution in the Use of Phosphates in the Treatment of Severe Hypercalcemia," *Journal of Clinical Endocrinology*, 27:697–698, 1967.

(8) Shackney, S., and J. Hasson, "Precipitous Fall in Serum Calcium, Hypotension, and Acute Renal Failure after Intravenous Phosphate Therapy for Hypercalcemia: Report of Two Cases," *Annals of Internal Medicine*, 66:906–916, 1967.

(9) Nizel, A. E., and R. S. Harris, "The Effects of Phosphates on Experimental Dental Caries: A Literature Review," *Journal of Dental Research*, 43:1123–1136, 1964.

(10) DePaola, P. F., "A Review of Clinical Trials Utilizing Acidulated Phosphate-Fluoride Topical Agents," *Journal of the American College of Dentists*, 35:22–33, 1968.

(11) Larson, R. H., et al., "Continuous Versus Intermittent Feedings of Different Levels of Trimetaphosphate in Relation to Caries Development in the Rat," *Archives of Oral Biology, 17:1537–1541, 1972.*

b. *Sodium bicarbonate.* The Panel concludes that sodium bicarbonate is safe when used in a dentifrice but there is no evidence to document the effectiveness of the compound relative to reduction of dental caries and the remineralization of tooth structure. Sodium bicarbonate is odorless and consists of small, opaque, monoclinic crystals of white powder; when dissolved it has an alkaline reaction and

saline taste. Each gram represents 11.9 millequivalent sodium. When heated to 250° to 300° F it decomposes and is converted to anhydrous sodium carbonate (Ref. 1). The Panel recommends that sodium bicarbonate should not be labeled as an anticaries agent.

(1) *Safety.* The irritation and hypersensitivity potential is essentially zero as is teratogenicity and carcinogenicity. The amounts ordinarily used in tooth brushing, even if swallowed, would not produce any adverse effects.

(2) *Effectiveness.* Sodium bicarbonate is widely used as a gastric antacid, as a urinary or systemic alkalizer, as an aqueous wash locally, and as a topical antipruritic solution or paste (Ref. 2).

Although it is known to have mild abrasive properties and has been used as a dentifrice for many years (Ref. 2), the Panel finds on evidence that the antacid effects of sodium bicarbonate on the teeth are more than transitory nor that it has any anticaries effect.

(3) *Evaluation.* The Panel concludes that sodium bicarbonate as a dentifrice is safe but has no known anticaries effect. The Panel recommends placing sodium bicarbonate in Category II.

References

(1) Stecher, P. G., "Merck Index," 8th Ed., Merck and Co., Rahway, NJ, p. 142, 1968.

(2) Council on Dental Therapeutics, "Accepted Dental Therapeutics," 37th Ed., American Dental Association, Chicago, p. 240, 1977.

c. *Sodium monofluorophosphate (6 percent liquid concentration).* The Panel concludes that use of 0.24 mL of a 6-percent concentration of sodium monofluorophosphate in a liquid product to be applied with a toothbrush would appear to provide an opportunity for the regular ingestion of about 2 mg of fluorine per day.

(1) *Safety.* In order to prevent excessive OTC use of fluoride products which may cause adverse effects (fluorosis), the Panel recommends that this product be used on prescription only.

(2) *Effectiveness.* This liquid dosage form and concentration (6 percent) of sodium monofluorophosphate may be effective.

(3) *Evaluation.* The Panel concludes that although this preparation may be effective, it cannot be generally recognized as safe for use in the OTC drug market. The Panel recommends placing sodium monofluorophoshate (6 percent liquid concentration) in Category II.

Category II Labeling

The Panel concludes that the use of certain labeling claims related to the safety or effectiveness of the product are unsupported by scientific data and in some instances by sound theoretical reasoning.

The Panel considers the following examples of claims to be misleading and unsupported by scientific data:

(1) "For a healthier mouth with less decay."

(2) "Raising your natural resistance to tooth decay."

(3) "Reduces mouth acidity."

3. *category III conditions for which the available data are insufficient to permit final classification at this time.*

None.

FDA has determined that his document does not contain an agency action covered by 21 CFR 25.1(b) and consideration by the agency of the need for preparing an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations be amended by adding new Part 355, to read as follows:

PART 355—ANTICARIES DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec.

355.1 Scope.
355.3 Definitions.

Subpart B—Active Ingredients

355.10 Anticaries active ingredients.
355.20 Package size limitations.

Subpart C—[Reserved]

Supart D—Labeling

355.50 Labeling of anticaries drug products.

Authority: Secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371); (5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—General Provisions

§ 355.1 Scope.

An over-the-counter anticaries drug product in a form suitable for topical administration to the teeth is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this Part 355 in addition to each of the general conditions established in § 330.1 of this chapter.

§ 355.3 Definitions.

(a) *Abrasive.* Solid materials which are added to dentifrices to facilitate mechanical removal of dental plaque, debris, and stain from tooth surfaces.

(b) *Anticaries agent.* An agent which aids in the prevention of dental caries (decay or cavities).

(c) *Dental caries.* A disease of calcified tissues of teeth characterized by demineralization of the inorganic portion and destruction of the organic matrix.

(d) *dental gel.* A dosage form for delivering an anticaries agent to the teeth. Dental gels are formulated in an anhydrous glycrin base with suitable thickening agents included to adjust viscosity. Dental gels do not contain abrasives and are not intended for use in cleaning the teeth.

(e) *Dental rinse.* A liquid dosage form for delivering and anticaries agent to the teeth.

(f) *Dentifrice.* A substance used with a toothbrush to clean the accessible surfaces of the teeth. It is an abrasive-containing dosage form for delivering anticaries agents to the teeth.

(g) *Fluoride.* The inorganic form of the chemical element fluorine in combination with other elements.

(h) *Fluoride ion.* The negatively charged atom of the chemical element fluorine.

Subpart B—Active Ingredients

§ 355.10 Anticaries active ingredients.

The following ingredients are generally recognized as safe and effective for use in OTC anticaries drug products when marketed within the doage limits forms established for each ingredient:

(a) *dentfrices.*

(1) Sodium fluoride 0.22 percent.

(2) Sodium monofluorophosphate 0.76 percent.

(3) Stannous fluoride 0.4 percent.

(b) *Dental rinses.*

(1) Acidulated phosphate fluoride derived from sodium fluoride acidulated with a mixture of sodium phosphate, monobasic, and phosphoric acid to a level of 0.1 molar phosphate ion and a pH of 3.0 to 4.5 and which yields an effective fluoride ion concentration of 0.02 percent.

(2) Sodium fluoride 0 05-percent aqueous solution.

(3) Stannous fluoride marketed in a stable form and containing adequate directions for mixing with water immediately before using to result in a 0.1-percent solution.

(c) *Dental gel.* Stannous fluoride 0.4 percent in an anhydrous glycerin gel, made from anhydrous glycerin and the addition of suitable thickening agents to adjust viscosity.

§ 355.20 Package size limitations.

Due to the toxicity associated with fluoride active ingredients, the following package size limitations are required for anticaries products: (a) *Dentifrices.* Dentifrice packages should not contain more than 260 milligrams total fluorine.

(b) *Dental rinses and dental gels.* Dental rinse and gel packages should not contain more than 120 milligrams total fluorine.

Subpart C—[Reserved]

Subpart D—Labeling

§ 355.50 Labeling of anticaries drug products.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as an "Anticavity (*insert dentifrice, dental rinse, or dental gel as applicable*)."

(b) *Indications.* The labeling of the product contains a statement of the indications under the heading "Indications" that is limited to the phrase "Aids in the prevention of dental caries (decay or cavities)."

(c) *Warnings.* The labeling of the dental rinse or dental gel products contains the following warning under the heading "Warnings": "Do not swallow. Developing teeth of children under 6 years of age may become permanently discolored if excessive amounts of fluoride are repeatedly swallowed."

(d) *Directions.* The labeling of the product contains the following statements under the heading "Directions":

(1) *For anticaries products marketed in a dentifrice dosage form.* "Adults and children 2 years of age and older, brush teeth thoroughly at least once daily or as directed by a dentist or physician. Children under 6 years of age should be supervised in the use of this product"

(2) *For anticaries products marketed for use as dental rinses.* "Adults and children 6 years of age and older, once a day rinse 10 milliliters between the teeth for 1 minute and then spit out. Do not eat or drink for 30 minutes."

(3) *For stannous fluoride products intended for use as dental rinses.* (i) "Use immediately after preparing the rinse."

(ii) *For powder or effervescent tablets used to prepare rinses.* "Do not use as a rinse until all the material has dissolved."

(4) *For anticaries products marketed as dental gels.* "Adults and children 6 years of age or older, once a day following cleansing of your teeth, apply the gel to your teeth. Brush thoroughly and allow gel to remain on the teeth for 1 minute and then spit out. Do not eat or drink for 30 minutes."

(e) *Additional labeling statements for anticaries products.* The following labeling statements need not appear under warnings but are required to apper on the label of anticaries products as applicable.

(1) *For all dental rinses and gels.* "This product is not a dentifrice."

(2) *For all stannous fluoride products intended for use as dental rinses or dental gels.* "This product may produce surface staining of the teeth. Adequate toothbrushing may prevent these stains which are not harmful or permanent and may be removed by your dentist."

(f) *Other allowable statements for anticaries dentifrice products.* The labeling may also include, where the product has been approved by the American Dental Association (ADA), the statement: "(Product name) has been shown to be an effective decay-preventive dentifrice that can be of significant value when used in a conscientiously applied program of oral hygiene and regular professional care."

Interested persons are invited to submit their comments in writing (preferably in four copies and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal on or before June 26, 1980. Comments should be addressed to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, and may be accompanied by a supporting memorandum or brief. Comments replying to comments may also be submitted on or before July 28, 1980. Comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: March 17, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-9334 Filed 3-27-80; 8:45 am]

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federal register

Friday
March 28, 1980

Part V

Department of Energy

Compliance With the National Environmental Policy Act

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act; Final Guidelines

AGENCY: Department of Energy.

ACTION: Final guidelines for compliance with the National Environmental Policy Act.

SUMMARY: The Department of Energy (DOE) hereby adopts final guidelines for implementing the procedural provisions of the National Environmental Policy Act (NEPA) as required by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500–1508). The guidelines published herein reflect certain revisions to the proposed guidelines, published in the Federal Register on July 18, 1979 (44 FR 42136), based upon DOE's consideration of comments and upon experience under the CEQ regulations and the proposed guidelines.

The guidelines are applicable to all organizational units of DOE, except the Federal Energy Regulatory Commission (FERC) which is an independent regulatory commission within DOE not subject to the supervision or direction of the other parts of DOE.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert J. Stern, Acting Director, NEPA Affairs Division, Office of the Assistant Secretary for Environment, Room 4G–064, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585 (202) 252–4600.

Stephen H. Greenleigh, Esq., Assistant, General Counsel for Environment, Room 6D–033, Forrestal Building, Washington, D.C. 20585 (202) 252–6947.

SUPPLEMENTARY INFORMATION:

I. Background

The final guidelines published herein provide the supplemental implementing procedures required by the CEQ regulations. DOE published proposed guidelines in the Federal Register on July 18, 1979 (44 FR 42136), and established August 20, 1979, as the close of the public comment period. DOE has operated under the proposed guidelines since the time of publication.

On August 6, 1979, DOE announced in the Federal Register (44 FR 45918) the establishment of Part 1021 of Chapter X of Title 10 of the Code of Federal Regulations. That rulemaking provided for DOE adoption of the CEQ regulations and the revocation of the NEPA regulations of predecessor agencies of DOE. The effective date of the rulemaking was July 30, 1979.

II. Comments Received and DOE Response

Written comments were received from the Environmental Protection Agency (EPA), the Advisory Council on Historic Preservation (ACHP), and four private organizations. DOE has carefully considered all comments received and has modified the proposed guidelines, as appropriate, to assure that the final guidelines represent sound NEPA procedures.

A. EPA Comments

The EPA suggested that DOE promulgate its procedures as regulations rather than guidelines to give the procedures greater legal authority. DOE considered issuing regulations but decided, instead, to issue guidelines. This decision was based on the advice of CEQ staff and on the belief that guidelines would ensure flexibility.

The EPA also suggested adding sections to the guidelines to provide for monitoring mitigation measures and for the filing of EIS's. DOE considered these suggestions but concluded that the CEQ regulations adequately establish the requirements for monitoring mitigation measures (40 CFR 1505.2(c)) and for filing DIS's (40 CFR 1506.9).

B. ACHP Comment

The ACHP suggested adding a section to the guidelines which would detail the manner in which DOE's National Historic Presevation Act (NHPA) responsibilities will be coordinated with its NEPA responsibilities. DOE recognizes the benefits of coordinating the requirements of other environmental statutes such as the NHPA with those of NEPA, and has supplemented the CEQ requirements contained at 40 CFR 1502.25 by adding general procedures under Paragraph C.4 for coordination with environmental review requirements of other environmental statutes. DOE believes that these general procedures, in conjunction with the ACHP's regulations, 36 CFR 800, will facilitate the coordination of NEPA and NHPA requirements.

C. Other Comments

1. *Section A—NEPA and Agency Planning.* Paragraphs 1.(c)(4) and (5) of the proposed guidelines indicated that DOE expects applicants to notify DOE of other governmental actions required for project completion and of parties interested in the proposed undertaking. One commenter asserted that DOE should have the responsibility for such activities. The purpose of these paragraphs was to provide guidance to applicants for cases where actions are planned before DOE actually receives an application. In such cases, applicants, and generally not DOE, have the information necessary to determine the applicability of other environmental requirements and to identify interested parties. These efforts by applicants early in their planning process will facilitate coordination and thereby help avoid duplication and delays. Accordingly, and with the exception of some minor format changes, DOE has not changed its advice to applicants.

The same commenter suggested that the role of an applicant who is required to file a Fuels Decision Report under the Fuel Use Act (FUA) should be specified in the NEPA Guidelines. DOE published guidelines in the Federal Register on November 5, 1979 (44 FR 63740), for the preparation of the environmental analysis chapter of a Fuels Decision Report. The role of a FUA applicant is specifically outlined by the FUA guidelines and the NEPA guidelines.

The same commenter also asserted the necessity of establishing specified time frames for the NEPA process. DOE recognizes the benefits of setting time limits for the NEPA process and has repeated for emphasis the CEQ regulations contained at 40 CFR 1501.8 by adding a requirement under applicant processes which provides that DOE establish time limits for the NEPA process when requested to do so by an applicant.

2. *Section B—NEPA and Agency Decisionmaking.* Paragraph 1(b)(2)(i) of the proposed guidelines established factors that DOE would consider in determining the necessity and appropriate timing of a NEPA document for energy technology research, development, demonstration, and commercialization programs. One commenter was concerned that the factors did not include the likelihood that the technology will prove to be commercially feasible. DOE believes that this factor is reflected in the broader factor already in the guidelines which reads "The extent to which continued investment in the new technology is likely to cause the program to reach a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives."

3. *Section C—Other Requirements of NEPA.* One commenter requested that future revisions to the guidelines be published in the Federal Register for comment. DOE agrees that substantive changes to the guidelines should be published for comment and has added appropriate requirements under Paragraph C.8.

4. *Section D—Typical Classes of Action.* One commenter questioned the application of NEPA to DOE's action on an exemption petition for a combustion turbine under the Fuel Use Act (FUA), on the basis that the issuance of permits under the Clean Air Act is exempted in section 7(c)(1) of the Energy Supply and Environmental Coordination Act from NEPA. That exemption from NEPA applies only to actions taken under authority of the Clean Air Act and not to actions taken by other agencies under such other authorities as FUA.

Other commenters also questioned the application of NEPA to action on an exemption petition for a peakload powerplant, on the grounds that the exemption is non-discretionary and suggested the need for categorizing FUA exemption actions in Section D of the DOE NEPA guidelines. DOE is asssessing the general applicability of NEPA to specific FUA exemptions, as well as the need for categorizing, FUA exemption actions in Section D. Appropriate public notice and opportunity for comment will be provided on these matters as DOE gains additional experience with FUA implementation and before DOE adoption of additional categorizations in Section D for FUA exemptions.

D. Comments Beyond Scope

One set of comments was received that is beyond the scope of the guidelines. The comments included:

(1) DOE should place energy above the environment in assessing planned departmental actions.

(2) DOE's policy should include requiring substantiation and objective documentation of any EPA study which would potentially affect energy supplies.

III. Other Revisions to the Guidelines

In addition to revisions made in response to comments, DOE has also revised the guidelines as a result of experience under the CEQ regulations and DOE's proposed guidelines.

A. Format, Wording and Paragraph Arrangement

Several minor changes were made to improve continuity and clarity and to facilitate referencing specific sections of the guidelines.

B. Section A—NEPA and Agency Planning

Paragraph A.4. (d) was added to establish an adequate notice period with respect to scoping meetings.

C. Section B—NEPA and Agency Decisionmaking

Under project level decisionmaking, DOE has added Paragraph B.3. (c)(2) to provide for major system acquisition projects involving the competitive procurement of a site and/or process. The competitive procurement process has confidentiality requirements established pursuant to 18 U.S.C. 1905 which prohibits DOE from disclosing business, confidential or trade secret information. Accordingly, DOE has established, pursuant to the provisions of 40 CFR 1507.3(b), special procedures to provide for compliance with NEPA to the fullest extent possible. The environmental impact analysis required by the special procedures will ensure consideration of environmental factors in selection decisions between competing sites and/or processes. If selected sites and/or processes are likely to have significant effects on the quality of the human environment, the special procedures provide that DOE will prepare an EIS before making a go/no-go decision.

Upon publication, DOE will operate under the special procedures on an interim basis. However, because these procedues represent a substatnive revision to the previously proposed guidelines, DOE affirmatively solicits pubic comments on them and will make appropriate modifications before final adoption of Paragraph B.3. (c)(2). Interested persons are invited to submit written comments with respect to these procedures to Dr. Robert J. Stern, Acting Director, NEPA Affairs Division, Office of the Assistant Secretary for Environment, Room 4G-064, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585. To ensure consideration, comments should be received by DOE no later than 30 days after publication of the special procedures in the Federal Register.

D. Section D—Typical Classes of Action

Two minor changes, both involving rate increases, have been made in this section. The addition of rate increases exceeding the rate of inflation as a typical class of action normally requiring an EA and generally applicable to all of DOE is the logical counterpart to the categorical exclusion for rate increases not exceeding the rate of inflation. Since this addition is applicable to all of DOE, the rate increase typical class of action for Power Marketing Administrations has been deleted.

Issued in Washington, D.C., March 25, 1980.

Ruth C. Clusen,

Assistant Secretary for Environment.

DOE NEPA GUIDELINES

Section A—NEPA and Agency Planning

Paragraph A.1 DOE Process [40 CFR 1501.2].
Paragraph A.2 Applicant Processes [40 CFR 1501.2(d)].
Paragraph A.3 Whether to Prepare an Environmental Impact Statement [40 CFR 1501.4, 1507.3(b)(2), and 1508.4].
Paragraph A.4 Scoping [40 CFR 1501.7].

Section B—NEPA and Agency Decisionmaking

Paragraph B.1 DOE Decisionmaking [40 CFR 1505.1].
Paragraph B.2 General Procedures.
Paragraph B.3 Specific Procedures.

Section C—Other Requirements of NEPA

Paragraph C.1 Access to NEPA Documents [40 CFR 1507.3(c)].
Paragraph C.2 Supplemental Statements [40 CFR 1502.9(c)].
Paragraph C.3 Revisions of Time Periods [40 CFR 1507.3(d)].
Paragraph C.4 Coordination With Other Environmental Laws [40 CFR 1502.25].
Paragraph C.5 Status of NEPA Actions [40 CFR 1506.6(e)].
Paragraph C.6 Oversight of Agency NEPA Activities [40 CFR 1507.2(a)].
Paragraph C.7 Compliance.
Paragraph C.8 Revisions to the Guidelines.

Section D—Typical Classes of Action

DOE NEPA Guidelines

Purpose

The purpose of these guidelines is to provide procedures which the Department of Energy (DOE) will apply to implement the Council on Environmental Quality (CEQ) regulations for compliance with the National Environmental Policy Act (NEPA). The CEQ regulations are codified at 40 CFR Parts 1500–1508. The guidelines are issued pursuant to and are to be used only in conjunction with the CEQ regulations.

The guidelines are intended for use by all persons acting on behalf of DOE in carrying out certain provisions of the CEQ regulations. They are not intended, however, to create or enlarge any procedural or substantive rights against DOE. Any deviation from the guidelines must be soundly based and must have the advance approval of the Deputy Secretary of DOE.

Section A—NEPA and Agency Planning

1. *DOE Process.* The CEQ regulations (40 CFR 1501.2) require that:

Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays

later in the process, and to head off potential conflicts.

To implement this requirement DOE will:

(a) Review preliminary internal program planning documents, regulatory agenda, draft legislation, budgetary materials and other developing DOE proposals, to ensure the proper integration of the NEPA process;

(b) Incorporate into its early planning processes a careful consideration of: (i) the potential environmental consequences of its proposed actions, and (ii) appropriate alternative courses of action;

(c) At the earliest possible time, in accordance with paragraph A.3 herein, determine whether an environmental assessment (EA) or an environmental impact statement (EIS) is required.

2. *Applicant Processes.* With respect to applicant processes, the CEQ regulations (40 CFR 1501.2(d)) require agencies to:

(d) Provide for cases where actions are planned by private applicants or other non-Federal entities before Federal involvement so that:

(1) Policies or designated staff are available to advise potential applicants of studies or other information foreseeably required for later Federal action.

(2) The Federal agency consults early with appropriate State and local agencies and Indian tribes and with interested private persons and organizations when its own involvement is reasonably foreseeable.

(3) The Federal agency commences its NEPA process at the earliest possible time.

To implement this requirement:

(a) Applicants for a DOE lease, permit, license, certificate, financial assistance, allocation, exemption or similar action are expected to:

(1) Consult with DOE as early as possible in their planning processes to obtain guidance with respect to the appropriate level and scope of any studies or environmental information which DOE may require to be submitted as part of or in support of their application;

(2) Conduct studies which are deemed necessary and appropriate by DOE to determine the impact of the proposed action on the quality of the human environment;

(3) Consult with appropriate Federal, regional, State and local agencies and other potentially interested parties during the preliminary planning stages of the proposed action to ensure that environmental factors including permitting requirements are identified;

(4) Submit applications for all required Federal, regional, State and local permits or approvals as early as possible;

(5) Notify DOE as early as possible of other Federal, regional, State, local and Indian tribe actions required for project completion in order that DOE may coordinate the Federal environmental review, and fulfill the requirements of 40 CFR 1506.2, regarding elimination of duplication with State and local procedures, as appropriate;

(6) Notify DOE of private persons and organizations interested in the proposed undertaking, in order that DOE can consult, as appropriate, with these parties in accordance with 40 CFR 1501.2(d)(2);

(7) Notify DOE if, prior to completion of the DOE environmental review and decisionmaking process, the applicant plans or is about to take an action in furtherance of an undertaking within DOE's jurisdiction which may meet either of the criteria set forth at 40 CFR 1506.1(a).

(b) Upon receipt of an application, or earlier if possible, DOE will:

(1) Initiate and coordinate any requisite environmental analyses in accordance with the requirements set forth at 40 CFR 1506.5;

(2) Determine, in accordance with paragraph A.3 herein, whether an EA or an EIS is required; and

(3) Establish time limits for the NEPA Process when requested to do so by an applicant.

(c) For major categories of DOE actions involving a large number of applicants, DOE may prepare generic guidelines describing the level and scope of environmental information expected from the applicant and will make such guidelines available to applicants upon request.

(d) For DOE programs that frequently involve another agency or agencies in related decisions subject to NEPA, DOE will cooperate with the other agencies in developing environmental information and in determining whether to prepare an EA or an EIS. Where appropriate and acceptable to the other agencies, DOE will develop or cooperate in the development of interagency agreements to facilitate coordination and to reduce delay and duplication.

3. *Whether to Prepare an Environmental Impact Statement.* The CEQ regulations (40 CFR 1501.4) require the Federal agency, in determining whether to prepare an EIS, to:

(a) Determine under its procedures supplementing these regulations (described in § 1507.3) whether the proposal is one which:

(1) Normally requires an environmental impact statement, or

(2) Normally does not require either an environmental impact statement or an environmental assessment (categorical exclusion).

(b) If the proposed action is not covered by paragraph (a) of this section, prepare an environmental assessment (§ 1508.9).

To implement this requirement and the requirements contained at 40 CFR 1507.3(b)(2):

(a) DOE has (in Section D), identified typical classes of DOE action:

"(i) Which normally do require environmental impact statements.

"(ii) Which normally do not require either an environmental impact statement or an environmental assessment [categorical exclusions (§ 1508.4)].

"(iii) Which normally require environmental assessments but not necessarily environmental impact statements."

(b) DOE will review individual proposed actions to determine the appropriate level of NEPA documentation required where:

(1) The proposed action is not encompassed within the categories of Section D,

(2) The proposed action is encompassed within the categories of Section D, but DOE believes that the categorization is not appropriate to the individual proposed action.

(3) Public comment received on or relating to a proposal included within the categories of Section D raises a substantial question regarding the categorization.

(c) DOE will, in conducting the reviews of paragraph (b) above, either:

(1) Determine that neither an EA nor an EIS is required where it is clear that the proposed action is not a major Federal action significantly affecting the quality of the human environment. (In such cases, a brief memorandum may be prepared explaining the basis for that determination);

(2) Prepare an EA where it is unclear whether an EIS is required; or

(3) Proceed directly to EIS preparation where it is clear that an EIS is required.

(d) DOE may add actions to or remove actions from the categories in Section D based on experience gained during implementation of the CEQ regulations and these guidelines.

4. *Scoping.* The CEQ regulations (40 CFR 1501.7) require:

An early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.

To implement this requirement, DOE will:

(a) As soon as practicable after a decision to prepare an EIS, publish in the Federal Register a Notice of Intent (NOI) to prepare an EIS in accordance with 40 CFR 1501.7. However, where

DOE finds that there is a lengthy period between DOE's decision to prepare an EIS and the time of actual preparation, DOE may instead publish the NOI at a time sufficiently in advance of preparation of the draft EIS to provide reasonable opportunity for interested persons to participate in the EIS preparation process;

(b) Provide additional dissemination of the NOI in accordance with 40 CFR 1506.6;

(c) Through the NOI, invite comments and suggestions on the proposed scope of the EIS including environmental issues and alternatives for consideration in the preparation of the draft EIS and invite public participation in the NEPA process except where there is an exception for classified proposals pursuant to 40 CFR 1507.3(c) and paragraph C.1, herein. The comment period for the NOI will normally be 20 days. To the extent practicable, DOE may consider comments received after the close of the designated comment period on the NOI in preparing the draft EIS.

(d) If a scoping meeting is to be held, provide notice of the meeting in the NOI at least 15 days before the meeting.

(e) Prepare and use an EIS implementation plan to record the results of the scoping process and to provide guidance to DOE for the preparation of an EIS.

(1) The EIS implementation plan will be a brief document and will contain:

(i) Information to address the provisions of 40 CFR 1501.7(a)(2), (3), (5), (6), and (7);

(ii) A detailed outline of the EIS;

(iii) A description of the means by which the EIS will be prepared, including the nature of any contractor assistance to be used.

(2) The EIS implementation plan may also contain:

(i) Target page limits for the EIS;

(ii) Target time limits for EIS preparation;

(iii) An allocation of assignments among DOE and cooperating agencies.

(3) DOE will complete an EIS implementation plan as soon as practicable after the close of the designated comment period on the NOI or after a scoping meeting, if one is held, whichever is later.

(4) DOE may revise the implentation plan, as necessary during EIS preparation.

Section B—NEPA and Agency Decisionmaking

1. *DOE Decisionmaking.* The CEQ NEPA regulations (40 CFR 1505.1) require that agencies adopt procedures to ensure that decisions are made in accordance with the policies and purposes of NEPA.

To implement this CEQ requirement, this section designates the major decisonmaking processes for DOE's principal programs and provides procedures to assure that the NEPA process corresponds with the decisionmaking processes. These processes are designated as policy level decisionmaking, program level decisionmaking, and project level decisionmaking. The procedures consist of general procedures applicable to all DOE decisionmaking processes followed by specific procedures applicable to the individual decisionmaking processes.

The decisionmaking structure designated herein in consistent with the CEQ tiering concept (40 CFR 1502.20), which provides for focusing on the actual issues ripe for decision and eliminating repetitive discussions of the issues already decided. Accordingly, environmental documents prepared for policy level decisions will normally focus on broad issues and will provide the foundation for subsequent program and project environmental documents. Environmental documents prepared for program level decisions will normally focus on narrower issues than at the policy level and may summarize and incorporate by reference discussions contained in any relevant policy level environmental document but should not repeat the discussion of issues already decided at the policy level of decisionmaking. Similary, environmental documents propared for project level decisions will normally focus on issues specific to the proposed project and may summarize and incorporate by reference discussions contained in any broader environmental documents but should not repeat the discussion of issues decided at higher levels of decisionmaking.

(2) *General Procedures.*

(a) The following general procedures apply to all DOE decisionmaking processes. DOE will:

(1) At the earliest possible time in the decisionmaking process: (i) identify and evaluate environmental factors and appropriate alternative courses of action, and (ii) determine in accordance with paragraph A.3 herein the appropriate level of enviromental review document required.

(2) Commence preparation of the relevant environmental document as close as possible to the time that DOE begins development of or is presented with a proposal (40 CFR 1508.23), and complete the document in advance of final decisonmaking.

(3) During the development and consideration of a proposal and the relevant environmental document, review other DOE planning and decisionmaking documents to ensure that alterntives (including the proposed action) to be considered by the decisionmaker are encompassed by the range of alternatives in the relevant environmental document.

(4) Circulate the relevant environmental document or summary thereof with the proposal and other decisionmaking documents through DOE's internal review processes to ensure that DOE officials use the environmental documents in making decisions and that the decisionmaker consider the alternatives described therein.

(5) Where an EIS is prepared, publish the record of decision (40 CFR 1505.2) in the Federal Register and make it available to the public as specified in 40 CFR 1506.6 except as provided in paragraph C.1. For the purposes of 40 CFR 1506.1, the record of decision will be deemed issued upon signature by the appropriate DOE official.

(6) Utilize the tiering concept in accordance with 40 CFR 1502.20 and 1508.28 to the fullest extent practicable.

3. *Specific Procedures.*

(a) *Policy level decisionmaking.* At this level of decisionmaking, DOE is deciding on broad strategies to achieve energy goals such as conservation, development of new resources and use of more abundant resources. Policy level decisions may, for example, be representated by proposals for legislation or by formal statements of national energy policy.

(1) For legislative proposals, DOE will: identify and evaluate relevant environmental issues and reasonable alternatives, and make a determination regarding the need to prepare an environmental document during the proposal formulation and early drafting stages; and, normally prepare, consider, and publish any required environmental document in connection with the submittal of a proposal to Congress, except as may be provided in 40 CFR 1506.8.

(2) For formal statements of national energy policy DOE will: initiate implementation of the applicable general procedures specified above during the analysis phase of policy development; and will prepare, consider, and publish any required environmental document in advance of policy adoption for those policies that will result in or substantially alter DOE programs.

(b) *Program level decisionmaking.* At this level of decisionmaking, DOE is deciding on a variety of approaches to implement specific policies or statutory authorities. Program level decisions are

generally represented by the advancement of an energy technology program, the issuance of program regulations, or the adoption of a program plan.

(1) For energy technology research, development, demonstration and commercialization programs, DOE will: Initiate the applicable general procedures specified above concurrent with program initiation; and, if required, prepare the relevant environmental document when environmental effects can be meaningfully evaluated. When required, the relevant environmental document would normally be prepared in advance of a decision to proceed with the development phase of a research, development, demonstration, and commercialization program. Nevertheless, DOE will consider the following factors throughout the program in determining the necessity and appropriate timing of the relevant environmental document: (i) The significance of the environmental impacts of the technology, if applied, on the quality of the human environment; and (ii) The extent to which continued investment in the new technology is likely to cause the program to reach a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives.

(2) For programs that are implemented by regulations, DOE will initiate implementation of the applicable general procedures specified above during early regulation drafting stages. Publication of a draft EIS, if required, will normally accompany publication of the proposed regulations and will be available for public comment at any hearings held on the proposed regulations. The draft EIS need not accompany notices of inquiry or advance notices of proposed rulemaking intended to gather information during early stages of regulation development. The relevant environmental document, with comments and responses, will be included in the administrative record. In accordance with 40 CFR 1506.10.(b)(2), final rulemakings promulgated pursuant to the Administrative Procedure Act may be issued simultaneously with publication of the notice of the availability of the final EIS.

(3) For programs that are not included in paragraphs (1) and (2) and that are implemented by a formal program plan, DOE will: initiate implementation of the applicable general procedures specified above concurrent with program plan formulation; and, if required, prepare the relevant environmental document when the environmental effects of the program can be meaningfully evaluated. If an EIS is required, it will be prepared, considered, and published and the requisite record of decision issued before taking an action that would have an adverse environmental impact or limit the choice of reasonable alternatives except as provided in 40 CFR 1506.1(c).

(c) *Project level decisionmaking.* At this level of decisionmaking, DOE is deciding on specific actions to execute a program or to perform a regulatory responsibility. Project level decisions are generally represented by the approval of projects, by the approval or disapproval of applications, or by the decisions on applications rendered in adjudicatory proceedings.

(1) For projects that are undertaken directly by DOE, including projects involving the sole source procurement of a site and/or process, DOE will: initiate implementation of the applicable general procedures specified above concurrent with project concept development; and, if required, prepare, consider, and publish the relevant environmental document before making a go/no-go decision on the project. In addition, if a DOE project requires preparation of an EIS, DOE will not take an action concerning the project which would have an adverse environmental effect or which would limit the choice of reasonable alternatives until the required record of decision is issued.

(2) For major system acquisition projects involving selection of sites and/or processes by competitive procurement, DOE will:

(i) Require that environmental data and analyses be submitted as a discrete part of an offeror's proposal. (The level of detail required for environmental data and analyses will be specified by DOE for each applicable procurement action. The data will be limited to that reasonably available to offerors.)

(ii) Independently evaluate and verify the accuracy of environmental data and analyses submitted by offerors.

(iii) For proposals in the competitive range, prepare and consider before the selection of sites and/or processes an environmental impact analysis in accordance with the following:

(a) In order to comply with 18 U.S.C. 1905 which prohibits DOE from disclosing business, confidential, or trade secret information, the environmental impact analysis will be subject to the confidentiality requirements of the competitive procurement process and therefore exempt from mandatory public disclosure.

(b) The environmental impact analysis will be based on the Environmental data and analyses submitted by offerors and on supplemental information developed by DOE as necessary for a reasoned decision.

(c) The environmental impact analysis will focus on environmental issues that are pertinent to a decision on proposals in the competitive range and will include:

(1) A brief discussion of the purpose of each proposal including any site or process variations having environmental implications.

(2) For each proposal, a discussion of the salient characteristics of the proposed sites and/or processes as well as alternative sites and/or processes reasonably available to the offeror or to DOE.

(3) A brief comparative evaluation of the environmental impacts of the proposals. This evaluation will focus on significant environmental issues and clearly identify and define the comparative environmental merits of the proposals.

(4) A discussion of the environmental impacts of each proposal. This discussion will address direct and indirect effects, short-term and long-term effects, proposed mitigation measures, adverse effects which cannot be avoided, areas where important environmental information is incomplete or unavailable, unresolved environmental issues, and practicable mitigating measures not included in the proposal.

(5) To the extent known for each proposal, a list of Federal, State, and local government permits, licenses, and approvals which must be obtained in implementing the proposal.

(iv) Document the consideration given to environmental factors in a publicly-available selection statement to record that the relevant environmental consequences of reasonable alternatives have been evaluated in the selection process. The selection statement will not contain business, confidential, trade secret or other information the disclosure of which is prohibited by 18 U.S.C. 1905 or the confidentiality requirements of the competitive procurement process. The selection statement will be filed with the Environmental Protection Agency.

(v) If the selected sites and/or processes are likely to have significant effects on the quality of the human environment, phase subsequent contract work to allow publicly available EIS's to be prepared, considered and published in full conformance with the requirements of 40 CFR Parts 1500–1508 and in advance of a go/no-go decision.

(3) For projects that involve applications to DOE for financial

assistance or applications to DOE for a permit, license, exemption, allocation or similar regulatory action involving informal administrative proceedings, DOE will: apply NEPA early in the process in accordance with 40 CFR 1501.2(d) and paragraph A.2 herein; commence preparation of the relevant environmental document, if required, no later than immediately after applications are received and in accordance with the requirements set forth at 40 CFR 1506.5; and consider the relevant environmental document, if one is prepared, in decisions on the application.

(4) For actions that involve adjudicatory proceedings, excluding judicial or administrative, civil, or criminal enforcement actions, DOE will: normally prepare, consider and publish the relevant environmental document, if required, in advance of a decision, and include the document in the formal record of the proceedings. If an EIS is required, the draft EIS will normally precede preliminary staff recommendations, and publication of the final EIS will normally precede final staff recommendations and that portion of the public hearing related to the EIS. The EIS need not precede preliminary hearings designed to gather information for use in the EIS.

Section C—Other Requirements of NEPA

1. *Access to NEPA Documents.* The CEQ NEPA regulations (40 CFR 1507.3(c)) allow an agency to develop criteria for limiting public access to environmental documents which involve classified information. This section provides the DOE policy for addressing classified information as well as policy for addressing confidential information.

Classified or confidential information is exempted from mandatory public disclosure by § 552(b) of the Freedom of Information Act (FOIA) (5 U.S.C. 552), § 1004.10(b) of DOE's regulations implementing FOIA (10 CFR Part 1004), and 18 U.S.C. 1905. Public access to such information will be restricted in accordance with such regulations and applicable statutes.

All NEPA documents (as defined at 40 CFR 1508.10), the EIS implementation plan, and the record of decision are subject to the mandatory public disclosure requirements of FOIA and the DOE regulations implementing FOIA except documents which are determined, in accordance with the applicable statutes and regulations, to contain classified or confidential information. DOE will determine the treatment of documents containing classified or confidential information on a case by case basis in accordance with the requirements of DOE's FOIA regulations and the applicable statutes.

Wherever possible, the fundmental policy of full disclosure of NEPA documents will be followed. In some cases, this will mean that classified or confidential information may be excised, prepared as an appendix, or otherwise segregated to allow the release of the nonsensitive portions of a document.

2. *Supplemental Statements.* (a) If required, DOE will prepare, circulate, and file a supplement to a draft or final EIS, in accordance with 40 CFR 1502.9(c). However, where it is unclear whether an EIS supplement is required, DOE will prepare an analysis which provides sufficient information to support a DOE determination with respect to the criteria of 40 CFR 1502.9(c) (i) and (ii). Based on the anslysis, DOE will determine whether to prepare an EIS supplement. Where DOE determines that an EIS supplement is not required, DOE will prepare a brief memorandum which explains the basis for that determination.

(b) When applicable, DOE will incorporate an EIS supplement or a brief memorandum and supporting analysis into any related formal administrative record prior to making a final decision on the action which is the subject of the EIS supplement or analysis.

3. *Revisions of Time Periods.* The CEQ regulations (40 CFR 1507.3(d)), allow agencies to provide for periods of time other than those presented in 40 CFR 1506.10 when necessary to comply with other specific statutory requirements.

Certain circumstances, such as statutory deadlines, may require that the periods established in 40 CFR 1506.10 for the timing of DOE NEPA actions be altered. If DOE determines that, in order to comply with specific requirements of other statutes, such revisions are necessary, a notice of the determination will be published in the **Federal Register.** This notice will briefly provide the reason for such alterations and contain information on the revised time periods. Related notices of substantive action, if applicable, may be published jointly with notices published pursuant to this paragraph.

4. *Coordination With Other Environmental Laws.* The CEQ regulations (40 CFR 1502.25) provide for integrating the NEPA process and other environmental requirements.

To the fullest extent possible, DOE will:

(a) Coordinate NEPA compliance with other evnironmental review requirements including those under: the Clean Air Act, the Clean Water Act, the Coastal Zone Management Act, the Endangered Species Act, the Fish and Wildlife Coordination Act, the Wild and Scenic Rivers Act, the National Historic Preservation Act, Section 13 of the Federal Nonnuclear Research and Development Act, the Marine Protection, Research and Sanctuaries Act, the Resource Conservation and Recovery Act, and other Acts, as deemed appropriate by DOE.

(b) Determine the applicability of other environmental requirements early in the planning process to ensure compliance and to avoid delays.

(c) In addition to the information required by 40 CFR 1502.25(b), include in draft and final EIS's plans and estimated schedules for compliance with other applicable environmental review requirements.

(d) Use the relevant NEPA document to support the fulfillment of the review and documentation requirements of other environmental statutes and regulations, and to report the status of compliance with these other environmental authorties.

5. *Status of NEPA Actions.* Individuals or organizations desiring information or status reports on elements of the NEPA process should address their inquiries to:

NEPA Affairs Division, Office of Environment, Department of Energy, 1000 Independence Avenue. S.W., Washington, D.C. 20585.

6. *Oversight of Agency NEPA Activities.* The Assistant Secretary for Environment, or his/her designee, will be responsible for overall review of DOE NEPA compliance.

7. *Compliance.* These guidelines are intended for use by all persons acting on behalf of DOE in carrying out certain provisions of the CEQ regulations. Any deviation from the guidelines must be soundly based and must have the advance approval of the Deputy Secretary of DOE.

8. *Revisions to the Guidelines.* DOE will, in accordance with 40 CFR 1507.3, review these guidelines on a continuing basis and revise them as necessary to ensure full compliance with the purposes and provisions of NEPA. Substantive changes will be published in the **Federal Register** and will be finally adopted only after an opportunity for public review.

Section D.—*Typical Classes of Action*

Normally do not require either EA's or EIS's	Normally require EA's but not necessarily EIS's	Normally require EIS's
Classes of Actions Generally Applicable to All of DOE		
Administrative procurements (e.g., general supplies)	DOE actions which enable or result in engineering development activities, i.e., detailed design, development and test of energy system prototypes.	DOE actions which are expected to result in the construction and operation of a full-scale energy system project.
Contracts for personal services	DOE actions which provide grants to state or local governments for energy conservation programs.	DOE actions which promote energy conservation through regulation of energy use on a substantial scale.
Personnel actions		
Reports or recommendations on legislation or proposed rulemaking which was not initiated by DOE.		
Compliance actions, including investigations, conferences, hearings, notices of probable violations and remedial orders.		
Interpretations and rulings, or modification or rescissions thereof.		
Promulgation of rules and regulations which are clarifying in nature, or which do not substantially change the effect of the regulations being amended.		
Actions with respect to the planning and implementation of emergency measures pursuant to the International Energy Program.		
Information gathering, analysis, and dissemination		
Actions in the nature of conceptual design or feasibility studies.		
Actions involving routine maintenance of DOE-owned or operated facilities.		
Actions in the nature of analytic energy supply/demand studies which do not result in a DOE report or recommendation on legislation or other DOE proposal.		
Adjustments, exceptions, exemptions, appeals, stays or modifications or rescissions of orders issued pursuant to the Emergency Petroleum Allocation Act, as amended.		
Rate increases for products or services marketed by DOE, and approval of rate increases for non-DOE entities, which do not exceed the rate of inflation in the period since the last rate increase.	Rate increases for provide products or services marketed by DOE and approval of rate increases for non-DOE entities which exceed the rate of inflation in the period since the last increase.	
Actions that are substantially the same as other actions for which the environmental actions for which the environmental effects have already been assessed in a NEPA document and determined by DOE to be clearly insignificant and where such assessment is currently valid.		
Classes of Actions Applicable to Licenses to Import/Export Natural Gas Pursuant to Section 3 of the Natural Gas Act		
	Approval/disapproval of a new license or an amendment to an existing license which does not involve new construction, but which requires operational changes which may or may not be significant, such as an increase in LNG throughput, change in transportation or storage operations.	Approval/disapproval of applications involving the construction of new liquid natural gas terminal, regasification or storage facilities or a significant expansion of an existing LNG terminal, regasification or storage facility.
		Approval/disapproval of an application involving a significant operational change, such as a major increase in the quantity of LNG imported or exported.
Classes of Actions Applicable to Propane Allocation Program		
Assignments and allocations of propane to retail and wholesale outlets for commercial and residential use.	Assignments and allocations of propane to gas utilities for peak shaving, Btu enrichment or supplemental gas supplies involving new construction or a substantial change in operations or potential impact on competing users of propane.	
Assignments and allocations of propane to gas utilities for peak shaving or Btu enrichment which do not involve new construction or a substantial change in operation and where DOE has determined that such actions will not impact the supplies available for competing uses.	New assignments and allocations of propane feedstock to enable operation of or increases in operation of petrochemical plants.	
	Changes in regulatory status such as the decontrol of propane.	
Classes of Actions Applicable to Synthetic Natural Gas (SNG) Feedstock Allocation Program		
Approval/disapproval of an application for supplier assignment and feedstock allocation which involves continuation of SNG production at historical levels, and where DOE has determined that the requested assignment will not adversely impact competing users due to the projected availability of supply.	Issuance of an Order which reduces SNG production below historical levels and where the probability of fuel switching or other impacts caused by the reduction is unknown.	Approval/disapproval of an application for supplier assignment and feedstock allocation which involves the construction of a new SNG plant or a major modification at an existing plant.
	Issuance of an Order for an existing plant which increases the SNG production above historical levels.	Issuance of an Order which significantly reduces the feedstock allocation to an existing plant in cases where the gas supply/demand outlook indicates significant fuel switching or economic hardship may occur as a result of the curtailment of SNG feedstock.

Section D.—*Typical Classes of Action—Continued*

Normally do not require either EA's or EIS's	Normally require EA's but not necessarily EIS's	Normally require EIS's
Classes of Actions Applicable to International Activities		
Approval of DOE participation in international "umbrella" agreements for cooperation in energy R&D which do not commit the U.S. to any specific projects or activities.		
Approval of technical exchange arrangements for information, data or personnel with other countries or international organization.		
Approval of arrangements to assist other countries in identifying and analyzing their energy resources, needs and options.		
Approval of export of small quantities of special nuclear materials or isotopic material in accordance with the Nuclear Non-Proliferation Act of 1978 and the "Procedures Established Pursuant to the Nuclear Non-Proliferation Act of 1978" (FEDERAL REGISTER, Part VII, June 9, 1978).		
Classes of Actions Applicable to Power Marketing Administrations (PMA)		
Minor additions to a substation, transformer additions, or changes in transformer assignments that do not affect the area beyond the previously developed substation area.	Upgrading (reconstructing or reconductoring) an existing transmission line.	Main Transmission System Additions—additions of new transmission lines, main grid substations and switching stations to PMA's main transmission grid.
	Construction of new service facilities such as tap lines and substations.	Integrating Transmission Facilities—transmission system additions for integrating new sources of generation into PMA's main grid.
	Modifications of existing facilities (e.g., substations, storage yards) where impacts extend beyond the previously developed facility area.	
	Annual vegetation management program (system-wide).	
Classes of Actions Generally Applicable to Nuclear Waste Management Program		
	Exploratory and site characterization activities which by virtue of resource commitment or elapsed time for completion may foreclose reasonable site alternatives.	DOE actions resulting in the site selection, construction, or operation of major storage and/or disposal of nuclear waste, and/or spent nuclear fuel.
	Land acquisition activities solely for the purposes of reserving possible candidate sites and which do not prejudice future programmatic site selection decision.	
Classes of Actions Generally Applicable to DOE Implementation of Powerplant and Industrial Fuel Use Act of 1978 (FUA)		
The grant or denial of any temporary exemption for any electric powerplant or major fuel-burning installation.		
The grant or denial of any permanent exemption for any existing electric powerplant or major fuel-burning installation, other than an exemption—(1) under section 312(c), relating to cogeneration; (2) under section 312(1), relating to scheduled equipment outages; (3) under section 312(b), relating to certain State or local requirements; and (4) under section 312(g), relating to certain intermediate load powerplants.		

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Friday
March 28, 1980

Part VI

Department of Agriculture

Food and Nutrition Service

Food Stamp Program (Alaska)

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 273

[Admt. No. 162]

Food Stamp Program (Alaska)

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rulemaking.

SUMARY: This proposed rulemaking amends Part 272, Requirements for Participating State Agencies, to establish additional regulations for Food Stamp Program operations in Alaska. These regulations are specifically designed to accommodate the unique demographic and climatic characteristics found in Alaska while, at the same time, ensuring the efficiency and effectiveness of program operations. This proposed rulemaking also makes technical amendments to Part 273, Certification of Eligible Households, to achieve consistency with the proposed amendments to Part 272, set forth in this proposed rulemaking.

DATES: Comments must be received on or before May 27, 1980, to be assured of consideration. After reviewing all comments, we will publish final regulations.

ADDRESS: Comments should be submitted to Alberta Frost, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250. All written comments will be open to public inspection at the office of the Food and Nutrition Service, USDA, during regular business hours (8:30 a.m. to 5:00 p.m. Monday through Friday) at 500 12th Street, S.W., Room 758, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Susan McAndrew, Branch Chief, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250. Phone: (202) 447-9075.

SUPPLEMENTARY INFORMATION:

Purpose

The Food Stamp Act of 1977, P.L. 95-113, 91 Stat. 958, gives the Secretary of Agriculture authority to issue regulations, consistent with the Act, to ensure the efficient and effective administration of the Food Stamp Program. Pursuant to this authority, the Secretary issued final regulations on October 17, 1978 (43 FR 47846 et. seq.) implementing centain provisions of the Act. A review of these regulations as they apply to rural Alaska, in light of its limited accessibility, dispersed population and extreme climatic conditions, has led the Department to propose that several of the rules be modified for purposes of operation of the program in Alaska. The rules which are proposed to be modified include those relating to: merit personnel; training; hotlines; application processing; work registration; resources; recertification; agency conferences; fair and fraud hearings; and coupon issuance. In addition, the Department proposes to adapt the regular points and hours standards for the entire State. Each of these modifications is discussed in detail below. These regulations, except for the points and hours standards, will be applied only in those rural areas of Alaska where the Secretary determines that they are necessary to meet the mandate for efficient and effective program administration. It is estimated that approximately 2,000 households in such rural areas will be affected by these regulations.

Applicability

The economic development of Alaska has to a large degree been determined by the geographic and climatic factors within the State. Alaska covers an area of approximately 586,000 square miles and spans four time zones. The climate is varied and extreme. Some areas have an average of 30 to 185 inches of precipitation a year, others experience winters with temperatures as low as 78 degrees below zero. Such weather conditions often make travel impossible.

The approximately 404,434 residents of Alaska are almost equally divided between the city of Anchorage and the rest of the State. According to the 1970 census, fully 40 percent of Alaskans live in towns or villages composed of less than 1,000 persons. Many communities have less than 100 residents. Although there are several hundred villages and towns in Alaska, there are few roads leading to them. Only the largest have scheduled air service. The means of travel among many communities is limited, as the weather permits, to boats and small airplanes. Snowmobiles often constitute the equivalent of a family car. The delivery of commodities to such communities is costly, time consuming, and very often impossible. The United States Postal Service does not provide regularly scheduled service to all Alaskan communities and the weather frequently interferes with existing schedules. Some communities have neither postal service nor any regular means of food supply.

These conditions of rural isolation have resulted in life styles which are unique in comparison to those in other States and which necessitate the application of different rules to ensure successful program operations. In recognition of these conditions, the Department proposes that the State agency, in consultation with FNS, establish the criteria for "rural" designations and annually determine those areas that meet this criteria. The State agency would be required to publish the proposed criteria and proposed designations for a public comment period of at least 30 days prior to submission to FNS for approval. The criteria for designating rural areas and the designated areas would be identified in the Alaska State Plan of Operation as an addendum to the proposed Program and Budget Summary Statement. In this way, the Plan would represent a complete summary of current operational conditions within the State.

Definitions

Fee Agent

Fee agents are rural community residents who assist their neighbors in understanding the program and in applying for benefits. Fee agents are known as government representatives, have personal knowledge of low-income households in the community, and can effectively deal with cultural or language problems that might otherwise serve as barriers to participation. Due to the geographic dispersion of the Alaskan population, the State agency uses fee agents to ensure the low-income population access to program services. In 1971, the Alaska State agency adopted, with FNS approval, a system using fee agents to provide rural Alaskans who do not have ready access to a food stamp Regional or District office an opportunity to apply for and obtain program benefits. Approximately 200 villages currently use fee agents to obtain access to the program.

State Agency Offices

For purposes of this part, State agency is being defined to include Regional and District offices, but not fee agents, in order to make the regulations for the application process clearer.

Merit Personnel

The Department proposes that fee agents, in addition to performing the activities currently allowed for volunteers in § 272.4(a)(2), be given authority to conduct interviews normally required to be conducted by merit personnel. This modification is necessary both to ensure program

acessibility and to avoid the administrative costs which would be incurred if the State agency were required to assign merit personnel on either an intinerant or fixed basis to all of the sparsely populated and remote rural villages throughout Alaska. As in the past, fee agents would continue taking applications, verifying necessary information, obtaining documentation, conducting face-to-face interviews, and forwarding completed applications to the appropriate State agency office. Fee agents would not determine applicant households' eligibility or benefit levels. With the exception of the proposed amendment to the regulations to allow fee agents to conduct interviews usually performed by qualified eligibility workers, the fee agent's role and duties fall within the purview of a food stamp volunteer.

Training

These proposed regulations provide for fee agent involvement in the rural application process and further establish fee agent responsibility for resonding to hotline type inquires. Given these responsibilities, the Department proposes to require that the State agency develop a continuous training program for fee agents which is tailored to their specific duties. To accomplish this, it is expected that the State agency would: (1) update their current fee agent training package; (2) re-establish and accelerate the frequency of fee agent training to be given; and (3) provide increased supervision to assist and monitor the performance of fee agents. The Department believes that these additional training and review requirements would help to ensure the quality of program services provided to both potentially eligible households and program participants.

Hotlines

The final outreach regulations, published November 6, 1979 in the Federal Register, 44 FR 64386 et. seq.) exempted the Alaska State agency from establishing a statewide hotline system because the Alaska Telephone Company was unable to provide toll-free services throughout the entire State. Those regulations required, however, that the State agency develop an alternative means for participants and potential participants to secure program information and applications, lodge complaints and make inquiries. Subsequent to the publication of the proposed outreach regulations, the Department has become aware that toll-free numbers can be obtained from a private company. Toll-free numbers can be made available on a Regional or Statewide basis for a listing cost plus the premium cost of the individual calls based on the distance involved and the length of time required for each individual call. Because of the listing cost of such a toll-free number or numbers and the small number of calls the State agency anticipates, the Department is proposing that in each area the Alaska State agency be given the option of either having a toll-free number(s) or providing such hotline type services through fee agents and State agency offices as long as hotline type services are made available throughout the State. In those areas where hotline type services are provided by fee agents and State agency offices, the State agency would be required to accept collect calls direct from households regarding the Food Stamp Program. Participants and potential participants would be advised of the name, address and telephone number of the person(s) they could contact through outreach efforts. The State agency would also be required to solicit the cooperation of retailers in posting this information in retail stores which are authorized to accept food coupons.

The Department proposes to amend the current Outreach regulations to delete the reference to approval of alternate hotline procedures through the Outreach Plan, since alternate procedures are proposed in this rulemaking.

Application Processing

Because of the relative isolation of much of the low-income population in rural Alaska, their applications for participation in the Food Stamp Program are often received first be fee agents and then sent by mail to State agency offices for further processing. To account for this separation of duties, responsibilities and locations, the Department proposes to define how the application processing standards and procedures will apply in rural Alaska. Specifically, the Department proposes: (1) that a signed application be considered filed when it is received by a District or Regional office of the State agency but that the period of application begin at the time the signed application is first received by the fee agent; (2) that the fee agent be required to conduct the interview, obtain the necessary verification and submit the application to the State agency office so that it will be received by the State agency office within 10 days of the date it was initially received by the fee agent; and (3) that the application process be completed and eligible households provided an opportunity to participate within 30 days of the date the application was filed with the State agency office. The Department believes that these proposals address both the needs of participants and existent administrative structures within the Alaska State agency. First, by requiring that the period of application begin when a signed application is first submitted to a fee agent, eligible households will have their benefit entitlement protected from the first day of the month in which the application is actually submitted to an agent of the State agency, i.e., the fee agent. The proposed ten day period provided for fee agent processing establishes a standard time frome for completion of the verification, documentation, interview, and mailing activities assigned to these agents. This amount of time is considered necessary given weather, mail and workload conditions. It should give the household sufficient time to provide necessary verification and is based on 5 days processing time and 5 days mailing time.

The 30-day standard is consistent with that allowed other State agencies to process applications and to provide benefits. While some of the time consuming functions normally performed by the State agency will already have been accomplished, more time will have to be allowed for mail delivery of the ATP or coupons.

For expedited service cases, the Department proposes that the same type of two-stage processing proposed for normal application processin rural Alaska be maintained, yet the time allowed the State agency by shortened for expedited service cases. The time period for fee agent processing would remain the same, but the State agency office would be required to complete the application process and mail an ATP or coupons to eligible households no later than the close of business of the second working day following the day the application was filed with that office.

When signed applications are filed directly by the household with the State agency, whether a District or Regional office, such applications would be considered filed upon receipt, and the State agency would be expected to issue an ATP or coupons to households eligible for expedited service in accordance with § 273.2(i)(3) of the regulations.

Since processing time, in both instances, is closely tied to receipt and filing dates, the Department further proposes that the State carefully record on the application the dates the application is received by the fee agent and the State agency office. This recording will allow the periodic monitoring to determine the effectiveness of the procedures.

The Department recognizes that because of severe climatic conditions or transportation problems fee agents may not be able to meet the 10-day requirement, and the State agency may be cited for an administrative deficiency as the result of a management evaluation review. Although corrective action could not be taken in such cases, the Department does not believe it is necessary to provide a specific regulatory exception for such circumstances.

In some instances, the State agency may not be able to process an application within the required time because it has to contact the household for additional verification. In these instances, the Department proposes that the State agency be required to follow the procedures set forth in § 273.2(h), *Delays in processing,* except that the household be given up to 30 days from the date of the initial request for the particular verification to submit it to the State agency. In rural areas, 10 days from the State agency's request for verification may not be sufficent time for the household to provide the information. Under this proposal, the household would not be considered at fault and lose benefits for the month of application as long as the additional verification is received within 30 days of the date of the initial request for additional information.

Interviews

The interview process in the regulations for the most part refers to face-to-face interviews conducted during the application process either by State agency staff or the fee agent. However, the Department believes that some alternatives are necessary due to weather conditions and the remoteness of some households from certification services, both to assure a review of the household's application and to meet processing timeframes. The Department, therefore, proposes that the State agency be allowed to postpone interviews or conduct interviews through other means such as the telephone in certain instances. Interviews would be conducted by other means when the household is unable to come to the certification office or in order to meet the processing timeframe. Interviews would be postponed in remote areas where no fee agent or eligibility worker is reasonably accessible, a telephone interview cannot be conducted and the administrative costs of conducting any form of personal interview to meet processing timeframes would be extremely high. The eligibility worker would be required to exercise prudent judgment when dealing with these cases and to fully document the eligibility decision in the case. The household would be interviewed and the eligibility decision and documentation would be re-examined any time an eligibility staff member visits the community in which the household resides. The verification requirements would not be waived for these households.

Work Registration Requirements

Current regulations provide exemptions from work registration for persons residing in certain designated areas of Alaska who hunt and/or fish for a minimum of 30 hours weekly. The Department proposes to modify this language in these Alaska regulations. The provision for Alaska currently in § 273.7(b)(8) would be deleted in order to eliminate duplication.

The minimum of 30 hours weekly would be amended to read an average of 30 hours weekly as determined by averaging over the certification period. This will more realistically reflect the manner in which subsistence hunting and fishing is conducted. This manner of living is, for the most part, dependent on many variables including seasons of the year, availability and migratory habits of game and fish, distances to travel, fish and game regulations, and, of extreme importance, weather conditions. For major species such as caribou, moose, seal, wlrus, whale, migratory waterfowl, and salmon, hunting occurs wihtin a relatively short period, requiring virtually round the clock efforts far in excess of 30 hours per week. These major subsistence food sources are complemented by ptarmigan, hare, roots, berries and a myriad of species of fish, which are subject to the same work patterns identified above. Particularly during the winter months, such subsistence hunting and fishing is severely limited and there are periods of days or weeks when such activity is at a standstill. For these reasons, it is believed more equitable to relate the time factor (30 hours per week) to the timeframe of the certification period.

Resources

The Department proposes that the resource value of licensed or unlicensed snowmobiles and boats used by households as basic transportation be evaluated using the same criteria that is applied to licensed vehicles in other areas. The Department believes that in rural areas of Alaska, where snowmobiles or boats are used as basic transportation either year round or on a seasonal basis, it is equitable that such snowmobiles and boats received the same resource consideration given to automobiles, trucks, and vans, and not be automatically considered recreational vehicles. The methods and means of transportation in Alaska are quite diverse and are directly related to weather and seasonal conditions, road networks or total absence of roads, seasonal river and waterway travel, and the extended prevalence of ice and snow. Because of these conditions, in some areas there are no roads, automobiles or trucks. The only travel is by snowmobile or by a combination of snowmobile and boat, dependent upon the prevailing geographic and climatic conditions. In other areas, a combination of vehicles, snowmobiles and boats may all be used dependent upon seasonal conditions. Further, since there is no State licensing requirement for either boats or snowmobiles, though certain villages and municipalities have licensing requirements for snowmobiles, the Department believes that snowmobiles and boats should be evaluated based on their use, without regard to whether they are licensed or unlicensed.

Reporting Changes

The Department proposes to allow the household to report changes either to the fee agent or the State agency office and to establish a requirement that fee agents forward changes within two working days of receipt. The two working day period would provide fee agents a standard time for submitting all changes.

Recertification

As with initial applications, the Department proposes that applications for recertification be considered filed when they are received by a District or Regional office. Due to the problems discussed earlier related to transpotation and weather, use of current standards related to notification for recertification could result in households not receiving uninterrupted benefits. To alleviate this problem to the greatest extent possible while maintaining compliance with the legislative requirements, the Department further proposes a modification in the current rules for providing Notices of Expiration. The State agency would be allowed to: (1) issue Notices of Expiration one month prior to the first day of the last month of certification, and (2) advise households that wish to submit their applications directly to fee agents to allow sufficient time for the fee agent to forward the application to the State agency so that it will be received by the 15th day of the last month of the certification period.

By allowing earlier issuance of the Notice of Expiration, it is hoped that the majority of participants will submit their applications so that their benefits will be uninterrupted.

Agency Conference for Households Contesting Denial of Expedited Service

The Department proposes to allow the Alaska State agency, at its option, to provide alternative methods for conducting agency conferences for households contesting denial of expedited service in those instances where such conferences cannot be held using current procedures within the two day standard. In ares not accessible by road and partially or frequently inaccessible by other modes of transportation, it is often impossible or economically impracticable for a State eligibility worker to visit the rural village or site, or for the household to come to the certification office. Even if such travel were possible, it generally could not be accomplished within the required two days. It is proposed, therefore, that the State agency conduct agency conferences for households contesting a denial of expedited service within two working days, by telephone or other means of private communication. The Department believes that this is the most feasible and expedious method to meet these needs.

Fair Hearings and Fraud Hearings

The Department also proposes to allow the State agency to use alternative methods of conducting fair hearings and fraud hearings for certain households residing in rural areas. The State agency would be allowed, at its option, to conduct the hearings using a telephone or other means of private communication if the time standards contained in § 273.15 and § 273.16, respectively, cannot be met using the normal procedures. The Department believes this is the most feasible and expeditious means of meeting the fair hearing and fraud hearing requirements for households that live in otherwise inaccessible areas.

Coupon Issuance

The Department proposes that, with the specific approval of FNS, the Alaska State agency be allowed to issue eligible households coupons by mail on a quarterly or semiannual basis if there is no regular monthly mail service available to these areas. The decision to allow quarterly or semiannual mail issuance will be made on an individual area basis, considering the availability of postal delivery. The Department believes that issuing multiple coupon allotments to participating households in remote areas, such as the Aleutian and Pribiloff Islands, may be justified, since such areas are frequently inaccessible due to weather or travel expense. Quantity food supply purchases are typical for these isolated households, who must make lump sum payments to suppliers operating barges or air cargo deliveries. Those households which would be eligible for multiple allotments are usually very stable, and thus, as a general rule, the risk of program losses would be minimal. Approval for the use of multiple coupon allotment mailings would be granted by FNS on an annual basis, and carefully monitored to determine the continuing need for such allotments, the effectiveness of the system, and to track any program losses or abuse. Areas which are approved to receive multiple coupon allotment mailings shall be contained in the State's Plan of Operation.

Location and Hours

As with other States, the Department was concerned that Alaska residents have the maximum possible accessibility to certification and issuance services. However, the wide range of geographical variances and transportation difficulties preclude the total adoption of the minimum service standards that apply to the rest of the nation. The Department, therefore, proposes to adapt the points and hours regulations to Alaska by making certain changes.

The Department proposes the direct service area of State agency Regional and District offices, exclusive of rural areas served by fee agents, be used in lieu of counties and incorporated cities as the certification service standard unit. Several approaches were considered prior to adoption of the direct service area as the service standard unit. Since the State agency is a single project area, this could not be used because of the vast area involved. Initially, the Department believed that a county concept would be applicable in Alaska. However, the State has only two units of local government, the city and the borough; and there are large segments of the State where there is no local government. The State is subdivided into census divisions for representation and election purposes, but these districts have no direct relationship to the State agency's administrative organization for the Food Stamp Program. Therefore, the Department believes that the direct service area of State agency Regional and District offices should be established as the service unit. The Department is particularly interested in receiving comments on the use of the direct service area of State agency Regional and District offices in lieu of some other service standard unit.

Rural areas served by fee agents would be excluded from the service unit, but the State would be required to establish fee agent service as needed to the maximum extent possible. Most fee agents are available daily, and the Department proposes that fee agents should be available to provide basic certification services on at least a weekly basis, in order to encourage participation by rural residents. With minimum hours maintained by current State agency offices and the use of fee agents, adequate accessibility to the program should be provided to Alaska's low-income households.

The issuance hour standards applied in other States' counties and incorporated cities would apply to the direct service area of each State agency Regional and District office, exclusive of rural areas. Because of the limited accessibility of rural areas and in order to assure prompt service, the Department proposes that households living in rural areas be mailed their coupon allotments. The State agency would, however, be allowed to request deviations for specific areas. The mail issuance requirement would apply to all rural areas, regardless of whether they are served by fee agents or District offices directly.

The Department proposes to eliminate: (1) the issuance service requirements pertaining to Household Issuance Record (HIR) systems since Alaska does not have HIR issuance systems, and (2) the provisions which would allow participation in a neighboring service area since this is not applicable. In addition, the Department proposes that the base month for the maintenance of effort provision be the same month in which these regulations are published in final form.

Identification cards

The current regulations provide that any household residing in a remote area of Alaska which has been determined by FNS to be an area in which food coupons may be used to purchase hunting and fishing equipment shall receive an ID card marked with the letters "HF". The Department is proposing that this provision apply in "rural" areas of Alaska to be consistent with the other provisions being proposed. Additionally, the Department proposes that ID card be stamped with the letters "HF" only for households that depend to a substantial extent upon hunting and fishing for subsistence. This

change is consistent with Section 3(g)(6) of the Food Stamp Act of 1977.

Implementation

Regulations published July 24, 1979 in the **Federal Register** (44 FR 43249 et. seq.) allowed the Alaska State agency to postpone, with the approval of FNS, the implementation of certain provisions of the October 17, 1978 regulations. One of these provisions allowed the State to postpone implementing expedited services in rural areas. The specific purpose of this postponement was to allow for the completion of this rulemaking and its orderly implementation. The Department has proposed that the Alaska State agency be allowed 90 days from the date of final publication of this rulemaking for implementation of the new requirements in rural areas. The Department originally considered 60 days but changed this to take into account the public comment period(s) for the criteria to be used to designate areas as rural and the proposed rural designations. The Department welcomes comments from interested parties on the feasibility of this timeframe.

To points and hours service plan for each service area would be completed within 120 days or publication of final rules. Services as described in the service plans would be in operation within 60 days of the completion date of the service plan. These timeframes are consistent with those imposed on other States.

Therefore, the Department proposes that Parts 272 and 273 be amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. In § 272.1, paragraph (g)(13) is added to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation*

* * * * *

(13) Amendment 162. Program changes required by Amendment 162 of the Food Stamp Program regulations shall be implemented as follows:

(i) The fee agent system for conducting interviews is currently in use and its continuing use is approved.

(ii) All other rules except paragraph (q) of § 272.8 shall be implemented as soon as practical but no later than 90 days following the date of final rulemaking. Paragraph (q) of § 272.8 concerning points and hours shall be implemented following the time standards contained therein.

* * * * *

2. In § 272.6, paragraph (b)(8), the fourth sentence is deleted and the third sentence is amended to read:

§ 272.6 Outreach.

* * * * *

(b) * * *

(8) * * *

"The Alaska State agency shall, however, enable participants and potential participants to secure program information and applications, lodge complaints and make inquiries in accordance with subsection 272.8(f)."

* * * * *

3. A new § 272.8 is added to Part 272 to read as follows:

§ 272.8 Procedures for program administration in Alaska.

(a) *Purpose.* To achieve the efficient and effective administration of the Food Stamp Program in certain rural areas of Alaska, FNS has determined that it is necessary to develop additional regulations which are specifically designed to accommodate the unique demographic and climatic characteristics which exist in these rural areas.

(b) *Applicability.* The regulations established in this section except for subsection (q), which pertains to points and hours, shall apply only in those areas of Alaska which are designated by FNS as "rural". All regulations not specifically modified by this section shall remain in effect. The State agency, in consultation with FNS, shall establish the criteria for designating areas of the State as "rural" taking into consideration such factors as population concentrations, weather and road conditions, the risk to the health or safety of applicants in traveling, and the regularity of mail service. On an annual basis, the State agency shall, in consultation with FNS, determine those areas that meet the rural criteria. The State agency shall publish the proposed criteria and designations for a public comment period of at least 30 days prior to submission to FNS for approval. The criteria for designating rural areas and the designated areas shall be identified in the Alaska State Plan of Operation as an addendum to the Program and Budget Summary Statement.

(c) *Definitions.* "Fee agent" means a paid agent who, on behalf of the State, is authorized to make applications available to low-income households, assist in the completion of applications, conduct required interviwes, secure required verification, forward completed applications and supporting documentation to the State agency, and provide outreach and other services as required by the State agency. Such services shall not include making final decisions on household eligibility or benefit levels.

"State agency" for purposes of this section shall include Regional and District offices. It shall not include fee agents.

(d) *Merit Personnel.* In addition to the volunteer activities prescribed in § 272.4(a)(2), fee agents may be used by the State agency to conduct the certification interviews required by § 273.2(e).

(e) *Training.* The State agency shall design and implement a comprehensive training plan, including detailed instructional material, to ensure that fee agents are able to fulfill the responsibilities assigned to them under this section. The training shall include those items referenced in § 272.4(e) with the exception of training on actual eligibility determinations. the State agency shall submit to FNS for approval the procedures for training fee agents and the instructional manual to be used by fee agents. The State agency shall reflect subsequent changes in policy and procedures promptly. In addition, the State agency shall conduct training sessions for fee agents at least once a year, and provide close supervision to assist and monitor the performance of fee agents.

(f) *Hotlines.* In each area, the State agency shall provide either toll-tree hotline services or hotline type services through State agency offices and fee agents. These services shall enable participants and potential participants throughout the State to secure program information and applications, lodge complaints and make inquries. Participants and potential participants shall be advised through outreach efforts of the name, address and telephone number of the person(s) they should contact. The State agency may additionally notify households through noices mailed separately or with ATPs or otherwise given to each household. The State agency shall also solicit the cooperation of retailers in posting this information in ratail stores which are authorized to accept food coupons. Where hotline type services are provided through State agency offices and fee agents, the State agency shall accept collect calls directly from participants and potential participants regarding the Food Stamp Program.

(g) *Application Processing.* The application processing standards contained in § 273.2 are modified to the following extent:

(1) *Filing an application.* The date the application is first received by the fee agent and the date it is filed with a State agency office shall be documented by

recording the dates on the application. An application is considered filed for purposes of this section when it is received by an office of the State agency.

(2) *Normal Processing Standards.* The State agency shall issue benefits to eligible households as soon as possible.

(i) If the signed application is first submitted by a household to a fee agent, the fee agent shall record the date the application is received, conduct the interview, obtain necessary verification and submit the application to a State agency office so that it will be received by the State agency within 10 days of the date the application was received by the fee agent. The household shall be given the maximum amount of time to provide verification requested by the fee agent as long as the 10 day processing period is met. The State agency office shall record the date that the application is filed, and insure that the application process is completed and eligible households are provided an opportunity to participate as soon as possible but no later than 30 days after the application is filed with the State agency.

(ii) If the signed application is submitted in person by a rural resident or its authorized representative directly to the State agency, bypassing the fee agent, the State agency shall complete the application process and provide eligible households an opportunity to participate as soon as possible but no later than 30 days after the application is filed.

(iii) If the signed application is submitted by mail by a rural resident directly to the State agency, bypassing the fee agent, the State agency shall either (A) contact the household by telephone or other means of private communication to conduct the interview and secure necessary verification or (B) request the fee agent to complete the interview process and submit the required information to the State agency. Regardless of whether the State agency or the fee agent conducts the interview, the processing time to meet the 30-day standard shall commence with the date the application was initially received by the State agency. If the State agency cannot process a case within the required time period because it has to contact the household for additional verification, the procedures established in § 273.2(h) regarding delays in processing shall be followed except that the household shall submit the verification so that it will be received by the State agency by the 30th day after the State agency's initial letter or a verbal request for the verification.

(3) *Expedited Service.* Households determined eligible to receive expedited service shall be issued benefits as soon as possible.

(i) If the signed application is first received by a fee agent, the fee agent shall record the date the application is received, conduct the interview, verify the required information and submit the application to the State agency office so that it will be received by the State agency within 10 days of the date the application was received by the fee agent. The State agency office shall record the date the application was filed, complete the application process and, for households eligible for expedited service, mail an ATP or coupons no later than the close of business of the second working day following the date the application was filed at the State agency.

(ii) If the signed application is submitted in person by a rural resident or its authorized representative directly to the State agency, bypassing the fee agent, the State agency shall conduct the interview and issue an ATP or coupons to households eligible for expedited service in accordance with the time standards contained in § 273.2(i)(3) of the regulations.

(iii) If the completed, signed application is submitted by mail by a rural resident directly to the State agency, bypassing the fee agent, the State agency shall conduct an interview with the household using a telephone or other means of private communication and/or the intermediary services of a fee agent. If an incomplete application is submitted directly to the State agency by mail, the State shall conduct the interview following the same procedures by the first working day following the date the application was received if the household can be reached. In such cases, the State agency shall complete the application for the household during the interview and mail the completed application to the household for signature the same day. Benefits shall be provided in accordance with the time standards contained in § 273.2(i)(3)(i) of the regulations, except that the processing standards shall be calculated from the date a completed and signed application is received rather than the date the application was filed. The household, if determined eligible, would be entitled to benefits retroactive to the first day of the month in which the application was first received.

(h) *Interviews.* The State agency or fee agent shall conduct a face-to-face interview with the household at the State agency office or fee agent location prior to certification or recertification except in the following instances.

(1) The State agency (or fee agent) shall either conduct a home visit or conduct the interview by telephone or other means of private communication when a household or its authorized representative is unable to come to the State agency office (or fee agent) for the reasons specified in § 273.2(e)(2) which include transportation difficulties and hardships such as prolonged severe weather.

(2) The State agency (or fee agent) may conduct an interview using a telephone or other means of private communication when a face-to-face interview cannot be conducted in time to meet the expedited service standards.

(3) The State agency may postpone the interview until after the household is certified when: (i) a household lives in a remote area, (ii) no fee agent or eligibility worker is reasonably accessible, (iii) a telephone interview cannot be conducted, and (iv) the administrative costs of conducting the interview would be extremely high. The eligibility worker shall exercise prudent judgment when dealing with these cases and fully document the eligibility decision in the case file. Such households shall be interviewed and the eligibility decision and documentation shall be re-examined when an eligibility worker visits the community in which the household resides.

(i) *Determining Household Eligibility and Benefit Level.* If a rural area resident of Alaska first submits his or her application to a fee agent, the period of application for the purpose of determining eligibility and benefit levels shall commence on the first day of the month in which the application was received by the fee agent. If a rural area resident submits his or her signed application directly to a State agency office, the period of application shall commence on the first day of the month in which the application was received at that office.

(j) *Work Registration Requirements.* In rural areas, persons who are engaged in subsistence fishing or hunting for an average of 30 hours weekly, as determined by averaging such activity over the certification period, shall be considered exempt as self-employed from the registration requirements of § 273.7.

(k) *Resources.* In rural areas, the resource value of licensed or unlicensed snowmobiles or boats shall be evaluated as to use by the household.

(1) If used as a recreational vehicle, unlicensed and licensed snowmobiles or boats shall be evaluated as to their equity value.

(2) If used by the household for basic transportation, snowmobiles or boats shall be evaluated in accordance with

§ 273.8(h) regardless of whether they are licensed or unlicensed.

(l) *Reporting Changes.* The State agency shall allow the household to choose to report changes either directly to the State agency or to the fee agent. If reported to the fee agent, the fee agent shall forward the reported changes to the State agency within 2 working days of the date of receipt.

(m) *Recertifcation.*

(1) *General Standards.* The State agency shall provide each household entitled to a Notice of Expiration such notice no earlier than one month prior to, nor later than the first day of, the household's last month of certification. Households in rural areas shall be allowed to submit their application for recertification either directly to the State agency or to the fee agent for forwarding to the State agency. Households which are certified for one month, or two months during the month following the month of application, shall be provided a Notice of Expiration at the time of certification. The State agency may provide a Notice of Expiration at the time of certification to households certified for two months in the month in which they apply.

(2) *Timely Reapplications.*

(i) Households provided a Notice of Expiration at the time of certification and certified for one month, or for two months during the month following the month of application, shall have 15 days from the date the notice is received to file a timely application for recertification with the State agency. Households that wish to submit their reapplications directly to the fee agent shall be advised to allow sufficient time for the fee agent to forward the application so that it will be received by the State agency within the 15 day period.

(ii) All other households shall be considered to have timely reapplied if the application is received by the State agency by the 15th day of the last month of the certification period. As with households provided the Notice of Expiration in subparagraph (i), households submitting applications to the fee agent shall be advised to allow sufficient time for the fee agent to forward the application so that it will be received by the State agency by the 15th day of the last month of the certification period.

(n) *Agency Conferences.* In those instances where households wish to contest a denial of expedited service and a personal conference cannot be held within the two-day standard, the State agency may, at its option, conduct the expedited agency conference required by § 273.15(d) within 2 working days using a telephone or other means of private communication.

(o) *Fair Hearings and Fraud Hearings.* The State agency may, at its option, conduct fair hearings and administrative fraud hearings using a telephone or other means of private communication, if the time standards contained in § 273.15 and § 273.16 respectively cannot be met using the normal procedures for households that live in rural areas that are inaccessible due to weather conditions.

(p) *Coupon Issuance.* With the approval of FNS, coupons may be mailed on a quarterly or semiannual basis to certain rural areas of Alaska that do not receive regular monthly postal service. The decision to allow the distribution of coupons in this manner will be made on an annual basis, separate from the determination as to which areas of Alaska are to be designated as rural areas. These areas shall be listed in the State's Plan of Operation.

(q) *Location and Hours of Operation of Certification and Issuance Services.*

(1) *Certification Services.* The State agency is responsible for determining the locations and hours of operation of the food stamp certification services made available in the State. These determinations shall be based on assessments of the certification service needs of the low-income population in the State and on the *minimum* requirements set forth herein. The State agency may choose among a variety of certification methods to fulfill the certification service needs of its low-income population. These methods include, but are not limited to, the use of full service certification offices, satellite and itinerant certification offices and mobile certification units.

(i) The minimum certification service requirements set forth below shall be applied to the direct service area of each State agency Regional and District certification office. These direct service areas shall not include rural areas that are serviced by fee agents.

(ii) Basic certification services consist of distributing and accepting applications, interviewing applicants, and accepting notices of change in household circumstances. The State agency shall provide these services as set forth below.

(A) In service areas with more than 250 households participating in the Program, the State agency shall provide at least 35 hours each week (in weeks without holidays) of basic certification services in at least one office in the service area. In offices with more than two eligibility workers, these services shall be scheduled so that there is no break in their availability during the lunch period. The State level office may approve a service plan for a service area that does not make service available during the lunch period if the plan is adequately documented to show that compliance cannot be achieved for statutory or security reasons.

(B) In service areas with 250 or fewer households participating in the Program, the State agency shall provide a minimum of 30 hours of basic certification services each month in at least one office in the service area. The 30 hours of basic certification services shall be scheduled so that there are at least some hours of service during each calendar week. To the greatest extent practicable, the schedule of hours shall be consistent from month to month. In addition to providing these basic certification services, the State agency shall make arrangements to afford people in these service areas access to the Program during all normal working hours. To accomplish this, the State agency shall arrange to have a place in each service area where applications can be picked up by applicants during all normal business hours each business day. The State agency shall provide addresses along with the applications so that applicants can mail them it. At the address provided, applications shall be accepted and considered filed on the same day they are received, except Saturdays. Additionally, the State agency should attempt to make arrangements to have a place in the service area where applications that are ready for filing can be dropped off. Where drop-off points are established, households shall have the option of either leaving their applications at the drop-off point or mailing them to the address provided on the applications. Where drop-off points are established, the State agency shall make instructions available that inform households of their filing options and explain the circumstances under which the mailing of applications will result in faster filing than the dropping-off of applications. FNS may approve an alternative level of service if the State agency adequately demonstrates that the caseload is so small that the 30 hour requirement would be excessive for the caseload being served, provided that an adequate number of hours of certification service are availabe for the size of the caseload. This may include having services available on an as needed basis in addition to the regularly scheduled hours.

(C) In service areas that normally have caseloads of 250 or fewer households, but which periodically have

caseloads of more than 250 households, such as may result from influxes of seasonal workers, the minimum requirements in paragraph (B) of this subsection shall apply. However, the State agency shall implement additional hours of basic certification services when these influxes occur. The additional hours shall be in operation at the time the influx begins so that the needs of the new applicants and participants can be met. The State agency shall determine the number of additional hours of basic certification service needed under such circumstances in each service area.

(D) The State agency shall use the latest participation figures available each year a service plan is required in order to determine which requirements, either those in subparagraph (A) or (B) above, apply to each service area. If a State agency can demonstrate that the latest participation figures available are not representative of normal participation, the State agency may use data from a different month to determine which requirements to use. Likewise, if FNS determines that the participation data used for a service area is not representative of the service area's normal participation, FNS shall require that different data be used. The State agency shall indicate in each service area's plan what participation data were used. Whenever the State agency does not use the latest available data for a service area, the substitution, along with justification, shall be noted in the service plan.

(E) Applicant and participant households which are unable to obtain certification services established in accordance with the requirements of this section without missing time from work shall be given appointments for such services. The State agency is encouraged to arrange these appointments outside normal business hours or for times that would minimize the applicants' or participants' absence from work. The availability of this service shall be publicized by the State agency. In addition, people who contact the food stamp office and who indicate that they work all or nearly all of the scheduled hours of certification service shall be informed of the availability of appointments.

(ii) So as to maximize face-to-face interviews for participants and applicant households, the basic certification services provided in each service area shall be established so that all or all but a small number of these households reside within 30 miles of a site that provides at least four hours of basic certification services every two weeks. If the offices established in compliance with the requirements of paragraph (ii) above provide basic certification services in accordance with this requirement, additional offices and hours of operation are not required. Any additional services that are required in order to comply with this provision may be provided through itinerant or satellite offices.

(A) Any applicant or paticipant household that does not reside within 30 miles of four hours of basic certification services every two weeks shall be eligible for the out-of-office certification procedures. The State agency shall publicize the availability of these procedures in those areas of the service areas where applicant and participant households are eligible for them. In addition, people who contact food stamp offices inquiring about certification services, and who are not receiving four hours of basic certification services within 30 miles of their residence every two weeks, shall be informed of their eligibility for out-of-office certification services.

(B) FNS may approve exceptions to the 30 mile requirement of this paragraph if the State agency demonstrates that participants normally travel more than 30 miles to a place with various stores to conduct their personal business including the use of their coupons. To be granted this exception, the State agency shall demonstrate that the participant households would receive certification services of at least four hours every two weeks in the location where they normally conduct their personal business and buy their food. The State agency may request FNS approval to provide certification services in this location rather than closer to the applicants and participants (i.e., within 30 miles). Exception may be granted for parts of the service area. The provisions of paragraph A above do not apply to residents of areas covered by this exception.

(iv) Changes in a service area's participation that are expected to continue on a long-term basis, or changes in local circumstances that would either require a rejustification of exceptions or lead to a need to request an exception, and which are discovered outside of the needs assessment provided for in paragraph (5)(i) below, shall be processed as follows.

(A) Whenever a State agency becomes aware of a long-term increase in a service area's food stamp participation that lasts for at least four consecutive months and causes the service area to move into the category described in paragraph (ii)(A) above, the State agency shall take prompt corrective action to bring the service area into compliance with the requirements of that paragraph.

(B) Whenever a State agency becomes aware of a long-term decrease in a service area's food stamp participation that lasts for at least four consecutive months and causes the service area to move into the category described in paragraph (ii)(B) above, the State agency may change the certification services offered so that they are consistent with the requirements specified in that paragraph.

(C) Whenever a State agency becomes aware of a change in circumstances that would require deletion or rejustification of an allowable exception, the State agency shall take action to reevaluate the situation, update the documentation or the plan, and resubmit, if required, the request to FNS for approval. The State agency shall not delay action until the next scheduled service plan but shall promptly take the necessary action.

(D) Whenever a State agency becomes aware of a change in circumstances in a service area that would warrant the requesting of all allowable exception, the State agency may act on a request for an exception or submit it to FNS, if required. The State agency is not required to wait until the next scheduled service plan is due. FNS shall approve or deny requests for exceptions within 30 days of receiving them.

(v) In addition, the State agency shall employ fee agents as needed to the extent possible to provide certification services in rural communities or villages. The fee agent should be available to provide basic certification services on at least a weekly basis. Households in these communities and villages shall be advised either through outreach efforts or another method determined by the State agency of the availability of these services, including the location of the fee agent and any established hours of availability. In the event a fee agent has been removed by the State agency or the position is otherwise vacant, the State agency shall use the interview procedures provided in (h) (1), (2) or (3) above. In such instances the State agency shall, if possible, have either State agency staff or a fee agent from another village visit those villages every 30 days until such time as another fee agent is appointed.

(vi) State agency certification staff or a fee agent shall visit the villages in the Aleutian Chain without appointed fee agents once every six months, or at intervals as close to once every six months as the weather permits for the purpose of providing basic certification services.

(2) *Issuance Services.* The State agency is responsible for determining the locations and hours of operation of the issuance services made available in the State. These determinations shall be based on assessments of the issuance service needs of the low-income population in the State and on the minimum requirements set forth below. The State agency may choose among a wide variety of issuance methods to fulfill the issuance service needs of the low-income people in the State. The methods include, but are not limited to, the use of contract issuance agents such as banks, post offices, credit unions, etc.; government issuance offices; itinerant issuance offices; mobile issuance units; and mail issuance. *Note:* mail issuance may be used to comply with any or all of the requirements specified below.

(i) The minimum issuance service requirements set forth below shall be applied to the direct service area of each State agency Regional and District office, exclusive of rural areas.

(ii) In accordance with § 273.2(g)(2), issuance services, including mail issuance, shall be planned and implemented so that all eligible applicant households are given an opportunity to obtain coupons within 30 days of filing their applications.

(iii) Issuance services shall be planned and implemented so that any applicant who receives expedited service and who receives an ATP card in accordance with the provisions of § 273.2(i) is given an opportunity to obtain coupons within one calendar day, excluding weekends and holidays, of receiving it.

(iv) Issuance services, with the exception of the mail issuance of coupons, shall be made available within each service area as provided for in this paragraph. Mail issuance services shall be provided so that, at a minimum, the delivery standards in subparagraph (ii) and (iii) above and in Parts 273 and 274 are met. The needs of two groups of participants are served through the hours of issuance services set by this provision: those who are newly certified and those on a regular issuance cycle.

(A) In each service area six hours of issuance service each calendar week shall be available to all participants.

(B) In each service area at least six hours of issuance services shall be made available each month to all participants on regular issuance cycles. These issuance services shall be made available within seven calendar days following receipt of ATP cards. Any hours of issuance services that are provided to comply with this requirement may be counted toward compliance with the requirement in subparagraph (A) above.

(C) In service areas which assign participants to particular issuance sites, each site shall offer the six hours of service required in subparagraphs (A) and (B) above, or arrangements shall be made to allow participants to obtain their coupons at another, unassigned site so that the combined number of hours at the sites equal six.

(D) When the hours of operation of issuance sites required in paragraphs (A), (B) and (C) above overlap at sites within the service area, the overlapping hours shall only count once toward meeting the minimum requirements of these sections. For example, three sites in a service area are all open each Tuesday from 2 to 4 p.m. This service area would have two hours counted toward the six hours.

(v) The issuance service requirements in paragraph (iv)(B) above (for households on regular issuance cycles) shall be located at sites that are within 30 miles of the residence of all or all but a small number of participants in each service area. The issuance services required in paragraph (iv)(A) above are not subject to the 30 mile requirement.

(A) Service areas which have over-the-counter issuance and locate issuance services so that there are small numbers of participants that are not located within 30 miles of the services for the required number of hours shall give such households the option of either traveling more than 30 miles to receive their coupon or having them provided by mail. The State agency shall publicize the availability of these procedures in those areas of the service area where applicant and participant households are eligible for them. In addition, people who apply for food stamps and who are eligible for this option shall be informed of the availability of the option. This requirement does not apply to participants residing in areas excepted under paragraph (B) below.

(B) FNS may approve exceptions to the distance requirement specified in this paragraph if the State agency demonstrates that participants normally travel more than 30 miles to a location in order to conduct personal business and use their coupons. Such exceptions are subject to the same conditions specified in paragraph (1)(iii)(B) above.

(vi) The State agency shall mail coupon allotments to all households living in rural areas. FNS may, however, grant a deviation from this requirement for specific areas. Any requests for deviations which are submitted by the State agency shall describe the alternative issuance procedures that would be used and justification for their use.

(vii) Those households comprised of elderly or disabled members which have difficulty reaching an issuance office to obtain their regular monthly allotments shall be given assistance in obtaining their coupons. The State agency shall assist these households by arranging for the mail issuance of coupons to them, by assisting them in finding authorized representatives who can act on their behalf, or by using other appropriate means.

(3) *Maintenance of Effort.* Except as provided for in subparagraph (ii) below, the State agency shall not reduce the number of certification sites and hours or issuance hours in each service area or the number of fee agents below the number available at the time these regulations are published in final form.

(i) The initial service plans prepared for each service area shall include data showing the total numbers of certification sites and hours, issuance hours and fee agents that were available in each area at the time these regulations are published in final form. The number of hours shall be a total of all the hours available at all sites, even if the hours overlap.

(ii) The State agency shall request and obtain FNS approval before reducing the number of sites, hours or fee agents below those available at the time these regulations are published in final form. Approval of such exceptions may be granted only if the State agency can demonstrate that the caseload in a particular area has changed in size or location, thus warranting a change in services or if the State agency can demonstrate that the change in level of service will result in an improvement in service delivery. The State agency may shift services from one location to another or change the hours of service available at particular locations without having an exception approved by FNS, provided that the changes do not result in a reduction in the total number of sites and hours below the totals in effect at the time these regulations are published in final form.

(4) *Exceptions.* No exceptions to the service requirements except those specifically provided for in the above paragraphs shall be granted. Requests for exceptions shall be considered according to the following procedures.

(i) The State-level office shall grant or deny only those exceptions specified as being subject to State agency approval. Granted exceptions shall be described in the service plans for the areas to which they apply, and shall be accompanied by documented justification. In considering an

allowable exception, a State agency shall first determine whether the exception complies with the requirements in these rules. Secondly, the State agency shall determine whether the service that would exist if the exception was granted would be adequate to meet the service needs of the people in the affected area. Exceptions shall be granted only if both of these determinations are positive.

(ii) FNS shall grant or deny only those exceptions specified as being subject to FNS approval. The State agency shall forward requests for exceptions to FNS for consideration along with any documentation needed to justify the exceptions. FNS shall consider the request against the same criteria the State agency must use as provided in paragraph (i) above. FNS shall grant or deny requests for exceptions within 30 days of receipt of the request and all necessary documentation. Those exceptions not acted upon within 30 days shall be considered to be approved.

(5) *Establishing Services.* The State agency shall establish certification and issuance services in accordance with the following provisions.

(i) The State agency shall assess the certification and issuance needs of the low-income population in the service area of each State agency office and in rural areas served by fee agents. At a minimum, these needs assessments shall include examinations of factors such as the number and geographic location of participants and potentially eligible populations in each area; the transportation costs people would incur to reach certification and issuance services; the availability of public transportation; and cyclical changes in participation due to the existence of seasonal employment in the area. The needs assessments shall also include the solicitation of public comment on the certification and issuance services in each area. The State agency shall announce at the beginning of each comment period that comments are being sought and will be accepted. In addition, the State agency shall solicit comments through public meetings; written comments; consultation with professional, client and advocacy groups; consultation with groups participating in each area's outreach efforts; or, through other means that would enable the public to have an adequate opportunity to comment before final decisions are made regarding the services that will be offered in each locality. Whatever method is used, the State agency shall allow a minimum of 30 days for the submission or collection of comments.

(ii) The State agency shall assess the current hours and locations of Regional and District offices and fee agents to determine if they are adequately meeting the needs of Alaska's low-income population.

(iii) The State agency shall establish additional offices and/or fee agent services in other areas identified through certification and issuance needs assessments.

(6) *Service Plans.*

(i) The State agency shall prepare a service plan for each service area based on the results of the needs assessment and on the certification and issuance service requirements contained in paragraphs (1), (2) and (3) above. These service plans shall contain descriptions of the certification and issuance services that will be offered in each service area. They shall also contain clear descriptions of the factors affecting certification and issuance that were examined during the needs assessments, the conclusion drawn from the examination of these factors and summaries of the comments that were received from the public.

(ii) The State agency shall schedule the service plans as follows:

(A) The initial service plan for each area shall be completed within 120 days of the publication of this rulemaking. For a service plan to be considered complete, the State level office shall have reviewed it for regulatory compliance; approved or denied all requests for exceptions that the State agency is authorized to act upon; and, have submitted to the appropriate FNS Regional Office all requests for exceptions that FNS is authorized to act upon. All service areas except those described in paragraph (8) below shall have the services described in their local service plans in operation within sixty days of the completion date for the service plan as established above.

(B) The State agency shall complete the second "set" of service plans either by July 1, 1983 or July 1, 1984, whichever year results in the synchronization of the service planning cycle with the State's legislative cycle.

(C) The State agency shall complete the third "set" of service plans by July 1st of the fourth year following the second "set". Subsequent service plans shall be completed by July 1st of every fourth year.

(7) *State Agency Approval.* State-level offices shall approve local-level service plans after reviewing them for compliance with these rules. State-level offices are responsible for approving and denying all requests for exceptions that they are authorized to act upon. They are also responsible for forwarding to FNS those requests for exceptions, along with necessary justification, that FNS is authorized to act upon and all corrective action plans that are required by these regulations. State-level offices shall retain the results of needs assessments, service plans, justification for exceptions, public comment summaries and corrective action plans for review purposes.

(8) *Corrective Action.*—(i) If a service area is out of compliance with the requirements of this section, the State agency shall prepare and implement corrective action. The corrective action that is to be undertaken shall be included in the corrective action plan required by Part 275 of these regulations.

(ii) The State agency shall prepare and submit corrective action plans in accordance with the following timetable. The corrective action plans shall be prepared for those service areas that will not be in compliance with the minimum service standards prescribed in this subsection on the effective date of the service plans established in subparagraph (6)(ii) above.

(A) For service areas which have requests for exceptions denied by FNS, the corrective action plans shall be submitted within 30 days of the State agency's receipt of FNS's denial of the request for exception.

(B) For other service areas, the corrective action plans shall be submitted within 120 days of the publication of the regulations.

(iii) Corrective action plans that are prepared and submitted in accordance with the provisions of subparagraph (ii) above shall contain the information required in Part 275 and indicate when corrective action will be completed. The completion date for corrective action shall be within six months of the effective date of the local service plan. FNS may grant an extension only if the State agency demonstrates that compliance with one or more standards cannot be lawfully achieved until action is taken by an adjourned State legislature; a change is made in union contract; or a change is made in the county's physical building, and that the legislative action or changes cannot be accomplished within the above mentioned six month period. FNS may grant such an extension only if the State agency demonstrates, in each individual case, that there are no other means of achieving compliance other than that proposed in the corrective action plan.

(9) *Monitoring.* Compliance with the requirements of this subsection shall be monitored through the Performance

Reporting System in accordance with the provisions of § 275.8(h).

* * * * *

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

§ 273.7 [Amended]

3. In § 273.7, work registration requirements, the last sentence of (b)(8) is deleted.

4. In § 273.10, paragraph (g)(4)(iv)(C) is revised to read as follows:

§ 273.10 Determining household eligibility and benefit levels.

* * * * *

(g) Certification notices to households

(4)

(iv)

"(C) Any household residing in a rural area of Alaska, as specified in § 272.8(b), and which depends to a substantial extent upon hunting and fishing for subsistence shall receive an ID card marked with the letters "HF".

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2027))

Note.—This proposal has been reviewed under USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified as significant. An impact statement has been prepared and is available from Claire Lipsman, Director, Program Development Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

[Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps]

Dated: March 21, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-9381 Filed 3-27-80; 8:45 am]

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Friday
March 28, 1980

Part VII

Department of Housing and Urban Development

Office of Interstate Land Sales Registration

Land Registration, Purchaser's Revocation Rights, Sales Practices and Standards, and Formal Procedures and Rules of Practice; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[24 CFR Parts 1710, 1715, 1720, 1730]

[Docket No. R-80-778]

Land Registration, Purchaser's Revocation Rights, Sales Practices and Standards, and Formal Procedures and Rules of Practice

AGENCY: Office of Interstate Land Sales Registration, HUD.

ACTION: Proposed rule.

SUMMARY: These regulations are proposed to implement amendments to the Interstate Land Sales Full Disclosure Act recently passed by Congress and signed into law by the President on December 21, 1979. (Pub. L. 96-153). These proposed rules reflect the agency's interpretation of Congressional intent in the amendments concerning exemptions from registration requirements, consumer remedies, the relationships between states and the Federal Government in land sales as well as some anti-fraud provisions.

DATES: Comments due: April 28, 1980.

It is proposed that the Regulations become effective on June 21, 1980, except that amendments to §§ 1710.52-59 are proposed to become effective January 1, 1981.

Hearings: April 18, 1980; 10:00 a.m.—Washington, D.C. April 22, 1980; 10:00 a.m.—Dallas, Texas. April 24, 1980; 10:00 a.m.—San Francisco, California.

Requests to make oral comment must notify the Rules Docket Clerk by April 10, 1980.

ADDRESSES: Send comments to: Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh St. SW., Washington, D.C. 20410.

Hearings will be held at the following locations:

Washington, D.C.: Room 2135, HUD Building, 451 7th Street SW., Washington, D.C. 20410
Dallas, Texas: Federal Building, 1100 Commerce Street, Dallas, Texas 75242
San Francisco, California: Grosvenor Airport Inn, 380 South Airport Blvd., South San Francisco, California 94080.

FOR FURTHER INFORMATION CONTACT: John F. Weaver, Director, Policy Development and Control Division, (202) 755-6314 (This is not a toll free number), Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development, Office of Interstate Land Sales Registration, is proposing amendments or revisions with respect to Parts 1710, 1715, 1720 of OILSR regulations in order to implement recent legislative changes to the Interstate Land Sales Full Disclosure Act. A new part 1730 is proposed entitled Application of Regulations to Existing and Future Filings.

The Congress, after numerous hearings, testimony by interested parties and a report issued by HUD, decided to make significant statutory changes affecting exemptions from the Act's registration requirements, the anti-fraud provisions, consumer remedies, and relationships between states and the Federal government in land sales. These proposed rule changes, then, indicate the agency's preliminary interpretations of those Congressional changes.

Definitions

Specifically, it is proposed to amend § 1710.1 (Definitions) to add several new concepts included in the revised act including "good faith estimate" and to conform the definition of subdivision to the amended statute by deleting the reference to fifty lots.

Exemptions

The presentation of available exemptions is proposed to be revised by a general renumbering to distinguish those methods of operation that are exempt from the jurisdiction of the Act altogether (§ 1710.5) and those which are exempt only from the registration and disclosure provisions (§§ 1710.6 thru 1710.16).

In addition, the exemption category index now found at § 1710.9 is proposed to be deleted. Some members of the public have become confused believing that the index itself fully describes each exemption provision listed.

Specific changes in exemptions include the following: (1) A provision is proposed to exclude from the Act subdivisions containing fewer than 25 lots. The present regulations do not subject subdivisions of fewer than 50 lots to the anti-fraud provisions; (2) the "scattered site" exemption passed by Congress and proposed at § 1710.8 eliminates the need for the scattered site exemption presently issued under the Secretary's rulemaking authority now found at § 1710.13(b)(7); (3) the "20-acre lot" subdivision exemption passed by Congress and proposed as § 1710.9 replaces the former 5 acre statutory exemption now found at § 1710.10(b) and the current exemption for sales of lots not pursuant to a common promotional plan to offer 50 or more lots now at § 1710.10(a) is deleted in favor of a proposal to exempt the sale of lots in a subdivision containing fewer than 100 lots not otherwise exempt by statute. While the present exemption relieves a developer from compliance with the entire title, the proposed 100 lot exemption only exempts from registration provisions of the Act; (4) the "Single Family Residence" exemption now found at § 1710.12 is slightly revised due to Congressional changes and is now proposed as § 1710.10. The expanded availability of the Single Family exemption is believed to eliminate the need for an exemption for incidental lot sales in a home building subdivision. Therefore, the regulatory exemption now found at § 1710.13(c)(3) is proposed to be deleted; (5) the newly created exemption for the simultaneous sale of a mobile home and a lot is found at § 1710.11. There presently exists no parallel exemption in the regulations; (6) rulemaking for the "intrastate" exemption, which is already in effect is proposed at § 1710.12. This exemption applies to the sale of lots to residents of the situs state when the real estate is free and clear of liens and each purchaser makes an on-the-lot inspection. The proposal outlines the nature and style of the statement that must be provided to purchasers and describes other qualifying criteria. Further amplification may be provided in guidelines which will also be published for comment; (7) the Standard Metropolitan Statistical Area Exemption results from the recent Congressional action and is proposed as § 1710.13. This exemption applies to the sale of lots to persons who reside in the same Standard Metropolitan Statistical Area as the subdivision if certain other conditions are met. The statement that must be given to buyers is somewhat different than the statement for the "intrastate" exemption because of differing statutory language. Taken together, the "intrastate" and the "SMSA" exemption are anticipated to have the effect of relieving smaller offerings of a more local nature of the responsibility to file registration materials with HUD. Therefore, the agency proposes to delete the present "local offering" exemption now found at § 1710.14; (8) an exemption is proposed at § 1710.15 under the rulemaking authority of the Secretary for those subdivisions which previously qualified under the "on site, no liens" exemption now found at § 1710.11, provided that those subdivisions have fewer than 100 lots left to sell and meet other requirements imposed by the Congress

for "intrastate" and "SMSA" exemptions. This proposed exemption, together with the deletion of the current exemption (§ 1710.11) implements a specific statutory provision as well as clear instructions of the conference committee. The provision is proposed to be simplified, compared to the present § 1710.11 exemption, however, in that the present year-end reporting requirements will be eliminated. The new proposal has an additional feature of "grandfathering" certain exemptions obtained under the provisions of § 1710.14 of both current and previous regulations; (9) a "12 lot" exemption passed by Congress is proposed as § 1710.7 and replaces the current 12 lot regulatory provision found at § 1710.13(b)(6); (10) a discretionary exemption under the small amount or limited offering provision of the Act is proposed at § 1710.16. This exemption implements the direction of the conference committee to exempt those subdivisions which substantially, but do not entirely, meet statutory criteria for exemption. Each exemption application will be decided on its own merits but consumer safeguards must first be present before approval will be granted. For example, purchasers must receive an unconditional cooling off period and contracts must specify the party responsible for providing and maintaining facilities and amenities. Further, the Secretary retains the authority to require any other protection for purchasers deemed necessary as a condition of exemption approval; (11) current exemptions found at § 1710.10(a), § 1710.10(b) and § 1710.10(d) are proposed to be deleted in accordance with the statutory changes. The Section on advisory opinion is renumbered § 1710.17.

These changes are important not only to developers who plan to make future offerings but also may affect those who now claim exempt status. To summarize, former statutory provisions covering (a) court ordered sales, (b) 5-acre lot subdivisions, and (c) on-site—no liens sales exemptions are no longer available after the earlier of the effective date of final rules or June 21, 1980. Likewise, some developers relying on regulatory exemptions for (a) scattered sites § 1710.13(c)(7), (b) fewer than 12 sales per calendar year § 1710.13(c)(6), (c) incidental lot sales in a homebuilding subdivision § 1710.13(c)(3), either will have to register or qualify under another exemption provision. Developers who have properly filed a Notice claiming exemption under the local offering provisions of § 1710.14 may continue to rely upon that provision provided they continue to meet all qualifying criteria and the provisions set forth in § 1710.15 (c) and (d). Developers who received an exemption order from the Secretary under the Limited offering provision of § 1710.14 of prior regulations also may continue to rely upon that provision provided they continue to meet all qualifying criteria and the provisions set forth in § 1710.15 (c) and (d).

Registration

The proposed changes to the registration provisions of the regulations are not nearly as extensive as the revisions to the exemptions. Nonetheless, several important changes in the contracts, promissory notes, and Property Report cover pages are included to insure proper disclosure of newly created or revised purchaser rights.

Amendments are proposed to §§ 1710.102, 1710.114 and 1710.219 to require provisions in the contract of sale to cover representations that the developer will furnish or complete roads or facilities for water, sewer, gas, electricity or recreational amenities.

Section 1710.105 is proposed to be modified to disclose a seven day cooling-off period available to purchasers in lieu of the present three day right. Section 1710.109(e)(3) is proposed to be modified to require developers to disclose a two-year purchaser right of revocation unless the contract contains specific provisions designed to protect purchasers, who default after paying 15% of the purchase price, from losing their investment beyond the actual damages suffered by the seller.

Section 1710.209(f) is proposed to be revised to incorporate similar features in the documentation submitted as part of the registration, including the requirement to make a developer contractually obligated for certain representations included in the Property Report.

Section 1710.219 is proposed to be revised to reflect the statutory change in potential criminal penalties included in the warning which accompanies the senior executive officer or authorized agents affirmation. The potential fine for willful violation of the title is increased to $10,000.

Section 1710.400 is proposed to be deleted and the substance redesignated as a new Part 1730. This section explains that, while the timetable for updating under the recent regulatory changes that became effective June 11, 1979 is not proposed for revision, developers who affirm that they have fewer than 100 lots remaining for sale on the date they are due to update are not required to update their registration to the new format. Under the June 11, 1979 rules, only developers with fewer than 50 lots were not required to update. Further, while all registrants are required to comply with new purchaser voidance and revocation rights and certain contractual provisions on the earlier of the effective date of final regulations or June 21, 1980 (see §§ 1710.102, 1710.105, 1710.109(e)(3), 1710.114, 1710.209(f), 1710.219, 1715.15(b)(3)) such revisions are not proposed to be considered amendments triggering updating requirements under the June 11, 1979 regulations. To reduce expenses to developers, it is proposed to permit developers to use current supplies of Property Report cover pages, contracts, etc., and overprint or paste over language providing the newly revised voidance and revocation language and contractual provisions. Once a developer does amend, either because of experiencing a material change or because the scheduled date for updating occurs, revised contracts, cover pages, etc., must be submitted as part of the updating process.

A new Subpart C beginning with § 1710.500 is proposed to be added to provide criteria for reviewing and certifying states with disclosure and substantive regulation. The proposed procedure for states to make application for certified status is found at § 1710.502 and includes an agreement requiring states to accept the disclosure document of other certified states for use in their jurisdiction. Since certified states and the public have an interest in agreements reached between HUD and applicant states on the certification process, it is proposed to publish a notice in the **Federal Register** each time a state requests certification status. Section 1710.503 Notice of Certification, is proposed to describe the process used to notify a state of the acceptance or rejection of its request for certified status. Section 1710.504 is proposed to govern a state's decision to voluntarily withdraw from certified status and § 1710.505 provides guidance with respect to filings with a state prior to achieving certified status vis-a-vis Federal registration requirements. Sections 1710.506, 1710.507, 1720.236 and 1720.237 are proposed to describe the effect on registrants due to withdrawal or suspension of a state's certified status and the procedures for providing notice to a state of intended suspension and applicable hearing rights.

Sections 1710.552, 1710.556, 1710.558 and 1710.559 are proposed to clarify the status of filings accepted before these

proposals take effect. While filings accepted in accordance with previous HUD-state agreements remain in effect, developers are still obligated to make timely amendments and to insure that purchasers receive newly enacted voidance and revocation and contractual rights described earlier.

Sections 1710.52 thru 1710.59 of the present regulations are proposed to be deleted in favor of the state certification procedures redesignated in § 1710.500 et. seq. However, to permit a reasonable opportunity for a presently certified state to apply and become certified under the new Congressional scheme, the deletion of §§ 1710.52 thru 1710.59 is proposed for a delayed effective date of January 1, 1981. New registrations submitted through California, therefore, can continue to be accepted as meeting the Federal requirements through December 31, 1980.

Purchaser Revocation Rights, Sales Practices and Standards

Part 1715 Subpart A is proposed to be redesignated to describe revocation rights available to purchasers because of a developer's failure to provide purchasers a Property Report prior to the signing of a contract or because the contract used in the transaction fails to include certain statutory provisions. The present Subpart A, Advertising, is proposed to be redesignated as Subpart B, Sales Practices and Standards. Subpart B as proposed incorporates both the unlawful Sales Practices included in the now effective Subpart B and the specific standards for advertising copy now found in Subpart A. Further, the specific scope of the standards are proposed to be expanded beyond advertising to cover any representations of a promotional nature. This expansion should assist in defining prohibited sales practices regardless of whether or not they are written or made orally.

Subpart C is proposed to be retitled as advertising Disclaimers to separate the required language to be used on advertising copy from prohibited practices and includes the same text now found at § 1715.10 of Subpart A. The material in the present Subpart C entitled Posting of Notice of Suspension is proposed to be removed in its entirety. The agency has never required a notice to be posted in the six years that the regulation has been in effect and therefore judges it to be unnecessary.

Interested parties are invited to participate in this proposed rulemaking by submitting written data, views, or arguments to the Rules Docket Clerk, 451 7th Street, SW., Washington, D.C. 20410. Each person submitting comment should include their name and address, identify the rule by giving the Docket Number and title listed above, and give reasons for any recommendations. Comments received on or before April 28, 1980, will be considered before final action is taken on these proposals. Copies of all written comments received will be available for examination by interested persons in Room 5218 of the above address. These proposals may be changed in light of the comments received.

Three public hearings are planned during the second week of April to provide an opportunity for interested persons to comment orally. The following are the dates, times and place for the public hearings:

Washington, D.C.; April 18, 1980, 10:00 a.m. local time, Room 2135, HUD Building, 451 7th Street SW., Washington, D.C. 20410.

Dallas, Texas; April 22, 1980, 10:00 a.m. local time, Federal Building, 1100 Commerce Street, Dallas, Texas 75242.

San Francisco, California; April 24, 1980, 10:00 a.m. local time, Grosvenor Airport Inn, 380 South Airport Blvd., South San Francisco, California 94080.

Persons wishing to make oral comment must limit their testimony to fifteen minutes and must indicate their intentions to speak by providing written notice to the Rules Docket Clerk by April 10, 1980.

A Draft Supplemental Environmental Impact Statement has been prepared in connection with these amended regulations and is available for public inspection at the Office of HUD Rules Docket Clerk, Room 5218, 451 Seventh Street, SW., Washington, D.C. 20410.

It has been determined that a Regulatory Analysis is not required for these amendments.

This rule is listed as item number NVACP 7–79 in the Department's semi annual agenda of significant rules published pursuant to Executive Order 12044.

Parts 1710, 1715 and 1720 are amended accordingly and 1730 is added, as follows:

1. The Table of contents for Part 1710 is revised to read as follows:

PART 1710—LAND REGISTRATION

Subpart A—General Requirements

Sec.

1710.1 Definitions.
1710.2 Official address.
1710.3 General applicability.
1710.4 Exemptions—general.
1710.5 Statutory exemptions.
1710.6 One hundred lot exemption.
1710.7 Twelve lot exemption.
1710.8 Scattered site subdivisions.
1710.9 Twenty acre lots.
1710.10 Single family residence exemption.
1710.11 Mobile home exemption.
1710.12 Intra-State exemption.
1710.13 Standard metropolitan statistical area exemption.
1710.14 Regulatory exemptions.
1710.15 Regulatory exemptions—previously available.
1710.16 Regulatory exemptions—determination required.
1710.17 Advisory opinion.
1710.18 No-Action letter—Secretary's determination required.
1710.19 [Reserved]
1710.20 Requirement for registering a Subdivision. Statement of record—filing and form.
1710.21 Effective dates.
1710.22 Statement of record—initial or consolidated.
1710.23 Amendment—filing and form.
1710.24–1710.28 [Reserved]
1710.29 Use of property report—misstatements, omissions or representation of HUD approval prohibited.
1710.30–1710.34 [Reserved]
1710.35 Payment of fees.
1710.36–1710.39 [Reserved]
1710.40–1710.44 [Reserved]
1710.45 Suspensions.
1710.46–1710.99 [Reserved]

Subpart B—Reporting Requirements

1710.100 Statement of Record—format.
1710.101 [Reserved]
1710.102 General instructions for completing the statement of Record.
1710.103–1710.104 [Reserved]
1710.105 Cover sheet.
1710.106 Table of contents.
1710.107 Risks of buying land, warnings.
1710.108 General information.
1710.109 Title and land use.
1710.110 Roads.
1710.111 Utilities.
1710.112 Financial information.
1710.113 Local Services.
1710.114 Recreational facilities.
1710.115 Subdivision characteristics and climate.
1710.116 Additional information, listing of lots.
1710.117 Cost sheet and signature page.
1710.118 Receipt, Agent Certification and Cancellation Page.
1710.119–1710.199 [Reserved]
1710.200 Instructions for additional information and documentation.
1710.201–1710.207 [Reserved]
1710.208 General information.
1710.209 Title and land use.
1710.210 Roads.
1710.211 Utilities.
1710.212 Financial information.
1710.213 [Reserved]
1710.214 Recreational facilities.
1710.215 Subdivision characteristics and climate.
1710.216 Additional information.
1710.217–218 [Reserved]
1710.219 Affirmation.
1710.220–299 [Reserved]
1710.300–309 [Reserved]
1710.310 Required notice as to activity.
1710.311–399 [Reserved]
1710.400–499 [Reserved]

Subpart C—Certification of Substantially Equivalent State Law

1710.500 General.
1710.501 Certification criteria.
1710.502 Application for certification of State Land Sales Program.
1710.503 Notice of certification.
1710.504 Withdrawal of State certification.
1710.505 State/Federal filing requirements.
1710.506 Effect of suspension or withdrawal of certification granted under § 1710.501(a), full disclosure requirement.
1710.507 Effect of suspension of certification granted under § 1710.501(b), sufficient protection requirement.
1710.508–1710.551 [Reserved]
1710.552 Previously accepted State filings.
1710.5553–1710.555 [Reserved]
1710.5556 Previously accepted State filings—amendments and consolidations.
1710.557 [Reserved]
1710.558 Previously accepted State filings—notice of revocation rights on property report cover page.
1710.559 Previously accepted State filings—notice of revocation rights in contracts and agreements.
1710.560–1710.999 [Reserved]

Authority: Sec. 1419, Interstate Land Sales Full Disclosure Act, 82 Stat. 590, 598; 15 U.S.C. 1718; Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

2. Sections 1710.1, 1710.2, 1710.5, 1710.8 through 1710.14, 1710.16, and 1710.18 are revised and §§ 1710.3, 1710.4, 1710.6, 1710.7, 1710.15 and 1710.17 are added to read as follows:

Subpart A—General Requirements

§ 1710.1 Definitions

As used in this chapter:

"Act" means the Interstate Land Sales Full Disclosure Act, as amended, 82 Stat. 590, 15 U.S.C. 1701, which became effective in its original form on April 28, 1979.

"Advisory Opinion" means the formal written opinion of the Secretary as to jurisdiction in a particular case or the applicability of an exemption under §§ 1710.5 through 1710.15 based on facts submitted to the Secretary.

"Agent" means any person who represents, or acts for or on behalf of, a developer in selling or leasing, or offering to sell or lease, any lot or lots in a subdivision; but shall not include an attorney at law whose representation of another person consists solely of rendering legal services.

"Available for use" means that in addition to being constructed, the subject facility is fully operative and suplied with any materials and staff necessary for its intended purpose.

"Blanket encumbrance" means a trust deed, mortgage, judgment, or any other lien or encumbrance, including an option or contract to sell, or a trust agreement, affecting a subdivision, except that such term shall not include any lien or other encumbrance arising as the result of the imposition of any tax assessments by any public authority.

"Common promotional plan" means a plan, undertaken by a single developer or a group of developers acting in concert, to offer lots for sale or lease; where land is offered for sale by a developer or group of developers acting in concert, and the land is contiguous or is known, designated, or advertised as a common unit or by a common name, the land is presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan.

"Date of filing" means the date a Statement of Record, amendment or consolidation, accompanied by the applicable fee, is received by the Secretary.

"Developer" means any person who, directly or indirectly, sells or leases, or offers to sell or lease, or advertises for sale or lease any lots.

"Good faith estimate" means an estimate based on documentary evidence. In the case of cost estimates, the documentation may be obtained from the suppliers of the services. In the case of estimates of completion dates, the documentation may be actual contracts let, engineering schedules or other evidence of commitments to complete the amenities.

"Interstate Commerce" means trade or commerce among the several States or between any foreign country and any State.

"Lot" means any portion, piece, division, unit, or undivided interest in land located in any State or foreign country if the interest includes the right to the exclusive use of a specific portion of the land.

"Offer" means any inducement, solicitation, or attempt to encourage a person to acquire a lot.

"OILSR" means the Office of Interstate Land Sales Registration.

"Owner" means the person or entity who holds the fee title to the land and has the power to convey that title to others.

"Parent Corporation" means that entity which ultimately controls the subsidiary even though the control may arise through any series or chain of other subsidiaries or entities.

"Person" means an individual, or an unincorporated organization, partnership, association, corporation, trust, or estate.

"Principal" means any person or entity holding a 10%, or more, financial or ownership interest in the developer or owner, directly or through any series or chain of subsidiaries or other entities.

"Purchaser" means an actual or prospective purchaser or lessee of a lot.

"Rules and Regulations" refer to all rules and regulations adopted pursuant to the Act, including the general requirements published in this part.

"Sale" means any obligation or arrangement for consideration to purchase or lease a lot directly or indirectly. The terms "sale" or "seller" include in their meanings the term "lease" and "lessor."

"Secretary" means the Secretary of Housing and Urban Development or a duly authorized representative.

"Senior executive officer" means the individual of highest rank responsible for the day to day operations of the developer and who has the authority to bind or commit the developing entity to contractual obligations.

"State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico and the territories and possessions of the United States.

"Start of construction" means breaking ground for building a facility followed by diligent action to complete the facility.

"Subdivision" means any land which is located in any State or in a foreign country and is divided or proposed to be divided into lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan.

§ 1710.2 Official address.

The official address of the Secretary for delivery of all mail, telegrams, information, filings, registration, and other material required by or relating to the Act or this chapter is:

Department of Housing and Urban Development, Office of Interstate Land Sales Registration, 451 Seventh Street, SW., Washington, D.C. 20410.

§ 1710.3 General applicability.

Except in the case of an exempt transaction, a developer may not sell or lease lots in a subdivision, making use of any means or instruments of transportation or communication in interstate commerce, or of the mails, unless a Statement of Record is in effect in accordance with the provisions of this part; and the developer furnishes each purchaser with a printed Property Report, meeting the requirements of the provisions of this part, in advance of the signing of any contract or agreement for sale or lease by the purchaser.

§ 1710.4 Exemptions—general.

(a) The exemptions available under §§ 1710.5 through 1710.16 are not

applicable when the method of sale, lease or other disposition of land or an interest in land is adopted for the purpose of evasion of the Act.

(b) With the exception of the sales or leases which are exempt under § 1710.5, the anti-fraud provisions of the Act (15 U.S.C. 1703(a)(2)) apply to exempt transactions. The anti-fraud provisions make it unlawful for a developer or agent to employ any device, scheme, or artifice to defraud; to obtain money or property by means of any untrue statement of a material fact, or any omission to state a material fact necessary in order to make the statements made not misleading, with respect to any information pertinent to the lot or subdivision; or to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon a purchaser.

(c) In addition, the anti-fraud provisions make it unlawful for a developer or agent to represent that roads, sewers, water, gas or electric service or recreational amenities will be provided or completed by the developer without stipulating in the contract that the services or amenities will be provided or completed.

(d) Eligibility for the exemptions is self-determining. With the exception of the exemptions available under §§ 1710.15 and 1710.16 a developer is not required to file notice with or obtain the approval of the Secretary in order to take advantage of an exemption. The Exemption Guidelines provide additional clarification with regard to the exemptions to help developers determine the status of their offerings. If a developer elects to take advantage of an exemption, the developer is responsible for maintaining records to demonstrate that the requirements of the exemption have been met.

§ 1710.5 Statutory exemptions from the provisions of this chapter.

The requirements of the Act do not apply to—

(a) The sale or lease of lots in a subdivision containing fewer than 25 lots;

(b) The sale or lease of any improved land on which there is a residential, commercial, condominium, or industrial building, or the sale or lease of land under a contract obligating the seller or lessor to erect such a building thereon within a period of two years;

(c) The sale of evidence of indebtedness secured by a mortgage or a deed of trust on real estate;

(d) The sale of securities issued by a real estate investment trust;

(e) The sale or lease of real estate by any government or government agency;

(f) The sale or lease of cemetery lots;

(g) The sale or lease of lots to any person who acquires such lots for the purpose of engaging in the business of constructing residential, commercial, or industrial buildings or for the purpose of resale or lease of the lots to persons engaged in such business; or

(h) The sale or lease of real estate which is zoned by the appropriate governmental authority for industrial or commercial development or which is restricted to such use by a declaration of covenants, conditions, and restrictions which has been recorded in the official records of the city or county in which the real estate is located, when—

(1) Local authorities have approved access from the real estate to a public street or highway;

(2) The purchaser or lessee of the real estate is a duly organized corporation, partnership, trust, or business entity engaged in commercial or industrial business;

(3) The purchaser or lessee of the real estate is represented in the transaction of sale or lease by a representative of its own selection;

(4) The purchaser or lessee of such real estate affirms in writing to the seller or lessor that it either (i) is purchasing or leasing the real estate substantially for its own use, or (ii) has a binding commitment to sell, lease, or sublease the real estate to an entity which meets the requirements of subparagraph (2), is engaged in commercial or industrial business, and is not affiliated with the seller, lessor, or agent thereof; and

(5) A policy of title insurance or title opinion is issued in connection with the transaction showing that title to the real estate purchased or leased is vested in the seller or lessor, subject only to exceptions which are approved in writing by the purchaser or the lessee prior to recordation of the instrument of conveyance or execution of the lease, but (i) this is not to be construed as requiring the recordation of a lease, and (ii) any purchaser or lessee may waive, in writing in a separate document, the requirement of this subparagraph that a policy of title insurance or title opinion be issued in connection with the transaction.

§ 1710.6 One hundred lot exemption.

The sale of lots in a subdivision containing fewer than one hundred lots which are not exempt under § 1710.5 is exempt from the registration requirements of the Act.

§ 1710.7 Twelve lot exemption.

(a) The sale of lots is exempt from the registration requirements of the Act if no more than twelve lots in the subdivision are sold in the twelve-month period beginning with the first sale after June 21, 1980. In any subsequent twelve month period (beginning with the anniversary date of the first sale after June 21, 1980), the sale of the first twelve lots is exempt from the registration requirements if no more than twelve lots were sold in any previous twelve month period since June 21, 1980.

(b) A developer may apply to the Secretary to establish a different twelve month period for use in determining eligibility for the exemption and the Secretary may allow the change if it is for good cause and consistent with the purpose of this section.

(c) In determining eligibility for this exemption, all lots sold or leased in the subdivision are counted, whether or not the transactions are otherwise exempt.

§ 1710.8 Scattered site subdivisions.

(a) The sale of lots in a subdivision consisting of noncontiguous parts is exempt from the registration requirements of the Act if—

(1) Each noncontiguous part of the subdivision contains twenty or fewer lots; and

(2) Each purchaser or purchaser's spouse makes a personal, on-the-lot inspection of the lot purchased prior to signing a contract.

(b) For purposes of this exemption, interruptions such as roads, parks, small bodies of water or recreational facilities do not serve to break the contiguity of parts of a subdivision.

§ 1710.9 Twenty acre lots.

The sale of lots in a subdivision in which each of the lots is at least twenty acres is exempt from the registration requirements of the Act. In determining eligibility for the exemption, easements for ingress and egress or public utilities are considered part of the total acreage of a lot if the purchaser retains ownership of the property affected by the easement.

§ 1710.10 Single family residence exemption.

(a) *General.* The sale of a lot which meets the requirements specified under paragraph (b) of this section is exempt from the registration requirements of the Act.

(b) *Eligibility requirements.* To qualify for exemption under this section, the following requirements must he met:

(1) The lot must be located within a municipality or county where a unit of local government specifies minimum

standards for the development of subdivision lots taking place within its boundaries. Standards imposed by the State and applicable to the subdivision will be considered also in determining eligibility for the exemption. The standards are the prerogative of the unit of local government; however, for purposes of this exemption, the standards must take into account the following:

(i) Lot dimensions.
(ii) Plat approval and recordation.
(iii) Roads and access.
(iv) Drainage.
(v) Flooding.
(vi) Water supply.
(vii) Sewage disposal.

(2) The subdivision must meet all local codes and standards.

(3) Each lot sold under the exemption must be either zoned for single-family residences or, in the absence of a zoning ordinance, limited exclusively by enforceable covenants or restrictions to single-family residences. Mobile homes, townhouses, and residences for one-to-four family use are considered single-family residences for purposes of this exemption provision.

(4) The lot must be situated on a paved street or highway which has been built to standards applicable to streets and highways maintained by the unit of local government in which the subdivision is located and is acceptable to the unit. If the street or highway is not complete, the developer must post a bond or other surety acceptable to the municipality or county in the full amount of the cost of completng the street or highway to assure completion to local standards. For purposes of this exemption, paved means asphalt or concrete.

(5) The unit of local government or a homeowners association must have accepted or be obligated to accept the responsibility for maintaining the street or highway upon which the lot is situated. In any case in which a homeowners association has accepted or is obligated to accept maintenance responsibility, the developer must, prior to signing of a contract or agreement to purchase, provide the purchaser with a good faith written estimate of the cost of carrying out the responsibility over the first ten years of ownership.

(6) At the time of closing, potable water, sanitary sewage disposal, and electricity must be extended to the lot or the unit of local government must be obligated to install the facilities within 180 days following closing. For subdivisions which will not have a central water or sewage disposal system, there must be contractual assurances from the developer to the purchaser that an adequate potable water supply is available year-round and that the lot is approved for the installation of a septic tank.

(7) The contract of sale must require delivery of a warranty deed, free from monetary liens and encumbrances, to the purchaser within 180 days after the signing of the sales contract. If a warranty deed is not commonly used in the jurisdiction where the lot is located, a deed or grant which warrants that the seller has not conveyed the lot to another person and that the lot is free from encumbrances made by the seller or any other person claiming by, through, or under the seller may be delivered in lieu of a warranty deed.

(8) At the time of closing, a title insurance binder or title opinion reflecting the condition of title must be in existence and issued or presented to the purchaser showing that, subject only to exceptions which are approved in writing by the purchaser at the time of closing, marketable title to the lot is vested in the seller.

(9) The purchaser or purchaser's spouse must make a personal, on-the-lot inspection of the lot purchased prior to signing a contract or agreement to purchase.

(10) There must be no offers, by direct mail or telephone solicitation, of gifts, trips, dinners, or other similar promotional techniques to induce prospective purchasers to visit the subdivision or to purchase a lot.

§ 1710.11 Mobile home exemption.

The sale of a lot and mobile home is exempt when the lot is sold as a homesite by one party and a mobile home is sold by another party, and—

(a) The contracts of sale—

(1) Obligate the sellers to perform, contingent upon the other seller carrying out its obligations so that a completed mobile home will be erected on a completed homesite within two years after the date the purchaser signed the contract to purchase the lot;

(2) Provide that all funds received by the sellers are to be deposited in escrow accounts independent of the sellers until the contracts are completed;

(3) Provide that funds received by the sellers will be released to the buyer upon demand if the lot on which the mobile home has been erected is not conveyed within two years; and

(4) Contain no provisions which restrict the purchaser's remedy of specific performance.

(b) At the time of sale of the homesite conforms to all local codes and standards, if any, for mobile home subdivisions;

(c) At the time of closing—

(1) Potable water and sanitary sewage disposal are available to the homestite and electricity has been extended to the lot line;

(2) The homesite is accessible by roads;

(3) The purchaser receives marketable title to the lot; and

(4) All common facilities are completed or there are letters of credit or cash escrows in the form acceptable to the local government in an amount equal to 125 percent of the estimated cost of completion.

(d) For purposes of this section, a mobile home is a unit receiving a label in conformance with HUD Regulations implementing the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5401).

§ 1710.12 Intrastate exemption.

(a) *General.* The sale of a lot which meets the requirements specified under paragraph (b) of this section is exempt from the registration requirements of the Act.

(b) *Elibility requirements.* To qualify for exemption under this section, the following requirements must be met:

(1) The sale of lots must be restricted solely to residents of the State in which the subdivision is located unless the sale is exempt under §§ 1710.5, 1710.11 or 1710.13.

(2) The purchaser or purchaser's spouse must make a personal on-the-lot inspection of the lot to be purchased before signing a contract.

(3) Each contract must—

(i) Specify whether the developer or purchaser is responsible for providing and maintaining roads, water and sewer facilities and any existing or promised amenities;

(ii) Contain a good faith estimate of the year in which the roads, water and sewer facilities and promised amenities will be completed; and

(iii) Contain a non-waivable provision giving the purchaser the opportunity to revoke the contract until at least midnight of the seventh calendar day following the date the purchaser signed the contract. If State law requires a longer cooling-off period, the contract must reflect the requirements of State law.

(4) From the date the purchaser signs a contract until a deed is delivered, the lot being sold must be free and clear of all liens, encumbrances and adverse claims except the following:

(i) Mortgages or deeds of trust which contain release provisions for the individual lot purchased if—

(A) The contract of sale obligates the developer to deliver a warranty deed or its equivalent under local law free from

any monetary liens or encumbrances, within 180 days; and

(B) The purchaser's payments are deposited in an escrow account independent of the developer until a deed is delivered.

(ii) Liens which are subordinate to the leasehold interest and do not affect the lessee's right to use or enjoy the lot.

(iii) Property reservations which are for the purpose of bringing public service to the land being developed, such as easements for water and sewer lines.

(iv) Taxes or assessments which constitute liens before they are due and payable if imposed by a State or other public body having authority to assess and tax property or by a property owners' association.

(v) Beneficial property restrictions which are mutually enforceable by the lot owners in the subdivision.

(vi) Reservations contained in United States land patents and similar Federal grants or reservations.

(5) Prior to the sale the developer must disclose in a written statement to the purchaser all qualifying liens, reservations, taxes, assessments and restrictions applicable to the lot purchased. The developer must obtain a written receipt from the purchaser acknowledging that the statement required by this subparagraph was delivered to the purchaser.

(6) Prior to the sale the developer must provide in a written statement good faith estimates of the cost to the purchaser of providing electric, water, sewer, gas and telephone service to the lot. The estimates for unsold lots must be updated every two years or more frequently if the developer has reason to believe that significant cost increases have occurred. The dates on which the estimates were made must be included in the statement. The developer must obtain a written receipt from the purchaser acknowledging that the statement required by this subparagraph was delivered to the purchaser.

(c) *Intrastate Exemption Statement.* The Intrastate Exemption Statement that follows is an example of a form that can be used to satisfy the requirements of both paragraphs (b)(5) and (b)(6) of this section. To be acceptable for purposes of the exemption, the statement(s) given to purchasers will contain neither advertising or promotion on behalf of the developer and subdivision nor references to the U.S. Department of Housing and Urban Development.

Intrastate Exemption Statement

Name of Developer:
Address:
Name of Subdivision:
Location:

Liens

(Instructions for completing information about liens: As used in this statement, liens are security interests such as mortgages or deeds of trust, tax liens, mechanics liens or judgments. Liens which are acceptable for purposes of the exemption are those which contain release provisions for the individual lot purchased if the contract of sale obligates the developer to deliver a deed within 180 days and the purchaser's payments are held in an escrow account independent of the developer until a deed is delivered; and, in the case of leases, liens which are subordinate to the leasehold interest and do not affect the lessee's right to enjoy or use the lot.

The developer should provide a clear and concise listing of all liens on the property. A chart similar to the one shown below may be used.)

Type of lien	Amount of lien	Lots subject to lien

Reservations

(Instructions for completing information about reservations: The developer should disclose all easements and reservations affecting the lots which are offered for sale. The Exemption Guidelines contain examples of qualifying easements and reservations.)

Taxes:

(Instructions for completing information about taxes: The developer should provide sufficient information to enable a purchaser to estimate the annual taxes due on the lot purchased.)

Assessments

(Instructions for completing information about assessments: The developer should disclose all assessments, fees and dues which have been imposed or may be imposed. The liens of assessments, fees and dues, should show the rates and amounts, and explain who has the authority for imposing the listed assessments, fees and dues.)

Restrictions

(Instructions for completing information about restrictions: The developer may attach to this Intrastate Exemption Statement a copy of all the restrictions or recite verbatim under this heading all restrictions that apply to the subdivision.

If the restrictions do not apply to all the lots in the offering, the developer should specify which lots are affected by the restrictions.

In addition, the developer should explain who has the authority to enforce the restrictions and indicate whether or not the restrictions are recorded.)

Utility Cost Estimates

(Instructions for Completing Information About Utility Cost Estimates: The developer should disclose a good faith estimate of the cost to the purchaser of providing water, electric, telephone, sewage disposal and gas service to each lot offered under the exemption. The estimate should include all costs associated with obtaining the services. For example, if private wells are the water source, the estimate should include the cost of the well, pump, casing, etc. Estimates for unsold lots should be updated every two years or more frequently if the developer has reason to believe that significant cost increases have occurred. The date on which each estimate was made should be disclosed. A chart similar to the one below may be used to supply this information.)

Lot No.	Water	Electric	Telephone	Sewage Dis.	Gas

(Under each heading list the cost to the purchaser and the date the estimate was made.)

I affirm that to the best of my knowledge the above information is accurate and complete.

Signature of Developer or Authorized Agent

Title

(d) *Purchaser's Acknowledgement.* The developer must obtain a written receipt from the purchaser acknowledging that the purchaser received a written statement(s) of all liens, reservations, taxes, assessments and restrictions applicable to the lot and good faith estimates of the cost of providing electric, water, sewer, gas and telephone service to the lot. The receipt may be in the following form:

Receipt

I acknowledge that I have received an Interstate Exemption Statement listing all liens, reservations, taxes, assessments restrictions and estimates of utility costs applicable to (identify the subdivision and its location) from (name of developer). I have made a personal on-the-lot inspection of (identify the lot) which is the lot I am interested in buying or leasing.

Signature of Purchaser

Date

§ 1710.13 Standard metropolitan statistical area (SMSA) exemption.

(a) *General.* A subdivision which meets the requirements specified under paragraph (b) of this section is exempt from the registration requirements of the Act.

(b) *Eligibility requirements.* To qualify for exemption under this section, the following requirements must be met: (1) The subdivision must contain fewer than 300 lots.

(2) The subdivision must be located entirely within a Standard Metropolitan Statistical Area (SMSA) as defined by the U.S. Department of Commerce and characterized in paragraph (c) of this section.

(3) The principal residence of each purchaser must be within the same SMSA as the subdivision.

(4) The purchaser or purchaser's spouse must make a personal on-the-lot inspection of the lot to be purchased prior to signing a contract or agreement.

(5) Each contract must—

(i) Specify whether the developer or purchaser is responsible for providing and maintaining roads, water and sewer facilities and any existing or promised amenities;

(ii) Contain a good faith estimate of the year in which the roads, water and sewer facilities and promised amenities will be completed;

(iii) Contain a nonwaivable provision giving the purchaser the opportunity to revoke the contract until at least midnight of the seventh calendar day following the date the purchaser signed the contract. If the purchaser is entitled to a longer cooling-off period by operation of State law, the contract must reflect the requirements of the applicable law. "Applicable law" means the law effective in the State where the subdivision is located; the State in which the purchaser resides; or the State where the transaction takes place, whichever period is longer.

(6) From the time the purchaser signs the contract or agreement and until a deed is delivered to the purchaser or the lease expires, the lots must be free and clear of liens such as mortgages, deeds of trust, tax liens, mechanics liens or judgements. For purpose of this exemption, the term "liens" does not include the following:

(i) Mortgages or deeds of trust which contain release provisions for the individual lot purchased if—

(A) The contract of the sale obligates the developer to deliver a warranty deed or its equivalent under local law, free from any monetary liens or encumbrances, within 180 days; and

(B) The purchaser's payments are deposited in an escrow account independent of the developer until a deed is delivered.

(ii) Liens which are subordinate to the leasehold interest and do not affect the lessee's right to use or enjoy the lot.

(iii) Property reservations which are for the purpose of bringing public services to the land being developed, such as easements for water and sewer lines.

(iv) Taxes or assessments which constitute liens before they are due and payable if imposed by a State or other public body having authority to assess and tax property or by a property owners' association.

(v) Beneficial property restrictions which are mutually enforceable by the lot owners in the subdivision.

(vi) Reservations contained in United States land patents and similar Federal grants or reservations.

(7) Prior to the sale the developer must give a written statement to the purchaser and obtain a written receipt from the purchaser acknowledging that the statement was received. In descriptive and concise terms, the statement that the developer must give the purchaser must disclose the following:

(i) All liens, reservations, taxes, assessments, beneficial property restrictions which are enforceable by other lot owners in the subdivision, and adverse claims which are applicable to the lot to be purchased.

(ii) Good faith estimates of the cost to the purchaser of providing electric, water, sewer, gas and telephone service to the lot. The estimates for unsold lots must be updated every two years or more frequently if the developer has reason to believe that significant cost increases have occurred. The dates on which the estimates were made must be included in the statement.

(8) The developer must execute and give to the purchaser a written instrument designating a person within the State of residence of the purchaser as the developer's agent for service of process and acknowledging that the developer submits to the legal jurisdiction of the State in which the purchaser or lessee resides.

(9) The developer must execute a written affirmation in a form set forth in paragraph (e) of this section. By January 31 of each year, the developer must submit to the Secretary a copy of the executed affirmation for each sale made under the exemption during the preceding calendar year. The affirmation must be available for the Secretary's review at all times during the year.

(c) *Standard Metropolitan Statistical Area.* Standard Metropolitan Statistical Area are defined by the U.S. Department of Commerce generally on the basis of population statistics reported in a census. Standard Metropolitan Statistical Area (SMSA) is a county or group of counties socially and economically integrated in a central city of at least 50,000 persons. It is usually named for its central city. To determine whether a subdivision is located within an SMSA and the boundaries of an SMSA, contact the Office of Federal Statistical Policy and Standards, U.S. Department of Commerce, Washington, D.C. 20230.

(d) *SMSA Exemption Statement.* The SMSA Exemption Statement that follows is an example of a form that can be used to satisfy the requirements of paragraph (b)(7) of this section. To be acceptable for purposes of the exemption, the statement given to purchasers will contain neither advertising or promotion on behalf of the developer or subdivision nor references to the U.S. Department of Housing and Urban Development.

SMSA Exemption Statement

Name of Developer:
Address:
Name of Subdivision:
Location:
SMSA:

Liens

(Instructions for Completing Information About Liens: As used in this statement, liens are security interests such as mortgages or deeds of trust, tax liens, mechanic liens or judgments. Liens which are acceptable for purposes of the exemption are those which contain release provisions for the individual lot purchased if the contract of sale obligates the developer to deliver a deed within 180 days and the purchaser's payments are held in an escrow account independent of the developer until a deed is delivered; and, in the case of leases, liens which are subordinate to the leasehold interest and do not affect the lessee's right to enjoy or use the lot.

The developer should provide a clear and concise listing of all liens on the property. A chart similar to the one shown below may be used.)

Type of lien	Amount of lien	Lots subject to lien

Reservations:

(Instructions for Completing Information About Reservations: The developer should disclose all easements and reservations affecting the lots which are offered for sale.)

Taxes

(Instructions for Completing Information About Taxes: The developer should provide sufficient information to enable a purchaser to estimate the annual taxes due on the lot purchased.)

Assessments

(Instructions for Completing Information About Assessments: The developer should provide a complete description of all assessments, fees and dues which have been imposed or may be imposed. The list of assessments, fees and dues should show the rates and amounts and explain who has the authority for imposing the listed assessments, fees and dues.)

Restrictions

(Instructions for Completing Information About Restrictions: The developer may attach to this SMSA Exemption Statement a copy of all the beneficial property restrictions or recite verbatim under this heading all the beneficial property restrictions that apply to the lots being offered.

If the restrictions do not apply to all the lots in the offering, the developer should

specify which lots are affected by the restrictions.

In addition, the developer should explain who has the authority to enforce the restrictions and indicate whether or not the restrictions are recorded.)

Adverse Claims

(Instructions for Completing Information About Adverse Claims: The developer should disclose any known adverse claims against the property. The party making the claim, the basis of the claim and the property affected by the claim should be identified.)

Utility Cost Estimates

(Instructions for Completing Information About Utility Cost Estimates: The developer should disclose a good faith estimate of the cost to the purchaser of providing water, electric, telephone, sewage disposal and gas service to each lot offered under the exemption. The estimate should include all costs associated with obtaining the services. For example, if private wells are the water source, the estimate should include the cost of the well, pump, casing, etc. Estimates for unsold lots should be updated every two years or more frequently if the developer has reason to believe that significant cost increases have occurred. The date on which each estimate was made should be disclosed.

A chart similar to the one shown below may be used to supply this information.)

Lot No.	Water	Electric	Telephone	Sewage	Gas

(Under each heading list the cost to the purchaser & the date the estimate was made.

I affirm that to the best of my knowledge the information contained in this SMSA Exemption Statement is accurate and complete.

Date

Signature of Developer or Authorized Agent

Title

(e) *Purchaser's Acknowledgement.* The developmer must obtain a written receipt from the purchaser acknowledging that the purchaser received a written statement(s) of all liens, reservations, taxes, assessments, beneficial property restrictions and adverse claims and good faith estimates of the cost of providing electric, water, sewer, gas and telephone service to the lot. The receipt may be in the following form:

Receipt

I hereby acknowledge that I have received an SMSA Exemption Statement listing all liens, reservations, taxes, assessments, beneficial property restrictions, adverse claims and estimates of utility costs applicable to (identify the subdivision and its location) from (name of developer). I have made a personal on-the-lot inspection of (identify the lot) which is the lot I am interested in buying or leasing.

Date

(Signature)

(f) *Developer's Affirmation.* For each sale made, the developer must execute a written affirmation in the exact form that follows. By January 31 of each year, the developer must submit a copy of the executed affirmation for each sale made under the exemption during the preceding calendar year. The affirmation must be available for the Secretary's review at all other times during the year. The affirmation must contain the following information:

Developer's Name:
Developer's Address:
Purchaser's Name(s):
Purchaser's Address(es) (including county):
Name of Subdivision:
Legal Description of Lot(s) Purchased:

I hereby affirm that all of the requirements of the SMSA exemption as set forth in 15 U.S.C. 1702(b)(8) and 24 CFR 1710.13 have been met in the sale or lease of the lot(s) described above.

I also affirm that I submit to the jurisdiction of the Interstate Land Sales Full Disclosure Act with regard to the sale or lease cited above.

Signature of Developer or Authorized Agent

Title

§ 1710.14 Regulatory exemptions.

(a) The following transactions are exempt from the registration requirements of the Act unless the Secretary has terminated the exemption in accordance with paragraph (b) of this section.

(1) The sale of lots, each of which will be sold for less than $100, including closing costs, if the purchaser will not be required to purchase more than one lot.

(2) The lease of lots for a term not to exceed five years if the terms of the lease do not obligate the lessee to renew.

(3) The sale of lots to a person who is engaged in a bona fide land sales business.

(4) The sale of a lot to a person who owns the contiguous lot which has a residential, commercial or industrial building on it.

(5) The sale of real estate to a government or government agency.

(6) The sale of a lot to a person who has leased and resided primarily on the lot for at least the year preceding the sale.

(b) If the Secretary has reasonable grounds to believe that exemption from the registration requirements in a particular case is not in the public interest, the Secretary may, after issuing a notice and giving the respondent an opportunity to request a hearing within fifteen days of receipt of the notice, terminate eligibility for exemption. The basis for issuing a notice may be the conduct of the developer or agent or information about the real estate that should be disclosed to purchasers. Proceedings will be governed by § 1720.238.

§ 1710.15 Regulatory exemption—for previously available exemptions.

(a) *General.* This section provides exemptions from the registration requirements of the Act for the sale of certain lots which were exempt under regulatory exemptions that are being deleted from general availability as of June 21, 1980. The continued exemption of these lots is warranted because of the small amount or limited character of the sales program.

(b) The sale of lots for which there was, as of June 20, 1980, an effective exemption and a Statement of Reservations, Restrictions, Taxes and Assessments approved in accordance with 24 CFR 1710.11 (as published in the **Federal Register** on April 10, 1979) is exempt from the registration requirements of the Act if the following requirements and conditions are met:

(1) There are fewer than 100 lots remaining to be sold under the exemption as of the effective date of these regulations.

(2) The property continues to meet the eligibility requirements under which the exemption was granted and upon which the approval of the Statement of Reservations, Restrictions, Taxes and Assessments was predicated.

(3) The developer files notice of intention to continue to rely on the exemption in the following format prior to August 1, 1980:

Exemption Notice

Name of Subdivision:
OILSR No.:
Developer:
Address:
Authorized Agent or President of Developer:
Address:
Number of Lots Orginally Exempted:
Number of Lots Previously Sold Under Exemption:
Lots which qualify for this exemption: (Identify by lot, block, etc.)

I affirm that I am the developer or owner of the lots described above and that I intend to rely on the provisions of 24 CFR 1710.15(a) to exempt sales in the above identified lots from the registration requirements of the Interstate Land Sales Full Disclosure Act.

I further affirm that the property and sales transactions meet and will continue to meet the requirements under which the original exemption was granted and the Statement of Reservations, Restrictions, Taxes and Assessments was approved.
Date

Signature of Developer or Authorized Agent

Title

(c) The sale of lots for which there was as of June 20, 1980, an effective exemption and Exemption Order approved in accordance with 24 CFR 1710.14 (as published in the Federal Register either on January 27, 1972 or April 10, 1979) is exempt from the registration requirements of the Act if the following condition is met:

(1) The property continues to meet the eligibility requirements under which the exemption was granted and upon which the approval of the Exemption Order was predicated.

(d) In addition to the requirements set forth in paragraphs (b) or (c) of this section, to qualify for an exemption pursuant to this section, the contract for the sale of the lot must:

(1) Specify whether the developer or purchaser is responsible for providing and maintaining roads, water and sewer facilities and any existing or promised amenities;

(2) Contain a good faith estimate of the year in which the roads, water and sewer facilities and promised amenities will be completed; and

(3) Contain a nonwaivable provision giving the purchaser the opportunity to revoke the contract at least until midnight of the seventh calendar day following the date the purchaser signed the contract. If the purchaser is entitled to a longer cooling-off period by operation of State law, the contract must reflect the requirements of the applicable State law. "Applicable law" means the law effective in the State where the subdivision is located; the State in which the purchaser resides; or the State where the transaction takes place; whichever period is greater.

§ 1710.16 Regulatory exemption: Determination required.

(a) *General.* The Secretary may exempt from the registration requirements of the Act any subdivision or lots in a subdivision by issuing an order in writing if it is determined that registration is not necessary in the public interest and for the protection of purchasers on the basis of the small amount or limited character of the offering and the requirements contained in paragraph (b) of this section.

(b) *Requirements.* An exemption order may be issued at the discretion of the Secretary on the basis of the small amount or limited character of the offering if the following requirements are met:

(1) The subdivision or sales substantially meet the requirements of one of the exemptions available under this chapter.

(2) Each contract—

(i) Specifies who is responsible for providing and maintaining roads, water and sewer facilities and any existing or promised amenities;

(ii) Contains a good faith estimate of the year in which the roads, water and sewer facilities and promised amenities will be completed;

(iii) Contains a nonwaivable provision giving the purchaser the opportunity to revoke the contract until at least midnight of the seventh calendar day following the date the purchaser signed the contract. If by operation of State law the purchaser is entitled to a longer cooling-off period, the contract must reflect the requirements of applicable State law. "Applicable law" means the law effective in the State where the subdivision is located; the State in which the purchaser resides; or the State where the transaction takes place, whichever period is longer.

(iv) Contains a provision which obligates the developer to deliver a warranty deed, or its equivalent under local law, free from any monetary liens or encumbrances, to the purchaser within 120 days of the date the purchaser signed the sales contract.

(3) The purchaser or purchaser's spouse makes a personal on-the-lot inspection of the lot to be purchased before signing a contract.

(4) The developer files a request for an exemption order and supporting documentation in accordance with paragraphs (c) and (d) of this section.

(5) The offering meets any additional requirements which the Secretary may impose.

(c) *Request.* The request for an Exemption Order must be in the following format:

Request for Exemption Order

Subdivision:
Location (including County):
Developer:
Address:
Authorized agent or president of developer:
Address:
Number of lots subject to exemption request:
Description of lots (list lot and block number or other identifying designation):

I affirm that I am the developer or owner of the property described above or will be the developer or owner at the time the lots are offered for sale to the public, or that I am the agent authorized by the developer or owner to complete this statement.

I further affirm that the statements contained in all documents submitted with the request for an exemption order are true and complete.
Date

Signature of Developer, Owner or Authorized Agent

Title

Warning: Section 1418 of the Housing and Urban Development Act of 1968 (83 Stat. 598, 15 U.S.C. 1717 as amended) provides: "any person who willfully violates any of the provisions of this title or the rules and regulations prescribed pursuant thereto***, shall upon conviction be fined not more than $10,000.00 or imprisoned not more than five years, or both."

(d) *Supporting Documentation.* A request for an exemption order must be accompanied by the following documentation:

(1) A plat of the entire subdivision with the lots subject to the exemption request delineated thereon.

(2) A copy of the contract to be used.

(3) A clear and specific statement detailing how the proposed sales of lots subject to the exemption request substantially complies with one of the available exemption provisions.

(4) A description of the method by which the lots have been—will be promoted and to which population centers the promotion has been and will be directed.

(e) *Termination.* If, subsequent to the issuance of an exemption order, the Secretary has reasonable grounds to believe that exemption from the registration requirements in the particular case is not in the public interest, the Secretary may, after issuing a notice and giving the respondent an opportunity to request a hearing within fifteen days of receipt of the notice, terminate the exemption order. The basis for issuing a notice may be apparent omissions or misrepresentations in the documents submitted to the Secretary, the conduct of the developer or agent or information about the real estate that should be disclosed to purchasers. Proceedings will be governed by § 1720.238.

§ 1710.17 Advisory opinion.

(a) *General.* A developer may request an opinion from the Secretary as to whether an offering qualifies for an exemption or is subject to the jurisdiction of the Act.

(b) *Requirements.* All requests for Advisory Opinions must be accompanied by the following:

(1) A $250 filing fee in the form of a certified check, cashier's check or postal money order made payable to the

Treasurer of the United States. This fee is not refundable.

(2) A comprehensive description of the conditions and operations of the offering. There is no prescribed format for submitting this information, but the developer should at least cite the basis for the exemption (the section of the Act or Regulations) or lack of jurisdiction and thoroughly explain how the offering either satisfies the requirements for exemption of falls outside the purview of the Act. The OILSR Exemption Guidelines list examples of material which may be required to fully evaluate an Advisory Opinion request.

(3) An affirmation as shown below:

Developer's Affirmation

Name of subdivision:
Location (Including county and State):
Name of developer:
Address of developer:
Name of agent:
Address of agent:
Number of lots in subdivision:
Number of acres in subdivision:

I affirm that I am the developer or owner of the property described above or will be the developer or owner at the time the lots are offered for sale to the public, or that I am the agent authorized by the developer or owner to complete this statement.

I further affirm that the statements contained in all documents submitted with the request for an Advisory Opinion are true and complete.

Signature _____

Title _____

Warning: Section 1418 of the Housing and Urban Development Act of 1968 [83 Stat. 598, 15 U.S.C. 1717 as amended) provides: "Any person who willfully violates any of the provisions of this title or the rules and regulations prescribed pursuant thereto * * *, shall upon conviction be fined not more than $10,000.00 or imprisoned not more than five years, or both."

§ 1710.18 No Action Letter.

(a) If the sale of lots is subject to the registration requirements of the Act but the circumstances of the sale are such that no affirmative action to enforce the registration requirements will be needed to protect the public interest or prospective purchasers, the Secretary may issue a No Action Letter.

(b) To obtain a No Action Letter a developer must submit a request which includes a thorough description of the proposed transaction, the property involved and the circumstances surrounding the sale.

(c) The issuance of a No Action Letter will not affect any right which a purchaser has under the Act and it will not limit further action by the Secretary if there is evidence to show that affirmative action is necessary to protect the public interest or prospective purchasers. In no event will a no action letter be issued after a sale has occurred.

§§ 1710.52–1710.59 [Reserved]

3. Sections 24 CFR 1710.52–1710.59 are deleted and reserved.

§ 1710.102 [Amended]

4. Section 1710.102 is amended by adding a new paragraph (n) as follows:

* * * * *

(n) *Representations Concerning Facilities.* (1) If representations are made that the developer, or an entity having an identity of interest with the developer, will furnish or complete roads or facilities for water, sewer, gas, electricity or recreational amenities, the contract of sale shall contain a provision that the developer will provide or complete the roads, facilities or amenities.

(2) If the developer, or an entity having an identity of interest with the developer, is not responsibile for furnishing or completing the roads, facilities or amenities, the responsible entity shall be clearly identified. Unless there is a contractual or financial assurance by the responsible entity for the benefit of purchasers which assures that the facility will be furnished or completed, include a statement to the effect that the developer is not responsible for furnishing or completing the facility and can give no assurance that it will be completed or available for use.

5. Section 1710.105 is revised to read as follows:

§ 1710.105 Cover page.

The cover page of the Property Report shall be prepared in accordance with the following directions:

(a) The margins shall be at least 1 inch.

(b) The next 3 inches shall contain a warning, centered, in ½ inch capital letters in red type with ¼ inch space between the lines which reads as follows:

"READ THIS PROPERTY REPORT BEFORE SIGNING ANYTHING"

(c) The remainder of the page shall contain the following paragraphs, double spaced and beginning ¼ inch below the last line of the warning:

"This Report is prepared and issued by the developer of this subdivision. *It is NOT prepared or issued by the Federal Government.*

Federal law requires that you receive this Report prior to your signing a contract or agreement to buy or lease a lot in this subdivision. However, NO FEDERAL AGENCY HAS JUDGED THE MERITS OR VALUE, IF ANY, OR THIS PROPERTY. If you received this Report prior to signing a contract or agreement, you may cancel your contract or agreement by giving notice to the seller anytime before midnight of the seventh day following the signing of the contract or agreement.

If you did not receive this Report before you signed a contract or agreement, you may cancel the contract or agreement any time within two years from the date of signing.

Note: If the applicable State law provides a longer recission period, use that time frame instead of the seven day period. "Applicable law" means the recission period effective in the State where the subdivision is located; the State in which the purchaser resides; or the State where the transaction takes place, whichever period is longer.

(d) At the time of submission, the developer may indicate its intention to comply with the red printing by a drawing or by a statement to that effect.

(e) The "Date of This Report" shall be the date on which the Secretary allows the Statement of Record to become effective and shall not be entered until the submission has become effective.

§ 1710.109 [Amended]

6. 24 CFR 1710.109(e)(3) is revised to read as follows:

* * * * *

(e) * * *

(3) *Default.* (i) What are the developer's or subdivision owners' remedies against a defaulted purchaser?

(ii) If the purchaser does not receive a warranty deed, or where such deed is not commonly used, a similar deed legally acceptable in the jurisdiction where the lot is located, within 180 days after the day on which the contract or agreement is signed, and the contract or agreement does not contain:

(A) A legally sufficient and recordable lot description, and

(B) A provision that the seller will give the purchaser written notification of purchaser's default or breach of contract and the opportunity to remedy the default or breach within 20 days of the notice; and

(C) A provision whereby a purchaser may recover a refund if the purchaser's default or breach of contract occurs after 15 percent of the purchase price has been paid, excluding any interest owed at the time of the default or breach, include the following warning under the caption, "Default":

"Federal law gives you the right to revoke your contract or agreement within two years from the date it is signed because it does not contain a description of your lot and certain provisions regarding default notification and possible refund of part of the amount you paid prior to your default or breach."

§ 1710.114 [Amended]

7. Section 1710.114(c)(1) is amended to read as follows:

* * * * *

(c) * * *

(1) Constructing the Facilities. If the facilities are not complete, indicate who is responsible for the construction of the facilities. Indicate whether the purchaser will be required to pay any of the cost of construction of these facilities (estimate and disclose such cost, if any).

* * * * *

§ 1710.209 [Amended]

8. 24 CFR 1710.209(f)(3) is revised to read as follows:

* * * * *

(f) * * *

(3)(i) Submit copies of all forms of contracts or agreements and notes to be used in selling or leasing lots. The contracts or agreements, including promissory notes, must contain the following language in boldface type (which must be distinguished from the type used for the rest of the contract) on the face or signature page above all signatures:

"You have the option to cancel your contract or agreement by notice to the seller until midnight of the seventh day following the signing of this contract or agreement.

"If you did not receive a Property Report prepared pursuant to the rules and regulations of the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development, in advance of your signing the contract or agreement, this contract or agreement may be cancelled at your option for two years from the date of signing."

Note: If the applicable State law provides a longer recission period, use that time frame in the contract instead of the seven day period. "Applicable law" means the recession period effective in the State where the subdivision is located; the State in which the purchaser resides; or the State where the transaction takes place, whichever period is longer.

(ii) The revocation and voidability provisions may not be limited or qualified in the contract or other document by requiring a specific type of notice or by requiring that notice be given at a specified place.

(iii) If it is represented that the developer, or an entity having an identity of interest with the developer, will provide or complete roads or facilities for water, sewer, gas, electric service or recreational amenities, the contract shall contain a provision that the developer will provide or complete the roads, facilities and amenities.

9. 24 CFR 1710.219 is revised to read as follows:

§ 1710.219 Affirmation.

The following affirmation shall be executed by the senior executive officer or a duly authorized agent:

I hereby affirm that I am the Senior Executive Officer of the developer of the lots herein described or will be the Senior Executive Officer of the developer at the the time lots are offered for sale or lease to the public, or that I am the agent authorized by the Senior Executive Officer of such developer to complete this statement (if agent, submit written authorization to act as agent); and,

That the statements contained in this Statement of Record and any supplement hereto, together with any documents submitted herein, are full, true, complete, and correct; and,

That the developer is bound to carry out the promises and obligations set forth in this Statement of Record and Property Report or I have clearly stated who is or will be responsible; and

That the fees accompanying this submission are in the amount required by the rules and regulations of the Office of Interstate Land Sales Registration.

Date _____

_____

Signature

_____

Corporate seal if applicable

Title _____

Warning: Section 1418 of the Housing and Urban Development Act of 1968 (82 Stat. 598, 15 U.S.C. 1717) provides: "Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a Statement of Record filed under, or in a Property Report issued pursuant to this title, makes any untrue statement of a material fact * * *, shall upon conviction be fined not more than $10,000.00 or imprisoned not more than 5 years, or both."

§ 1710.400 [Reserved]

10. Section 1710.400 is deleted and reserved.

11. Part 1710 is amended by adding a new subpart C to read as follows:

Subpart C—Certification of Substantially Equivalent State Law

§ 1710.500 General.

(a) This subpart establishes procedures and criteria for certifying State land sale or lease disclosure programs and State land development standards programs. The purpose of State Certification is to lessen the administrative burden on the individual developer, arising where there are duplicative State and Federal registration and disclosure requirements, without affecting the level of protection given to the individual purchaser or lessee. If the Secretary determines that a State has adopted and is effectively administering a program that gives purchasers and lessees the same level of protection given to them by the Federal Interstate Land Sales Registration Program, then the Secretary shall certify that State. Developers who accomplish an effective registration with a State after the Secretary has certified the State may satisfy the registration requirements of the Secretary by filing with the Secretary materials designated by agreement with certified States in lieu of the Federal Statement of Record and Property Report.

(6) After a developer is effectively registered with the Secretary through a certified State, the Secretary has the same authority over that developer as the Secretary has over developers who file directly with the Secretary. This includes the authority to subpoena information and to examine, evaluate and suspend a developer's registration under Sections 1407 (d) and (e) of the Act and §§ 1710.45 (b)(1) and (b)(2) of these regulations.

(c) The prohibitions against use of the Property Report contained in § 1710.29 applies to State disclosure materials and substantive development standards. In addition, for purposes of this paragraph, references made to the Secretary, OILSR and the Department of Housing and Urban Development in § 1710.29 will include a reference to the equivalent State officer or agency.

(d) The Purchaser Revocation Rights, Sales Practices and Standards rules contained in Part 1715 of these regulations apply to developers who register with the Secretary through certified States. All of the rules in Part 1715 apply, excepting the disclaimer statement in § 1715.50(a) which is modified to read as follows:

"Obtain the Property Report or its equivalent, required by Federal and State law and read it before signing anything. No Federal or State agency has judged the merits or value, if any, of this property."

(e) Developers are obliged to pay filing fees as set forth in § 1710.35 of these regulations.

§ 1710.501 Certification criteria.

(a) Certification of States Requiring Full Disclosure. The Secretary shall certify a State when—

(1) It is determined that the laws and regulations of the State applicable to the sale or lease of lots not otherwise exempt under section 1403 of the Act require the seller of lots to disclose information which is substantially equivalent to or greater than the information required to be disclosed in the Federal Statement of Record; and

(2) The State's administration of such laws and regulations shall provide that the information disclosed is current and accurate. The means for administering the disclosure requirements must include considerations of ample staffing, budgetary provisions for policing functions and that the requisite legal

authority be vested in the State agency responsible for enforcing the laws and regulations of the State land program.

(b) Certification of States Providing Sufficient Protection. The Secretary shall certify a State when—

(1) It can be demonstrated that the laws and regulations of the State applicable to the sale or lease of lots not otherwise exempt under Secton 1403 provide the purchasers and lessees with protection commensurate with that which is provided by the Federal disclosure requirements. That is, a State must develop substantive measures plus disclosure which provides a level of protection that is, at a minimum, comparable to the protection provided by the Federal disclosure standard. No State shall be prevented from establishing substantive and/or disclosure requirements which exceed the federal standard provided that such requirements are not in conflict with the Act; and

(2) The administration of the laws and regulations must provide that all information disclosed is accurate and current. The means for administering the requirements of sufficient protection must include considerations of ample staffing, budgetary provisions for policing functions and that the requisite legal authority be vested in the State agency responsible for enforcing the laws and regulations of the State land program.

(c) To be certified a State need not provide protections with regard to the sale or lease of lots that would qualify for a federal exemption. The State may choose at its discretion to provide protections on the sale of lots exempt under the Act. However, for certification a State's laws should, in general, apply to the same lots as would be required to be registered under the Act.

(d) Equivalency with Federal Disclosure.

In order to be determined as substantially equivalent under paragraph (a) or (b) of this section, a State must provide protection either through disclosure, substantive development standards or some combination thereof in the topics delineated in paragraph (e) of this section. In addition, a State must satisfy requirements of paragraphs (f), (g), (h), (i) and (j) of this section.

(e) areas of Required Protection.

In order to be certified, a State must require specific protections for consumers with regard to paragraphs (e)(1)–(10) of this section listed below. Protection in these areas can be secured through disclosure, substantive development standards or some combination thereof. Establishing protection provisions in these areas is to be considered essential to the granting of certification to a State. Paragraph (e)(11)–(15) of this secton are considered to be complementary protection provisions which would give additional strength to a State's land program if combined with the required provisions for protection. If the protection which is required by the items listed below is provided through substantive standards rather than solely disclosure, it is expected that the State will buttress those substantive standards with requirements of performance that are enforceable against developers. The State will designate who shall be responsible for enforcing the commitments made by developers and the method of enforcement to be used.

(1) *Subdivision and Developer Information.* The name of the subdivision, the name and address of the developer or owner, the nature of the offering and the number of lots in the subdivision must be given to the purchaser.

(2) *Method of Sale or Lease.* Information with regard to the: Developer's method of sale, type of contract used, type and time frame for delivery of the deed, recordation of contract and deed, whether there is a security arrangement and its description, any escrow arrangement for monies received, title insurance, prepayments, defaults, developer's resale and lot exchange program, time sharing and membership sales must be given to the purchaser.

(3) *Condition of Title.* Information about all liens, encumbrances or mortgages affecting purchasers in the subdivision, the lots covered and the impact on purchasers and lessees in a subdivision should a developer default, and mortgage release provisions must be given to the purchaser.

(4) *Condition and Use of Property.* Information regarding land reservations, unusual or restrictive easements, mineral reservations, land use restrictions, special zoning permits, environmental impact studies which may have been conducted and their results, topographical characteristics, including any subsurface conditions and potentially hazardous natural conditions must be given to purchasers.

(5) *Financial and Legal Information.* Information about the net income and worth of the developer, condition of financial operations at present and in the preceding fiscal year, bankruptcy litigation or other litigation to which the developer is a party or action taken against the developer by a governmental agency which may have financial impact on the subdivision must be given to purchasers.

(6) *Roads.* Information about access and subdivision roads, type of surface (present and final), completion dates, percentage of completion, buyer's cost and assessment, who is responsible for completion and maintenance and financial assurance of completion must be given to purchasers.

(7) *Water.* Information as to how water is to be supplied, supplier, completion dates, percentage of completion, any financial assurance of completion, buyer's cost and assessment including hook-up and water hauling costs, who is responsible for completion, quality and quantity, source, capacity of the water system, any intention to transfer the water system and the cost to lot owners or property owners association and any permits or approvals required must be given to purchasers.

(8) *Sewerage Facilities.* Information as to the method used, supplier, completion dates, percentage of completion, any financial assurance of completion, buyer's cost and assessment including hook-up and sewage pumping and hauling, capacity of central system, who is responsible for completion, approvals and permits required, transfer of system to lot owners or property owners association must be given to purchasers.

(9) *Utilities (Gas, Electric, Phone).* Information as to the availability, supplier, purchaser's or lessee's cost, completion date, percentage of completion must be given to purchasers.

(10) *Recreational Facilities.* A list of the facilities and information about estimated date available for use, percentage of completion, any financial assurance or completion, buyer's or lessee's cost and assessment, who is responsible for completion, maintenance, disclosures on facilities which will be leased and/or transferred to the lot owners or property owners' association and who may use the facilities must be given to purchasers.

(11) *Lots being sold or leased.* Information about the legal descriptions of the offering by lot, block and unit number may be given to purchasers.

(12) *Location, size, surrounding communities.* Information which describes the county seat, surrounding communities of significant size and services offered, population of the area, road systems and the potential size of the subdivision may be given to purchasers.

(13) *Taxes and Assessments.* Information about payments to property owners' associations, the property owners' association's functions and

responsibilities, management of the association, extent of developer control and the purpose of any special improvement district may be given to purchasers.

(14) *Community facilities.* Information about the availability of schools, medical and dental services, postal services, fire and police protection, shopping facilities and public transportation may be given to purchasers.

(15) *Platting.* Information which reports whether the subdivision's plats have been approved by regulatory authorities, whether the plats have been recorded and whether the survey and staking of each lot has been done and the cost that may be passed on to purchasers may be given to purchasers.

(f) In order to be determined substantially equivalent to the Federal disclosure requirement, the State law and regulations must require that prospectice purchasers and lessees receive, prior to or at the time of the signing any contract or agreement for purchase or lease, complete and accurate information on the subdivision and the developer. In addition, State law or regulation must require developers to file amendments if any change occurs in any representation of material fact required to be stated in the disclosure materials filed with the State. The State law or regulation regarding amendments should entail requirements equivalent to those stated in § 1710.23 of these regulations.

(g) For a State to be certified, it must be demonstrated that the State has or will have adequate full-time professional and clerical staff in its regulatory agency or agencies responsible for regulating the sale or lease of lots within its jurisdiction; that there is a budget approved for that staff which will permit them to fulfill the administrative and enforcement responsibilities; and that the staff have adequate legal authority to take official action in cases falling within the purview of State law and regulation.

(h)(1) If a State certified under this section modifies or amends any law, regulation or administrative procedure with regard to subdivision development standards, it shall so notify HUD by registered or certified mail within 30 days after the modification or amendment has been enacted or promulgated. The State must submit new copies of its laws, regulations, rulings, administrative provisions and legal opinions, as amended, mandating the disclosure of information or establishment of development standards regarding land sales.

(2) Should any changes occur as set forth above and result in a measureable alteration of the protection provided to consumers by the State, the Secretary may, upon examination of those changes, re-evaluate the certification status of the State's land program.

(i) Once a State is certified and the State's disclosure document, or its equivalent has, for all purposes, become the Federal Property Report, the Secretary may require a cover page similar to the one presently used for Federal filings to be attached to the certified state filings. The form and substance of the Federal cover page is explained in § 1710.105. If a certified State filing does not have a cover page, the Secretary will require the State to include information regarding the seven day federal cooling-off period within the body of the State Property Report or its equivalent.

(j) The Secretary shall require all certified States to submit to the Secretary a copy of any notice of suspension which the State has issued to a developer at the time the notice is sent to the developer.

§ 1710.502 Application for Certification of State Land Sales Program

(a) In order to be certified, a State must submit an application to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. The application should be titled "Application for Certification of State Land Sales Program." The application should use the section format and contain the information set out below:

Application for Certification of State Land Sales Program Submitted by: Name and address of State agency and person to contact.

Section 1. Legal Authorities. This section should contain copies of all laws and regulations (including rulings and legal opinions having the effect of law) establishing and interpreting disclosure requirements or substantive development standards with regard to land sales and leases including all administrative provisions and all provisions establishing exemptions from the rule. Only those legal authorities which deal with land sales and leases subject to the Federal disclosure requirements need be submitted.

Section 2. Sample Copies of Material to be Submitted by Developers to the State. This section should contain sample copies of all materials required to be filed with the agency responsible for regulating the sale of lots in subdivisions and sample copies of all material required to be provided to purchasers and lessees and prospective purchasers and lessees.

Section 3. Methods of Administration and Enforcement. This section should contain a detailed statement on the methods and scope of the State's administration and enforcement procedures to include.

(a) The name and address of the agency responsible for regulating the sale or lease of lots in subdivisions.

(b) The staffing capacity of the responsible State Regulatory Agency. There should be included: (1) An organizational chart which describes not only the internal structure of the regulatory agency (agencies) but also the relationship of that agency to other decision-making centers; (2) a description of the functions and duties of the full-time staff; (3) the eligibility criteria, i.e., training, education and experience, for principal members of the staff; and (4) the formula used in calculating the necessary number of staff members to fulfill administrative, investigative and enforcement responsibilities. The State should submit for the Secretary's review the actual number of complaints received, enforcement actions taken, investigations initiated and new filings received per year and the total number of active filings with the State.

(c) A description of the anticipated additional staffing needs, their duties and qualifications.

(d) The method and scope of investigation and enforcement to be used. Based on factors such as the number of complaints, of on-site inspections, cases requiring litigation and the number of attorneys needed to handle litigation, the State should demonstrate the procedures to be followed from the time a complaint is received until the completion of action on that complaint and the kinds of sanctions which may be involved.

(e) Included should be an accounting of the number of new filings received per year, the number of amendments received per year, and the total number of active filings.

Section 4. Assertion of Equivalency. This section should contain a detailed statement supporting the State's claim that its land program provides through disclosure, substantive development standards or combination thereof, purchasers and lessees with protection substantially equivalent to the protection provided for them by Federal law.

Section 5. Agreement to Accept Filings from Other Certified States. This section shall contain the following statement:

"If certified by the Secretary of Housing and Urban Development, _____ (name of the State requesting certification) agrees to accept and allow to be distributed as the sole disclosure document in _____ (name of the State requesting certification), a Property Report covering land located in another certified State but offered for sale or lease in _____ (name of the State requesting certification) when the Property Report has been approved by the other certified State."

(b) Upon receiving an application for certification, the Secretary will publish a Notice of Application in the **Federal Register.** The purpose of this public notice is to give other certified States and other intrested parties an opportunity to review and comment on

applications and to enhance consistency among States which are certified. Person(s) interested in receiving application matrials for review and comment purposes may request them from the Secretary. Comments should be submitted within 30 days after the notice of Application has been published.

§ 1710.503 Notice of certification.

(a) If the Secretary determines that a State qualifies for certification under § 1710.501(a) or (b), the Secretary shall so notify the State in writing. The State will be effectively certified under the section and as of the date specified in the notice.

(b) If the Secretary determines that a State does not meet the standards for certification, the Secretary shall so notify the State in writing. The notice will specify particular changes in State law, regulations or administration that are needed to obtain certification. The Secretary shall not be bound in advance to certify a State that makes the suggested changes if other deficiencies become apparent at a later time.

(c) A State's certification will remain in effect until it is voluntarily suspended by the State or withdrawn by the Secretary. A State can voluntarily suspend its certification by notifying the Secretary in writing. The suspension will take effect as of the date and time specified in the notice to the Secretary, or upon receipt by the Secretary if no date is specified. The Secretary may withdraw certification as provided in § 1710.504.

§ 1710.504 Withdrawal of State certification.

(a) The Secretary shall periodically review the laws, regulations and administration thereof, of a certified State. If the Secretary finds that, taken as a whole, the laws, regulations or administration thereof, no longer meet the requirements of § 1710.501, then the Secretary may issue a notice to withdraw the certification of that State.

(b) The notice of proceedings to withdraw a State's certification will be issued to the State by the Secretary pursunt to § 1720.236. The Secretary may, after notice and after an opportunity for a hearing, pursuant to § 1720.237, issue an order withdrawing certification. In the event that a withdrawal order is issued, the order shall remain in effect until the state has amended its its laws, regulations or the administration thereof or has otherwise complied with the requirements of the order. When the State has complied with the requirements of the order, the Secretary shall so declare and the withdrawal order shall cease to be effective.

(c) Withdrawal orders issued pursuant to this subsection will be effective as of the date the order is received by the State.

(d) The rules of Subpart D of Part 1720 of Chapter IX of CFR will generally apply to hearings on withdrawal of a State's certification.

§ 1710.505 State/Federal filing requirements.

(a)(1) If the Secretary has certified a State under § 1710.501, the Secretary shall accept for filing disclosure materials or other acceptable documents which have been approved by the certified State within which the subdivision is located. Only those filings made by the developer with the State after the State was certified by the Secretary shall be automatically accepted by the Secretary.

(2) Retroactive application of the effectiveness of a State's certification to a specified date may be granted on a state-by-state basis, where the Secretary determines that retroactive application will not result in automatic federal registration of any state filing that has not met the requirements of the certified state laws.

(b) For a developer to be registered with the Secretary, the developer shall file with the Secretary a State certified copy of the Property Report or its equivalent, and any other documentation as stipulated in the Secretary's Notice of Certification to the State. Material filed with the Secretary under this section must be accompanied by a statement from the appropriate State authorities which states that:

> The (indicate the State Department of Real Estate or other appropriate entity) has reviewed the attached materials and finds they are true copies of (1) the (indicate Property Report or other similar state accepted document or amendment to such document) for (indicate the name of the subdivision), made effective by the State of ——— on —— (give date); and (2) the supporting documentation upon which such (indicate the document or amendment) is based.
>
> ———————
>
> Signature

(c) The documents and materials filed under paragraph (b) of this section will be automatically effective as the Federal Statement of Record and Property Report after these materials and the proper filing fee have been received by the Secretary.

(d) The Secretary has authority pursuant to § 1710.45 (b)(1) and (b)(2) to suspend individual filings which fail to meet the requirements of the certified State's law or regulations or the standards in the certification agreement whether or not the State agency has initiated a similar action.

(e)(1) State accepted materials filed with the Secretary pursuant to this section must be amended to reflect any amendment to such materials made effective by the State. All amendments to such materials must be submitted to the Secretary within 15 days after becoming effective under the applicable State laws. Amendments are automatically effective upon their receipt by the Secretary and the provisions of § 1710.45(b) (1) and (2) apply to amendments filed under this section.

(2) Amendments shall include or be accompanied by:

(i) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment and referring to that section and page of the material which is being amended, and;

(ii) A signed State acceptance certification substantially the same as that required by paragraph (b) of this section.

(f) If a certified State suspends the registration of a particular subdivision for any reason, the subdivision's Federal registration with the Secretary shall be automatically suspended as a result of the State action. No action need be taken by the Secretary to effect the suspension.

(g) The Secretary is not required to accept filings which have been accepted by a certified State if the land which is the subject of the filing is not located within that certified State. For example, if State A is certified by the Secretary and State B is not, the Secretary is not required to accept filings from State B simply because State A accepts filings from State B.

§ 1710.506 Effect of suspension or withdrawal of certification granted under § 1710.501(a); full disclosure requirement.

(a) If a State certified under § 1710.501(a) suspends its own certification or has its certification withdrawn under § 1710.504, the Federal disclosure materials accepted and made effective by the Secretary, pursuant to § 1710.505, prior to the suspension or withdrawal shall remain in effect unless otherwise suspended by the Secretary.

(b) In the event that there is a change in a material fact with regard to a subdivision that remains registered under the provisions or paragraph (a) of this Section, the developer shall file a new registration with the Secretary meeting the requirements of the then applicable Federal registration regulations. Modifications of the Federal

format may be used as specified by the Secretary.

§ 1710.507 Effect of suspension of certification granted under section 1710.501(b); sufficient protection requirement.

(a) If a State certified under § 1710.501(b) suspends its own certification or has its certification withdrawn under § 1710.504, the effectiveness of the Federal disclosure materials accepted and made effective by the Secretary, pursuant to § 1710.505, prior to the suspension or withdrawal shall terminate ninety (90) days after the effective date of the suspension or withdrawal.

(b) At the end of the ninety day period, or during the ninety day period in the event that there is a change in material fact with regard to a subdivision that remains registered under the provisions of paragraph (a) of this section, the developer shall file a new registration with the Secretary meeting the requirements of the then applicable federal registration regulations. Modifications of the federal format may be used as specified by the Secretary.

§§ 1710.508–1710–551 [Reserved]

§§ 1710.552 Previously accepted State filings.

(a) Materials filed with a State and accepted by the Secretary as a Statement of Record prior to January 1, 1981 pursuant to 24 CFR 1710.52–1710.59 (as published in the **Federal Register** on April 10, 1979) may continue in effect.

(b) If any such filing becomes inactive or suspended under the laws of the state, the registration with the Secretary shall be ineffective from that time.

(c) Such Statement of Record may be suspended pursuant to § 1710.45.

(d) The Secretary may refuse to accept any particular filing under this section when it is determined that acceptance is not in the public interest.

(e) The Secretary may require such changes, additional information, documents or certification as the Secretary determines to be reasonably necessary or appropriate in the public interest.

§ 1710.553–1710.555 [Reserved.]

§ 1710.556 Previously accepted State filings—amendments and consolidations.

(a) *Amendments.*—(1) *General Requirements.* State accepted materials, filed with the Secretary pursuant to § 1710.552 shall be amended to reflect any amendment to such materials made effective by the state or any change of a material fact regarding the subdivision. All amendments to such materials, which reflect changes in material facts regarding the subdivision, shall be submitted to the state authorities within 15 days of the date on which the developer knows, or should have known, of such change and to the Secretary within 15 days after it becomes effective under the applicable State laws. However, such amendment shall not be effective as a federal registration until the Secretary has determined that the amendment meets all applicable requirements of these regulations.

(2) Amendments shall include or be accompanied by:

(i) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment and referring to that section and page of the Statement of Record which is being amended, and;

(ii) All amended pages of the state accepted materials filed with the Secretary. These pages shall be retyped with their amendments. Each such page shall have its date of preparation in the lower right hand corner, and;

(iii) A signed state acceptance certification, and;

(iv) The appropriate fees as indicated in § 1710.35.

(b) *Consolidations.*—(1) *When consolidations allowed.* If lots are to be registered pursuant to § 1710.552 which are in the same common promotional plan with other lots already registered with the Secretary, then new consolidated state accepted materials including such lots may be filed with the Secretary as a Statement of Record following the format of the previously accepted filing.

(2) Consolidated Statements of Record shall include or be accompanied by:

(i) State accepted consolidation materials which are also acceptable to the Secretary as a complete Statement of Record (state property report inclusive). These state accepted consolidation materials shall cover all lots previously registered in the common promotional plan except those deleted pursuant to other provisions in these regulations. These materials shall also include information and items required for state accepted materials filed as an initial registration Statement of Record, except that, supporting documentation in materials previously made effective by the Secretary for other lots in the subject common promotional plan may be incorporated by reference into the new consolidation materials submitted as a Statement of Record. However, such documentation may be incorporated by reference only if it is applicable to the new consolidated lots as well as to the previously registered lots.

(ii) A signed state acceptance certification.

(iii) The appropriate fees as indicated in § 1710.35.

(c) *Effective Date—State Filing.* The effective dates of state materials filed as amendments and consolidated Statements of Record shall be determined in accordance with the provisions of § 1710.21.

(d) *Amendments and Consolidations for Previously Accepted State Filing in Certified States.* If at the time a developer would otherwise make an amendment or consolidation pursuant to this section, a state has been certified with the Secretary pursuant to § 1710.503, then the developer must file such amendment or consolidation pursuant to Section 1710.505 rather than this section.

§ 1710.557 [Reserved]

§ 1710.558 Previously accepted State filings—notice of revocation rights on property report cover page.

(a) The cover page on Property Reports for filings made with the Secretary pursuant to § 1710.552 shall have as the third paragraph the following:

"You have the option to cancel your contract or agreement by notice to the seller until midnight of the seventh day following the signing of the contract or agreement."

(If the applicable State law requires a longer recision period, use that time frame in lieu of the seven day period. Applicable law means the recision period effective in the State where the subdivision is located; the State in which the purchaser resides; or the State where the transaction takes place, whichever period is longer.)

(b) If the purchaser does not receive a warranty deed, or where such deed is not commonly used, a similar deed legally acceptable in the jurisdiction where the lot is located, within 180 days after the day on which the contract or agreement is signed, and the contract or agreement does not contain:

(i) A legally sufficient and recordable lot description, and;

(ii) A provision that the seller will give the purchaser written notification of purchaser's default or breach of contract and the opprortunity to remedy the default or breach within 20 days of the notice; and

(iii) A provision whereby purchaser may recover a refund if the pruchaser's default or breach of contract occurs after 15% of the purchase price has been paid, excluding any interest owned at the time of default or breach, add a

fourth paragraph to the cover page of the Property Report as follows:

"Federal law gives you the right to revoke your contract or agreement within two years from the date it is signed because the contract does not contain beneficial provisions regarding lot description; default notification and possible refund of part of the amounts you paid prior to your default."

§ 1710.559 Previously accepted State filing—notice of revocation rights in contracts and agreements.

(a) All contracts or agreements, including promissory notes used in sale of lots for filings made with the Secretary pursuant to § 1710.552, shall contain the following language in boldface type (which must be distinguished from the type used for the rest of the contract) on the face or signature page above all signatures:

"You have the option to cancel your contract or agreement by notice to the seller until midnight of the seventh day following the signing of the contract or agreement."

(If the applicable State law requires a longer recision period, use that time frame in lieu of the seven day period. Applicable law means the recision period effective in the State where the subdivision is located; the State in which the purchaser resides; or the State where the transaction takes place, whichever period is longer.)

"If you did not receive a Property Report prepared pursuant to the rules and regulations of the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development, in advance of your signing the contract or agreement, this contract or agreement may be revoked at your option for two years from the date of signing."

(b) The above revocation and voidability provisions may not be limited or qualified in the contract or other document by requiring a specific type of notice or by requiring that notice be given at a specified place.

PART 1715—PURCHASERS' REVOCATION RIGHTS, SALES PRACTICES, AND STANDARDS

12. Part 1715 is revised to read as follows:

Subpart A—Purchasers' Revocation Rights

Sec.
1715.1 General.
1715.2 Revocation at Time of Sale or Lease.
1715.3 Revocation—Nondelivery of Property Report Prior to Signing of Contract.
1715.4 Contract Requirements and Revocation.
1715.5 Reimbursement.
1715.6—1715.9 [Reserved.]

Subpart B—Sales Practices and Standards

1715.10 General.
1715.11—1715.19 Unlawful Sales Practices—Statutory Provisions.
1715.16—1715.19 [Reserved]
1715.20 Unlawful Sales Practices—Regulatory Provisions.
1715.21—1715.24 [Reserved]
1715.25 Misleading Sales Practices.
1715.26—1715.29 [Reserved]
1715.30 Persons to Whom Subpart Inapplicable.
1715.31—1715.49 [Reserved]

Subpart C—Advertising Disclaimers

1715.50 Advertising Disclaimers; Subdivisions Registered and Effective with HUD.
1715.51–1715.999 [Reserved]

Authority: Sec. 1419, Interstate Land Sales Full Disclosure Act, 82 Stat. 590, 598; 15 U.S.C. 1718; Sec. 7(d) Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Subpart A—Purchasers' Revocation Rights

§ 1715.1 General.

The purpose of this subpart is to enumerate the conditions under which purchasers may exercise revocation rights. The rights are available to purchasers who buy or lease lots in a subdivision which is not otherwise exempt under §§ 1710.5–1710.11 and 1710.14 of this chapter.

§ 1715.2 Revocation at time of sale or lease.

All purchasers have the option to revoke a contract or lease with regard to a lot not otherwise exempt under §§ 1710.5–1710.11 and 1710.14 until midnight of the seventh day following the signing of a contract or agreement. However, if a state's law where the subdivision is located; where the purchaser resides or where the sale is made provides a longer revocation period for purchasers, the longest revocation period applies. All contracts and agreements, including promissory notes, for lot sales and leases must clearly state that the longer revocation period is available to purchasers.

§ 1715.3 Nondelivery of property report prior to signing of contract.

If a purchaser is entitled to receive a Property Report but the Report is not delivered prior to the signing of the contract, the purchaser may revoke the contract within two years from the date the contract is signed. A statement providing for this right of revocation must be contained in the contract or agreement and any promissory notes.

§ 1715.4 Contract requirements and revocation.

(a) A contract or agreement, including a promissory note, for the sale or lease of a lot not exempt under §§ 1710.5–1710.11 and 1710.14 of this chapter may be revoked by a purchaser within two years from the date of signing the contract or agreement if the contract or agreement did not include all of the following:

(1) A clear description of the lot in a form acceptable for recording by the appropriate public official responsible for maintaining land records in the jurisdiction in which the lot is located;

(2) A provision requiring the seller to notify a purchaser in writing as to any default or breach of contract or agreement, including promissory notes, for which the purchaser is responsible. The contract must also contain a provision which allows 20 days from the date the notice is received for the purchaser to remedy the default or breach of contract or agreement;

(3) A provision which states that if a purchaser has paid at least 15% of the purchase price (excluding any interest owed) at the time of default or breach of contract, including promissory notes, but loses rights and interest in the lot due to default or breach of contract or agreement, the seller must refund to the purchaser whatever amount remains after (i) subtracting 15% of the purchase price of the lot (excluding interest owed) at the time of the default or breach of contract or agreement, or (ii) subtracting the amount of damages incurred by the seller due to the default or breach of contract, whichever is greater.

(b) For the purposes of this section, (1) "Purchase price" means the cash sales price of the lot shown on the contract; (2) "Damages incurred by the seller or lessor" means actual expenses related to the individual lot transaction if they are not otherwise recoverable; e.g., recording fees, specific fees for document preparation, title insurance premiums, utility deposits or costs incurred in connection with the notice of default or breach. Damages do not include development or construction costs that enhance the value of the lot, pro rata shares of promotional costs or costs incurred in connection with preparation of the lot for resale to another purchaser.

(c) The contractual requirements of § 1715.4(a) do not apply to the sale of a lot for which, within 180 days after the signing of the sales contract, the purchaser receives a warranty deed or, where warranty deeds are not commonly used, its equivalent under state law.

§ 1715.5 Reimbursement.

If a contract agreement, or promissory note, is revoked pursuant to §§ 1715.2, 1715.3 or § 1715.4(a) and the purchaser unconditionally offers to convey to the developer the rights and interests in the

lot, the purchaser is entitled to all money paid under contract, agreement or promissory note providing the property and legal interest are in substantially the same condition in which the lot was conveyed to the purchaser. The purchaser would only be responsible for correcting conditions which resulted in diminished value of the lot and which are attributable to deliberate or negligient actions by the purchaser.

Subpart B—Sales Practices and Standards

§ 1715.10 General.

"Sales practices" mean any conduct or advertising by a developer or its agents to induce a person to buy or lease or lot. This subpart describes certain unlawful sales practices and provides standards to illustrate what other sales practices are considered misleading in light of certain circumstances in which they are made and within the context of the overall offer and sale or lease.

§ 1715.15 Unlawful Sales Practices.

(a) It is an unlawful sales practice for a developer or agent:

(1) To employ any device, scheme or artifice to defraud.

(2) To obtain money or property by means of any untrue statement of a material fact, or any omission to state a material fact necessary in order to make the statements made (in light of the circumstances in which they were made and within the context of the overall offer and sale or lease) not misleading, with respect to any information pertinent to the lot or the subdivision. It is not necessary for a developer to say everything about the subdivision in each separate contact with the purchaser, but what the developer does choose to say must not omit important facts that would be needed so that a purchaser would not be mislead.

(3) To engage in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon a purchaser.

(b) It is an unlawful sales practice for any developer or agent to:

(1) Fail to furnish a purchaser with a printed property report (when the subdivision is required to be registered) in advance of the purchaser signing a contract or agreement.

(2) Display or deliver to purchasers advertising and promotional material which is inconsistent with information required to be disclosed in the property report (when the subdivision is required to be registered).

(3) Represent that roads, sewers, water, gas or electric service, or recreational amenities will be provided or completed by the developer unless there is a contractual provision expressly obligating the developer to provide or complete such services or amenities. For example, if a developer or agent represents that roads are to be completed within two years from the date of sale, then the contract of sale or lease utilized in the transaction must contain a provision which expressly obligates the developer to complete these roads within two years from the date of sale.

§ 1715.20 Unlawful Sales Practices.

It is an unlawful sales practice for any developer or agent to:

(a) Repeatedly announce that lots are being sold when in fact this is not the case or to make repetitive announcements of the same lot being sold.

(b) Give the property report to a purchaser along with other materials when done in such a manner to conceal the property report from the purchaser.

(c) Give a contract to a purchaser or encourage him to sign anything before delivery of the property report.

(d) Refer to the property report or offering statement as anything other than a property report or offering statement.

(e) Use any practice, device or representation which would deny a purchaser any cancellation or refund rights or privileges granted the purchaser by the terms of contract or any other document used by the developer as a sales inducement.

(f) Refuse to deliver a Property Report to any person who exhibits an interest in buying or leasing a lot in the subdivision and requests a copy of the Property Report

(g) Use a property report, note, contract, deed or other document prepared in a language other than that in which the sales campaign is conducted, unless an accurate translation is attached to the document.

(h) Deliberately fail to maintain a sufficient supply of restrictive covenants and financial statements or to deliver a copy to a purchaser upon request as required by §§ 1710.109(f), 1710.112(d), 1710.209(g) and 1710.212(i).

(i) Use, as a sales inducement, any representation that any lot has good investment potential or will increase in value unless it can be established, in writing, that:

(1) Comparable lots or parcels in the subdivision have, in fact, been resold by their owners on the open market at a profit, or;

(2) There is a factual basis for the represented future increase in value and the factual basis is certain, and;

(3) The sales price of the offered lot does not already reflect the anticipated increase in value due to any promised facilities, amenities, etc. The burden of establishing the relevancy of any comparable sales and the certainty of the factual basis of the increase in value shall rest upon the developer.

(j) Represent a lot as a homesite or building lot unless:

(1) Potable water is available at a reasonable cost;

(2) The lot is suitable for a septic tank operation or there is reasonable assurance that the lot can be served by a central sewage system;

(3) The lot is legally accessible;

(4) The lot is free from periodic flooding; and

(5) Lot finishing and site preparation costs fall within the norm for the area in which the subdivision is located.

§ 1715.25 Misleading sales practices.

The following advertising and promotional practices, while not all inclusive, are considered misleading, and are used to evaluate a developer's or agent's representations in determining possible violations of the Act or Regulations.

(a) *Misrepresentation or deceit.* Misrepresentation of facts or deceitful impressions or inferences are misleading.

(b) *Implied representations and presumptions.* Any inference reasonably to be drawn from sale or promotional material will be considered to be a positive assertion, unless the inference is negated therein in clear and unmistakable terms, or unless adequate safeguards have been provided by the owner to reasonably quarantee the occurrence of the thing inferred. Sale or promotional material will be judged on the basis of the positive representations contained therein and the reasonable inferences to be drawn therefrom. Unless the contrary affirmatively appears in sale or promotional material, the following inferences will be assumed to have been intended in each case mentioned; to wit:

(1) When lands are advertised as usable for any particular purpose other than homesites or building lots, the inference is that the lots or parcels are immediately accessible and usable for such purpose by purchasers without the necessity for draining, filling, or other improvement prior to putting the lands to use for such purpose, except for reasonable preparation for construction, and that no fact or circumstance exists

to prohibit the immediate use of said lands for such purposes.

(2) *Warranty deed.* When a lot is advertised as being sold by a warranty deed, the inference is that the seller can and will convey fee simple title free and clear of all liens, encumbrances, and defects except those which are disclosed in writing to the prospective purchaser prior to purchase.

(c) *Artists' sketches.* Artists' sketches shall not be used to portray proposed improvements or nonexistent scenes without an indication that such portrayal is an artist's sketch and that the improvements are proposed or that the scenes do not exist. Artists' conceptions of existing improvements or scenes must be representative and state that such rendering is an artist's conception.

(d) *Photographs.* The use of photographs portraying scenes not actually on the advertised land is prohibited unless it is clearly indicated that such scene is not on the advertised property and the actual distance in miles from said advertised land is given. The use of statements, photographs, or sketches relating to facilities for recreation, sports, or other conveniences which are not presently in existence on the lands advertised is prohibited unless it is clearly stated that such "facilities are not on said lands" and the distance thereto in miles, or that such facility is "merely proposed." Representations shall not use statements, photographs, or sketches portraying the use to which advertised land can be put unless the land can be put to such use without unreasonable cost.

(e) *Waterfront property.* Representations shall not refer to property as waterfront unless the property being offered actually fronts on a canal or other body of water. Representations which refer to "canal" or "canals" must state the specific use to which such canal or canals can be put.

(f) *Profits.* Land or lots offered shall not be represented as offering quick, immediate, certain, or specific profits. Oral offerings for speculative purposes shall be made with emphasis equal that of other statements; printed offerings for speculative purposes shall be represented in type of equal size to other statements. Representations shall not contain statements concerning future price increases by the subdivider which are not specific as to amount and as to the date of the announced increase. Any such date shall be in the reasonable future and the increased price shall be maintained for a reasonable length of time.

(g) *Asterisks.* Written or oral representations shall not contain asterisks or any other reference symbol or oral parenthetical expression as a means of contradicting or substantially changing any previously made statement or as a means of obscuring material facts.

(h) *Non profit organizations.* Representations shall not use names or trade styles which imply that they are nonprofit research organizations, public bureaus, groups, etc., when such is not the case. Representations regarding such an organization shall be prohibited when the true nature of the plan of sale or ownership is misleading or concealed.

(i) *Maps and distances.* (1) Use of maps to show proximity to other communities is prohibited unless such maps shall be drawn to scale and scale included, or the specific road mileage appears in easily readable print. Representations shall not use such terms as "minutes away," "short distance," "only miles," and "near" and terms of similar import to indicate distance unless the actual distance in road miles is used in conjunction with such terms.

(2) When a community is referred to, the reference shall state the mileage from the approximate geographical center of the subdivided lands in road miles to the approximate downtown or geographical center of the community.

(3) When a company offers more than one subdivision in a single typed representation, or when an offering exceeds five miles in length or width, the representation or offering shall carry a disclaimer as follows:

> Distances indicated are from the location mentioned to (clubhouse, center of subdivision, or other pertinent or prominent points), each purchaser should check the exact location of the property being offered him in relation to the clubhouse, subdivision or other prominent locations.

(j) *Guarantee.* The word "guarantee" or phrase "guaranteed refund" shall not be included in any representation unless the refund is unconditional.

(k) *Size of lots.* Representations which indicate the size of the lot offered shall state the amount of land available for use by the purchaser after all easements to which the lot may be subject, except for those for providing utilities to the lot, have been deducted. If the property is subject to easements which are unusual in size, then this fact shall also be noted. All maps, plats, representations or drawings shall show either the dimensions of the tract or the amount of acreage after deductions of easements.

(l) *Completed recreational facilities.* (1) When any recreational facility, improvement, accommodation, or privilege is referred to, the inference is that the same is on the lands at the present time and available without restriction to the purchasers of lots at no additional expense. References to improvements to subdivided lands which are not completed shall not be made unless the reference states in unmistakable terms that the improvements are "merely proposed" or "under construction" and the "date of the promised completion" is clearly indicated.

(2) Representations or inferences regarding the provision or completion of roads, sewers, water, gas, or electric service, or recreational amenities by the developer are misleading unless the contract for sale or lease provides for such provision or completion by the developer.

(3) Maps, plats, or other representations shall clearly indicate the date when the improvements will be completed. If completion dates are over a period of years, then a series of shadings, outlines, or other coding may be used to indicate dates of completion.

(m) *Free lots.* (1) Lots shall not be represented as "free" if the prospective purchaser is required to give any consideration whatsoever, or to expend funds to render the "free" lot usable.

(2) Lots shall not be offered for "closing costs only" when the closing costs are substantially more than normal, or when an additional lot or lots must be purchased at a higher price.

(n) *Pre-development sales.* (1) References shall not be made to pre-development sales at a lower price because the land has not yet been developed unless there are plans of development, and a subdivision plat has been recorded, or reasonable assurance is available that such plan will be completed.

(2) No material shall contain "before" and "after" pictures for comparative purposes without an accurate, detailed, comparative analysis of such pictures.

(o) *Roads and streets.* (1) Representations which make reference to "roads" and "streets" shall make affirmative disclosure as to the nature of such roads and streets. All streets and roads reflected on subdivision maps used in connection with an advertising program will be presumed to be of an all-weather graded gravel quality or higher and will be presumed to be traversable by conventional automobile under all normal weather conditions unless otherwise reflected upon the map.

(2) The existence of a road easement or a road right-of-way shall not be advertised unless such easement or right-of-way has been dedicated to the public or to appropriate property owners or to the appropriate property owners'

association or similar organizations or entities and recorded in the public records of the county in which the property is located.

(p) *Reprints.* Reprints of published material shall not be used unless the information contained in the reprint is current, representative, truthful, relevant and pertinent to the subdivision being offered.

(q) *Public facilities.* Representations shall not make reference to a public facility unless money has been budgeted for actual construction of such facility and is available to the public authority having the responsibility of construction or an actual disclosure of the existing facts concerning a public facility is made. Representations shall not refer to public facilities under study, unless they fully disclose that the facility is merely proposed and under study. No reference is to be made to the location or route of the facility until such has been decided by the responsible public authority.

(r) *Purchase price.* Representations which refer to the purchase price of any lot, parcel, or unit of land must also include any additional compulsory assessments or costs to the prospective purchaser.

(s) *Property exchange privileges.* (1) Representations which make reference to property exchange privileges must state clearly any qualifications concerning such exchange privileges. If representations make reference to promised improvements for which the prospective purchaser will be assessed, such facts will be clearly disclosed.

(2) Any representation shall be considered misleading if it infers or implies that the subdivider will resell or repurchase the property being offered at some future time unless the subdivider has made an undertaking to resell or repurchase property for or on behalf of purchasers and has the ability to perform this undertaking.

(t) *Homesite or building lot.* Representations shall not describe land as a homesite or building lot if potable water is not available or will not be available at reasonable costs; further, there must be reasonable assurance that a septic tank will operate or a sewer system is in existence unless facts to the contrary are clearly and conspicuously included in each such advertisement pertaining to that property.

(u) *Subdividing or resubdividing.* Any representation shall be deemed misleading if it represents that the property being offered for sale may be subdivided or resubdivided unless it includes all necessary and relevant information regarding the cost and feasibility of future subdividing.

(v) *Certificates.* Certificates shall not be distributed indicating a discount on property that appears to effect a price reduction from the advertised price when in fact there has been no actual price reduction or when a certificate is regularly used by the developer. Discounts may be given for quantity purchases, cash, larger payments, or for any reasonable basis. (The purpose of this standard is to eliminate the use of fictitious pricing and illusory discounts.)

(w) *Miscellaneous.* Pursuant to Section 804(c) of Title VIII of the Civil Rights Act of 1968, as amended, the Federal Fair Housing Law, except as exempted by Section 807, advertising shall not contain any indication of any preference, limitation or discrimination based on race, color, religion, sex or national origin.

(2) All advertising and sales presentations or representations shall be consistent with the Advertising Guidelines for Fair Housing published in 37 FR 6700 (4–1–72) and 40 FR 20079 (5–8–75).

(3) Whenever sales activity takes place which is subject to the Fair Housing Law, the HUD approved Fair Housing Poster must be displayed.

§ 1715.30 Persons to whom Subpart B is inapplicabe.

Noting in this subpart shall be construed to subject to civil remedies or criminal penalties any newspaper or periodical publisher, job printer, broadcaster, or telecaster, or any of the employees thereof, for violations of this section unless the publisher, printer, boradcaster, or telecaster (a) has actual knowledge of the falsity of the advertisement or (b) has any interest in the subdivision advertised or (c) also serves directly or indirectly as the advertising agent or agency for the developer.

Subpart c—Advertising Disclaimers.

§ 1715.50 Advertising disclaimer; subdivisions registered and effective with HUD.

(a) The following disclaimer statement shall be displayed below the text of all printed material and literature used in connection with the sale or lease of lots in a subdivision for which an effective Statement of Record is on file with the Secretary. If the material or literature consists of more than one page, it shall appear at the bottom of the front page. The disclaimer statement shall be set in type of at least ten point font.

"Obtain the Property Report required by Federal law and read it before signing anything. No Federal agency has judged the merits or value, if any, of this property."

(b) If the advertising is of a classified type; is not more than five inches long and not more than one column in print wide, the disclaimer statement may be set in type of at least six point font.

(c) This disclaimer statement need not appear on billboards, on normal size matchbook folders or business cards which are used in advertising nor in advertising of a classified type which is less than one column in print wide and is less than five inches long.

(d) A developer who is required by any state, or states, to display an advertising disclaimer in the same location, or one of equal prominence, as that of the federal disclaimer, may combine the wording of the disclaimers. All of the wording of the federal disclaimer must be included in the resulting combined disclaimer.

PART 1720—FORMAL PROCEDURES AND RULES OF PRACTICE

13. Part 1720 is amended by adding § 1720.236–1720.239 to read as follows:

§ 1720.236 Notice of proceedings to withdraw a State's certification pursuant to § 1710.504 of this chapter.

A proceeding pursuant to § 1710.504 of this chapter is commenced by issuance and service of a notice which shall contain:

(a) An identification of the State certification to which the notice applies.

(b) A clear and concise statement of material facts, sufficient to inform the respondent with reasonable definiteness of the basis for the Secretary's determination, pursuant to § 1710.504, that the State's laws, regulations and the administration thereof, taken as a whole, no longer meet the requirements of § 1710.501.

(c) A notice of hearing rights of the State under § 1720.237 and of the procedures for invoking those rights.

(d) A notice that failure to file an answer or motion as provided under § 1720.240 will result in an order suspending the State's certification.

§ 1720.237 Hearings—Notice of proceedings pursuant to § 1710.504 of this chapter.

(a) A State, upon receipt of a notice of proceedings issued pursuant to § 1710.504 of this chapter, may obtain a hearing by filing a written request in accordance with the instructions regarding such request contained in the notice of proceedings. Such request must be filed within 15 days of receipt of the notice of proceedings and must be accompanied by an answer conforming to the requirements of § 1720.245. Filing of a motion for a more definite statement pursuant to § 1720.315 shall

alter the period of time to request a hearing in accordance with § 1720.240.

(b) When a hearing is requested pursuant to paragraph (a) of this section, such hearing shall be held within 45 days of receipt of this request. The time and place for the hearing shall be fixed with due regard for the public interest and the convenience and necessity of the parties or their representatives.

(c) Failure to answer within the time allowed by § 1720.240 or failure to appear at a hearing duly scheduled shall result in an appropriate order under § 1710.504 of this chapter withdrawing the State's certification. Such order shall be effective as of the date of service or receipt.

§ 1720.238 Notice of proceedings to terminate exemptions pursuant to §§ 1710.14 and 1710.16.

A proceeding to terminate a self-determined exemption under § 1710.14 or an exemption order under § 1710.16 is commenced by issuance and service of a notice which shall contain:

(a) In the case of an exemption under § 1710.14, an identification of the developer and subdivision to which the notice applies. In the case of an exemption under § 1710.16, an identification of the exemption order to which the notice applies.

(b) A clear and concise statement of material facts, sufficient to inform the respondent with reasonable definiteness of the basis for the Secretary's determination, pursuant to § 1710.14 or § 1710.16, whichever is applicable, that further exemption from the registration and disclosure requirements is not in the public interest in this particular case, or that the sales or leases do not meet the requirements for exemption, or both.

(c) A notice of hearing rights of the respondent under § 1720.239 and of the procedures for invoking those rights.

(d) A notice that failure to file an answer or motion as provided under § 1720.240 will result, in the case of a notice issued pursuant to § 1710.14, an order terminating eligibility for the exemption, or, in the case of a notice issued pursuant to § 1710.16, an order terminating the exemption order.

§ 1720.239 Hearings—Notice of proceedings pursuant to § 1710.14 or § 1710.16 of this chapter.

(a) A developer, upon receipt of a notice of proceedings issued pursuant to § 1710.14 or § 1710.16 of this chapter, may obtain a hearing by filing a written request in accordance with the instructions regarding such request contained in the notice of proceedings. Such request must be filed within 15 days of receipt of the notice of proceedings and must be accompanied by an answer conforming to the requirements of § 1720.245. Filing of a motion for a more definite statement pursuant to § 1720.315 shall alter the period of time to request a hearing in accordance with § 1720.240.

(b) When a hearing is requested pursuant to paragraph (a) of this section, such hearing shall be held within 45 days of receipt of this request. The time and place for the hearing shall be fixed with due regard for the public interest and the convenience and necessity of the parties of their representatives.

(c) Failure to answer within the time allowed by § 1720.240 or failure to appear at a hearing duly scheduled shall result in an appropriate order under § 1710.14 or § 1710.16 of this chapter terminating the developer's exemption. Such order shall be effective as of the date of service or receipt.

PART 1730—APPLICATION OF REGULATIONS TO EXISTING AND FUTURE FILINGS

14. A new Part 1730 is added as follows:

Sec:
1730.1–1730.99 [Reserved]
1730.100 Application of Regulations to Existing and Future Filings.
1730.101–1730.999 [Reserved]

Authority: Sec. 1419, Interstate Land Sales Full Disclosure Act, 82 Stat. 590,598; 15 U.S.C. 1718; Sec. 7(d) Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

§§ 1730.1–1730.99 [Reserved]

§ 1730.100 Application of regulations to existing and future filings.

(a) All initial exemption requests, initial registrations, consolidations, amendments and other actions made on or after June 21, 1980 shall be made pursuant to these revised regulations.

(b) All existing registrations and, where applicable, all exemptions must begin use of the new revocation language and additional contract provisions required by §§ 1710.12, 1710.13, 1710.15, 1710.16, 1710.102, 1710.105, 1710.109(e)(3), 1710.114, 1710.209(f), 1710.558 and 1710.559 on June 21, 1980. However, insertion of these new provisions may be accomplished by overprint or paste-over until the developer's current stock of Property Reports and contract, agreement and note forms is exhausted or June 30, 1981, whichever is the earlier. Copies of these revised documents will not be required to be submitted as an amendment until an amendment or consolidation is otherwise necessary for the registration.

(1) Consolidations to existing registrations shall bring the entire registration into compliance with these regulations.

(2)(i) Amendments to existing registrations shall bring the Property Report portion of the Statement of Record into compliance with the revised regulations. The entire Additional Information and Documentation portion of the Statement of Record need not be submitted. However, a material change in a section or in documentation will require the submission of the entire affected section with any changed supporting documentation. Sections containing information and documents not previously furnished and the financial information and documents required by § 1710.212 must be included.

(ii) The developer may, at its option, include the Additional Information and Documentation portion, including new documentation or copies of those documents previously submitted, in order to expedite the examination process.

(3) All registrations having an effective date on or before December 31, 1973 shall file amendments to comply with the revised regulations not later than June 30, 1980.

(4) All registrations having an effective date on or after January 1, 1974 shall file amendments to comply with these revised regulations between June 1980 and June 30, 1981, or earlier at the developer's option. The amendment shall be submitted by the end of the anniversary month of the last effective date issued by the Secretary. For example, a developer whose last effective date was October 15, 1976 would be required to amend by October 31, 1980.

(5) If, at the time of a material change or the date a conversion is due, there are fewer than 100 losts remaining for sale in a registered offering, an affidavit, in lieu of a complete conversion, may be submitted in which the developer states there are fewer than 100 lots remaining for sale in the registered offering and that it is not expected that this number will be exceeded through reacquisitions or the adding of land. If changes are necessary to the content of the Property Report or Statement of Record, an amendment in the format required by the regulations in effect at the time of the last effective date shall accompany the affidavit except that the amendment shall include the new revocation language on the cover sheet required by § 1710.105; the warning required by § 1710.109(e)(3), if proper wording is not included in the contract, and the contract provisions required by

§§ 1710.102(n), 1710.209(f), 1710.558 and 1710.559.

(c) Initial exemption requests, initial filings, consolidations, amendments and other actions submitted prior to June 21, 1980, but which have not become effective on that date, must comply with all provisions of these revised regulations prior to the issuance of an effective date unless an exception is granted elsewhere in these regulations.

(d) Subdivisions which had qualified for any exemption which is deleted by these regulations must qualify for a new or remaining exemption or file a registration in order to continue sales on or after June 21, 1980.

§§ 1730.101-1730.999 [Amended]

Issued at Washington, D.C., on March 7, 1980.

Richard C. D. Fleming,

General Deputy, Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 80-9575 Filed 3-27-80; 8:45 am]

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federal register

Friday
March 28, 1980

Part VIII

The President

Executive Order 12204—Amending the Generalized System of Preferences

Federal Register
Vol. 45, No. 62
Friday, March 28, 1980

Presidential Documents

Title 3—

The President

Executive Order 12204 of March 27, 1980

Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.*) as amended by Section 1111 of the Trade Agreements Act of 1979 (93 Stat. 315), Section 604 of the Trade Act of 1974 (88 Stat. 2073, 19 U.S.C. 2483), and Section 503(a)(2)(A) of the Trade Agreements Act of 1979 (93 Stat. 251), and as President of the United States of America, in order to modify, as provided by Section 504(c) of the Trade Act of 1974 (88 Stat. 2070, 19 U.S.C. 2464(c)), the limitations on preferential treatment for eligible articles from countries designated as beneficiary developing countries, to adjust the original designation of eligible articles taking into account information and advice received in fulfillment of Sections 503(a) and 131–134 of the Trade Act of 1974 (88 Stat. 2069, 19 U.S.C. 2463; 88 Stat. 1994, 19 U.S.C. 2151 *et seq.*) and to modify the designations of beneficiary developing countries in accord with my notifications to the Congress of September 28, 1979, and March 3, 1980, and in accord with technical changes in the identification of certain beneficiary developing countries, it is hereby ordered as follows:

Section 1. In order to subdivide existing items for purposes of the Generalized System of Preferences (GSP), the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) are modified as provided in Annex I, attached hereto and made a part hereof.

Sec. 2. Annex II of Executive Order No. 11888 of November 24, 1975, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary developing country, is amended by substituting therefor the new Annex II attached hereto and made a part hereof.

Sec. 3. Annex III of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from all designated beneficiary countries except those specified in General Headnote 3(c)(iii) of the TSUS, is amended by substituting therefor the new Annex III, attached hereto and made a part hereof.

Sec. 4. General Headnote 3(c)(iii) of the TSUS, listing articles that are eligible for benefits of the GSP except when imported from the beneficiary countries listed opposite those articles, is amended by substituting therefor the General Headnote 3(c)(iii) set forth in Annex IV, attached hereto and made a part hereof.

Sec. 5. General Headnote 3(c)(i) of the TSUS is modified—

(a) by deleting from the list therein of independent countries designated as beneficiary developing countries for purposes of the GSP "Afghanistan", in order to withdraw from Afghanistan the status of a beneficiary of the GSP,

(b) by deleting from the same list, "Ethiopia", in order to withdraw from Ethiopia the status of a beneficiary of the GSP,

(c) by adding, in alphabetical order, to that list of independent countries "Ecuador", "Indonesia", "Uganda", and "Venezuela", and to the list of designated nonindependent countries and territories "Southern Rhodesia (Zimbabwe)", in order to designate these same countries as beneficiaries of the GSP, and

(d)(i) by deleting from the list of designated beneficiary nonindependent countries and territories "Dominica", "Gilbert Islands", "Saint Lucia", "Saint Vincent", and "Tuvalu", and

(ii) by adding, in alphabetical order, "Dominica", "Kiribati", "Saint Lucia", "Saint Vincent and the Grenadines", and "Tuvalu" to the list of designated independent countries.

Sec. 6. General Headnote 3(d)(i) of the TSUS is modified—

(a) by deleting from the list of least developed developing countries (LDDC's) "Afghanistan",

(b) by deleting from the same list "Ethiopia",

(c) by adding, in alphabetical order, "Uganda" to that list.

Sec. 7. In order to provide staged reductions in the rates of duty for those new TSUS items created by Annex I to this Order, Annex III to Presidential Proclamation 4707 of December 13, 1979, is amended by Annex V to this Order, attached hereto and made a part hereof.

Sec. 8. In order to provide special treatment for the least developed developing countries (LDDC's) with regard to TSUS items 727.11 and 727.12, Annex IV of Presidential Proclamation 4707 of December 13, 1979, is amended by Annex VI to this Order, attached hereto and made a part hereof.

Sec. 9. Whenever the column 1 rate of duty in the TSUS for any item specified in Annex I to this Order is reduced to the same level as the corresponding rate of duty inserted in the column entitled "LDDC" by Annexes I or VI of this Order, the rate of duty in the column entitled "LDDC" for such item shall be deleted from the TSUS.

Sec. 10. Annexes III and IV of Presidential Proclamation 4707 of December 13, 1979, are superseded to the extent inconsistent with this Order.

Sec. 11. Effective March 31, 1981, Annex II to Executive Order No. 11888, as amended, is further amended by adding, in numerical sequence, the following TSUS item numbers, created by section (B) of Annex I of this Order: 740.11, 740.12, 740.13, 740.14, and 740.15. Also effective March 31, 1981, Annex III to Executive Order No. 11888, as amended, is further amended by deleting current TSUS item 740.10.

Sec. 12. The modifications to the TSUS made by Annex I of this Order shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on and after the effective dates specified therein.

Sec. 13. The amendments made by Annexes II, III, and IV of this Order, and the modifications made to General Headnotes 3(c)(i) and 3(d)(i) of the TSUS by sections 5(c) and 5(d) and section 6(c), of this Order, respectively, shall be effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after March 30, 1980.

Sec. 14. (a) The amendments made by Sections 5(a) and 6(a) of this Order shall be effective on May 2, 1980.

(b) The amendments made by Sections 5(b) and 6(b) of this Order shall be effective on the date of publication of this Order in the **Federal Register.**

Sec. 15. The amendments made by Annexes V and VI of this Order shall be effective on March 30, 1980.

Jimmy Carter

THE WHITE HOUSE,
March 27, 1980.

ANNEX I

GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

NOTES:

1. Bracketed matter is included to assist in the understanding of ordered modifications.

2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", "Rates of Duty LDDC", and "Rates of Duty 2", respectively.

Subject to the above notes the TSUS is modified as follows:

Section A. Effective as to articles entered, or withdrawn from warehouse for consumption, on and after March 30, 1980.

1. Items 137.82 and 137.84 are superseded by:

	[Vegetables...:]			
	[Other:]			
"137.79	Jicamas, fresh or chilled.....	25% ad val.		50% ad val.
[137.80]	[Parsnips]			
	Yams and sweet potatoes:			
137.81	Yams, fresh or chilled.....	[See Annex V]	10% ad val.	50% ad val.
137.83	Other.....	[See Annex V]	10% ad val.	50% ad val.
137.87	Other.....	25% ad val.		50% ad val."

2. Item 138.40 is superseded by:

	[Vegetables...:]			
"138.35	Yucca.....	17.5% ad val.		35% ad val.
138.45	Other.....	17.5% ad val.		35% ad val."

3.(a) Items 147.88, 147.89, 147.94, and 147.95 are superseded by:

	[Mangoes...:]			
	[Fresh:]			
"147.98	If entered during the period from November 1 in any year, to the following April 30, inclusive.....	3.75¢ per lb.		15¢ per lb.
147.99	If product of Cuba.....	3¢ per lb. (s)		
148.00	If entered at any other time.....	3.75¢ per lb.		15¢ per lb.
148.01	If product of Cuba.....	3¢ per lb. (s)"		

(b) Conforming changes: Item 147.96 is redesignated as "148.02". The article description for item 946.14 is modified by substituting therein "148.02" for "147.96".

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4.(a) Items 168.43, 168.44, 168.49, 168.51, and 168.53 are superseded by:

	[Brandy:]				
	"Slivovitz:				
	In containers each holding not over 1 gallon:				
168.42	Valued not over $9 per gallon	$3.40 per proof gallon			$8.88 per proof gallon
168.54	Valued over $9 but not over $13 per gallon	$1.25 per proof gallon			$8.88 per proof gallon
168.57	Valued over $13 per gallon	[See Annex V]		50¢ per proof gallon	$8.88 per proof gallon
	In containers each holding over 1 gallon:				
168.59	Valued not over $9 per gallon	50¢ per proof gallon			$5.00 per proof gallon
168.61	Valued over $9 per gallon	[See Annex V]		40¢ per proof gallon	$5.00 per proof gallon
	Other:				
	In containers each holding not over 1 gallon:				
168.74	Valued not over $9 per gallon	$3.40 per proof gallon			$8.88 per proof gallon
168.76	Valued over $9 but not over $13 per gallon	$1.25 per proof gallon			$8.88 per proof gallon
168.78	Valued over $13 per gallon	[See Annex V]		50¢ per proof gallon	$8.88 per proof gallon
	In containers each holding over 1 gallon:				
168.80	Valued not over $9 per gallon	50¢ per proof gallon			$5.00 per proof gallon
168.82	Valued over $9 per gallon	[See Annex V]		40¢ per proof gallon	$5.00 per proof gallon"

(b) Conforming changes: Items 168.56, 168.58, 168.60, 168.62, 168.63, 168.65, 168.67, 168.69, 168.71, 168.73, 168.75, 168.77, 168.79, 168.81, 168.83, 168.85, 168.87, 168.89, 168.91, 168.93, 168.95, and 168.97 are redesignated as 168.96, 168.98, 169.04, 169.07, 169.08, 169.13, 169.14, 169.19, 169.20, 169.21, 169.22, 169.31, 169.32, 169.37, 169.38, 169.39, 169.46, 169.47, 169.48, 169.49, 169.58, and 169.59, respectively. Headnote 1 of subpart C, part 12, schedule 1 is modified by substituting therein "169.46 and 169.47" for "168.87 and 168.89".

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5.(a) Item 182.99 is superseded by:

	[Edible...:]			
	[Other:]			
	[Other:]			
	"Other:			
183.00	Subject to quotas proclaimed pursuant to section 22 of the Agricultural Adjustment Act, as amended.....	10% ad val.		20% ad val.
183.01	Pancake flour and other flour mixes; refrigerated (including frozen) doughs.....	10% ad val.		20% ad val.
183.05	Other.....	10% ad val.		20% ad val."

(b) Conforming changes: Headnote 3 of subpart B, part 15, schedule 1 is modified by substituting therein ", 183.00, 183.01, and 183.05" for "and 182.99". The article description for item 950.16 is modified by substituting therein "183.00" for "182.99". The article description for item 950.19 is modified by substituting therein "183.00" for "182.99". The article description for item 950.23 is modified by substituting therein "183.00" for "182.99".

6. Item 192.19 is superseded by:

	[Cut flowers...:]			
"192.18	Roses.....	8% ad val.		40% ad val.
192.21	Other.....	8% ad val.		40% ad val."

7.(a) Item 337.70 is superseded by:

	[Woven fabrics, of silk:]			
	[In chief value...:]			
	[Other:]			
	[Not jaquard-figured:]			
	"Degummed, bleached, or colored:			
337.68	Subject to textile agreements...	[See Annex V]		60% ad val.
337.72	Other.....	[See Annex V]		60% ad val."

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(b) Conforming changes: The schedule 3 headnotes are modified by adding thereto:

"9. For the purposes of this schedule and schedule 7, the term "subject to textile agreements" refers to--

(a) articles in which either the cotton content or the man-made fiber content equals or exceeds 50 percent by weight of all component fibers thereof;

(b) articles in which the wool content exceeds 17 percent by weight of all component fibers thereof;

(c) articles containing blends of cotton, wool, or man-made fibers, which fibers, in the aggregate, amount to 50 percent or more by weight of all component fibers thereof."

8. Item 365.70 is superseded by:

	[Lace or net furnishings...:]			
	"Burnt-out-lace furnishings:			
365.68	Subject to textile agreements....:	[See Annex V]	:	90% ad val.
365.72	Other.....:	[See Annex V]	:	90% ad val."

9. Item 365.75 is superseded by:

	[Lace or net furnishings...:]			
	"Of lace, of netting, or of lace and netting, and made in designs or patterns formed wholly or in substantial part by joining (by applique or otherwise) machine-made, or handmade and machine-made, materials by handwork:			
365.74	Subject to textile agreements....:	[See Annex V]	:	90% ad val.
365.76	Other.....:	[See Annex V]	:	90% ad val."

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10.(a) Item 432.20 is superseded by:

	[Mixtures...:]			
	"Other:			
432.15	Pesticides	[See Annex V]	3.7% ad val., but not less than the highest rate applicable to any component material	25% ad val., but not less than the highest rate applicable to any component material
432.25	Other	[See Annex V]	3.7% ad val., but not less than the highest rate applicable to any component material	25% ad val., but not less than the highest rate applicable to any component material"

(b) Conforming change: Headnote 2, of subpart C, part 1, schedule 4 is modified by substituting therein "For the purposes of the tariff schedules, the term "pesticides"" for "The term "pesticides" in item 405.15".

11. Item 532.21 is superseded by:

	[Ceramic tiles:]			
	[Floor and wall tiles:]			
	"Mosaic tiles:			
532.20	Tiles in bulk (not mounted); and tiles in sheets having per square foot not over 300 tiles, most of which have faces bounded entirely by straight lines	[See Annex V]	20% ad val.	55% ad val.
532.22	Other	[See Annex V]	20% ad val.	55% ad val."

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12. Item 650.91 is superseded by:

	[Scissors and shears...:]			
	"Valued over $1.75 per dozen:			
650.90	Pinking shears, valued over $30 per dozen	[See Annex V]	10¢ each + 10% ad val.	20¢ each + 45% ad val.
650.92	Other	[See Annex V]	10¢ each + 10% ad val.	20¢ each + 45% ad val."

13.(a) Item 680.63 is superseded by:

	[Gear boxes...:]			
	"Pulleys and shaft couplings, and parts thereof:			
680.92	Gray-iron awning or tackle pulleys, not over 2 1/2 inches in wheel diameter	[See Annex V]	5.7% ad val.	45% ad val.
680.95	Other	[See Annex V]	5.7% ad val.	45% ad val."

(b) Conforming changes: Items 680.65, 680.66, 680.68, 680.69, 680.72, 680.73, 680.75, 680.76, 680.78, 680.81, 680.84, 680.86, 680.88, 680.90, and 680.91 are redesignated as 681.01, 681.04, 681.07, 681.10, 681.13, 681.15, 681.18, 681.21, 681.24, 681.27, 681.30, 681.33, 681.36, 681.39, and 681.42, respectively.

14. Items 688.40, 688.41, and 688.42 are superseded by:

	"Electrical articles and electrical parts of articles, not specially provided for:			
688.44	Electrical articles using pre-programmed digital integrated circuits to produce sound	[See Annex V]	3.9% ad val.	35% ad val.
688.45	Other	[See Annex V]	3.9% ad val.	35% ad val.
688.46	If Canadian article and original motor-vehicle equipment (see headnote 2, part 4B, schedule 6)	Free		
688.47	Electric synchros and transducers, if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)	Free		35% ad val."

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15. Item 727.10 is superseded by:

	[Furniture...:]			
	"Of unspun fibrous vegetable materials:			
727.11	Of rattan.....:	16% ad val.[1/] :	:	60% ad val.
727.12	Other.....:	16% ad val.[1/] :	:	60% ad val."
	:	:	:	
	[1/ See Annex V for future staged reductions.] :	:	:	

Section B. Effective as to articles entered, or withdrawn from warehouse for consumption, on and after March 31, 1981.

1.(a) Item 740.10 is superseded by:

	[Jewelry...:]			
	"Other:			
	Of precious metals:			
	Necklaces and neck chains, almost wholly of gold:			
740.11	Rope.....:	[See Annex V]	: 6.5% ad val.	: 80% ad val.
740.12	Mixed link.....:	[See Annex V]	: 6.5% ad val.	: 80% ad val.
740.13	Other.....:	[See Annex V]	: 6.5% ad val.	: 80% ad val.
740.14	Other.....:	[See Annex V]	: 6.5% ad val.	: 80% ad val.
740.15	Other.....:	[See Annex V]	: 6.5% ad val.	: 80% ad val."

(b) Conforming change: The subpart A, part 6, schedule 7 headnotes are modified by adding thereto:

"5. The term "mixed link" in item 740.12 refers to a chain composed of two or more styles or types of link."

ANNEX II

ARTICLES THAT ARE ELIGIBLE FOR PREFERENTIAL TREATMENT WHEN IMPORTED FROM ANY BENEFICIARY DEVELOPING COUNTRY

100.25	124.30	140.46	155.40
100.31	124.40	140.54	155.60
105.30	124.60	140.56	155.75
105.60	124.65	141.05	156.25
105.84	124.70	141.20	156.30
106.70	124.80	141.35	156.45
106.75	125.01	141.45	156.47
106.80	125.10	141.50	157.10
107.10	125.15	141.85	161.37
107.15	125.20	145.02	161.43
107.20	125.32	145.09	161.45
107.25	125.34	145.24	161.53
107.40	125.50	145.28	161.61
107.45	125.70	145.30	161.65
107.48	125.82	145.52	161.69
107.65	125.84	145.53	161.71
107.70	126.41	145.54	161.75
107.76	127.10	145.65	161.83
107.78	130.20	145.70	161.92
110.28	130.30	146.42	161.96
110.35	130.32	146.66	162.03
110.45	130.37	146.69	162.07
111.10	130.40	146.82	162.11
111.15	130.63	146.87	162.15
111.18	131.20	147.21	165.55
111.56	131.35	147.29	166.10
111.60	131.80	147.33	166.20
112.03	132.55	147.36	166.30
112.36	135.41	147.80	166.40
112.40	135.50	147.85	167.05
112.94	135.51	148.02	167.15
113.01	135.60	148.35	167.25
113.30	135.70	148.65	167.34
113.40	135.80	148.77	167.40
113.50	135.94	149.15	167.50
113.60	136.10	149.60	168.12
114.25	136.40	152.00	168.13
114.55	136.50	152.05	168.14
117.65	136.90	152.43	168.16
117.67	136.92	152.54	168.36
119.50	136.95	152.58	168.37
119.55	136.97	152.60	168.39
120.17	137.02	152.72	168.41
121.10	137.04	153.02	168.42
121.15	137.75	153.08	168.54
121.25	137.79	153.16	168.57
121.30	137.81	153.24	168.59
121.35	138.35	153.28	168.61
121.52	140.10	153.32	168.96
121.54	140.11	154.10	168.98
121.56	140.14	154.40	169.07
121.65	140.16	154.43	169.08
123.50	140.20	154.53	169.32
124.20	140.35	154.60	169.37
124.25	140.38	155.30	169.38

ANNEX II

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169.39	190.25	240.12	252.84
169.46	190.68	240.14	252.86
169.47	191.18	240.16	252.90
169.48	192.17	240.21	253.05
169.49	193.10	240.30	253.10
169.58	200.06	240.32	253.15
169.59	200.45	240.34	253.20
176.01	202.38	240.36	253.25
176.14	202.54	240.38	253.30
176.29	202.56	240.40	253.35
176.30	202.60	240.50	253.40
176.49	202.66	240.52	253.45
176.50	203.10	240.54	254.05
176.70	203.20	240.56	254.09
177.12	203.30	240.58	254.15
177.16	204.05	240.60	254.18
177.22	204.10	245.00	254.20
177.24	204.20	245.10	254.25
177.26	204.35	245.30	254.30
177.40	204.40	245.45	254.35
177.58	206.30	245.50	254.40
177.62	206.45	245.60	254.42
177.69	206.52	245.70	254.44
177.72	206.53	245.80	254.46
178.30	206.54	251.10	254.48
182.05	206.65	251.15	254.50
182.10	206.95	251.20	254.54
182.11	207.00	251.25	254.56
182.15	220.10	251.30	254.58
182.20	220.15	251.45	254.63
182.30	220.31	251.49	254.65
182.32	220.35	252.05	254.70
182.35	220.36	252.10	254.80
182.36	220.37	252.13	254.85
182.40	220.39	252.15	254.90
182.45	220.41	252.17	254.95
182.46	220.47	252.20	256.05
182.52	220.50	252.25	256.10
182.58	222.30	252.27	256.13
182.90	222.32	252.30	256.15
182.96	222.34	252.35	256.20
183.05	222.36	252.40	256.25
184.50	222.40	252.42	256.30
184.58	222.41	252.45	256.35
184.65	222.42	252.50	256.40
186.10	222.44	252.57	256.42
186.15	222.55	252.59	256.44
186.20	222.57	252.61	256.48
186.30	222.60	252.63	256.52
186.40	222.62	252.70	256.54
186.50	222.64	252.73	256.56
188.30	240.00	252.75	256.58
188.34	240.03	252.77	256.65
188.50	240.04	252.79	256.67
190.10	240.06	252.81	256.70

ANNEX II

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256.75	306.80	361.53	407.04
256.80	306.81	363.02	407.06
256.84	306.82	364.09	407.08
256.90	307.02	364.14	407.10
270.45	307.04	364.18	407.12
270.50	307.06	364.25	407.20
273.30	307.16	364.35	407.25
273.50	308.06	365.05	407.30
273.55	308.10	365.14	407.32
273.65	308.16	365.15	407.35
273.70	308.18	365.25	407.40
273.75	308.20	365.29	407.45
273.85	308.30	365.72	407.50
273.90	308.40	365.76	407.55
273.95	308.45	365.84	407.60
274.00	308.47	365.91	407.70
274.05	308.50	366.84	407.80
274.10	308.51	370.17	407.90
274.15	308.55	370.19	408.05
274.20	308.80	370.22	408.10
274.23	308.90	372.60	408.15
274.27	312.10	372.65	408.20
274.29	312.30	373.22	408.25
274.33	312.40	385.95	408.30
274.35	312.50	386.09	408.35
274.60	315.30	387.32	408.40
274.65	315.75	390.16	408.45
274.70	316.50	403.02	408.60
274.75	316.70	403.04	408.70
274.80	319.03	403.06	408.75
274.85	319.07	403.08	408.80
274.90	335.50	403.10	409.00
304.04	335.70	403.40	415.20
304.10	335.85	403.42	415.27
304.12	337.20	403.44	415.50
304.14	337.72	403.46	416.05
304.22	339.10	403.58	416.10
304.40	347.20	403.70	416.30
304.44	347.28	403.75	416.45
304.48	347.30	403.78	417.10
304.58	347.35	403.79	417.14
305.20	347.72	403.90	417.16
305.22	347.75	405.04	417.18
305.28	355.04	405.06	417.20
305.30	355.20	405.10	417.22
305.40	355.42	405.15	417.24
305.50	355.55	405.20	417.26
306.42	356.25	405.25	417.28
306.52	356.40	405.30	417.30
306.53	360.36	405.35	417.32
306.60	360.77	405.40	417.34
306.61	360.79	405.45	417.36
306.70	360.82	405.55	417.38
306.71	360.84	406.80	417.42
306.72	361.21	407.02	417.44

ANNEX II

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417.50	419.82	422.14	426.00
417.52	419.84	422.20	426.04
417.54	419.90	422.24	426.08
417.64	420.00	422.26	426.10
417.70	420.02	422.30	426.12
417.72	420.04	422.58	426.14
417.74	420.06	422.60	426.18
417.76	420.08	422.62	426.22
417.78	420.14	422.70	426.24
417.80	420.16	422.72	426.26
417.90	420.18	422.74	426.28
417.92	420.20	422.78	426.32
418.00	420.22	422.80	426.34
418.14	420.24	422.82	426.36
418.18	420.26	422.90	426.42
418.22	420.28	422.92	426.44
418.24	420.30	422.94	426.46
418.26	420.34	423.00	426.52
418.28	420.36	423.80	426.54
418.32	420.40	423.84	426.56
418.40	420.54	423.86	426.58
418.42	420.60	423.88	426.62
418.44	420.68	423.94	426.64
418.50	420.70	423.96	426.72
418.52	420.78	425.00	426.76
418.60	420.84	425.02	426.77
418.62	420.86	425.04	426.78
418.68	420.88	425.06	426.82
418.72	420.94	425.08	426.84
418.74	420.98	425.09	426.86
418.76	421.04	425.10	426.88
418.78	421.06	425.12	426.92
418.80	421.08	425.14	426.94
418.94	421.10	425.18	426.96
419.00	421.14	425.20	426.98
419.02	421.16	425.22	427.02
419.04	421.18	425.24	427.04
419.10	421.22	425.26	427.06
419.20	421.34	425.28	427.08
419.22	421.36	425.32	427.12
419.24	421.44	425.34	427.14
419.28	421.46	425.36	427.16
419.32	421.52	425.38	427.18
419.34	421.54	425.41	427.20
419.38	421.60	425.42	427.22
419.40	421.62	425.52	427.24
419.42	421.72	425.70	427.25
419.44	421.74	425.72	427.28
419.50	421.76	425.74	427.30
419.52	421.84	425.76	427.40
419.54	421.86	425.78	427.42
419.70	421.90	425.82	427.44
419.74	422.00	425.87	427.45
419.76	422.10	425.88	427.46
419.80	422.12	425.94	427.48

ANNEX II

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427.53	429.26	438.01	460.70
427.54	429.29	438.02	460.75
427.56	429.30	439.30	460.80
427.58	429.32	439.50	460.85
427.60	429.34	440.00	460.90
427.62	429.38	445.05	461.05
427.64	429.42	445.10	461.10
427.70	429.44	445.15	461.15
427.72	429.46	445.20	461.20
427.74	429.47	445.25	461.30
427.82	429.48	445.30	461.35
427.84	429.60	445.35	461.40
427.92	429.70	445.42	461.45
427.94	429.85	445.44	465.05
427.97	429.95	445.46	465.10
427.98	432.15	445.48	465.15
428.04	435.10	445.52	465.20
428.06	437.00	445.54	465.25
428.12	437.02	445.56	465.30
428.20	437.04	445.75	465.35
428.22	437.06	446.10	465.40
428.24	437.10	446.12	465.45
428.26	437.12	446.15	465.50
428.30	437.13	446.30	465.55
428.32	437.14	450.10	465.60
428.36	437.16	450.20	465.65
428.40	437.18	452.24	465.70
428.41	437.20	452.48	465.75
428.42	437.22	452.54	465.80
428.44	437.24	452.58	465.85
428.47	437.30	452.80	465.87
428.50	437.32	455.02	465.90
428.52	437.36	455.06	465.92
428.54	437.38	455.16	465.95
428.58	437.40	455.18	466.05
428.62	437.44	455.20	466.10
428.64	437.49	455.22	466.15
428.66	437.50	455.24	466.20
428.68	437.51	455.30	466.25
428.72	437.52	455.32	466.30
428.80	437.54	455.34	470.15
428.82	437.55	455.36	470.25
428.84	437.56	455.38	470.55
428.86	437.57	455.44	470.57
428.88	437.58	455.46	470.85
428.90	437.60	460.10	472.06
428.92	437.65	460.15	472.10
428.94	437.68	460.25	472.14
428.96	437.69	460.30	472.24
429.00	437.70	460.35	472.30
429.10	437.72	460.45	472.40
429.12	437.74	460.50	472.42
429.19	437.82	460.55	472.44
429.22	437.84	460.60	472.48
429.24	437.86	460.65	472.50

ANNEX II

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473.02	485.30	513.84	520.54
473.06	490.05	513.94	520.61
473.10	490.10	514.21	520.71
473.12	490.24	514.24	521.87
473.14	490.30	514.34	522.41
473.16	490.32	514.41	522.45
473.18	490.40	514.44	522.71
473.19	490.42	514.51	522.81
473.20	490.44	514.54	523.31
473.24	490.46	514.57	523.33
473.28	490.48	514.61	523.35
473.30	490.50	514.65	523.37
473.32	490.90	514.81	523.51
473.36	490.92	515.11	523.61
473.38	490.94	515.14	523.91
473.44	493.10	515.24	523.94
473.46	493.14	515.31	531.01
473.48	493.17	515.34	531.04
473.50	493.18	515.51	531.11
473.54	493.20	515.54	531.21
473.58	493.22	515.61	531.24
473.60	493.25	515.64	531.33
473.62	493.26	516.21	531.35
473.66	493.30	516.24	531.37
473.70	493.46	516.73	531.39
473.72	493.47	516.74	532.14
473.74	493.50	516.76	532.22
473.76	493.67	516.91	532.41
473.78	493.68	516.94	532.61
473.80	493.82	517.11	533.11
473.82	494.04	517.21	533.15
473.84	494.40	517.51	533.54
473.86	494.52	517.61	534.11
473.88	494.60	517.71	534.21
473.90	495.05	517.74	534.31
474.02	495.10	517.81	534.74
474.04	495.15	517.91	534.76
474.06	495.20	518.21	534.81
474.08	511.11	518.51	534.84
474.20	511.25	519.11	534.87
474.22	511.41	519.14	534.91
474.26	511.51	519.31	534.97
474.30	511.61	519.37	535.11
474.35	511.71	519.51	535.12
474.40	512.24	519.83	535.14
474.42	512.31	519.84	535.21
474.44	512.35	519.86	535.24
474.46	512.41	519.91	535.27
474.50	512.44	519.93	535.41
474.60	513.21	519.95	536.11
474.62	513.36	519.97	536.15
475.55	513.41	520.31	540.11
475.60	513.51	520.37	540.13
485.10	513.74	520.39	540.14
485.20	513.81	520.51	540.15

ANNEX II

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540.21	547.51	610.63	618.20
540.37	547.53	610.65	618.22
540.41	547.55	610.66	618.25
540.43	548.01	610.70	618.27
540.47	548.03	610.71	618.29
540.51	548.05	610.74	618.40
540.55	601.33	610.80	618.42
540.61	601.54	612.02	618.47
540.63	602.10	612.05	620.08
540.65	602.20	612.08	620.10
540.67	602.28	612.10	620.12
540.71	603.10	612.15	620.16
541.11	603.15	612.17	620.20
541.21	603.25	612.20	620.22
541.31	603.30	612.30	620.26
543.11	603.45	612.31	620.30
544.11	603.49	612.32	620.40
544.14	603.54	612.34	620.42
544.16	603.55	612.35	620.46
544.18	603.70	612.36	620.50
544.31	605.03	612.38	622.15
544.41	605.05	612.39	622.17
544.51	605.06	612.40	622.20
544.54	605.08	612.41	622.22
544.61	605.27	612.43	622.25
544.64	605.48	612.44	622.35
545.11	605.60	612.45	624.02
545.17	605.65	612.50	624.04
545.21	605.66	612.52	624.10
545.25	606.11	612.55	624.12
545.27	606.15	612.56	624.14
545.31	606.26	612.60	624.16
545.34	606.28	612.61	624.18
545.35	606.30	612.62	624.20
545.37	606.33	612.63	624.22
545.55	606.36	612.64	624.24
545.57	606.37	612.70	624.30
545.61	606.44	612.71	624.32
545.63	606.48	612.72	624.34
545.67	606.57	612.73	624.40
545.81	606.59	612.80	624.42
545.87	606.60	612.81	624.50
546.21	606.62	612.82	624.52
546.23	606.64	613.02	624.54
546.25	606.71	613.03	626.15
546.39	606.73	613.04	626.17
546.47	606.75	613.06	626.18
547.11	606.77	613.08	626.20
547.13	609.14	613.10	626.22
547.15	609.15	613.11	626.24
547.21	609.88	613.12	626.30
547.31	609.90	613.15	626.31
547.37	610.56	613.18	626.35
547.41	610.58	618.10	626.40
547.43	610.62	618.17	626.42

ANNEX II

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626.45	642.52	646.04	648.85
628.05	642.54	646.06	648.89
628.10	642.56	646.17	648.91
628.15	642.58	646.20	648.93
628.20	642.60	646.22	648.95
628.25	642.62	646.27	649.01
628.30	642.64	646.28	649.03
628.35	642.66	646.30	649.05
628.40	642.68	646.32	649.07
628.45	642.70	646.34	649.11
628.50	642.72	646.36	649.14
628.55	642.74	646.40	649.17
628.59	642.76	646.41	649.19
628.70	642.78	646.42	649.21
628.74	642.80	646.45	649.23
628.90	642.82	646.47	649.24
628.95	642.85	646.51	649.25
629.05	642.87	646.53	649.26
629.10	642.93	646.54	649.27
629.20	644.02	646.56	649.29
629.25	644.06	646.57	649.31
629.26	644.08	646.65	649.32
629.50	644.09	646.72	649.33
629.60	644.11	646.74	649.35
629.65	644.12	646.75	649.37
632.02	644.15	646.76	649.39
632.04	644.17	646.77	649.41
632.12	644.18	646.78	649.43
632.18	644.20	646.82	649.44
632.34	644.22	646.85	649.46
632.42	644.24	646.86	649.47
632.60	644.26	646.87	649.48
632.62	644.28	646.88	649.49
632.66	644.30	646.89	649.53
633.00	644.32	646.90	649.57
640.05	644.36	646.92	649.67
640.10	644.38	646.95	649.71
640.20	644.40	646.97	649.73
640.25	644.42	646.98	649.75
640.30	644.46	647.01	649.77
640.35	644.48	647.03	649.79
640.40	644.52	647.05	649.81
642.06	644.56	647.10	649.83
642.08	644.60	648.51	649.85
642.09	644.64	648.53	649.87
642.14	644.68	648.55	649.89
642.16	644.72	648.57	649.91
642.18	644.76	648.61	650.01
642.20	644.80	648.63	650.05
642.25	644.84	648.67	650.07
642.27	644.88	648.69	650.13
642.30	644.92	648.71	650.15
642.45	644.95	648.73	650.17
642.47	644.98	648.75	650.19
642.50	646.02	648.80	650.21

ANNEX II

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650.31	652.33	656.10	661.85
650.35	652.35	656.15	661.90
650.37	652.36	656.20	661.92
650.43	652.38	656.25	661.95
650.45	652.41	656.30	662.10
650.51	652.42	656.35	662.15
650.53	652.45	657.10	662.18
650.56	652.50	657.15	662.20
650.57	652.55	657.25	662.26
650.61	652.60	657.30	662.30
650.63	652.65	657.35	662.50
650.65	652.70	657.40	664.06
650.71	652.72	657.50	664.07
650.73	652.75	657.60	664.08
650.75	652.80	657.70	664.10
650.77	652.86	657.75	666.10
650.79	652.88	657.80	666.25
650.81	652.90	657.90	668.00
650.83	652.92	658.00	668.02
650.85	652.93	660.10	668.04
650.87	653.00	660.15	668.06
650.90	653.01	660.20	668.07
651.01	653.03	660.22	668.10
651.03	653.05	660.25	668.15
651.04	653.07	660.30	668.21
651.07	653.10	660.35	668.23
651.09	653.15	660.56	668.32
651.11	653.20	660.59	668.34
651.15	653.25	660.62	668.36
651.23	653.30	660.67	668.38
651.25	653.35	660.71	668.50
651.27	653.37	660.74	670.00
651.29	653.39	660.76	670.02
651.31	653.45	660.77	670.04
651.33	653.52	660.80	670.06
651.37	653.60	660.85	670.12
651.45	653.62	660.92	670.14
651.47	653.65	660.96	670.16
651.49	653.70	660.97	670.17
651.51	653.75	661.05	670.18
651.53	653.80	661.06	670.19
651.55	653.90	661.12	670.20
651.60	653.96	661.15	670.22
651.62	653.99	661.20	670.23
652.03	654.01	661.25	670.25
652.06	654.02	661.30	670.27
652.09	654.03	661.35	670.29
652.13	654.05	661.40	670.33
652.14	654.09	661.45	670.35
652.15	654.11	661.50	670.40
652.18	654.13	661.54	670.41
652.21	654.14	661.56	670.42
652.24	654.15	661.65	670.43
652.27	654.20	661.67	670.50
652.30	656.05	661.68	670.52

ANNEX II

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670.54	680.27	686.60	702.45
670.56	680.42	686.70	702.85
670.58	680.46	686.80	702.90
670.64	680.49	686.90	702.95
670.66	680.59	687.10	703.20
670.68	680.62	687.20	703.25
670.70	680.92	687.42	703.30
670.72	681.10	688.04	703.35
670.74	681.13	688.06	703.40
670.90	681.15	688.20	703.45
672.10	681.21	688.25	703.50
672.14	681.27	688.30	703.55
672.16	681.33	688.44	703.60
672.20	681.36	690.05	703.70
672.22	681.39	690.10	703.72
672.25	682.05	690.15	703.80
674.10	682.07	690.20	703.85
674.20	682.20	690.35	704.34
674.30	682.25	690.40	704.75
674.32	682.30	692.04	704.80
674.40	682.35	692.14	704.95
674.42	682.41	692.16	705.30
674.50	682.45	692.29	705.82
674.52	682.50	692.35	705.83
674.53	682.52	692.40	705.90
674.55	682.55	692.45	706.04
674.56	682.70	692.50	706.45
674.60	682.80	692.55	706.47
674.70	682.90	692.60	706.50
674.75	682.95	694.31	708.01
674.80	683.10	694.50	708.03
674.90	683.20	694.61	708.05
676.07	683.30	694.63	708.07
676.10	683.32	694.64	708.09
676.12	683.40	694.65	708.21
676.15	683.50	694.66	708.23
676.22	683.60	694.67	708.25
676.23	683.65	694.70	708.27
676.25	683.90	696.05	708.29
676.30	683.95	696.15	708.41
676.50	684.10	696.30	708.43
678.20	684.25	696.40	708.45
678.30	684.28	696.50	708.47
678.32	684.40	696.60	708.51
678.35	684.62	700.54	708.52
678.40	684.64	702.08	708.56
678.45	685.10	702.15	708.58
680.05	685.26	702.20	708.61
680.07	685.29	702.25	708.63
680.12	685.34	702.28	708.65
680.13	685.42	702.30	708.71
680.14	685.60	702.32	708.72
680.17	685.70	702.35	708.73
680.19	686.18	702.37	708.75
680.25	686.40	702.40	708.76

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708.78	710.70	722.30	725.34
708.80	710.72	722.32	725.36
708.82	710.76	722.34	725.38
708.85	710.78	722.40	725.40
708.87	710.80	722.42	725.47
708.89	710.86	722.46	725.50
708.91	710.88	722.50	725.52
708.93	710.90	722.52	726.05
709.01	711.04	722.55	726.10
709.03	711.08	722.56	726.15
709.05	711.25	722.60	726.20
709.06	711.30	722.64	726.25
709.07	711.31	722.70	726.40
709.09	711.32	722.72	726.45
709.10	711.38	722.75	726.50
709.11	711.40	722.78	726.52
709.13	711.42	722.80	726.55
709.15	711.45	722.82	726.60
709.17	711.47	722.83	726.62
709.19	711.49	722.85	726.63
709.21	711.55	722.86	726.65
709.23	711.60	722.88	726.70
709.25	711.67	722.90	726.75
709.27	711.75	722.92	727.02
709.45	711.77	722.94	727.04
709.50	711.78	722.96	727.06
709.54	711.86	723.05	727.12
709.55	711.88	723.10	727.25
709.56	711.90	723.15	727.27
709.57	711.98	723.20	727.29
709.61	712.05	723.25	727.40
709.63	712.10	723.30	727.45
709.66	712.12	723.32	727.47
710.04	712.15	723.35	727.50
710.06	712.20	724.10	727.52
710.08	712.25	724.12	727.55
710.12	712.27	724.20	727.86
710.14	712.47	724.25	728.05
710.16	712.49	724.35	728.10
710.20	713.05	724.40	728.15
710.21	713.07	724.45	728.20
710.26	713.09	725.01	728.25
710.27	713.11	725.03	730.05
710.30	713.17	725.04	730.23
710.34	713.19	725.05	730.25
710.36	715.20	725.07	730.27
710.40	720.80	725.10	730.31
710.42	720.92	725.12	730.37
710.46	721.10	725.14	730.39
710.50	722.02	725.16	730.43
710.60	722.04	725.18	730.45
710.61	722.10	725.20	730.51
710.63	722.12	725.22	730.53
710.65	722.14	725.24	730.55
710.67	722.16	725.26	730.57
710.68	722.18	725.30	730.59
			730.63

ANNEX II

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730.65	734.95	745.67	756.45
730.67	735.01	745.68	756.50
730.71	735.02	745.70	756.55
730.73	735.04	748.05	756.60
730.74	735.06	748.10	760.10
730.75	735.10	748.12	760.12
730.77	735.11	748.15	760.15
730.80	735.12	748.20	760.20
730.81	735.15	748.21	760.30
730.85	735.17	748.25	760.32
730.86	735.18	748.32	760.34
730.88	737.07	748.34	760.36
730.90	737.09	748.36	760.38
730.91	737.15	748.40	760.40
730.92	737.21	750.10	760.42
730.93	737.35	750.15	760.45
731.05	737.40	750.20	760.50
731.06	737.55	750.22	760.52
731.10	737.65	750.25	760.54
731.20	737.70	750.32	760.56
731.24	740.05	750.40	760.58
731.26	740.38	750.45	760.65
731.30	740.50	750.47	766.20
731.42	740.55	750.50	770.05
731.44	740.60	750.55	770.07
731.50	740.75	750.60	770.10
731.70	740.80	750.65	770.30
732.35	741.06	750.70	770.40
732.38	741.10	750.75	770.45
732.43	741.15	750.80	770.70
732.50	741.20	751.10	770.80
732.52	741.30	751.11	771.05
732.60	741.35	751.15	771.20
732.62	741.40	751.20	771.25
734.05	741.50	751.25	771.30
734.30	745.04	755.05	771.31
734.32	745.08	755.10	771.35
734.40	745.10	755.20	771.40
734.42	745.20	755.30	771.41
734.45	745.25	755.40	771.43
734.54	745.28	755.45	771.50
734.60	745.30	755.50	771.55
734.70	745.34	756.02	772.06
734.71	745.45	756.04	772.09
734.72	745.50	756.06	772.15
734.75	745.52	756.10	772.20
734.77	745.54	756.15	772.25
734.80	745.56	756.21	772.40
734.85	745.58	756.23	772.42
734.86	745.60	756.25	772.45
734.88	745.62	756.30	772.54
734.91	745.65	756.35	772.60
734.93	745.66	756.40	772.65

ANNEX II

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772.69	774.50	790.60	791.50
772.71	774.55	790.61	791.54
772.80	790.00	790.62	791.57
772.85	790.03	790.63	791.60
772.95	790.07	791.05	791.65
773.05	790.10	791.10	791.70
773.10	790.15	791.15	791.80
773.15	790.23	791.17	791.90
773.20	790.30	791.19	792.10
773.25	790.37	791.20	792.22
773.30	790.40	791.27	792.30
773.35	790.45	791.28	792.32
774.20	790.47	791.30	792.40
774.25	790.50	791.35	792.70
774.35	790.55	791.45	799.00
774.40	790.59	791.48	

ANNEX III

ARTICLES THAT ARE ELIGIBLE FOR PREFERENTIAL TREATMENT WHEN IMPORTED FROM BENEFICIARY DEVELOPING COUNTRIES OTHER THAN THOSE SPECIFIED IN GENERAL HEADNOTE 3(c)(iii) OF THE TSUS

107.80	245.20	654.07	727.23
114.05	256.60	654.12	727.35
121.55	256.87	657.24	730.29
121.62	308.35	660.42	730.41
135.30	315.25	660.48	734.10
135.90	315.55	662.35	734.15
136.00	319.01	674.35	734.20
136.30	319.05	676.20	734.25
136.80	360.35	676.52	734.34
137.40	389.61	678.50	734.51
137.71	419.60	682.60	734.56
138.05	420.82	683.15	734.87
140.21	422.76	683.70	734.90
141.70	425.84	683.80	735.07
141.77	425.86	684.15	735.09
146.12	428.34	684.20	735.20
146.22	437.64	684.50	737.25
146.44	473.52	684.70	737.30
147.98	473.56	685.24	737.45
148.12	511.31	685.40	737.50
148.19	516.71	685.90	737.60
148.27	517.24	686.24	737.80
148.72	518.41	686.30	737.95
149.50	520.35	686.50	740.10
155.20	522.21	687.30	740.30
155.35	532.31	688.10	740.34
156.40	534.94	688.12	740.70
176.15	535.31	688.15	741.25
176.17	545.53	688.35	750.05
192.21	545.65	688.45	750.35
192.45	545.85	692.32	751.05
192.85	603.40	696.10	755.25
200.91	603.50	696.35	771.45
202.62	612.03	702.14	772.03
204.30	612.06	702.47	772.35
206.47	618.15	703.65	772.51
206.50	622.40	703.75	772.97
206.60	648.97	706.40	774.45
206.98	650.89	709.40	790.25
220.20	651.13	713.15	790.39
220.25	651.21	722.44	790.70
220.48	652.84	725.08	792.50
222.10	653.47	725.32	792.60
240.02	653.48	725.46	792.75
240.10	653.85	726.90	
240.19	653.93	727.15	

ANNEX IV

"(iii) The following designated eligible articles provided for in TSUS item numbers preceded by the designation "A*", if imported from a beneficiary developing country set opposite the TSUS item numbers listed below, are not entitled to the duty-free treatment provided for in subdivision (c)(ii) of this headnote:

TSUS item No.	Country or territory	TSUS item No.	Country or territory
107.80	Argentina	206.60	Mexico
114.05	Thailand	206.98	Taiwan
121.55	India	220.20	Portugal
121.62	India	220.25	Portugal
135.30	Mexico	220.48	Portugal
135.90	Mexico	222.10	Hong Kong
136.00	Dominican Republic	240.02	Philippines
136.30	Mexico	240.10	Brazil
136.80	Mexico	240.19	Taiwan
137.40	Mexico	245.20	Brazil
137.71	Mexico	256.60	Republic of Korea
138.05	Mexico	256.87	Mexico
140.21	Mexico	308.35	Hong Kong
141.70	Taiwan	315.25	Mexico
141.77	Mexico	315.55	Philippines
146.12	Argentina	319.01	India
146.22	Turkey	319.05	India
146.44	Philippines	360.35	India
147.98	Mexico	389.61	Hong Kong
148.12	Mexico	419.60	Chile
148.19	Mexico	420.82	Israel
148.27	Mexico	422.76	Mexico
148.72	Chile	425.84	Netherlands Antilles
149.50	Mexico	425.86	Brazil
155.20	Brazil, Dominican Republic, Philippines	428.34	Brazil
		437.64	Brazil
		473.52	Mexico
155.35	Dominican Republic	473.56	Mexico
156.40	Brazil	511.31	Mexico
176.15	Brazil	516.71	India
176.17	Philippines	517.24	Malagasy Republic
192.21	Colombia	518.41	Mexico
192.45	Israel	520.35	Thailand
192.85	Mexico	522.21	Mexico
200.91	Honduras	532.31	Mexico
202.62	Mexico	534.94	Taiwan
204.30	Mexico	535.31	Mexico
206.47	Taiwan	545.53	Mexico
206.50	Honduras	545.65	Mexico

ANNEX IV

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TSUS item No.	Country or territory
545.85	Taiwan
603.40	Chile
603.50	Chile
612.03	Peru
612.06	Chile, Peru
618.15	Venezuela
622.40	Brazil
648.97	Taiwan
650.89	Hong Kong
651.13	Hong Kong
651.21	Taiwan
652.84	Mexico
653.47	Taiwan
653.48	Taiwan
653.85	Taiwan
653.93	Taiwan
654.07	Taiwan
654.12	Taiwan
657.24	Taiwan
660.42	Brazil
660.48	Mexico
662.35	Mexico
674.35	Taiwan
676.20	Hong Kong
676.52	Hong Kong, Mexico
678.50	Hong Kong, Republic of Korea, Taiwan
682.60	Mexico
683.15	Mexico
683.70	Hong Kong
683.80	Hong Kong
684.15	Singapore
684.20	Hong Kong
684.50	Hong Kong
684.70	Taiwan
685.24	Hong Kong, Republic of Korea, Singapore, Taiwan
685.40	Taiwan
685.90	Mexico
686.24	El Salvador
686.30	Taiwan
686.50	Mexico
687.30	Malaysia
688.10	Taiwan
688.12	Mexico
688.15	Mexico
688.35	Republic of Korea
688.45	Hong Kong
692.32	Brazil, Mexico
696.10	Taiwan
696.35	Taiwan
702.14	Republic of Korea
702.47	Mexico
703.65	Mexico
703.75	Mexico
706.40	Hong Kong
709.40	Hong Kong
713.15	Mexico
722.44	Hong Kong
725.08	Republic of Korea
725.32	Taiwan
725.46	Republic of Korea
726.90	Mexico
727.15	Taiwan
727.23	Republic of Korea
727.35	Taiwan
730.29	Brazil
730.41	Brazil
734.10	Taiwan
734.15	Taiwan
734.20	Hong Kong
734.25	Hong Kong
734.34	Hong Kong
734.51	Taiwan
734.56	Haiti
734.87	Taiwan
734.90	Taiwan
735.07	Republic of Korea
735.09	Taiwan
735.20	Taiwan
737.25	Taiwan
737.30	Republic of Korea
737.45	Hong Kong
737.50	Hong Kong
737.60	Hong Kong
737.80	Hong Kong
737.95	Hong Kong, Taiwan
740.10	Hong Kong
740.30	Hong Kong
740.34	Hong Kong
740.70	Israel
741.25	Hong Kong
750.05	Hong Kong

ANNEX IV

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TSUS item No.	Country or territory
750.35	Taiwan
751.05	Taiwan
755.25	Hong Kong
771.45	Taiwan
772.03	Hong Kong
772.35	Taiwan
772.51	Republic of Korea
772.97	Hong Kong
774.45	Hong Kong
790.25	Philippines
790.39	Taiwan
790.70	Republic of Korea
792.50	Philippines
792.60	Hong Kong
792.75	Hong Kong"

ANNEX V

Annex III to Presidential Proclamation 4707 of December 13, 1979, is amended --

a) by deleting from Section A of that Annex the following TSUS item numbers with their corresponding rates of duty and footnotes:

137.82	337.70	432.20	680.63
168.49	365.70	532.21	688.40
168.53	365.75	650.91	740.10

b) by inserting in Section A of that Annex the following TSUS item numbers in numerical sequence, with their corresponding rates of duty and footnotes, as follows:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 --							
		1980	1981	1982	1983	1984	1985	1986	1987
137.81 2/	25% ad val.	22% 2/	19%	16%	13%	10%	10%	10%	10%
137.82 2/	25% ad val.	22% 2/	2/	2/	2/	2/	2/	2/	2/
137.83 2/	25% ad val.	22% 2/	19%	16%	13%	10%	10%	10%	10%
168.49 2/	$1.25 per proof gal.	$1.16/ proof gal. 2/	2/	2/	2/	2/	2/	2/	2/
168.53 3/	$1 per proof gal.	92¢/ proof gal. 3/	3/	3/	3/	3/	3/	3/	3/
168.57 2/	$1.25 per proof gal.	$1.16/ proof gal. 2/	$1.06/ proof gal.	97¢/ proof gal.	87¢/ proof gal.	78¢/ proof gal.	69¢/ proof gal.	59¢/ proof gal.	50¢/ proof gal.
168.61 3/	$1 per proof gal.	92¢/ proof gal. 3/	85¢/ proof gal.	77¢/ proof gal.	70¢/ proof gal.	62¢/ proof gal.	55¢/ proof gal.	47¢/ proof gal.	40¢/ proof gal.
168.78 2/	$1.25 per proof gal.	$1.16/ proof gal. 2/	$1.06/ proof gal.	97¢/ proof gal.	87¢/ proof gal.	78¢/ proof gal.	69¢/ proof gal.	59¢/ proof gal.	50¢/ proof gal
168.82 3/	$1 per proof gal.	92¢/ proof gal. 3/	85¢/ proof gal.	77¢/ proof gal.	70¢/ proof gal.	62¢/ proof gal.	55¢/ proof gal.	47¢/ proof gal.	40¢/ proof gal.
337.68 4/	11.5% ad val.	11.5% 4/	11.5%	10.6%	9.7%	8.7%	7.8%	6.9%	6%
337.70 4/	11.5% ad val.	11.5% 4/	4/	4/	4/	4/	4/	4/	4/
337.72 4/	11.5% ad val.	11.5% 4/	11.5%	10.6%	9.7%	8.7%	7.8%	6.9%	6%
365.68 7/	22.5% ad val.	22.5% 7/	22.5%	20.8%	19.3%	17.7%	16%	14.4%	12.8%
365.70 7/	22.5% ad val.	22.5% 7/	7/	7/	7/	7/	7/	7/	7/
365.72 7/	22.5% ad val.	22.5% 7/	22.5%	20.8%	19.3%	17.7%	16%	14.4%	12.8%
365.74 3/	32% ad val.	32% 3/	32%	29.3%	26.5%	23.8%	21%	18.3%	15.5% 3/
365.75 3/	32% ad val.	32% 3/	3/	3/	3/	3/	3/	3/	3/
365.76 3/	32% ad val.	32% 3/	32%	29.3%	26.5%	23.8%	21%	18.3%	15.5% 3/

Footnote 2 for items 137.81, 137.82, and 137.83:

2/ Item 137.82 is discontinued effective March 30, 1980, and is superseded by items 137.81 and 137.83.

Footnote 2 for items 168.49, 168.57, and 168.78:

2/ Item 168.49 is discontinued effective March 30, 1980, and is superseded by items 168.57 and 168.78.

Footnote 3 for items 168.53, 168.61, and 168.82:

3/ Item 168.53 is discontinued effective March 30, 1980, and is superseded by items 168.61 and 168.82.

Footnote 4 for items 337.68, 337.70, and 337.72:

4/ Item 337.70 is discontinued effective March 30, 1980, and is superseded by items 337.68 and 337.72.

Footnote 7 for items 365.68, 365.70, and 365.72:

7/ Item 365.70 is discontinued effective March 30, 1980, and is superseded by items 365.68 and 365.72.

Footnote 3 for items 365.74, 365.75, and 365.76:

3/ Item 365.75 is discontinued effective March 30, 1980, and is superseded by items 365.74 and 365.76. For items 365.74 and 365.76, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 12.8%.

ANNEX V

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b) by inserting in Section A of that Annex the following TSUS item numbers in numerical sequence with their corresponding rates of duty and footnotes, as follows (continued):

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 --							
		1980	1981	1982	1983	1984	1985	1986	1987
432.15 2/	5% ad val., but not less than the highest rate applicable to any component material	4.8%, but not less than the highest rate applicable to any component material 2/	4.7%, but not less than the highest rate applicable to any component material	4.5%, but not less than the highest rate applicable to any component material	4.4%, but not less than the highest rate applicable to any component material	4.2%, but not less than the highest rate applicable to any component material	4%, but not less than the highest rate applicable to any component material	3.9%, but not less than the highest rate applicable to any component material	3.7%, but not less than the highest rate applicable to any component material
432.20 2/	5% ad val., but not less than the highest rate applicable to any component material	4.8%, but not less than the highest rate applicable to any component material 2/	2/	2/	2/	2/	2/	2/	2/
432.25 2/	5% ad val., but not less than the highest rate applicable to any component material	4.8%, but not less than the highest rate applicable to any component material 2/	4.7%, but not less than the highest rate applicable to any component material	4.5%, but not less than the highest rate applicable to any component material	4.4%, but not less than the highest rate applicable to any component material	4.2%, but not less than the highest rate applicable to any component material	4%, but not less than the highest rate applicable to any component material	3.9%, but not less than the highest rate applicable to any component material	3.7%, but not less than the highest rate applicable to any component material
532.20 2/	24.5% ad val.	23.9% 2/	23.4%	22.8%	22.3%	21.7%	21.1%	20.6%	20%
532.21 2/	24.5% ad val.	23.9% 2/	2/	2/	2/	2/	2/	2/	2/
532.22 2/	24.5% ad val.	23.9% 2/	23.4%	22.8%	22.3%	21.7%	21.1%	20.6%	20%
650.90 2/	10¢ each + 22.5% ad val.	10¢ each + 20.9% 2/	10¢ each + 19.4%	10¢ each + 17.8%	10¢ each + 16.3%	10¢ each + 14.7%	10¢ each + 13.1%	10¢ each + 11.6%	10¢ each + 10%
650.91 2/	10¢ each + 22.5% ad val.	10¢ each + 20.9% 2/	2/	2/	2/	2/	2/	2/	2/
650.92 2/	10¢ each + 22.5% ad val.	10¢ each + 20.9% 2/	10¢ each + 19.4%	10¢ each + 17.8%	10¢ each + 16.3%	10¢ each + 14.7%	10¢ each + 13.1%	10¢ each + 11.6%	10¢ each + 10%
680.63 2/	9.5% ad val.	9% 2/	2/	2/	2/	2/	2/	2/	2/
680.92 2/	9.5% ad val.	9% 2/	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%
680.95 2/	9.5% ad val.	9% 2/	8.6%	8.1%	7.6%	7.1%	6.7%	6.2%	5.7%
688.40 2/	5.5% ad val.	5.3% 2/	2/	2/	2/	2/	2/	2/	2/
688.44 2/	5.5% ad val.	5.3% 2/	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%
688.45 2/	5.5% ad val.	5.3% 2/	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%	3.9%
740.10 2/	12% ad val.	11.3% 2/	10.6% 2/	2/	2/	2/	2/	2/	2/
740.11 2/	12% ad val.	11.3% 2/	10.6% 2/	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%
740.12 2/	12% ad val.	11.3% 2/	10.6% 2/	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%
740.13 2/	12% ad val.	11.3% 2/	10.6% 2/	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%
740.14 2/	12% ad val.	11.3% 2/	10.6% 2/	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%
740.15 2/	12% ad val.	11.3% 2/	10.6% 2/	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%

Footnote 2 for items 432.15, 432.20, and 432.25:
2/ Item 432.20 is discontinued effective March 30, 1980, and is superseded by items 432.15 and 432.25.

Footnote 2 for items 532.20, 532.21, and 532.22:
2/ Item 532.21 is discontinued effective March 30, 1980, and is superseded by items 532.20 and 532.22.

Footnote 2 for items 650.90, 650.91, and 650.92:
2/ Item 650.91 is discontinued effective March 30, 1980, and is superseded by items 650.90 and 650.92.

Footnote 2 for items 680.63, 680.92, and 680.95:
2/ Item 680.63 is discontinued effective March 30, 1980, and is superseded by items 680.92 and 680.95.

Footnote 2 for items 688.40, 688.44, and 688.45:
2/ Item 688.40 is discontinued effective March 30, 1980, and is superseded by items 688.44 and 688.45.

Footnote 2 for items 740.10, 740.11, 740.12, 740.13, 740.14, and 740.15:
2/ Item 740.10 is discontinued effective March 31, 1981, and is superseded by items 740.11, 740.12, 740.13, 740.14, 740.15.

ANNEX V

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c) by deleting from Section B of that Annex item 727.10, with its corresponding rates of duty and footnotes and by inserting the following item numbers, rates of duty, and footnotes therein:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/ effective with respect to articles entered on and after the dates to be notified and published for the appropriate stages below:							
		Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6	Stage 7	Stage 8
727.10[2]	16% ad val.	14.9%[2/]	[2/]	[2/]	[2/]	[2/]	[2/]	[2/]	[2/]
727.11[2]	16% ad val.	14.9%[2/]	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%
727.12[2]	16% ad val.	14.9%[2/]	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	7.5%

Footnote 2 for items 727.10, 727.11, and 727.12:

2/ Item 727.10 is discontinued effective March 30, 1980, and is superseded by items 727.11 and 727.12.

ANNEX VI

Annex IV to Presidential Proclamation 4707 of December 13, 1979, is amended --

a) by deleting from section B(5) of that Annex the following:

TSUS Item No.	Rate of Duty
727.10	7.5% ad val.

b) by inserting in section B(5) of that Annex the following:

TSUS Item No.	Rate of Duty
727.11	7.5% ad val.
727.12	7.5% ad val.

[FR Doc. 80-9757
Filed 3-27-80; 12:33 pm]
BILLING CODE 3195-01-M

Reader Aids

Federal Register

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

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

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

13010 2–27–80 / Rules for listing endangered and threatened species, designating critical habitat, and maintaining the lists

ENERGY DEPARTMENT

12970 2–27–80 / Industrial energy conservation program; final reporting forms

INTERIOR DEPARTMENT

Fish and Wildlife Service—

13010 2–27–80 / Rules for listing endangered and threatened species, designating critical habitat, and maintaining the lists

List of Public Laws

Last Listing March 26, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S.1454 / Pub. L. 96–215 To authorize the voluntary interservice transfer of officers between the commissioned corps of the National Oceanic and Atmospheric Administration and the Armed Forces, to authorize advance payments of pay and allowances to officers of such corps under the same conditions that apply to advance payments to members of the Armed Forces, and to provide officers of such corps the same unemployment compensation benefits that apply to members of the Armed Forces. (Mar. 25, 1980; 94 Stat. 123) Price $1.50.

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(Revised as of October 1, 1979)

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_____	Title 47—Telecommunication (Parts 80 to End)	8.00	_____
_____	Title 50—Wildlife and Fisheries	8.00	_____
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[A Cumulative checklist of CFR issuances for 1979 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).]

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